



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE PLANNING COMMITTEE**

**MONDAY 14TH JUNE 2010,**  
**AT 2.00 P.M.**

**COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE**

**MEMBERS:** Councillors E. C. Tibby (Chairman), G. N. Denaro (Vice-Chairman), Mrs. J. M. Boswell, Miss D. H. Campbell JP, R. J. Deeming, Mrs. J. Dyer M.B.E., B. Lewis F.CMI, Mrs. J. D. Luck, E. J. Murray, S. R. Peters, C. J. Tidmarsh, P. J. Whittaker and C. J. K. Wilson

Updates to the Reports of the Head of Planning and Environment Services will be available in the Council Chamber one hour prior to Meeting. You are advised to arrive in advance of the start of the Meeting to allow yourself sufficient time to read the updates.

Members of the Committee are requested to arrive at least fifteen minutes before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting.

### **AGENDA**

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 17th May 2010 (Pages 1 - 12)

4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 10/0196-DK - Proposed four-bedroomed dormer bungalow - Land to the rear of 51 Twatling Road, Barnt Green, B45 8HS - Mr. R. Daniels (Pages 13 - 18)
6. 10/0206-MT - Two Storey Side and Rear Extension - 2 Thicknall Rise, Hagley, DY9 0LQ - Mr. D. Sikkam (Pages 19 - 28)
7. 10/0301-CE - Conversion of light industrial Units to 3 no. two-bedroom dwellings (previously granted for conversion to 4 no. hikers holiday lodges under planning permission 08/0127) - The Piggeries, Old Birmingham Road, Marlbrook, B60 1HG - Mr. C. Massey (Pages 29 - 38)
8. 10/0317-MT - Change of Use from Market Hall to Car Park - Former Market Hall site, St. John Street, Bromsgrove, B61 8QY - Bromsgrove District Council (Pages 39 - 42)
9. Tree Preservation Order (No. 5) 2009 - Trees on land at 324 Alcester Road, Wythall (Pages 43 - 54)
10. Revocation of Tree Preservation Orders (Pages 55 - 62)
11. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting
12. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item(s) of business containing exempt information:-

**"RESOLVED:** that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Item No.</u>	<u>Paragraph(s)</u>
13	2 and 6
14	2 and 6
15	2 and 6
16	2 and 6
17	2 and 6     "

13. Confidential Minutes (Pages 63 - 64)

14. Enforcement of Planning Control (Ref.: 20100517-01) (Pages 65 - 70)
15. Enforcement of Planning Control (Ref.: 20100614-01) (Pages 71 - 74)
16. Enforcement of Planning Control (Ref.: 20100614-02) (Pages 75 - 80)
17. Enforcement Officer's Updates to current Enforcement Cases reported at the meeting (to be circulated prior to the start of the meeting)

K. DICKS  
Chief Executive

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

3rd June 2010

This page is intentionally left blank

# Agenda Item 3

## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE PLANNING COMMITTEE

MONDAY, 17TH MAY 2010

AT 2.00 P.M.

PRESENT: Councillors E. C. Tibby, G. N. Denaro, Mrs. J. M. Boswell, R. J. Deeming, Mrs. J. Dyer M.B.E., Ms. H. J. Jones, B. Lewis F.CMI, Mrs. J. D. Luck, E. J. Murray, S. R. Peters, C. J. Tidmarsh, P. J. Whittaker and C. J. K. Wilson

Observers: Councillors C. R. Scurrall, S. P. Shannon and Mrs. M. A. Sherrey JP

Officers: Mrs. D. Warren, Mr. D. M. Birch, Mrs. H. L. Plant, Mr. A. Fulford, Mr. S. Hawley (Worcestershire County Council) and Mr. A. C. Stephens

1/10 **ELECTION OF CHAIRMAN**

**RESOLVED** that Councillor E. C. Tibby be elected Chairman of the Committee for the ensuing municipal year.

2/10 **ELECTION OF VICE-CHAIRMAN**

**RESOLVED** that Councillor G. N. Denaro be elected Vice-Chairman of the Committee for the ensuing municipal year.

3/10 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

4/10 **DECLARATIONS OF INTEREST**

The following declarations of interest were made:-

<u>Member</u>	<u>Application / Agenda Item</u>	<u>Nature of Interest</u>
Councillor R. J. Deeming	Agenda Item 18 (Enforcement of Planning Control)	Personal. Acquainted with the owner of the site referred to in the report.
Councillor P. J. Whittaker	Agenda Item 18 (Enforcement of Planning Control)	Personal. Acquainted with the owner of the site referred to in the report.

5/10 **MINUTES**

The minutes of the meeting of the Planning Committee held on 19th April 2010 were submitted.

**RESOLVED** that the minutes be approved as a correct record.

6/10 **10/0016-CE - NEW DETACHED ANNEX FOR FAMILY SUPPORT, THERAPY AND EDUCATION - PRIMROSE HOSPICE AND CANCER HELP CENTRE, ST. GODWALDS ROAD, BROMSGROVE, B60 3BW - MR. A. ROBINSON, PRIMROSE HOSPICE**

**RESOLVED** that permission be granted subject to the conditions and notes set out or referred to on pages 12 to 14 of the report.

7/10 **10/0115-JT - RETAIL WAREHOUSE (BULKY GOODS) WITH ASSOCIATED PARKING AND INFRASTRUCTURE (APPLICATION B/2005/0293) - 2 SHERWOOD ROAD, BROMSGROVE, B60 3DU - BARPRO GROUP AND CHASE COMMERCIAL**

The Head of Planning and Regeneration Services informed Members of the Committee of the "*Greater Flexibility for Planning Permissions: Guidance*" (published November 2009) which related to this application. In addition, she reported the comments of the Environmental Health Officer, in respect of the Air Quality Management Area, together with the comments of the Contaminated Land Officer.

Furthermore, the Head of Planning and Regeneration Services stated that a revised Flood Risk Assessment was currently awaiting approval by the Environment Agency.

At the invitation of the Chairman, Mr. Simon Hawley addressed the Committee and spoke on behalf of the applicant in support of the application. Councillor S. P. Shannon also addressed the Committee in his capacity as one of the Ward Members for the area in which the application site was located.

**RESOLVED**

- (1) that the application be referred to the Government Office for the West Midlands under the "departure" procedure; and
- (2) that, in the event that the application is not "called-in" by the Government Office for the West Midlands, permission to approve the application be delegated to the Head of Planning and Regeneration subject to:
  - (a) the receipt of satisfactory comments from the Environment Agency and any reasonable conditions and / or notes which may be specified therein;
  - (b) the satisfactory completion of an agreement under Section 106 of the Town and Country Planning Act 1990, as amended, in respect of financial contributions relating to:
    - (i) the resurfacing of Sherwood Road;

- (ii) a traffic light signal upgrade at the A.38 / Stoke Road / Charford Road junction;
- (iii) bus shelter improvements in the immediate locality; and
- (c) the imposition of the same conditions attached to the previous planning permission reference B/2005/0293.

8/10

**10/0116-DMB - PROPOSED ERECTION OF 24 NO. AFFORDABLE DWELLINGS INCLUDING PROVISION OF NEW ACCESS ROAD AND CREATION OF OPEN SPACE - LAND AT SHAW LANE, STOKE PRIOR, BROMSGROVE - BROMSGROVE DISTRICT HOUSING TRUST**

The Head of Planning and Regeneration Services reported the receipt of an addition 58 letters in respect of the application which, in total amounted to 542 letters objecting to the proposals and one letter in support. She also reported that the applicant's agents had been addressing issues relating to the submission of a planning obligation by agreement under Section 106 of the Town and Country Planning Act 1990 for monetary contributions in respect of affordable housing, transport and highway considerations.

At the invitation of the Chairman, Mr. M. Jones addressed the Committee on behalf of the Stoke Prior Residents' Association and spoke in opposition to the proposed development whilst Mr. H. Richards spoke in support of the proposals on behalf of Bromsgrove District Housing Trust. On behalf of Stoke Parish Council, Mr. P. Thomas also addressed the Committee and expressed the parish council's views on the application.

Consideration was then given to the application which had been recommended for refusal by the Head of Planning and Regeneration Services. Members initially considered whether the site could be considered as a 'rural exception site' to allow for the development of affordable housing under policy S16 of the Bromsgrove District Local Plan. Following the preliminary discussions, the Committee decided that it was not a rural exception site.

The Committee then examined the various issues arising from the proposals, as detailed in the report with particular reference as to whether the proposals amounted to inappropriate development within the Green Belt and whether the 'very special circumstances' put forward by the applicant to overcome the presumption against development in the Green Belt.

Therefore, having regard to this, and the material considerations and other issues referred to in the report, it was

**RESOLVED** that permission be refused for the reasons set out on pages 48 and 49 of the report.

9/10

**10/0199-JT - PROPOSED EIGHT COURT SPORTS HALL, FITNESS SUITE, SPORTS TEACHING PAVILION, CHANGING ROOM EXTENSION, BOARDING ACCOMMODATION, GATEHOUSE, ASSOCIATED CAR PARKING AND EXTERNAL WORKS - BROMSGROVE SCHOOL, WORCESTER ROAD, BROMSGROVE, B61 7DU - BROMSGROVE SCHOOL**

The Head of Planning and Regeneration Services stated that the description of the development had been revised so as to read as follows: "*Proposed eight court sports hall, fitness suite, sports teaching pavilion, changing room extension, boarding accommodation, gatehouse, associated car parking and external works (as augmented by revised Site Plan 2514-23-Z received 13.05.2010)*". She also reported the comments of the Woodland Officer and Worcestershire Highways, together with an update for the Committee in respect of issues relating to residential amenity and the withdrawal of several objections by adjacent occupiers to the proposals which had previously been received.

At the invitation of the Chairman, Mr. M. Chinner spoke on behalf of a number of local residents in support of the application and praised the way in which it had been dealt with by the applicant, the architect and the Council's Development Control Section.

**RESOLVED** that permission be granted subject to the following conditions, and notes:-

1. C001 Standard time - three years.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans 2514-21, 23-Z, 24-E, 25-E, 26-E, 28-B, 32-F, 33-E and 34-D, and 2571-003-S, 004-Q, 005-L and 007E unless minor alterations are submitted to and approved in writing by the Local Planning Authority.

Reason: To define the permission and in order to secure the satisfactory appearance of the development in accordance with policy CTC.1 of the Worcestershire County Structure Plan 2001 and policy DS13 of the Bromsgrove District Local Plan.

3. C003 Materials to be submitted
4. Prior to the commencement of the hereby approved development, or within 6 months of commencement, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours or use, access by non-school users / non-members, management responsibilities, security arrangements and a mechanism for review. The approved development shall not be used other than in accordance with the approved Scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with PPG17 (paragraph 15, point 4) and policies S31 and S32 of the Bromsgrove District Local Plan.

5. The disposal of storm water shall be by means approved by the Local Planning Authority. The approved system shall be operational before building works commence, other than those works required for the approved drainage system. Balancing will be required in accordance with the Environment Agency policy. There is no Public Surface Water Sewer and no surface water will be allowed to discharge to the foul water sewer.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

6. The disposal of foul sewage shall be to the public foul sewer located in Worcester Road. If an existing connection is being used, then its condition needs to be proved, otherwise all new works are to be dealt with by the water authority and Worcestershire County Council.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

7. Prior to the commencement of any works on site, a detailed landscaping scheme of tree and hedge planting and biodiversity enhancement, shall be provided to the approval of the Local Planning Authority. This scheme shall include the following:
  - (a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;
  - (b) full details of enhancement works to the boundary of the application site with nos.119 - 171 Worcester Road and Peter's Finger;
  - (c) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

8. Prior to occupation of the development hereby permitted, the approved scheme of landscaping and planting shall be completed to the satisfaction of the Local Planning Authority.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

9. No trees on the boundary of the application site with nos.119 - 171 Worcester Road and Peter's Finger shall be pruned, felled or uprooted without the specific prior written permission of the Local Planning Authority. Where the Local Planning Authority permits such works, suitable replacements as agreed in writing by the Local Planning Authority shall be planted.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

10. No works in connection with the development hereby approved shall be undertaken other than in accordance with the submitted tree protection drawing 10036/32681.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

11. Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the developer shall erect protective fencing around the Root Protection Areas (RPA) of the trees shown retained on the approved plans on and adjacent to the application site. This fencing shall be constructed as illustrated by Figure 2 and at positions in accordance with section 5.2.2 of British Standard BS5837:2005 to the satisfaction of the Local Planning Authority. This fencing shall be maintained to the satisfaction of the Local Planning Authority until all development the subject of this permission has been completed.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

12. No works of any kind, including changes in ground levels, installation of utility services, passage, storage or use of machinery, shall be permitted within the Root Protection Areas of trees on and adjacent to the site without the prior specific written permission of the Local Planning Authority.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

13. Where any works are proposed within the Root Protection Area of any trees on or adjacent to the application site, these shall only be carried out in accordance with an Arboricultural Method Statement submitted to and approved by the Local Planning Authority.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

14. No materials, waste or wash water of any kind shall be stored, installed, burned or disposed of within the Root Protection Areas of trees on and adjacent to the site without the prior specific written permission of the Local Planning Authority.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

15. No trees or hedges shown retained on the approved scheme shall be topped, lopped, felled or uprooted without the specific written permission of the Local Planning Authority.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

16. Any retained or new planting trees, hedges or shrubs on the site as shown on the approved landscaping scheme which are removed, become dead, diseased or dangerous, shall be replaced to the satisfaction of the Local Planning Authority in the first available planting season.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

17. Prior to any of the buildings here permitted being occupied, the applicant shall submit a schedule of regular works to ensure the maintenance of the trees and hedges in a sound ecological and environmental condition to the approval of the Local Planning Authority. The approved schedule of works shall be maintained for the life of the development and not ceased or varied unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

18. All external lighting in the development hereby approved must comply at all times with the Guidance Notes for the Reduction of Obtrusive Light issued by the Institute of Lighting Engineers. The development shall not commence until a satisfactory detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. No lighting shall be used in the development other than in accordance with such details as are agreed.

Reason: In order to protect the amenities of the area in accordance with policy RST.1 of the Worcestershire Structure Plan and policies DS13, RAT3 and S19 of the Bromsgrove District Local Plan.

19. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.

Reason: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway.

20. 8 car parking spaces shall be provided on the site for the use by the disabled in a location to be agreed in writing by the Local Planning Authority. Such spaces shall be satisfactorily identified and reserved solely for that purpose and shall be made available prior to the developments occupation.

Reason: To comply with parking standards and to provide parking for all users.

21. Prior to the occupation of the development hereby permitted engineering details of the amended junction onto Worcester Road shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the Highway.

22. Means of vehicular access for construction traffic to the development hereby approved shall be from Worcester Road only.

Reason: In the interest of Highway Safety.

23. The development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision be retained and kept available during the construction of the development.

Reason: To prevent indiscriminate parking in the interests of Highways safety.

24. The hereby approved development shall not be occupied until engineering details of the improvements to the Public Highway have been submitted to and approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

Reason: In the interest of Highway Safety.

#### Notes

1. West Mercia Police advises that it is important that a suitable design of access control is included within the hereby approved proposals to prevent 'sneak-in' thefts.
2. The applicants attention is drawn to the requirement that, in all cases where an agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief agreed with the Highway Authority and their design shall include any necessary amendments to the existing system. The design brief should be discussed with the Highway Authority prior to the commencement of the design.
3. A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act, 1990, provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.

10/10 **10/0206-MT - TWO STOREY SIDE AND REAR EXTENSION - 2 THICKNALL RISE, HAGLEY, DY9 0LQ - MR. D. SIKKAM**

At the invitation of the Chairman, Mr. R. Jones addressed the Committee whilst Mr. P. Sehdeva spoke in support of the application on behalf of the applicant. Councillor Mrs. M. A. Sherrey JP also addressed the Committee in her capacity as one of the Ward Members for the area in which the application site was located.

**RESOLVED** that consideration of the application be deferred in order that further information may be presented to the Committee at a future meeting in respect of the floorspace / volume increase of the proposals over that of the original dwelling and related information concerning previous applications.

11/10 **10/0212-DK - ERECTION OF TWO NO. B1/B2/B8 UNITS WITH ANCILLARY CAR PARKING AND SERVICING AREAS (EXTENSION OF TIME FOR B/2007/0265) - PLOT 10, ACANTHUS ROAD, REDDITCH, B98 9EX - LE GALLAIS COMPANY**

The Head of Planning and Regeneration Services reported that the description of the proposed development should be revised so as to read "*The proposal is for an extension of time for permission B/2005/0265 for the erection of two No. B1/B2/B8 units with ancillary car parking and servicing areas,*" and that all references in the report to the previous planning permission should state B/2005/0265.

**RESOLVED** that permission be granted subject to the conditions and notes set out or referred to on pages 77 to 80 of the report, together with the following additional condition:-

30. The permission hereby approved shall be carried out in strict accordance with the details approved for conditions 3, 4, 18, 21, 22, 23 and 26 attached to planning permission reference B/2005/0265 (Details Ref.: DLD/HLF/7212/RB32, received 18th July 2005 and Ref.: DLD/DLD/7212/RB34, received 6th August 2005).

12/10 **10/0213-DK - ERECTION OF B2 BUILDING WITH ANCILLARY CAR PARKING AND SERVICING AREAS AT LAND ADJACENT TO HELLER MACHINE TOOLS (EXTENSION OF TIME FOR B/2005/0351) - HELLER MACHINE TOOLS LTD., ACANTHUS ROAD, REDDITCH, B98 9EX - HELLER MACHINE TOOLS LTD.**

The Head of Planning and Regeneration Services reported an amendment to the final paragraph of her report so that the penultimate sentence in the last paragraph on page 83 of the report, under the "Assessment" heading read "*Therefore, a three year consent is appropriate.*"

**RESOLVED** that permission be granted subject to the conditions and notes set out or referred to on pages 83 and 84 of the report, but with the following amendment to condition no. 1:-

1. C1 (Three years)

13/10 **10/0284-CE - PROPOSED LORRY TURNING / MANOEUVRING AREA - BRANSONS FURNITURE SHOWROOM, ALCESTER ROAD, BEOLEY, B98 9DS - MR. B. COLLETT**

The Head of Planning and Regeneration Services reported the receipt of comments from Worcestershire Highways, Beoley Parish Council and the Economic Development Officer, together with additional information received from the applicant's agent. She also clarified the legal status in respect of the 'hardstanding' area.

At the invitation of the Chairman, Lady S. Gauntlett-Shea addressed the meeting and spoke in support of the application on behalf of the applicant.

Consideration was then given to the application, the original recommendation for which was to delegate authority to the Head of Planning and Regeneration Services refuse planning permission. However, based upon the updated information reported at the meeting, the Head of Planning and Regeneration Services considered that the additional information submitted by the applicant's agent, and the favourable comments of Worcestershire Highways, were sufficient to warrant an amendment to the recommendation to one of approval of the application.

**RESOLVED** that authority to approve permission be delegated to the Head of Planning and Regeneration Services upon the expiry of the publicity period on 18th May 2010, subject to:-

- (a) the receipt of an accurate and satisfactory site plan;
- (b) the imposition of appropriately-worded conditions relating to -
  - (i) the use of the hardstanding to ensure that it is not used for the parking of vehicles (including overnight parking) and / or the storage of other items/materials; and
  - (ii) the area being clearly marked as a turning area.

14/10 **10/0317-MT - CHANGE OF USE FROM MARKET HALL TO CAR PARK - FORMER MARKET HALL SITE, ST. JOHN STREET, BROMSGROVE, B61 8QY - BROMSGROVE DISTRICT COUNCIL**

The Head of Planning and Regeneration Services reported that a Flood Risk Assessment had been received prior to the commencement of the meeting which would need to be considered by the Environment Agency before a decision could be made on the application.

**RESOLVED** that consideration of the application be deferred in order for the comments of the Environment Agency to be taken into account before a decision may be made.

15/10 **LOCAL GOVERNMENT ACT 1972**

**RESOLVED** that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of

the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part being as set out below, and that it is in the public interest to do so:-

<u>Minute No.</u>	<u>Paragraphs</u>
16/10	2 and 6

16/10 **ENFORCEMENT OF PLANNING CONTROL (REF.: 20100517-01)**

Consideration was given to a report which outlined a reported breach of planning control. The Head of Planning and Regeneration Services gave a verbal update in respect of the current situation at the site referred to in the report.

However, in view of the changing nature of activities at the site, together with the length of time some of the operations had been ongoing, it was

**RESOLVED** that consideration of taking enforcement action be deferred in order that further investigations be undertaken in respect of the alleged unauthorised uses of the site.

The meeting closed at 3.45 p.m.

Chairman

# Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. R. Daniels 'A'	Proposed four-bedroom dormer bungalow (as augmented by plans received 17.05.2010) - Land to the rear of 51 Twatling Road, Barnt Green, B45 8HS	Res	10/0196-DK 01.06.2010

**Councillor Mrs. A. E. Doyle has requested that this application be considered by the Committee, rather than being determined under delegated powers.**

**RECOMMENDATION:** that permission be **REFUSED**.

## Consultations

Lickey and Blackwell PC	Consulted: 14.04.2010. Response received: 03.05.2010. There are concerns about the number of infill dwellings in the gardens of this area of Twatling Road. The density of these will change this area significantly.
WH	Consulted 14.04.2010. Response received 11.05.2010. No objection to the grant of permission.
ENG	Consulted 24.05.2010 Response received: 25.05.2010.
EHO	Consulted: 14.04. Response received: 25.05. No objection to the proposed development subject to the conditions relating to the carrying out of a preliminary risk assessment, a scheme for detailed site investigation and appropriate remediation measures. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ES7 of the adopted Local Plan (January 2004)].
Publicity:	2 letters sent 14.04.2010, expired 05.05.2010. Site Notice posted 20.04.2010, expires 11.05.2010.

- 2 Responses received. The issues raised are summarised as follows:
- This is the third property to be built on land to the rear of 51 and 53 Twatling Road. The other properties are very large dormer bungalows which are in fact two storey properties.
  - The access is inadequate for the purposes of an additional dwelling.
  - The proposal would result in an overall development pattern which would detract from the ambience and character of the area.
  - The houses are by no means affordable units.
  - The surrounding residents have endured three years of building works which have caused pollution and disruption to the natural environment.

## The site and its surroundings

The application site is a narrow plot to the rear of 51 Twatling Road with the plot on a NE/SW axis. There is a new dwelling built to the NE and one under construction to the

NW. There is a laurel hedge on the boundary of the site and the site is currently used to store materials.

### Proposal

The proposal is a full planning application for the erection of a four-bedroom dormer bungalow.

### Relevant Planning History

B/2007/0801	Detached dormer bungalow and garage (re-submission). Granted 12.09.2007.
B/2007/0227	Proposed detached dwelling on site of previous approval B/2005/0519. Granted 27.04.2007.
B/2005/0519	2 bedroom detached bungalow with separate garage. Granted 10.08.2005.
B/2004/0408	Demolition of existing units and erection of 6 dwellings. Refused 25.05.2004. Appeal dismissed.
B/2003/0958	Erection of 2 x one and a half storey dwellings with detached garages to land at rear and erection of two detached garages at the front with new access (relates to land at 49 and 51 Twatling Road). Granted 21.10.03.

### Relevant Policies

WMSS	QE1, QE2, QE3
WCSP	CTC.1, D.5, SD.2, SD.3, SD.4, SD.5, T.1
BDLP	DS4, DS13, S7, C4, C17, BG4, TR1, TR11
Others	PPS1, PPS3, PPS9, PPG13, SPG1

### Notes

Members should note that there have been a number of applications to develop dwellings in the rear gardens of dwellings on the north side of Twatling Road. This includes the applications outlined in the planning history relating to the above site but also there have been approvals for the erection of two additional residential dwellings in the gardens to the rear of 57 - 59 Twatling Road (B2009/0963) which was approved by Planning Committee on 1st March 2010.

I consider that the key issues in the determination of this application are:

- (i) The principle of development on this site; and
- (ii) The design, density and layout of the proposal and its effect on the amenity of adjoining occupiers and on the surrounding neighbourhood.

In this respect, policies D.5 and SD.3 of the Worcestershire County Structure Plan, policy S7 of the Bromsgrove District Local Plan and the advice of PPS3 (Housing) and SPG1 (Residential Design Guide) are most relevant in determining the application.

## Principle

I consider that the principle of the development of this land is not in doubt. It falls within the defined urban area and would make use of previously developed land in accordance with policy SD3 and the advice contained in Annex B of PPS3 which defines previously developed land.

## Design, Density, Layout and Amenity

The site forms part of an identified area for low density housing in respect of policy BG4. Policy BG4 states that the special character of the area should be maintained. The area consists of low density housing in a semi rural setting. The erection of the dwelling in the current proposal on a site of 0.04 Ha would result in an overall density of 23 dwellings per hectare which is less than the 30 dwellings per hectare recommended by PPS3. However, the density is higher than the 2 - 8 units per hectare recommended in the explanatory text of policy BG4. I consider that the dwelling and the cumulative effect arising from the previous approvals on the land to the rear of nos. 51 and 53 results in a higher density such that the prevailing character of the area would be changed.

Members should note the comments received from neighbouring residents in respect of the impact of the proposal on the character of the area. The form and layout of the proposal need to be considered against the provisions of policy S7. The dwelling would be aligned to the new dwelling built in the rear garden of no. 53 in a tandem arrangement contrary to the advice of paragraph 5.8 of SPG1. The dwelling approved in the rear garden of no. 49 (B/2010/0196) is set forward of the current proposal resulting in a diagonal arrangement with respect to the current proposal and the dwelling built at the rear of no. 53. The principle of developing rear gardens has been established in the vicinity. However, the cumulative effect of the proposal on the form and layout of development in the area needs to be considered. The design of the proposal is similar to developments already approved in the rear gardens of 51 and 53 under B/2007/0227 and B/2007/0453 respectively. It is noted that the arrangement of the dwelling on the plot is unusual with narrow elevations to the north and south with the principle elevation appearing to be the one to the south. There are dormer windows facing east and velux windows facing west.

In terms of the boundary treatments present on the site, these consist of a hedge of varying heights towards the boundary with no. 49. To the south, there is a 2 metre high wooden fence with the boundary of no. 51 with the application site elevated above this property. There are entirely open boundaries to the access road leading to the new dwellings to the east and north. Whilst the proposal will not lead to the loss of mature trees or boundary hedges, the limited potential of existing screening is noted.

## Residential Amenity

In terms of the amenity and privacy of adjoining occupiers, the advice of paragraphs 8.0 - 8.4 of SPG1 are most relevant. A minimum separation distance of 21 metres is required to achieve a degree of privacy between conventional two storey dwellings. There is adequate distance to Nos. 51 and 53 of 40 metres but the difference in levels is noted. There is merely 10 metres separation distance between the kitchen window on the proposal and the gable wall of the new dwelling constructed opposite in the garden to the

rear of no. 53. There is a small window and door serving a utility room in the dwelling opposite and I consider the separation distance inadequate. In terms of the dwelling currently under construction to the NW, the kitchen is set forward and there is 30 metres between the kitchen and the lounge in the current proposal. There is only a 5 metre separation distance from the dwelling approved on the rear garden of no. 49. Whilst there is only a single obscure glazed window to the side of this property, the windows to the west elevation on the proposal will face blank elevations. The bedroom windows to the front and living room windows to the side are set off by less than the required 10 metres from the dwelling built immediately to the rear of no. 53 contrary to the advice of paragraph 8.5 of SPG1. This limited distance is further exacerbated by the current limited boundary treatment. There is also less than 10 metres from the first floor bedroom to the rear garden of the property built to the NW. There is also potential for overlooking the property currently under construction from the windows of the rear bedroom on the proposal. There is virtually no separation distance with the boundary of no. 49. Overall, there would be a poor outlook from the proposal in the direction of no. 49 since this lies to the SE and a significant overshadowing of the dwelling would occur because of the position of the dwelling previously approved at the rear of no. 49. The loss of light to the garden of the new dwelling constructed at the rear of no. 53 because of the position of the proposal is also noted.

In terms of the provision of private amenity space, paragraph 9.0 recommends that a minimum of 70m<sup>2</sup> of space is required for a dwelling with six habitable rooms. The proposal provides this minimum. However, the amenity space is entirely located at the front with the small spaces at the side and rear of the proposal being of limited utility. It does not include any space for parking in the event of the garage being used for other purposes. It is noted that the dwelling has eight habitable rooms and a larger amount of private amenity space is required commensurate with this. Overall, the garden is inadequate for the size of the dwelling contrary to the advice of SPG1.

Overall, the proposal does not conform with the advice of SPG1 and or with the requirements of policy S7(e).

### Other Issues

The site is below the threshold for the provision of an open space contribution in the context of SPG11. The risk of contamination on the land can be addressed through the conditions recommended by Environmental Health. The development can be adequately serviced and would not perpetuate a traffic hazard. Members should note the views of Worcestershire Highways.

### Conclusion

The proposal would result in a pattern of development which would increase the density of this low density area. There would be a loss of amenity to adjoining properties by virtue of overlooking and loss of light because of the proximity of the proposal to properties in the immediate vicinity. There is insufficient amenity space available for the proposed dwelling. The comments received stating that the dwelling is not affordable or that there would be further disruption during construction are not attached significant weight. However, the comments which relate to the loss of character from the area as a

result of the proposal and the cumulative effect on character arising from surrounding dwellings has been duly considered above.

**RECOMMENDATION:** that permission be **REFUSED** for the following reasons:

1. The proposed dwelling does not respect the density and character of the area. As such the proposal is contrary to policies S7 and BG4 of the Bromsgrove District Local Plan 2004 and the advice of Supplementary Planning Guidance Note 1, the Council's Residential Design Guide.
2. The proposed development would not respect the amenity of adjoining occupiers contrary to policies DS13 and S7 of the Bromsgrove District Local Plan 2004 and the advice of Supplementary Planning Guidance Note 1, the Council's Residential Design Guide.

This page is intentionally left blank

# Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. D. Sikkam 'A'	Two storey side and rear extension (as amended by drawings received 15.04.2010) - 2 Thicknall Rise, Hagley, DY9 0LQ	Res	10/0206 04.05.2010

**Councillor Mrs. M. A. Sherrey JP has requested that this application be considered by the Committee, rather than being determined under delegated powers.**

**RECOMMENDATION:** that permission is **APPROVED**.

## Consultations

WH	No objection 12.04.2010.
Clent PC	Comments received 19.04.2010: ' <i>The proposals are too large an extension to existing property and out of scale.</i> '
Publicity	2 Neighbour notification letters posted 16.03.2010; expired 06.04.2010. 21 letters.emails received; concerns raised over the following: <ul style="list-style-type: none"><li>▪ The extension would be too large.</li><li>▪ The extension would be tantamount to a new dwelling.</li><li>▪ The extension would be over-dominant and out of scale with the existing building.</li><li>▪ The extension would be incongruous with the design of the existing dwelling and the other dwellings in the surrounding area.</li><li>▪ The extension would project beyond the building line.</li><li>▪ The extension would obstruct road visibility.</li><li>▪ The boundary fence would harm the character of the area.</li><li>▪ The extension would result in a loss of light and outlook to the adjacent dwelling.</li><li>▪ The windows in the extension would overlook the opposing property.</li></ul>

## The site and its surroundings

The application site relates to an existing two storey detached dwelling and integral garage. The site occupies a corner plot at the junction of Thicknall Rise and Newfield Road. The site is located in a Residential Area as defined in the Bromsgrove District Local Plan 2004.

## Proposal

This application proposes to demolish the integral garage to the side of the property and erect a two-storey extension to the side and rear of the dwelling. The extension would accommodate three additional bedrooms, a bathroom, family room, games room and car garage.

## Relevant Policies

WMSS    QE3  
WCSP    CTC.1

Relevant Policies (cont'd)

BDLP DS13, S10  
Others PPS1, SPG1

Relevant Planning History

09/0403 2 Storey Side and Rear Extension - Refused 14.07.2009.

Notes

Members will note that this application was deferred at the meeting of the Planning Committee on 17th May 2010 in order for further information to be gathered on the floorspace / volume increases of the proposals over that of the original dwelling, and related information concerning previous applications. This report will present only the further information requested by the Committee. A full assessment of the application can be found in the case officer's report to Committee dated 17th May 2010. A copy of that report is attached at Appendix 1.

The table below shows the floor area and volume of the original dwelling, the proposed extension, the extension proposed under refused application ref. 09/0403, and the extension approved at 9 Woodchester. The extension approved under 08/0900 was selected as an example of other large extensions in the area. The table also shows the percentage increase of each extension over and above the original dwelling.

Table 1: Floor Area and Volume of Proposed Extension

	Floor Area		Volume	
	m <sup>2</sup>	%	m <sup>3</sup>	%
Original Dwelling	187.36	N/A	580.2	N/A
Proposed Extension	117.96	63	363.08	63
Refused Application ref. 09/0403	153.2	82	570.38	98
Original Dwelling 9 Woodchester	214.05	N/A	776.55	N/A
Extension at 9 Woodchester	107.19	50	442.76	57

Members will note from the table that the floor area and volume of the proposed extension has been significantly reduced from that of the refused scheme. Members will also note that the volume of the proposed extension is only slightly larger than the volume of the extension recently approved at the nearby dwelling 9 Woodchester. This highlights the fact that the proposal is a significant improvement on the original proposal at the site, and that there is precedence for equally large extensions within the vicinity.

Members are reminded that there is no limit on the size of an extension to a dwelling in this non Green Belt location. Instead regard should be paid to the scale, bulk and massing of the extension in relation to the existing property. Policy S10 of the BDLP requires that the original building should always remain as the dominant feature of the resulting compound building. It should be noted that the volume of the proposed extension would be less than two thirds of the original dwelling. The extension would be

set down from the main dwelling by 0.9 metres and set back from the front elevation of the main dwelling by 0.8 metres. The width of the front elevation of the proposed extension would be approximately 74% of the main dwelling. Taking these points into consideration it is clear that the original dwelling would remain as the dominant feature of the resulting compound building and I would not have any concerns in this respect.

**RECOMMENDATION:** that permission is **APPROVED**

Conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. Notwithstanding the approved elevation drawings contained on Drawing Number MC/206/01 (received 15.04.2010), details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be subject to the approval, in writing, of the local planning authority before any work on the site commences.

This page is intentionally left blank

## APPENDIX 1

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Mr D Sikkam 'A'	Two storey side and rear extension (as amended by drawings received 15.04.2010) - 2 Thicknall Rise, Hagley	Residential	10/0206-MT 04.05.2010

**Councillor Sherry has requested that this application be considered by the Committee, rather than being determined under delegated powers.**

**RECOMMENDATION:** that permission is **APPROVED**.

### Consultations

WH	No objection 12.04.2010
Clent PC	Comments received 19.04.2010: ' <i>The proposals are too large an extension to existing property and out of scale.</i> '
Publicity	2 Neighbour notification letters posted 16.03.2010; expire 06.04.2010

20 letters/emails received; concerns raised over the following:

- The extension would be tantamount to a new dwelling.
- The extension would be over dominant and out of scale with the existing building.
- The extension would be incongruous with the design of the existing dwelling and the other dwellings in the surrounding area.
- The extension would project beyond the building line.
- The extension would obstruct road visibility.
- The boundary fence would harm the character of the area.
- The extension would result in a loss of light and outlook to the adjacent dwelling.
- The windows in the extension would overlook the opposing property.

### The site and its surroundings

The application site relates to an existing two storey detached dwelling and integral garage. The site occupies a corner plot at the junction of Thicknall Rise and Newfield Road. The site is located in a Residential Area as defined in the Bromsgrove District Local Plan 2004.

### Proposal

This application proposes to demolish the integral garage to the side of the property and erect a two storey extension to the side and rear of the dwelling. The extension would accommodate three additional bedrooms, a bathroom, family room, games room and car garage.

# APPENDIX 1

10/0206-MT - Two Storey Side and Rear Extension - 2 Thicknall Rise, Hagley, DY9 0LQ - Mr. D. Sikkam

## Relevant Policies

WMSS    QE3  
WCSP    CTC.1  
BDLP    DS13, S10  
Others   PPS1, SPG1

## Relevant Planning History

09/0403            2 Storey Side and Rear Extension - Refused 14.07.2009

## Notes

The site is located in a designated Residential Area. As such I consider that the main issues to address are those arising from Policy S10 of the Bromsgrove District Local 2004. This provides that extensions will be considered favourably if they are in accordance with the following principles:

- a. extensions to dwellings should normally be of matching design in materials and detailing and should be built in a style similar to that of the original building which should always remain as the dominant feature of the resulting compound building;
- b. where applications are received which would result in an 'extension' becoming over-dominant and lead to significant changes in the basic character, floor plan and/or cubic content of the original building, other considerations will apply and the proposal will be treated as if it were a completely new dwelling rather than an extension;
- c. where it is proposed to add an extension to a building which has a pitched roof, and the extension will be of a similar height to the original building, then the extension should, in most circumstances, have a similar roof pitch. Flat roof extensions will not normally be permitted;
- d. the proposed extension should not adversely affect the existing amenities of adjoining occupiers.

It is considered that these criteria can be grouped together under two main headings; 'Design' and 'Residential Amenity'. I will consider each of these matters under separate headings below.

Further to the issues related to Policy S10, it is important to consider the impact of the extension on the character of the street scene and the visual amenity of the area. I also note the concerns raised by local residents over the proposal. I will address each of these matters under separate headings below.

Members will note that a planning application for a two storey side and rear extension was refused at this site in July 2009 (09/0403). That application was refused as it was considered that the extensions would be over dominant, out of scale and incongruous with the existing dwelling, thus causing harm to the character and appearance of both the

# APPENDIX 1

10/0206-MT - Two Storey Side and Rear Extension - 2 Thicknall Rise, Hagley, DY9 0LQ - Mr. D. Sikkam

dwelling and the street scene. This application is essentially a resubmission of that scheme. The application proposals are however of a reduced scale and massing, and a fundamentally different design.

Members should also note that this application is in amended form. The design of the scheme has been revised following officer concerns over its impact on the street scene.

## Design

The extension would be set down and set back from the main dwelling and I am of the view that it appears as the subordinate part of the resulting compound building. The pitched roofs and gable walls of the extension would match those on the main dwelling. Although dormer windows are not a feature of the main dwelling, I am of the view that these would reflect the gable wall at the front of the building. On the above basis I am of the view that the extension would respect the design and detailing of the main dwelling.

Although the extension would appear to use the same materials as the main dwelling, I would have concerns over the ratio of render to brickwork as this appears to be incongruous with the main dwelling. This need not however be an issue at this stage as material details can be addressed through the imposition of a condition on any planning permission granted.

It is noted that the proposal would involve a large extension to the property but I do not consider that it would be tantamount to a new dwelling. The extension would be subordinate in design and there would clearly be a physical and functional relationship with the main dwelling. I do not therefore have any concerns in this respect. Members should also note that there are examples of extensions of a similar scale to the proposal at 9 Orchard Close and 9 Woodchester Close. Large extensions are not therefore unprecedented in this area.

## Impact on Street Scene

Given the site's corner location it is considered that the proposed extension would fall within two street scene contexts (Thicknall Rise and Newfield Road). It is considered that both street scenes are defined by similar characteristics. They both contain detached dwellings of a simple pitched roof form. The majority of the dwellings have gable walls within their front elevation and there are a number of examples of dormer windows. The design and detailing of the dwelling would reflect these characteristics and I am of the view that the extension would assimilate well within both street scenes.

It is acknowledged that corner plots can be more sensitive to new development given their prominence in the street scene. It is however considered that the proposed extension is set a sufficient enough distance away from the site boundary to not appear as an obtrusive or dominant feature of the street scene. Members should note that the grass verge between the site boundary and the highway serves to further reduce the prominence of the extension, and retain a sense of openness.

# APPENDIX 1

10/0206-MT - Two Storey Side and Rear Extension - 2 Thicknall Rise, Hagley, DY9 0LQ - Mr. D. Sikkam

## Residential Amenity

The proposed extension would involve a number of new windows in its rear elevation. These would not however overlook the windows or private garden in the adjacent dwelling, no 53 Newfield Road. I do not therefore consider that any loss of privacy would result.

## Third party representations

I note the concerns raised by local residents over the proposed development. These can be summarised as follows:

- The extension would be tantamount to a new dwelling.
- The extension would be over dominant and out of scale with the existing building.
- The extension would be incongruous with the design of the existing dwelling and the other dwellings in the surrounding area.
- The extension would project beyond the building line.
- The extension would obstruct road visibility.
- The boundary fence would harm the character of the area.
- The extension would result in a loss of light and outlook to the adjacent dwelling.
- The windows in the extension would overlook the opposing property.

I will consider each of these points in the order they are presented above.

It is considered that the first three of these concerns have been duly considered in the 'Design' and 'Impact on Street Scene' section of this report. I will not therefore reiterate these considerations here.

It is noted that the extension would project beyond the building line set by the dwellings along Newfield Road. I do not however consider that any visual harm would result due to the distance between the extension and these properties.

I note residents' concerns over the extension obstructing road visibility but I am also mindful of the lack of objection from the County Council's Highways Engineer on this matter. Having regard to this specialist advice I consider this not to be an issue.

Members should note that the 1 metre high fence shown on the submitted site plan is an existing feature of the site. Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) allows the applicant to erect a fence adjacent to the highway up to a height of 1 metre above ground level without the need for planning permission. The fence shown on the submitted Site Plan would therefore constitute permitted development and it does not form part of this application.

The concerns raised in relation to the extension causing a loss of light and outlook to the adjacent dwelling (number 53 Newfield Road) are found to be unjustified. The proposed extension would be set some distance away from the nearest dwelling no. 53 Newfield Road. This distance is considered to be too great for any loss of light or outlook to result.

# APPENDIX 1

10/0206-MT - Two Storey Side and Rear Extension - 2 Thicknall Rise, Hagley, DY9 0LQ - Mr. D. Sikkam

I note that the occupier of no. 68 Newfield Road raises concerns over the new windows in the side of the extension overlooking their property. These windows would however be located around 40 metres away from this property. The Council's Residential Design Guide (SPG1) advises that a 21 metre distance should be provided between such windows. Having regard to this guidance, I do not consider that any loss of privacy would result.

## Conclusion

It is considered that the extension would be of an acceptable design and no harm to the character of the street scene would result. The extension would cause no harm to the amenity of the occupiers of the nearby dwellings. The concerns raised by local residents are noted but I do consider there to be any valid issues that would justify the refusal of the application. Taking these points into consideration I am of the view that the proposal is in accordance with the relevant policies of the adopted Development Plan and I recommend that planning permission is approved.

**RECOMMENDATION:** that permission is **APPROVED**.

## Conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. Notwithstanding the approved elevation drawings contained on Drawing Number MC/206/01 (received 15.04.2010), details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be subject to the approval, in writing, of the local planning authority before any work on the site commences.

This page is intentionally left blank

# Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Mr. C. Massey 'A'</b>	Conversion of light industrial units to three, two-bedroom dwellings (previously granted planning permission for conversion to 4 no. hikers holiday lodges under Plan Reference 08/0127) - The Piggeries, Old Birmingham Road, Marlbrook, Bromsgrove, B60 1HG	GB	<b>10/0301-CE</b> 02.06.2010

**Councillor A.N. Blagg has requested that this application be considered by the Committee, rather than being determined under delegated powers.**

**RECOMMENDATION:** that permission be **GRANTED**.

## Consultations

WH	Consulted - views received 17.05.2010. No objection.
Strategic Planning	Consulted - views received 19.04.2010. <ul style="list-style-type: none"> <li>▪ The site is located in the Green Belt therefore BDLP policy DS2, WCSP policy D.39 and PPG2 apply.</li> <li>▪ A change of use can be acceptable in the Green Belt where it has no additional harm to the openness of the Green Belt. WCSP policy D.16 is particularly relevant for change of use to residential.</li> <li>▪ Guidance contained in SPG10 has now been superseded by policies contained in PPS3, the adopted Regional Spatial Strategy (RSS) and the revised housing figures published by the Planning Inspectorate in response to the phase 2 revision of the RSS. This revised guidance means that SPG10 is no longer enforceable and windfall development of this scale would not result in an over-supply of housing.</li> <li>▪ If SPG11 is strictly applied, an open space contribution should be sought. Further comments included below.</li> </ul>
BC	Consulted 13.04.2010. No response received to date (expired 04.05.2010).
ENG	Consulted - views received 30.04.2010. A new foul connection is required to the mains within the highway. Storm drainage for structures and hardstanding areas to be served by soakaway / land drainage systems.
Environmental Health	Consulted - views received 04.05.2010. It is considered that the proposed end-use of residential housing is a sensitive end-use and would be particularly vulnerable to the presence of any contamination. No objection subject to conditions. Further comments included below.
WWT	Consulted 13.04.2010. No response received to date (expired 04.05.2010).
WCC (Minerals and Waste)	Consulted - views received 19.04.2010. No objection.
Lickey and Blackwell Parish Council	Consulted - view received 03.05.2010. Objection. <ul style="list-style-type: none"> <li>▪ The development is in the Green Belt.</li> </ul>

- There is evidence that the approved development, which is still incomplete, has been carried out in breach of a number of pre-commencement conditions.
- One building has been increased in height.
- Removal of asbestos was not done properly.

Lickey  
Community  
Group

View received 07.05.2010. Objection to the increase of 3 residential units in the Green Belt.

Publicity

1 letter sent 13.04.2010 (expired 04.05.2010).

1 site notice posted 22.04.2010 (expired 13.05.2010).

1 objection received:

- It is questioned whether conditions attached to planning consent B/2008/0127 have been discharged and complied with. The buildings to be demolished under this previous consent are, in part, still standing. The height of the main building has been raised.
- The majority of the existing trees forming part of the development have now been removed which has had a significant impact on the visual impact of the site and has reduced the amount of natural habitat previously used by wildlife.
- It is considered that the development has not been undertaken with diligence or in accordance with the consent.
- The current proposal will aggravate previous concerns. (Issues raised in relation to applications B/2006/1138 and B/2008/0127 include, a restrictive covenant, extent of rebuilding work, landscaping, amenity space, loss of privacy, inappropriate development in the Green Belt and impact to the appearance and character of the area.)

### The site and its surroundings

This application relates to a collection of five buildings located on the southern side of Old Birmingham Road. The buildings are accessed by a driveway, which runs parallel with the road for a distance of approximately 65.0 metres. The site is relatively well screened from the road by a mixture of trees and other vegetation. The buildings referred to as Buildings 1, 4, 5, and 6 on the submitted plans are built of brick. Building 1 is the largest building on site and has recently been extensively refurbished and re-roofed. Building 2 has a brick base and timber clad elevations. The ground to the site is partly grassed with a few small areas of hardstanding and a rough track running to the north west side of Buildings 4 and 5. The concrete base of a former building (Building 2) remains on site. To the west of the site is 220 Old Birmingham Road, a private residential property. This property is accessed via a private drive which leads through a wooded area to the north west of the site. The site is open to the adjoining field to the east with a post and wire fence marking the boundary.

Prior to the approval of application B/2008/1138, the application site did not appear to have been actively used for some time. The applicant's agent has suggested that the most recent use of the building was in connection with the motor trade and light metalworking.

## Proposal

This application proposes the conversion of Building 1 to 3 no. two bedroom dwellings. Buildings 4, 5 and 6 will be retained as existing to provide domestic storage. Building 3 and the remains of Building 2 will be removed and 3 garden areas created in their place. 4 car parking spaces are to be provided.

## Relevant Policies

WMSS	CF2, CF3, CF4, CF6, QE1, T2, T7
WCSP	SD.1, SD.2, SD.3, SD.4, SD.5, CTC.1, CTC.5, D.5, D.12, D.16, D.38, D.39, T.1, T.3, T.4
BDLP	DS2, DS11, DS13, S3, S4, S9, C4, C10A, C17, C27, TR8, TR11, ES3, ES7
Others	PPS1, PPG2, PPS3, PPS4, PPS7, PPS9, PPG13, PPS23, SPG1, SPG4, SPG11

## Relevant Planning History

B/2008/0127	Conversion of existing light industrial units to 4 no. holiday lodges (renewal of B/2006/1138 of B/2006/0779) (as amended and augmented by plans received 26.03.2008). Approved 03.04.2008.
B/2006/1138	Conversion of existing light industrial units to 4 no. holiday lodges (as amended by plans received 01.02.2007 and augmented by plans received 05.01.2007 and 13.02.2007) (re-submission of B/2006/0779). Approved 07.03.2007.
B/2006/0779	Conversion of existing light industrial units to 7 no. hikers holiday lodges. Withdrawn 30.08.2006.

## Notes

The main issues with this application are whether the proposal is appropriate development in the Green Belt. Consideration must also be given to the design of the proposed scheme and its impact on the appearance of the site, the structural condition of the buildings, amenities of neighbouring occupiers, highway safety and ecological issues.

Under application B/2008/0127, planning permission was granted for the conversion of Buildings 1 and 4 to holiday lets. The work which has been undertaken on Building 1 is not strictly in accordance with the approved scheme. 3 courses of brickwork have been added to the building, the lintels to both gable doorways have been removed and the south gable opening has been partly blocked up. To the rear elevation, permission was granted for 6 windows to be reduced in height. Whilst 6 windows have been reduced in height on site, only 3 of the windows are those shown on the approved plans. 4 roof lights have also been added to this elevation. In addition to the work which has occurred on site, 4 pre-commencement conditions (surfacing, landscaping and foul and surface water drainage schemes) have not been discharged. Condition 10 required a store and Buildings 2, 3 and 5 to be demolished and all resultant materials removed from the site. Buildings 3 and 5 remain in place as does the concrete base to Building 2. Condition 11 restricted the structural works to those specified in a submitted structural report and illustrated on the approved plans. In addition to the specified works, the north facing

gable has been rebuilt. Three panels of brickwork to the rear elevation were to be rebuilt but evidence suggests that, in fact, the whole wall has been rebuilt. Having addressed the impact of the work which has been undertaken on site in relation to the approved scheme, I do not consider that these matters require pursuing. Of the unauthorised works, only the changes to the rear elevation windows and the roof lights are being applied for under this application. As such, this application seeks only to address the proposed change of use from light industrial to residential and the alterations illustrated on the submitted drawings.

### **Green Belt**

Policy DS2 of the Bromsgrove District Local Plan states that permission for development in the Green Belt will not normally be given unless the development relates to, among other criteria, proposals for the reuse of rural buildings, in accordance with Policy C27. Under policy C27, the reuse of an existing rural building must not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it. The proposed removal of Building 3 will be of benefit to the openness of the Green Belt. As the application site has been previously vacant for some time, it is acknowledged that the proposal will intensify the use of the site. It is also acknowledged that the subdivision of external space to provide separate gardens and the introduction domestic paraphernalia will have some impact on the openness and amenities of the site. However, I consider such impact will be minimal. I am therefore of the view that the proposed scheme is an appropriate form of development in the Green Belt and that the development will have a neutral impact on the openness of the site and the purposes of including land in the Green Belt.

Lickey Community Group has objected to the creation of 3 residential units in the Green Belt. Policy EC12 of PPS5: Planning for Sustainable Economic Growth encourages the use of existing buildings in the countryside for economic development but recognises that a residential use may be more appropriate in some locations and for some types of buildings. The application site is located on the edge of a built up area predominantly characterised by residential properties. I therefore consider the proposed residential use to be acceptable in this location.

### **Structural condition of the buildings**

Policy C27 requires buildings to be converted to be of a permanent and substantial construction and capable of conversion without major works or complete reconstruction. The application has been accompanied by a recent Structural Report which concludes that the only structural work still to be completed relates to the internal damp proof membrane. However, the submitted survey is based on the current condition of the site including the unauthorised work. As this work is not shown on the submitted plans, a condition is suggested below to clarify that any consent given does not give consent for the unauthorised work.

### **Appearance of the site**

Criterion (d) of Policy C27 requires the form, bulk and general design of the conversion scheme to be in keeping with its surroundings. The only external alterations proposed under this application are the reduction in height of windows to the rear elevation of

Building 1, the addition of 4 roof lights and 3 extract flues. I am of the view that these alterations will have minimal impact on the appearance of Building 1 and will not affect its character. The proposal includes the planting of new hedge to part of the boundary with the field to the south of the site. This will help soften the impact of the development from the open countryside. Further to this, a landscaping scheme will be requested by way of a condition. The current application does not propose the removal of any additional trees to those to be removed under B/2008/0127.

### **Residential amenity issues**

Building 6, which is to be used for domestic storage, has windows that directly face the area of woodland to 220 Old Birmingham Road. The area of woodland does not appear to be the main amenity space to number 220 however, it is a private space and I am of the opinion that its privacy should be protected. Conditions attached to B/2008/0127 required two of the openings to be blocked up and the third to be obscurely glazed. Such conditions remain relevant to the current scheme and are suggested below. The level of screening to the common boundaries between the application site and number 220 is sufficient to prevent a loss of privacy to number 220 from other windows and the application site as a whole.

### **Highway, parking and sustainability issues**

Criterion (e) of Policy C27 states that the traffic generated by a development must be able to be accommodated and parking facilities should exist or could be provided without detriment to highway safety or the visual amenities of the Green Belt, or character of the local environment. The proposal includes the provision of 4 car parking spaces which meets Council's parking standards. The parking spaces are to be of a Cellular confinement surface which will allow the grass to remain in place and will help to protect the rural character of the site. Worcestershire Highways has raised no objection the scheme and I am satisfied that the proposal will not adversely affect highway safety.

Policy SD.4 of the WCSP requires development proposals to be located so as to minimise the need to travel and to provide opportunities for access by different modes. The application site lies adjacent to an established residential area which benefits from a local shop and public transport services. I therefore consider that the proposal is in compliance with policy SD.4.

### **Ecological issues**

PPS9: Biodiversity and Geological Conservation states that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where a proposed development would adversely affect those interests, suitable mitigation measures will need to be secured or, where significant harm cannot be prevented, adequately mitigated against or compensated for, then planning permission should be refused. Article 12 (1) of the EC Habitats Directive requires Member States to take requisite measures to establish a strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites or resting places. This directive is implemented by the Conservation (Natural Habitats, etc.) Regulations 1994.

The application has been accompanied by a Baseline Ecological Survey which reports that no evidence of bat use was found in Building 1. Trees and shrubs to the north boundary, which are not affected by the development, were identified as being suitable for roosting bats and occasional bird nests were found around the other buildings. The survey therefore suggests a number of precautionary measures. Subject to the development being carried out in accordance with these measures, I am of the view that the proposal will not have any adverse ecological implications.

### **Provision of necessary services**

Criterion (f) of Policy C27 states that the provision of necessary services must not adversely affect the environmental character or visual amenities of the Green Belt. The submitted application form states that the disposal of foul sewerage shall be to a packaged sewage transport plant. However, it is understood that there is an outfall available to the mains within Old Birmingham Road. In accordance with policy ES3 of the BDLP the existing outfall should be used instead of a separate plant. Further details will be requested by way of a condition. Taking this into consideration, I see no reasons why the provision of the necessary services will be detrimental to the environmental character or visual amenities of the Green Belt.

### **Potential land contamination issues**

PPS23: Planning and Pollution Control requires Local Planning Authorities to pay particular attention to development proposals for sites where there is a reason to suspect contamination and to those for particularly sensitive uses such as housing likely to be used by families with children. In accordance with Annex 2 PPS23, a developer must submit sufficient information to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be reduced to a satisfactory level. The agent has explained that an environmental risk check commissioned in 2006 in respect of the site did not identify any material risks and that the level of risk was not such that the property would be designated contaminated land. The full details of the report have not been provided and the Council's Environmental Health Officer has recommended that any permission granted be subject to conditions requiring the submission of a risk assessment and site investigation. Where appropriate, remediation work will be required.

### **Planning obligations**

SPG11: Outdoor Play Space in the District of Bromsgrove requires on-site play space provision or an off-site contribution for development of 6 units or more a minimum site area of 0.2 hectares. The application site is 0.24 hectares and generates an off-site contribution of £49,056. Circular 05/2005 states that a planning obligation must be fairly and reasonably related in scale and kind to the proposed development. The Strategic Planning Officer has noted that 3 two bedroom dwellings are only likely to have a very limited impact on existing play space facilities within Marlbrook and has questioned whether a payment of £49,056 can be justified. In addition, the main purpose of the site size threshold in SPG11 is to prevent applicants reducing densities to avoid payments. As this is a conversion scheme, this is clearly not the case in this instance. I therefore do not consider a contribution of £49,056 for off-site play space is reasonably related in

scale and kind to the proposed scheme. The creation of 3 dwellings falls below the threshold for education contributions.

### **Other matters**

In response to issues raised by third parties, I would note that the removal of asbestos is covered by legislation outside of the planning system and that the restrictive covenant attached to the application site is not a material planning consideration.

### **Conclusion**

I am of the opinion that the proposed conversion of the buildings to three residential units is an appropriate form of development in the Green Belt, will not be harmful to the visual amenities of the site, highway safety and amenities of neighbouring occupiers and is found to be acceptable in all other respects.

**RECOMMENDATION:** that permission be **GRANTED**.

1. C99 - 1 year
2. Prior to the occupation of the proposed dwellings, the windows to the west and south elevations of Building 6 shall be bricked / boarded up or obscure glazed and fixed shut in accordance with details submitted to and approved in writing by the Local Planning Authority.
3. The development hereby permitted shall not be brought into use until the parking areas shown on Drawing Number: SHDC/10/19/04 have been laid out and provision made for vehicles to turn so that they may enter and leave the site in a forward gear. These areas shall thereafter be retained and kept available for those uses at all times.
4. The existing buildings outlined by a dashed line and labelled 'To be demolished' on Drawing No. SHDC/10/19/04 shall be demolished and all the resultant materials removed from the site before development in pursuance of this permission is commenced.
5. No structural alterations or improvements or other external alterations shall be made to the existing external fabric of the buildings to be retained other than those alterations illustrated on Drawing Number: SHDC/10/19/05, detailed in paragraphs 4.02 and 4.03 of the Structural Report by J Turner and Associates Ltd. dated 15/03/2010 and required under condition 2.
6. C10
7. C13
8. C14
9. C15
10. C16
11. C17
12. C18
13. C19
14. The disposal of storm water shall be by means approved by the Local Planning Authority. The approved system shall be operational before the approved works commence. There is no Public Water Sewer available and no surface water will be allowed to discharge to the foul water sewer.

15. Notwithstanding the submitted information, the disposal of foul sewerage shall be by means approved by the Local Planning Authority. The approved system shall be operational before the approved works commence.
16. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that order with or without modifications), no extension, building, means of enclosure, boundary treatment or satellite dish shall be erected, installed or provided on the application site without the prior written consent of the Local Planning Authority.
17. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that order with or without modifications), no external alterations shall be made to the building without the prior written consent of the Local Planning Authority.
18. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that order with or without modifications), no new external ground surfacing other than that shown on the approved plans, shall be provided at the application site, without the prior written consent of the Local Planning Authority.
19. The development hereby approved shall be carried out in accordance with the recommendations set out in part 5 Recommendations of the Baseline Ecological Survey by Elizabeth Mckay B.A. (Hons) MIEEM CEnv dated March 2010.
20. Unless otherwise agreed in writing by the Local Planning Authority, development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until:
  - a. A preliminary risk assessment has been submitted to and approved in writing by the Local Planning Authority. This study shall take the form of a desk top study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors.
  - b. Where necessary, a scheme for detailed site investigation and risk assessment must be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11."
  - c. Where necessary, a detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11."
  - d. Where necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be submitted to and approved in writing by the Local Planning Authority. The remediation scheme must ensure that the

- site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- e. Where necessary, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
  - f. Where necessary, following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any buildings.
21. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

### Reasons

- 2. To protect the privacy of adjoining occupiers in accordance with policy DS13 of the Bromsgrove District Local Plan 2004.
- 3. To minimise the likelihood of indiscriminate parking in the interests of highway safety and in accordance with policy TR11 of the Bromsgrove District Local Plan January 2004 and policy T.1 of the Worcestershire County Structure Plan 2001.
- 4. In order to secure a well-planned development and to protect the amenities of the Green Belt in accordance with policies DS2, DS13 and C27 of the Bromsgrove District Local Plan 2004.
- 5. To ensure the development does not include any major structural works or complete reconstruction and to protect the appearance and character of the site in compliance with Policy C27 of the Bromsgrove District Local Plan January 2004 and Policy D.16 of the Worcestershire County Structure Plan 2001.
- 14 and 15. To ensure satisfactory drainage conditions.
- 16. To preserve the rural character of the site and openness of the Green Belt in accordance with policies DS2, DS13 and C27 of the Bromsgrove District Local Plan and policies CTC.1 and D.16 of the Worcestershire County Structure Plan 2001.
- 17. To preserve the rural character of the buildings in accordance with policies DS13 and C27 of the Bromsgrove District Local Plan and policies CTC.1 and D.16 of the Worcestershire County Structure Plan 2001.
- 18. To protect the visual amenities of the locality in accordance with policies DS13 and C27 of the Bromsgrove District Local Plan and policy CTC.1 of the Worcestershire County Structure Plan 2001.

19. To ensure there are sufficient protection and mitigation measures to address the potential presence of protected species on site in accordance with policy C10A of the Bromsgrove District Local Plan 2004.
- 20 and 21. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES7 of the Bromsgrove District Local Plan 2004.

### Notes

1. This consent does not grant permission external alterations or rebuilding works other than those illustrated on Drawing Number: SHDC/10/19/05.
2. If the preliminary risk assessment required under condition 20a indicates that land contamination does not exist at the application site, it may not be necessary for the documents required under conditions 20b to 20f to be submitted.
3. The granting of planning consent does not supersede the applicant's responsibilities for biodiversity under the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000, the Natural Environment and Rural Communities Act 2006 and the Badgers Act 1992.

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy (WMSS), Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan (BDLP) January 2004 and other material considerations as summarised below:

WMSS	CF2, CF3, CF4, CF6, QE1, T2, T7
WCSP	SD.1, SD.2, SD.3, SD.4, SD.5, CTC.1, CTC.5, D.5, D.12, D.16, D.38, D.39, T.1, T.3, T.4
BDLP	DS2, DS11, DS13, S3, S4, S9, C4, C10A, C17, C27, TR8, TR11, ES3, ES7
Others	PPS1, PPG2, PPS3, PPS4, PPS7, PPS9, PPG13, PPS23, SPG1, SPG4, SPG11

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.

# Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Bromsgrove District Council 'A'</b>	Change of use from Market Hall to car park - Former Market Hall site, St. John Street, Bromsgrove	TCZ	<b>10/0317-MT</b> 04.06.2010

**RECOMMENDATION:** that a temporary planning permission is **APPROVED** for a period of two years subject to the receipt of satisfactory comments from the Environment Agency and the Public Rights of Way Officer.

## Consultations

WH Comments received 13.05.2010 recommend that permission is refused for the following reasons:

*'The application will encourage additional car movements into the town centre. The development cannot promote sustainable means of access as there is no ability for the application to encourage walking, cycling or bus access over car access. There is a real danger of encouraging car trips into the town centre which will create congestion and in educating motorists as once they regularly access the town via car reversing that trend is very difficult regardless of how attractive the alternative means are.'*

*'It is considered that the principle of a development that encourages car activity and does not encourage sustainable development is unacceptable and should be refused.'*

WCC  
PROW Comments received 04.05.2010:

*'It is not clear from the application whether boundary treatments / fencing will obstruct the public right of way..... We must therefore object to this application although we may be able to withdraw the objection if you can supply an indication of how the public right of way is to be accommodated.'*

Ramblers Consulted 16.04.2010; no comments received to date.

CA Comments received 16.04.2010: No objection.

Drainage  
Engineer Comments received 29.04.2010: There is no history of flooding at the site and the site is protected upstream by culverts and weirs. The EAs requirement for a FRA is not considered to be necessary.

EA Consulted with FRA on 17.05.2010: No comments received to date.

Publicity Site Notice Posted 23.04.2010; expires 14.05.2010.

Press Notice published 22.04.2010; expires 13.05.2010.

No responses received.

## The site and its surroundings

The application site was previously occupied by the Market Hall building. This has now been demolished leaving behind an area of hardstanding. The site is bounded by St. John Street and Market Place to its northern and eastern boundaries, a public car park to its western boundary and Spadesbourne Brook to its southern boundary. The site is within the Town Centre Zone and the junction of Market Place and St. John Street is

defined in the BDLP as a Primary Shopping Street. The site is adjacent to, but not within, the Town Centre Conservation Area. There is a public right of way running along the south eastern boundary of the site.

### Proposal

This application proposes to change the use of the site to a public pay and display car park. This will effectively be an extension of the adjacent car park increasing the number of spaces from 138 to 210 (an additional 72 spaces would be provided including 4 disabled spaces). The car park would be accessed from the existing entrances on St. John Street and Hanover Street.

This application is a resubmission of withdrawn application ref. 10/0120. Members will note that the Environment Agency raised an objection to that application due to it containing insufficient information to demonstrate the flood risks resulting from the proposed development. The application was therefore withdrawn in order for such information to be gathered.

### Relevant Policies

WCSP SD.9, CTC.1, CTC.8  
BDLP DS13, ES1, ES2, BROM11, BROM12, BROM13  
Others PPS1, PPS4, PPS5, PPG13, PPS25

### Relevant Planning History

10/0109 Demolition of Market Hall - Prior Approval of demolition not required.  
10/0120 Change of use from Market Hall to car park - Withdrawn.

### Notes

I consider that there are a number of issues to address in the determination of this application. Firstly, it is important to establish the principle of the development. Would the proposed car park be appropriate in this location? Secondly, I note the concerns of the Highways Engineer and I will consider the transport implications of the scheme below. Thirdly, it is necessary to consider the impact of the development on the setting of the adjacent Conservation Area. Fourthly, I note the comments of the Public Paths Officer in relation to the application and these will be duly considered below. Finally, it is important to consider the flood risks resulting from the proposed development. I will deal with each of these matters under separate headings below.

### The principle of the development

Policy BROM13 of the BDLP provides that within the Primary Shopping Area of the town centre the District Council will normally allow proposals for retail development at ground floor level, and retail, office or residential use at upper floor level. The explanatory text to this policy states that '*The District Council wishes to maintain the primary shopping area as the key location for retail and associated uses. Other uses will not normally be permitted at ground floor level.*'

The proposal would not involve retail development nor is it considered to involve an associated use. I am of the view that the proposal would be ancillary to the main retail function of the Town Centre but I do not consider such a use to be appropriate in a Primary Shopping Area but rather in a secondary shopping or edge of centre location. As such I consider the proposal to be unacceptable in principle.

It is however understood that the long term plan is to use the site for retail development and the proposed car park is only intended to be a short term solution due to a lack of developer interest and the current economic situation. I appreciate the applicant's situation and I consider that this proposal would bring the site back into effective use until a long term solution is found.

I am nonetheless mindful of the provisions of policy BROM13 and I consider that, if the Council are minded to approve planning permission for the proposal, this should be done on a temporary basis so to limit the use to the short term. I consider that this approach would not irreversibly dilute the retail function of the Town Centre and prejudice the Council's commitment to regeneration.

### Highways

Members will note that the Highways Engineer has recommended that the application is refused planning permission as it would undermine the objectives of sustainable transport.

I am mindful of the Government's planning policy advice for transport contained in PPG13. This advises local planning authorities to promote sustainable transport choices and reduce reliance on the car for work and other journeys. Reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices.

It is considered that increasing the parking provision of the town centre would act as a disincentive for people to travel to the Town Centre by more sustainable means such as public transport, cycling and walking. The proposed development would therefore contravene the government's objectives for sustainable transport advocated in PPG13. It is however important to note that the use of the site as a car park is only intended to be a short term solution. Thus, if and insofar as the proposal does encourage car travel into the town centre, this would only be for a short period of time. The concept of sustainable development (and thus sustainable transport) refers to long term objectives and protecting the environment for future generations. I do not consider that any harm resulting from this proposal (that is, through vehicle emissions) would be material enough to substantiate an argument against the proposal in sustainability or strategic terms.

I am also mindful of a recent appeal decision against Leicester City Council for a similar proposal (Appeal ref. APP/W2465/C/09/2104664). Here the Inspector allowed an appeal against an enforcement notice for the unauthorised change of use of a city centre site to a surface car park. The appellant sought permission for a temporary period of two years. The Inspector found the principle of the car park to undermine national, regional and local planning policies and guidance seeking to promote sustainable transport choices but considered that, amongst other reasons, the temporary nature of the use would materially

reduce any resulting harm. The appeal was allowed and a temporary two year planning permission was granted.

On the above basis I would give significant weight to the fact that the proposal is only intended as a short term venture and I would strongly recommend that any planning permission granted is only done so on a temporary basis.

#### Impact on setting of Conservation Area

It is considered that the proposal would have no adverse impact on the character and appearance of the adjoining Conservation Area. The Council's Conservation Officer has been consulted on the proposal and no objection has been raised.

#### The Public Right of Way

I acknowledge the comments of Worcestershire County Council in relation to the nearby public right of way. In response to these comments the applicant has provided a drawing showing the location of the trip rail in relation to the public right of way indicating that there will be no obstruction. The Public Paths Order Officer has been consulted on this information but no response has been received to date. I will update members on this matter at the meeting of the Committee.

#### Flood Risk

The site is located adjacent to Spadesbourne Brook and within Flood Zone 3 as defined by the Environment Agency (EA). A Flood Risk Assessment (FRA) has been conducted to address the issue of flooding. The EA have been consulted on the FRA but no comments have been received to date. I will update members on this matter prior to the meeting of the Committee.

The views of the Council's Drainage Engineer have been sought on this matter and the requirement for a FRA is not considered to be necessary. It is understood that there is no history of flooding at the site and the site is protected upstream by culverts and weirs.

#### Conclusion

Although the provision of additional car parking is not considered to be an appropriate land use in a Primary Shopping Area, I do not consider that this short term proposal would irreversibly dilute the retail function of the Town Centre. The proposal would not promote sustainable transport but it is not considered that any strategic harm would result from the use of the site as a car park in the short term. Taking these points into consideration I would strongly recommend that any planning permission granted is only done so on a temporary basis.

There is clearly an outstanding issue to be addressed with regard to flooding. My recommendation on this application is therefore contingent on the receipt of satisfactory comments from the EA.

**RECOMMENDATION:** that a temporary planning permission is **APPROVED** for a period of two years subject to the receipt of satisfactory comments from the Environment Agency and the Public Rights of Way Officer.

## BROMSGROVE DISTRICT COUNCIL

### **PLANNING COMMITTEE**

Date 14<sup>th</sup> June 2010

#### **TREE PRESERVATION ORDER (NO. 5) 2009**

Relevant Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Relevant Head of Service	Head of Planning and Regeneration Services

#### **1. SUMMARY OF PROPOSALS**

- 1.1 The Committee is asked to consider the confirmation of Tree Preservation Order (No. 5) relating to trees on land at 324 Alcester Road, Wythall.

#### **2. RECOMMENDATIONS**

- 2.1 It is recommended that the Tree Preservation Order (No. 5) is confirmed without amendment.

Tree T2 is a 'hedgerow Oak' - characteristic of the Wythall landscape and, due to its central location within the site, would be a constraint to development of the site and therefore be a significant material factor in any future application for planning permission. Confirmation of the Order in its current form would still enable consent to be granted to remove the tree either as part of a planning application or separately but this would allow the enforcement of replacement planting in either situation thus ensuring the long-term tree cover of the area. It is therefore recommended that the Order is confirmed without amendment.

#### **3. BACKGROUND**

- 3.1 On the 7th July 2009 a provisional Tree Preservation Order was made in relation to 2 oak trees situated on land at 324 Alcester Road, Wythall.
- 3.2 The Order was made to protect the trees as they contribute significantly to the amenity of the area.
- 3.3 Notification of the Order was given to all persons in the surrounding area and all who could be affected by the making of the Order.
- 3.4 The Tree Preservation Order was made on a temporary basis on the 7th July 2009 and remained in force until the 7th January 2010. Due to staff shortage and illness, investigation of the issues raised around this Order has taken longer than normal and the Order has fallen outside the six month provisional period for confirmation. However, only 3 parties were identified with an interest in the land affected by the Order of which only

## BROMSGROVE DISTRICT COUNCIL

### **PLANNING COMMITTEE**

Date 14<sup>th</sup> June 2010

- one - the tree owner - has subsequently raised objection and so this Order can still be confirmed. During a meeting held on site between the Tree Officer and the site owner in May 2010, these objections were discussed and addressed. While confirmation is still recommended in respect of both trees, the lower quality of tree T2 is such that I would consider its removal at a future date to be acceptable subject to replacement planting with Oak or other long lived species. The confirmation of the Order in it's current form, however, will allow the enforcement of this requirement to maintain the long-term amenity and character of the area.
- 3.5 Two objections have been received in respect of the Order and details of which are as follows:-
- 3.6 A Building and Roofing Contractors Company have raised objection in relation to the oak tree marked T2 on the plan. The objection raised is as follows "This tree has grown at an angle and is not the best specimen due to the way it has grown. Should it ever fall towards the road it would hit the high voltage transformer and overhead cables which run alongside" (Appendix A).
- 3.7 A 2nd objection has been raised by the owners of the land who raised concerns as to the location of the tree in relation to a proposed new extension. Specifically the objection raised is as follows: "Should any of the larger branches fall away they will probably crash through our new roof" ..... "It will be intimidating to be living under the branches of such a large tree" (Appendix B).
- 3.8 The 2 objections received have been forwarded to the Tree and Woodland Officer who has provided a report at Appendix C. In brief, the Officer responds to the 1st objection as follows stating that "The tree does have a slight lean to the west, this is a natural lean as a result of the tree growing to the light" ..... "as the lean is the result of natural growth the tree has grown with a modified trunk and root structure to counteract the imbalance in weight".....
- 3.9 The objection received by the owner of the land has also been considered by the Tree and Woodland Officer whose comments refer to the recent planning application within which concerns as to the oak tree were raised. The Officer considers "the condition of the rest of the canopy of the tree is generally good and the tree shows overall good health and vigour."

**PLANNING COMMITTEE**

**Date 14<sup>th</sup> June 2010**

Additionally, the Officer refers to the tree as being in "generally in good condition" and ongoing maintenance and regular inspections will detect any problems before they occur.

**4. KEY ISSUES**

4.1 To protect trees which provide an amenity value.

**5. FINANCIAL IMPLICATIONS**

5.1 There are no financial implications.

**6. LEGAL IMPLICATIONS**

6.1 Town and Country Planning (Trees) Regulation 1999, covers this procedure.

**7. POLICY IMPLICATIONS**

7.1 None.

**8. COUNCIL OBJECTIVES**

8.1 Council objective 4 - Environment, Priority C04 Planning.

**9. RISK MANAGEMENT INCLUDING HEALTH AND SAFETY CONSIDERATIONS**

9.1 There are no significant risks associated with the details included in this report.

**10. CUSTOMER IMPLICATIONS**

10.1 The customers have been provided with the relevant notification and the responses received are attached. The customers will receive notification of the decision of this committee.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 None.

**BROMSGROVE DISTRICT COUNCIL**

**PLANNING COMMITTEE**

Date 14<sup>th</sup> June 2010

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

12.1 None.

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

13.1 The proposal in relation to confirming the Tree Preservation Order can only be seen as having a positive impact on the environment.

**14. HUMAN RESOURCES IMPLICATIONS**

14.1 None.

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 None.

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

16.1 None.

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 None

**18. LESSONS LEARNT**

18.1 None.

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 The provisional Tree Preservation Order was made in July 2009 and remained in force for 6 months, it was served upon all those affected by the Order. The documentation provides details of how and when objections and representations should be made attached are the responses received by way of objections, and detailed above are the comments made by those in support of the Tree Preservation Order.

**BROMSGROVE DISTRICT COUNCIL**

**PLANNING COMMITTEE**

Date 14<sup>th</sup> June 2010

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	No
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director - Leisure, Cultural, Environmental and Community Services	No
Executive Director - Planning and Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities and Democratic Services	Yes
Corporate Procurement Team	No

**21. WARDS AFFECTED**

21.1 Wythall South

**22. APPENDICES**

Appendix A Letter dated 19th September 2009 from a Building and Roof Contractors Company.

Appendix B Letter dated 4th August 2009 from the land owner.

Appendix C Report from the Woodland Officer - dated 21 May 2010.

**23. BACKGROUND PAPERS**

23.1 None

**BROMSGROVE DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**Date 14<sup>th</sup> June 2010**

---

**24. KEY**

24.1 N/A

**AUTHOR OF REPORT**

Name: Vanessa Brown

Email: [v.brown@bromsgrove.gov.uk](mailto:v.brown@bromsgrove.gov.uk)

Tel: 01527 881724



Appendix A


*Date: 19/09/09*



*Legal Equities and Domestic Services  
The Council House  
Burcot Lane  
Bromsgrove  
Worcestershire  
B60 1AA*

*Re: Trees on the Land at "The Pleck"*

*Dear* 

*We fully understand your concern for the preservation of trees and we have the same views. With reference to the two Oak trees on the land 324 Alcester Road we have no objection to having a Preservation order on the tree marked T1 on your plan. As this is a very mature Oak and growing well  but with reference to the tree marked T2 we feel this tree is not growing in the same way. This tree has grown at an angle and is not the best specimen due to the way it has grown etc. Should it ever fall towards the road it would hit the high voltage transformer and over head cables which run along side.*

*There fore we would like permission to remove this tree. We would in return be prepared to re plant two further trees on our boundary/land. We are also planning to plant a new white thorn hedge along the entire length of our boundary fence at the end of this summer/year.*

*If you would like to meet on site to discuss this mater please contact me on the above address or directly*



*Yours sincerely,*



This page is intentionally left blank

## Appendix B

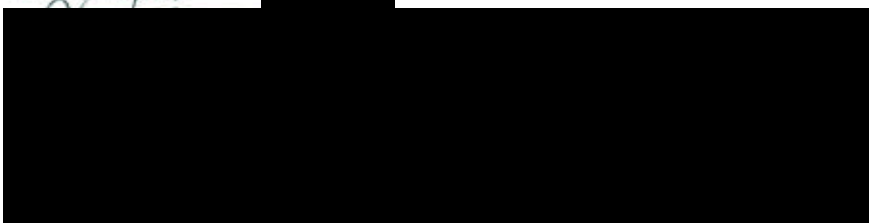


4<sup>th</sup> August 2009

Dear Sir or Madam,

Further to the temporary preservation order you have placed on the oak tree at the corner of our land. After consideration we write to make our objection. Our concern is the location of this tree in relation to our proposed new extension. We have recently received planning application approval. The tree will be only one metre from the property and towers above us at about 70 feet high. Should any of the larger branches fall away they will probably crash through our new roof. We worry that as it grows the tree trunk will push closer to the property. It will be intimidating to be living under the branches of such a large tree. We feel damage to our property in the future is inevitable. In the meantime as the work on the property progresses, we are taking the precautions to protect the tree roots. This was a condition of the planning approval. We understand that even if the tree is cut down the roots will remain and aid ground stability.

Yours sincerely



This page is intentionally left blank

## MEMORANDUM

### Appendix C



From:	[REDACTED] <b>Tree &amp; Woodland Officer</b>		To:	[REDACTED] <b>Legal Officer</b>	
My Ref:	<b>TPO (5) 2009</b>		Your Ref:	<b>324 Alcester Road, Wythall</b>	
Please ask for:	Andy Bucklitch	Ext	1320	Date	21 May 2010

Comments re objections as follows:

[REDACTED]

objection to the inclusion of Oak ref. T2 within the confirmed TPO

- the tree does have a slight lean to the west - this is a natural lean as a result of the trunk growing towards the light away from a second stem/tree which was removed by the owner during clearance of the site prior to the making of the current TPO. As the lean is the result of natural growth, the tree has grown with a modified trunk and root structure to counteract the imbalance in weight and so would not appear to be at any greater risk of failure than it's neighbour.

- Pruning works carried out prior to the making of the TPO to create clearance from the adjacent power lines have resulted in some imbalance of the canopy. However, the tree appears to be responding well with good regrowth and so there is no reason to believe that it does not have many years of safe, useful life remaining.

[REDACTED] has stated an intention to replant with two trees on the land and a new hedge along the boundary fence. While this is welcomed, it will still be many years before the new trees reach the same level of amenity, environmental and wildlife value as the current tree T2. The planting of a new hedge is also welcomed although this will likewise just replace the existing established hedge removed during the clearance of the site and will take some time to reach the same level of value as the hedge it replaces.

Tree T2 is a 'hedgerow Oak' – characteristic of the Wythall landscape and, due to it's central location within the site, would be a constraint to development of the site and therefore be a significant material factor in any future application for planning permission. Confirmation of the Order in it's current form would still enable consent to be granted to remove the tree either as part of a planning application or separately but this would allow the enforcement of replacement planting in either situation thus ensuring the long-term tree cover of the area.

During a meeting held on site between the Tree Officer and [REDACTED] in May 2010, these objections were discussed. While confirmation is still recommended in respect of both trees, the lower quality of tree T2 is such that I would consider it's removal at a future date to be acceptable subject to replacement planting with Oak or other long lived species. The confirmation of the Order in it's current form, however, will allow the enforcement of this requirement to maintain the long-term amenity and character of the area.

#### adjacent residents

- Concerns about future tree safety

While I concur with and am sympathetic to the concerns of the property owners, the close proximity of the property and extension to the Oak tree was raised during their recent planning application for the extension and they have then made the deliberate decision to build the extension so close to the tree and thus to have done so in full knowledge and presumed acceptance of any risk. Without the involvement of the planning process and the requirement for precautions to protect the tree roots, the construction of the new extension would likely have caused considerable damage to the roots thus greatly increasing the likelihood of tree failure and even greater risk.

Despite these concerns, the Oak tree T1 has already had the majority of branches overhanging the property removed or reduced to create clearance from overhead power lines and so I consider that there is currently much

reduced likelihood of branches falling onto the property at 324 Alcester Road. The condition of the rest of the canopy of the tree is generally good and the tree shows overall good health and vigour. The ongoing maintenance of the tree is the responsibility of the owner but given the generally good condition of the tree, I consider that such maintenance can be done and the tree can be maintained in a safe condition through minor pruning works under the control of an application for consent or routine 'crown cleaning' works to remove dead, diseased or broken branches which do not require specific consent. With regular inspections to detect any problems before they occur and appropriate works to remedy those problems, both tree and property to co-exist successfully for another century or more.

In respect of the effect of tree roots or their loss, the type and nature of the soil and the foundations of the original building will be of principal significance. Over the many years of its life, the tree will have caused a permanent drying effect in the soil around its roots and, depending upon the soil characteristics, possibly a relatively stable situation over that time period. If the tree is removed then the roots will not remain but will decay away. The stabilising influence of the drying effect of the tree will be removed at a stroke and unpredictable results are then more likely to occur.

#### **Recommendation**

Due to staff shortage and illness, investigation of the issues raised around this Order has taken longer than normal and the Order has fallen outside the six month provisional period for confirmation. However, to the best of my knowledge there are no new parties with an interest in the land affected by the Order and all have been afforded the opportunity to make representation and so this Order can still be confirmed. It is therefore recommended that the Order is confirmed without amendment.

## BROMSGROVE DISTRICT COUNCIL

### **PLANNING COMMITTEE**

Date 14<sup>th</sup> June 2010

#### **REVOCAION OF TREE PRESERVATION ORDERS**

- **TPO (4) 2008 TREES ON LAND AT HEWELL GRANGE BROMSGROVE**
- **TPO (7) 2009 TREES ON LAND AT FOUNTAIN INN, CLENT**

Relevant Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Relevant Head of Service	Head of Planning and Regeneration Services

#### **1. SUMMARY OF PROPOSALS**

- 1.1 The Committee is asked to consider revoking **two** Tree Preservation Orders for the reasons set out in the report.

#### **2. RECOMMENDATION**

- 2.1 That the Committee revokes Tree Preservation Orders:
- i) TPO (4) 2008 - trees on land at Hewell Grange, Bromsgrove; and
  - ii) TPO (7) 2009 - trees on land at Fountain Inn, Clent.

#### **3. BACKGROUND AND KEY ISSUES**

##### **TPO (4) 2008 - trees on land at Hewell Grange Bromsgrove**

- 3.1 On the 11th April 2008 a provisional Tree Preservation Order was made in relation to "all trees, coppice, and understorey of whatever species within" an area defined as "land at Hewell Grange, Hewell Lane, Tardebigge." This provisional order remained in force for 6 months, expiring on or about 11th October 2008.
- 3.2 The Order covered a very significant area including HMP Hewell Grange and surrounding grounds and a very large number of landowners were notified of the provisional Order.
- 3.3 Having regard to the vast area covered by the Order the Woodland Officer's task of assessing the trees and liaising with the land owners has been extremely time consuming and has resulted in this Order exceeding the 6 month period for confirmation of the Order.

## **BROMSGROVE DISTRICT COUNCIL**

### **PLANNING COMMITTEE**

Date 14<sup>th</sup> June 2010

- 3.4 Government Guidance in such circumstances suggests that an Order should be revoked and consideration given to creating a new Order which will ensure any new landowners are given an opportunity to raise objections. A new Order can not be considered unless the preceding Order is revoked first.
- 3.5 In this instance the Committee is asked to revoke TPO (4) 2008, the Woodland Officer will then consider a new Order which will be dealt with under delegated powers.

#### **TPO (7) 2009 - trees on land at Fountain Inn, Odnall Lane, Clent**

- 3.6 On the 18th August 2009 a provisional Tree Preservation Order was made in relation to all trees in an area defined as "Land at Fountain Inn, Odnall Lane, Clent." The Order was made to protect the trees as they contribute significantly to the amenity of the area.
- 3.7 The provisional order expired on the 18th February 2010 but due to unforeseen circumstances the Order was not confirmed.
- 3.8 In fairness to any new landowners, the Woodland Officer would seek revocation of the Order and the officer will then give consideration to a new Order which would be served on all interested parties.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications.

#### **6. LEGAL IMPLICATIONS**

- 6.1 This course of action is in accordance with the Town and Country Planning (Trees) Regulations 1999 and in particular Regulation 7 thereof.

#### **7. POLICY IMPLICATIONS**

- 7.1 None

#### **8. COUNCIL OBJECTIVES**

- 8.1 Council objective 4 - Environment, Priority CO4 - Planning

**BROMSGROVE DISTRICT COUNCIL**

**PLANNING COMMITTEE**

Date 14<sup>th</sup> June 2010

**9. RISK MANAGEMENT INCLUDING HEALTH AND SAFETY CONSIDERATIONS**

9.1 There are no significant risks associated with the details included in this report.

**10. CUSTOMER IMPLICATIONS**

10.1 The parties affected by any revocation of the Orders will be notified of the decision of the Committee.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 None.

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

12.1 None.

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

13.1 The revocation of these Orders will enable the Woodland Officer to consider whether a new Order is appropriate, and if so this can be seen as having a positive impact on the environment.

**14. HUMAN RESOURCES IMPLICATIONS**

14.1 None.

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 None.

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

16.1 None.

**BROMSGROVE DISTRICT COUNCIL**

**PLANNING COMMITTEE**

Date 14<sup>th</sup> June 2010

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 None.

**18. LESSONS LEARNT**

18.1 None.

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 Revocation of the Order does not involve consultation with the public. However the Committee's decision will be notified to all those affected by the original Order.

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	No
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director - Leisure, Cultural, Environmental and Community Services	No
Executive Director - Planning and Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities and Democratic Services	Yes
Corporate Procurement Team	No

**BROMSGROVE DISTRICT COUNCIL**

**PLANNING COMMITTEE**

Date 14<sup>th</sup> June 2010

---

**21. WARDS AFFECTED**

21.1 TPO (4) 2008 Hewell Grange  
Ward affected: Tardebigge

21.2 TPO (7) 2009 Fountain Inn, Clent  
Wards affected: Furlongs

**22. APPENDICES**

22.1 Appendix 1 - Report from the Woodland Officer.

**23. BACKGROUND PAPERS**

23.1 None.

**24. KEY**

24.1 N/A

**AUTHOR OF REPORT**

Name: Vanessa Brown  
Email: v.brown@bromsgrove.gov.uk  
Tel: 01527 881724

This page is intentionally left blank

**APPENDIX A**

Bromsgrove District Council

Planning Committee 14th June 2010.

Tree Preservation Order (No. 4) 2008, was made in provisional form on 11th April 2008. Due to the large area of land, number of trees, and number of landowners involved the normal process of site investigations has only been completed recently.

Having regard to the long period to time which has now passed, there is a high risk that ownership of some of the land may have changed since the making of the original Order, as such the new owners will not have been afforded the opportunity to make comments.

Government Guidance in such a situation is that a complete new Order should be considered.

It is therefore recommended that TPO (No. 4) 2008 is revoked.

---

Tree Preservation Order (No. 7) 2009 was also made in provisional form on the 18th August 2009. This Order expired on the 18th February 2010 and due to unforeseen circumstances it was not possible for the investigations and assessments necessary to confirm the Order to be completed in the six month period. Again there is concern that new landowners will not have had the opportunity to comment on the Order and therefore revocation of the Order is the most appropriate course of action.

Andy Bucklitch  
Woodland Officer

24th May 2010.

This page is intentionally left blank

By virtue of paragraph(s) 2, 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2, 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2, 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2, 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank