



## **BROMSGROVE DISTRICT COUNCIL**

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

**MONDAY 6TH DECEMBER 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 Regeneration 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 twenty 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 1st November 2010 (Pages 1 - 8)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

5. 10/0886-MT - Extensions to college buildings - N E W College, School Drive, Bromsgrove, B60 1AX - Mr. R. Gilbert (Pages 9 - 14)
6. 10/0957-DK - Two-storey extension - The Stables, Copyholt Lane, Banks Green, Upper Bentley, B97 5SU - Mrs. A. Gibbs (Pages 15 - 18)
7. 10/0970-SG - Proposed Two Storey Side Extension, Single Storey Rear Extensions, Two Storey Front Extension and Remodelling - 7 Twatling Road, Barnt Green, B45 8HX - Mr. and Mrs. P. Cartwright (Pages 19 - 22)
8. 10/0973-MT - Erection of three bedroomed detached bungalow and garage - 6 St. Catherines Road, Blackwell, Bromsgrove, B60 1BN - Mr. D. Jones (Pages 23 - 28)
9. Foxwalks Avenue/Alderney Road (10/1016), Willow Close/Rowan Close (10/1037), Charford Road/Lyttleton Avenue (10/1043) and Breakback Road/Alderney Road (10/1044) - Refurbishment of 56 1 & 2 bed Wimpey no-fines flats including new external insulation with render and timber effect finish. Removal of existing concrete stairs to flats including some built on sheds, retention of 10 no. existing concrete landings and construction of 10 no. new stair enclosures to replace existing stairs - BDHT (Pages 29 - 32)
10. 10/0632 - Information Report - Erection of 10 no. affordable dwellings - Land at Holy Cross Green, Holy Cross, DY9 0HG - West Mercia Housing Group and Clent Parish Council (Pages 33 - 54)
11. Non-Confirmation of Tree Preservation Orders (No. 2), (No. 6), (No. 8), (No. 10) and (No. 12) 2009 (Pages 55 - 66)
12. 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
13. 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 item(s) of business on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph 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>	"
14	2 and 6	"

14. Enforcement of Planning Control (Pages 67 - 72)

K. DICKS  
Chief Executive

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

25th November 2010

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## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE PLANNING COMMITTEE

MONDAY, 1ST NOVEMBER 2010

AT 2.00 P.M.

PRESENT: Councillors E. C. Tibby (Chairman), G. N. Denaro (Vice-Chairman), Mrs. J. M. Boswell, Miss D. H. Campbell JP, R. J. Deeming (during Minute No.'s 93/10 to 100/10), B. Lewis F.CMI (during Minute No.'s 93/10 to 99/10), Mrs. J. D. Luck (during Minute No.'s 93/10 to 101/10), E. J. Murray, S. R. Peters, C. J. Tidmarsh and C. J. K. Wilson

Observers: Councillor R. Hollingworth

Officers: Mrs. S. Sellers, Mr. D. M. Birch, Mr. D. Kelly, Mr. A. Bucklitch, Mr. S. Hawley (Worcestershire Highways) and Mr. A. C. Stephens

#### 93/10 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. J. Dyer M.B.E. and P. J. Whittaker.

#### 94/10 DECLARATIONS OF INTEREST

No declarations of interest were received.

(Note: at 2.02 p.m., the meeting was adjourned in order that Councillor B. Lewis F.CMI could consider whether or not he had an interest in planning application ref. 10/0828-MT. After taking advice, he was satisfied that he had no interest to declare in the matter but stated that, although he would reserve his right to speak on the application, he would not participate in voting on it. The meeting resumed at 2.09 p.m.)

#### 95/10 MINUTES

The Minutes of the meeting of the Planning Committee held on 11th October 2010 were submitted.

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

#### 96/10 10/0727-DK - PROPOSED INDUSTRIAL WAREHOUSING (B1(6) AND (C), B2 AND B8 (UNIT 5)) (APPROVAL OF RESERVED MATTERS) - PART COFTON CENTRE, GROVELEY LANE, COFTON HACKETT - REDMAN HEENAN PROPERTIES LTD.

The Head of Planning and Regeneration Services advised Members of legal advice which had been obtained in respect of matters relating to the

Longbridge Infrastructure Tariff [LIT]. The Committee was informed that the Council could not seek a contribution in respect of the LIT requirements outlined in the Longbridge Area Action Plan on an application for reserved matters. She also reported the comments of the Tree Officer.

Consideration was then given to the application. The previous recommendation had been for delegated powers to be granted to the Head of Planning and Regeneration Services to approve the application subject to a planning obligation under section 106 of the Town and Country Planning Act 1990 being entered into and, if the agreement was not entered into, to refuse the application. However, the recommendation of the Head of Planning and Regeneration Services had been amended to one of approval in light of legal advice that had been received concerning the ability of the Council to impose section 106 contributions at reserved matters stage.

**RESOLVED** that the reserved matters to application 07/0356 be approved subject to the following conditions:-

1. C1 (Time Limit)
2. No additional mezzanine floor areas, other than those shown on the approved drawings, shall be provided within the building hereby approved without the prior written consent of the Local Planning Authority.
3. C3 (Materials to be submitted)
4. Prior to the commencement of any works on site, a detailed landscaping scheme of tree and hedge planting and wildlife habitat creation or enhancement, shall be provided to the approval of the Local Planning Authority.
5. Prior to the development being occupied or operational, the approved landscaping scheme shall be completed to the satisfaction of the Local Planning Authority.
6. Prior to the development being occupied or operational, the applicant shall submit a schedule of regular works to ensure the maintenance of the trees, hedges and other landscaping areas in a sound ecological and environmental condition to the approval of the Local Planning Authority. The approved schedule of works shall be carried out for the life of the development and not ceased or varied unless otherwise approved in writing by the Local Planning Authority.
7. Should any trees or hedges which are shown to be retained or planted on the approved plans either die, become diseased or are removed, they shall be replaced or restored to the satisfaction of the Local Planning Authority.
8. 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 produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
9. 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.

10. 12 car parking spaces shall be provided on the site for 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.
11. 193 car parking spaces shall be provided on site and shall be reserved solely for that purpose and such spaces be made available for the use before the development hereby approved is occupied.
12. Prior to the first use of the development hereby approved, secure parking for 24 cycles to comply with the Council's standards shall be provided within the curtilage of the site and these facilities shall thereafter be retained for the parking of cycles only.
13. Prior to the first use of the development hereby approved, secure parking for 12 motorcycles to comply with the Council's standards shall be provided within the curtilage of the site and these facilities shall thereafter be retained for the parking of cycles only.
14. Prior to the commencement of the development hereby permitted, the applicant shall submit, and have approved in writing, a travel plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Council's Travel plan co-ordinator.

97/10 **10/0828-MT - CHANGE OF USE OF REDUNDANT RURAL BUILDING TO 2 DWELLINGS - POOLHOUSE FARM, HOCKLEY BROOK LANE, BELBROUGHTON, DY9 0AG - MR. AND MRS. POWELL**

The Head of Planning and Regeneration Services reported the comments of the Chief Building Control Officer and Worcestershire Highways. She also responded with comments of her own in respect of an additional supporting letter from the applicant's agent.

At the invitation of the Chairman, Lady S. Gauntlett-Shea addressed the Committee and spoke in support of the application.

**RESOLVED** that permission be refused for the reason set out on page 18 of the report.

98/10 **10/0837-SG - SINGLE STOREY REAR EXTENSION - BRANSONS FURNITURE SHOWROOM, ALCESTER ROAD, BEOLEY, B98 9DS - MR. B. COLLETT**

The Head of Planning and Regeneration Services reported the comments of Worcestershire Highways, and clarified that Beoley Parish Council had been consulted on the application, not Wythall Parish Council as stated on page 23 of the report. She also responded with comments of her own in respect of an additional supporting letter from the applicant's agent.

At the invitation of the Chairman, Lady S. Gauntlett-Shea addressed the Committee and spoke in support of the application.

Consideration was then given to the application which had been recommended for refusal by the Head of Planning and Regeneration. On the matter being put to the vote, Members considered that:

- the support and continued viability of a rural business;
- the need for a covered external storage area;
- the economic benefits arising from job creation; and
- the current state and the use of the part of the site to which the application relates would be tidied up by the proposals and would have limited harm upon the openness of the Green Belt -

constituted very special circumstances to outweigh the harm that would be caused to the openness of the Green Belt and the purposes of including land within the Green Belt, and any other harm.

**RESOLVED** that authority to approve the grant of permission be delegated to the Head of Planning and Regeneration upon the expiry of the consultation period on 8th November 2010, subject to any reasonable conditions and notes considered necessary by the Head of Planning and Regeneration Services.

99/10 **10/0853-DK - DEMOLITION OF SINGLE STOREY GARAGE AND ERECTION OF 5 BEDROOM DETACHED DWELLING AND DETACHED GARAGE WITH NEW VEHICULAR ACCESS - WESTVIEW, ROWNEY GREEN LANE, ROWNEY GREEN, ALVECHURCH, B48 7QF - MR. D. BLOWER**

The Head of Planning and Regeneration Services reported the comments of the Tree Officer, and stated that a further seven letters of objection had been received. She also clarified issues relating to the garages at West View and the adjacent property, The Drift, together with clarifying that she would be minded to refuse the application.

At the invitation of the Chairman, Mr. M. Kenny addressed the Committee and spoke in opposition to the proposals. Councillor R. Hollingworth also addressed the Committee and spoke against the proposals in his capacity as one of the Ward Members for the area in which the application site was located.

**RESOLVED** that authority to refuse permission be delegated to the Head of Planning and Regeneration upon the expiry of the consultation period on 3rd November 2010.

100/10 **10/0888-MT - PROPOSED ERECTION OF TWO NEW BUNGALOWS - 10 AND 14 COTTAGE LANE, MARLBROOK, BROMSGROVE, B60 1DW - MR. WILBY / MRS. MADDOX**

The Head of Planning and Regeneration Services reported the comments of the Tree Officer and Worcestershire Highways. She also clarified that Councillor A. N. Blagg had requested the application be considered by the Committee, rather than be determined under delegated powers.

At the invitation of the Chairman, Mr. D. Fitzhugh addressed the Committee and spoke in opposition to the application.

Consideration was then given to the application which had been recommended for approval by the Head of Planning and Regeneration Services. On the matter being put to the vote, Members were of the opinion that the proposals would:-

- result in overdevelopment of the site;
- have an overbearing effect, exacerbated by changes in levels to adjacent properties; and
- have a detrimental impact on residential amenity due to loss of privacy and overlooking.

**RESOLVED** that permission be refused, and that the precise wording of the reasons for refusal be delegated to the Head of Planning and Regeneration.

101/10 **10/0935-DK - PROPOSED CENTRAL PRODUCTION KITCHEN - MOUNDSLEY HALL NURSING HOME, WALKERS HEATH ROAD, KINGS NORTON, BIRMINGHAM, B38 0BL - MOUNDSLEY HALL NURSING HOME LTD.**

The Head of Planning and Regeneration Services reported the comments of Wythall Parish Council, together with the receipt of additional supporting information from the applicant's agent.

At the invitation of the Chairman, Mr. M. Gimson addressed the Committee and spoke in support of the proposals.

Consideration was then given to the application which had been recommended for refusal by the Head of Planning and Regeneration Services. However, on the matter being put to the vote, Members considered that:

- there was a requirement for the nursing home to comply with environmental health food safety legislation;
- there is a need for the development;

- there would be economic benefits arising from the creation of additional jobs; and
- minimal and negligible harm would be caused to the openness of the Green Belt due to the relationship of the proposed new building with both the existing buildings, and the extant planning approval for additional new buildings -

constituted very special circumstances to outweigh the harm that would be caused to the openness of the Green Belt and the purposes of including land within the Green Belt, and any other harm.

**RESOLVED** that authority to approve the grant of permission be delegated to the Head of Planning and Regeneration upon the expiry of the consultation period on 4th November 2010, subject to any reasonable conditions and notes considered necessary by the Head of Planning and Regeneration Services.

102/10 **TREE PRESERVATION ORDER (NO. 5) 2010 - TREES ON LAND OFF ST. GODWALDS ROAD, ASTON FIELDS, BROMSGROVE**

Members of the Committee gave consideration to a report relating to Bromsgrove District Council Tree Preservation Order (No. 5) 2010 which had been made in respect of trees on land off St. Godwalds Road, Bromsgrove - the site of the former 'Wagon Works'.

**RESOLVED** that Bromsgrove District Council Tree Preservation Order (No. 5) 2010 be confirmed, and amended in accordance with the plans and schedule shown at Appendix F to the report.

103/10 **TREE PRESERVATION ORDER (NO. 6) 2010 - TREES ON LAND AT HEWELL PARK, HEWELL LANE, REDDITCH**

Consideration was given to a report relating to Bromsgrove District Council Tree Preservation Order (No. 6) 2010 which had been made in respect of trees on land at Hewell Park, Hewell Lane, Redditch.

**RESOLVED** that Bromsgrove District Council Tree Preservation Order (No. 5) 2010 be confirmed subject to the modification of Schedule 1 of the Order and the accompanying plans in respect of:-

- (a) the group of trees referred to as G1 (5 x poplar trees);
- (b) the group of trees referred to as G3 (5 x rowan trees);
- (c) the area of trees referred to as A2 (3 x maple trees and 1 x Swedish Whitebeam);
- (d) an amendment to the boundary of the area referred to as A1 (to include only the dark green shaded area on the plan); and
- (e) the inclusion of addition specific trees (T15 - T29) (initially within the area referred to as A1 in the original temporary Order).

104/10 **TREE PRESERVATION ORDER (NO. 2) 2008 - TREES ON LAND AT 2 CHURCH AVENUE, HOLY CROSS, CLENT**

Consideration was given to a report which outlined an application to fell four large horse chestnut trees on land at 2 Church Avenue, Holy Cross, Clent, which were subject to the District Council of Bromsgrove Tree Preservation Order (No. 2) 2008. Members were informed that the application to fell the trees was on the grounds that one of the trees was in a dangerous condition which, when felled, would leave the remaining trees unstable.

**RESOLVED** that permission to fell the trees be granted subject to the planting of two replacement chestnut trees.

105/10 **PUBLIC PATH DIVERSION ORDER 2010 (FOOTPATH NO. 604 BROMSGROVE) - PERRYFIELDS ROAD, BROMSGROVE**

Consideration was given to a report which outlined the current progress made in respect of the Public Path Diversion Order 2010 (Footpath No. 604 Bromsgrove), Perryfields Road, Bromsgrove. The Head of Legal, Equalities and Democratic Services reported that, although objections had been received to the Order when first drafted, these issues had been overcome by negotiation and minor amendments to the Order.

**RESOLVED** that the report be noted.

106/10 **APPEAL DECISIONS**

The Committee gave consideration to a report which outlined the decisions on three planning appeals which had been received since the last meeting of the Committee.

**RESOLVED** that the report be noted.

The meeting closed at 4.00 p.m.

Chairman

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# Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
<b>Mr Richard Gilbert 'A'</b>	Extensions to college buildings  NEW College, School Drive, Bromsgrove	Residential	<b>10/0886-MT</b> 15/12/10

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

## Consultations

WH	Comments received 25/10/10: No objection
PROW	Comments received 04/10/10: Object as the proposal would obstruct a Public Right of Way.  Further comments received 22/11/10: Objection withdrawn.
Ramblers Association	Consulted 20/09/10: No comments received to date
West Mercia Constabulary	Consulted 16/11/10: No comments received to date
Tree Officer	Comments received 23/11/10 - No objection subject to a condition to secure replacement planting.
Publicity	One neighbour notification letters posted 11.10.10 expired 01.11.10  Site Notice posted 08.10.10 expires 29.10.10  No representations made

## The site and its surroundings

The application site relates to the Bromsgrove campus of North East Worcestershire College; a further education establishment. The site is located within a modern development complex shared with David Lloyd leisure centre, the Artrix theatre, a public house and a hotel. There are a number of Public Rights of Way running through the site. The site is located in a Residential Area as defined in the BDLP.

## Proposal

The application proposes to create additional teaching space at the site by extending two of the main college buildings. A single storey extension would be made to the existing Technology Block and a two storey extension to the existing Arts Block. The proposal would create an additional 979m<sup>2</sup> of internal floor space equating to a total external floor area of 1,168m<sup>2</sup>. The proposal would therefore by definition be a major development. Both of the extensions would be at the front of the college close to its main entrance.

## Relevant Policies

WMSS	QE3
WCSP	SD5, CTC1, CTC5, D43, T1, T4, T10, RST3
BDLP	DS13, S28, S29, S31, C17, TR10, TR11, RAT13, ES1, ES11
Others	PPS1, PPS4

## Relevant Planning History

B/2005/0259	Demolition of existing teaching facility and erection of new single storey teaching facility - Granted 03/05/05
B/2003/0246	Erection of new build. Associated external works. Refurbishment of existing buildings - Granted 21/04/03

## Notes

Policy S28 of the BDLP provides that the provision of new or enhanced community facilities will be supported providing there is no conflict with other policies of the plan. The proposal would involve the improvement of local education facilities and I am therefore of the view that the Council should support the principle of this development.

The submitted application form indicates that the development would result in the creation of 5 new full time jobs. The government's national planning policy advice for Economic Development set out in PPS4 would therefore be of relevance to the proposal. Policy EC10 of PPS4 provides that:

*'Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.*

*All planning applications for economic development should be assessed against the following impact considerations:*

- a. whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;*
- b. the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;*
- c. whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;*
- d. the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives;*
- e. the impact on local employment.'*

It is considered that the first three of the above criteria can be grouped together under the following headings; Sustainability, Accessibility and Design. The latter two criteria are not considered to be of specific relevance to the proposal. The development would not

represent a regeneration scheme and the level of job creation is not significant enough to provide any detailed discussion on local employment. I will address the design, accessibility and sustainability merits of the proposal under separate headings below. I am also mindful of the views of Worcestershire County Council in relation to Public Rights of Way and I will consider these below.

### Sustainability

The submitted Design and Access Statement indicates that the extensions have been designed to achieve a BREEAM Excellent rating. BREEAM (BRE Environmental Assessment Method) is the leading and most widely used environmental assessment method for buildings. It sets the standard for best practice in sustainable design and has become the de facto measure used to describe a building's environmental performance.

The extensions will incorporate the following features:

- A high performance façade with very low U values (a measure of heat loss)
- Roof mounted Photovoltaic panels (PV) to produce renewable electricity
- A 'free cool' high efficiency chiller with industry leading efficiencies
- Excellent levels of natural daylight in the Games Studio
- Daylight linked and occupancy sensing lighting controls.

It is evident that considerable efforts have been made to reduce the carbon footprint of the extensions and I am of the view that they represent a sustainable form of development.

### Accessibility

It is understood that the college operates a free bus service that provides access to students living in Redditch and south Birmingham. The site is also located close to Bromsgrove Town Centre in which students can access numerous bus services providing links to locations in and around Bromsgrove and surrounding settlements.

The college currently provides 291 car parking spaces, 21 motorcycle spaces, 8 disability spaces and 12 cycle spaces. Members will note that 37 car parking spaces will be lost as a result of the development. It is however noted that there is currently an overprovision of parking spaces at the college and the proposed loss will not conflict with the relevant car parking standards. The County Council Highways Authority has been consulted on this matter and no objection has been raised. On the above basis I would not have any concerns over the loss of parking spaces. No changes will be made to the existing motorcycle, disability and cycle parking provisions and these will remain in accordance with the adopted parking standards.

It is clear that the development would be accessible by a choice of means of transport including walking, cycling, public transport and the car and I find it to be in accordance with the second criteria of Policy EC10.

The submitted Design and Access statement confirms that disabled access would be provided throughout the resulting buildings and the development will be in accordance with BS8300 (Design of buildings and their approaches to meet the needs of disabled people) and Part M of the Building Regulations (Access to and use of buildings).

## Design

Members are advised to refer to the photorealistic visual of the proposal development to gain a better appreciation of the appearance of the proposals.

The extensions would be situated in a recessed section of the college complex and they would have the effect of squaring off its footprint. I am of the view that the proposals would be well assimilated within the existing complex and they would not present as an obtrusive feature of the site.

The extension to the Technology Block would be of a very similar form and design to the host building but would involve new detailing including areas of exposed brick work, doors and openings, and coloured panelling and signage on the front and side elevations (plan details of signage are indicative only - actual details may be subject to a separate application for Advertisement Consent). These details would have the effect of adding interest to what is currently a very bland looking elevation and I am generally of the view that this extension would make a positive contribution to visual amenity of the site. I am however a little apprehensive about the coloured panelling on the technology block extension. I support the principle of adding interest to this building but I am of the view that other options should be explored. This detail can be subject to a condition requesting further details on the external materials and finish of the proposals thus it is not deemed to be an issue at this stage.

The extension to the Arts Block would be at two stories and it would be the tallest structure of the resulting building complex. This extension would inevitably be a prominent feature of the site thus it is important to ensure that it is of a good quality design and finish. It is noted that this extension would be of a very basic form but I am of the view that the detailing and choice of materials would serve to create a building of an interesting, futuristic appearance. It is considered that this building would make a positive contribution to the appearance of the college and I am of the view that it will become a landmark feature of the area.

## The Public Right of Way

The proposed extension to the Technology Block would obstruct the route of public footpath number 545. Policy RST.3 of the Worcestershire County Structure Plan provides that development proposals which are judged to reduce the utility, convenience, recreational value, attractiveness or historic significance of a public right of way to the user will not be permitted unless an alternative route of at least equal value can be provided. Policy RAT13 of the BDLP provides that, where a proposed development would require stopping-up of a right of way a suitable alternative route will be provided to the satisfaction of the Local Planning Authority.

The applicant has provided a drawing (Drawing Number AR\_910\_003\_B) demonstrating that the path can be appropriately diverted around the proposed extension. The views of Worcestershire County Council on this matter have been sought and no objection has been raised.

The proposed diversion is required to be formally diverted through a Public Path Diversion Order under Section 257 of the Town and Country Planning Act 1990.

I recommend that this requirement is imposed on the applicant through a condition attached to any planning permission granted.

It is normal practice to request that the diversion order is approved before any work on the development commences. However, it is understood that the college has to adhere to a strict development schedule in order to secure government funding for the extensions. Preventing the applicant from commencing development until the order is agreed could jeopardise this funding resulting in the abolition of the development. I therefore recommend that any condition imposed in relation to this matter is worded so the diversion order can be completed prior to the use of the extensions by the college. This will enable the development to commence on schedule. The applicant will be advised to apply to Worcestershire County Council for a temporary path closure prior to the commencement of development

### Other matters

Members will note that the extension to the Arts block will involve the removal of one small tree. The Council's Tree Officer has been consulted on this matter and no objection has been raised subject to the tree being replaced elsewhere on the site. This can be secured through a landscaping scheme condition.

### Conclusion

The proposal would involve the improvement of local education facilities and it would not conflict with any of the other relevant policies of the plan. The proposed development is found to be in accordance with the sustainability, accessibility and design objectives of Policy EC10 of PPS4. On this basis I find the proposal to be in accordance with the relevant policies of the adopted Development Plan and national planning policy guidance and I recommend that planning permission is approved.

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

### **Conditions:**

1. C001 (time limit for implementation)
2. C003 (materials to be submitted to the LPA for approval)
3. Prior to the use of the extensions hereby approved, the Public Right of Way number 545, as shown on the definitive Map for Worcestershire, shall be diverted or stopped up to confirmation stage, unless otherwise agreed in writing with the Local Planning Authority.
4. C007 (details of storm and foul drainage to be submitted to the LPA for approval)
5. C010 (landscaping scheme to be submitted to the LPA for approval)

### **Notes**

1. The granting of planning consent does not authorise the obstruction or diversion of the public right of way running through the site.
2. The applicant is advised to apply to Worcestershire County Council for a temporary path closure prior to the commencement of development.

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

WMSS	QE3
WCSP	SD5, CTC1, CTC5, D43, T1, T4, T10, RST3
BDLP	DS13, S28, S29, S31, C17, TR10, TR11, RAT13, ES1, ES11
Others	PPS1, PPS4

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 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Mrs. A. Gibbs 'A'</b>	Two storey extension - The Stables, Banks Green, Upper Bentley, B97 5SU	GB	<b>10/0957-DK</b>

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

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

## Consultations

WH	Consulted 04.11.2010. No response to date.
Bentley Pauncefoot PC	Consulted 04.11.2010. Response received 18.11.2010 - no objection.
CO	Consulted 15.11.2010. Response received 18.11.2010. I agree that the proposal will negatively affect the character of the farm group when seen from the main road, given the prominence of the stables. This could be mitigated by inserting a new door opening in the proposed extension, detailed to match the existing door under a segmental brick arch. Alternatively, the extension could be reduced to a single storey height to match the scale and detailing of the existing stable blocks (this would of course involve removal of the carer's flat and kitchenette, which may not be practical in terms of the care requirements needed). Generally speaking, any proposal should be careful to match existing such as the dentilled brick eaves detail, guttering type, roof tiles, brick type, etc.
Publicity	Site notice posted 10.11.2010; expires 25.11.2010. 1 letter sent 04.11.2010; expires 01.12.2010. No responses received.

## The site and its surroundings

The application site comprises a converted vernacular building which almost certainly served Banks Green Farm which adjoins to the east. There is an enclosed garden to the rear with a picket fence. There are modern agricultural buildings in proximity and one obscure glazed window overlooks the proposed site from Banks Green Farm.

## Proposal

The proposal is for a two storey side extension of the dwelling.

## Relevant Policies

WMRSS	QE3
WCSP	CTC.1, CTC.19
BDLP	C27C, DS13, TR11
Others	SPG4, PPG2

## Relevant Planning History

- B/1994/0333 Conversion of redundant stable building into dwelling. Granted 01.10.1994.
- 10/0566 Construction of a single storey disabled bedroom with direct access to adjoining bathroom and remedial works to existing exterior doorways. Refused 24.08.2010.

## Assessment

Members should note the planning history of this site. Planning permission was refused in B/2010/0566 for a single storey rear extension of the building because of the negative impact of the proposal on the simple vernacular character of the dwelling. Members should note the personal circumstances of the applicant and there is a letter in support of the application from Physical Disability Team at Worcestershire County Council.

I consider the main issues in the determination of this application are

- (i) whether it reflects the scale and character of the converted rural building and whether the proposal amounts to inappropriate development in the Green Belt
- (ii) impact on residential amenity
- (iii) the personal circumstances of the applicant

In this respect, the most relevant policies are policies DS2 and C27C of the BDLP and the guidance of SPG1 and SPG4.

## Design

Policy C27C states that proposals for extensions to converted rural buildings will be assessed against the impact of the scheme on the character of the building as it existed immediately prior to the conversion rather than the use to which it has been converted. Paragraph 3.7 of SPG4 advises that extensions which would alter the simple utilitarian character of a vernacular rural building should not be permitted.

In terms of the planning history of the proposal, I note that the building was approved for conversion to residential use in 1994 (Ref: B/1994/0333). This consent removed the permitted development rights for both the erection of outbuildings and the extension/alteration of the building. I consider that the conversion has retained the traditional character of the original since 1994. This is especially true of the elevations to the front and sides, but there is evidence of infilling of walls on the east elevation to the rear. The first floor (byre type structure) is still present. The overall character of the traditional building is still apparent.

I consider that the original buildings were retained in the conversion and this must be considered as the original form of the settlement. The previous application was for the erection of an extension on the north end of the building (closest to Banks Green farmhouse) which the original building would have served. The current proposal is a two storey extension to the SW end adjoining the existing two storey byre structure. The projection from the existing structure will be 4.1m with a height of 5.2. It will accommodate an additional lounge and carers bedroom.

I do not consider that there has been significant effort made in the extension to reflect the original vernacular character of the dwelling notwithstanding the brickwork and matching windows described in the drawings. Members should note the views of the Conservation Officer and I concur that the addition would have a negative impact on the original design of the structure. This is caused by the change in the proportions of the two storey element of the building which does not reflect the vernacular character of the building. The proposal would also be located in a prominent position. The Design and Access Statement does not address these issues. The applicant has been advised to make amendments to the scheme such as an additional entrance door in the extension and a reduction to one storey.

On balance, I do not consider that the proposal accords with policy C27C or the guidance of SPG4.

### Green Belt issues

I consider that the proposal, as an extension of a converted rural building (where permitted development has been removed) is inappropriate development in the Green Belt which is, by definition harmful. The proposal would result in a loss of openness at the site compared with the present situation. I note that the extension would occupy an existing informal access to the farm and it would be necessary for functional reasons to reinstate this resulting in additional inappropriate development. The extension does not fall into any of the categories of development in the Green Belt which would be considered appropriate. No very special circumstances have been put forward which would outweigh the harm caused.

### Residential amenity

Although there are side windows on Banks Green Farm, the proposed extension will be to the opposite side of the converted rural building and I do not consider that there would be any loss of residential amenity.

### Personal Circumstances

The application is accompanied by a letter from the Physical Disability Team at Worcestershire County Council and there is also supplementary information in the Design and Access Statement. The occupier of the property is suffering from a disability which means that he has become permanently wheelchair dependent. Social Services consider that there are serious issues in terms of access to the property which prevent the occupier from returning home from hospital. The house needs to be adapted to enable mobility and access for the occupier. I consider that there are personal circumstances in respect of this application and Members need to consider these.

In weighing up the arguments, it must be noted that whilst personal circumstances can be material considerations, it is only exceptionally that they would outweigh general planning considerations. This is outlined in '*The Planning System: General Principles*' which accompanies PPS1. The development will be permanent and will remain long after the personal circumstances have ceased to be material. These circumstances have been considered in the application. However, the letter from WCC Social Services makes no

reference to the need for a dedicated facility for a carer and I consider that there are options to adapt the building as it is or consider a smaller scale of extension.

### Conclusion

Whilst I am sympathetic to the personal circumstances of the case, the proposal would harm the simple character of the dwelling and the impact will remain permanently. Overall, I do not consider that the proposal accords with policy C27C and is not appropriate for the settlement. The proposal amounts to inappropriate development in the Green Belt.

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

1. The scale and design of the proposal would not respect the form and architectural character of the converted rural building. Therefore, the proposal is contrary to policy CTC21 of the Worcestershire County Structure Plan, policies DS2, C27C, DS13 of the Bromsgrove District Local Plan, and the guidance of SPG4 (Converted Rural Buildings).
2. The proposed extension would be harmful to the openness of the Green Belt and no very special circumstances have been put forward to justify it. Therefore, the proposal conflicts with policies D38 and D39 of the Worcestershire County Structure Plan, policy DS2 of the Bromsgrove District Local Plan and the advice of PPG2.

# Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Mr. and Mrs. Cartwright 'A'</b>	Proposed two storey side extension, single storey rear extensions, two storey front extension and remodelling (as amended by email received 03.11.2010) - 7 Twatling Road, Barnt Green, Birmingham, B45 8HX	RES	<b>10/0970-SG</b> 15.12.2010

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

**RECOMMENDATION** that permission be **GRANTED** subject to the satisfactory views from the Drainage Engineer, Tree Officer, Environmental Health Manager and the Worcestershire Wildlife Trust.

## Consultations

WH	Consulted 03.09.2010 (expired 10.11.2010). No objection.
Lickey & Blackwell Parish Council	Consulted 27.10.2010 (expired 17.11.2010). Lickey and Blackwell Parish Council has concerns about this application. The proposed extensions are large and imposing, and would have an impact on the street scene. Also, the proposed metal gated entrance goes against our Village Design Statement which states such gates should be avoided and "if they must be used they must be set well back out of sight.
Tree Officer	Consulted 27.10.2010 (expired 10.11.2010). No response received to date.
EHM	Consulted 15.11.10 (expired 29.11.2010). No response received to date.
Drainage Engineer	Consulted 15.11.10 (expired 06.12.2010) - No response received to date.
Conservation Officer	Consulted 23.11.10 (expires 30.11.10) - No response received to date.
WWT	Consulted 23.11.10. No response received to date.
Publicity	4 letters sent 27.10.2010 (expired 17.11.2010). 1 site notice posted 04.11.2010 (expired 25.11.2010). 2 objections received to date. <ul style="list-style-type: none"> <li>• Proposed development would represent 37.8% increase and would be disproportionate development of the site with its neighbours and established buildings</li> <li>• Alterations to the rear of property would show 8 patio doors with 28/29 panes of glass - together with the domes on the two flat roof will produce huge light pollution</li> <li>• We experience flooding and water board concluded that water table was altered when houses on corner of Twatling Rd/Plymouth Rd were built. Main drainage for application house is piped across our property and joins drains at Plymouth Rd. Drains are 43yrs old and concerned whether drains will cope with extra volume.</li> </ul>

- Water board likely to worsen.
- Badgers near the boundary of neighbours property will be threatened.
- Remodelling process will cause excessive dust, affecting those with cardio/respiratory conditions.

### The site and its surroundings

This application relates to a large detached house located on the east side of Twatling Road in Barnt Green. The house is set back some 25 metres from the highway and occupies a sizeable plot. The site is bounded by 4 metre high (approx.) hedgerows along the rear and side boundaries. The area is also characterised with green boundaries of mature trees and hedges. The application site slopes down away from the highway therefore the house sits on land which is higher than the rear garden. Twatling Road slopes downhill steeply from north to south adjoining Plymouth Road. The site is located within an established residential area adjacent to the Conservation Area.

### Proposal

This application seeks permission for a first floor extension above the garage; two single storey rear extensions; a two storey front extension and erection of 1.8 metre high gates to the entrance of the site. The proposed development also involves the installation of solar panels on the roof slope forming the rear elevation, installation of a rainwater harvesting tank on the patio in the rear garden, and alterations to the turning area.

### Relevant Policies

WMSS	QE3
WCSP	CTC.1
BDLP	DS13, S10, S35A, ES4
Others	PPS1, PPG13, SPG1

### Notes

The main considerations in this application are whether the proposal maintains the character of the street scene and the amenity of neighbouring occupiers. Other issues to address include drainage and whether the proposal would adversely affect the setting of the Conservation Area. The main policies are S10, S35A and ES4 of the BDLP and the advice contained within SPG1 (Residential Design Guide).

### Assessment

To comply with Bromsgrove District Council's Residential Guidelines, it is suggested that proposed extensions are set down from the height of the roof and set back from the front of the original dwelling. The Guidelines also refer to the need to set two-storey or first floor extensions at least one metre off the common boundary to ensure that semi-detached or detached houses do not become terraced. I will deal with these aspects of the application in turn:

Set down - the first floor side extension would be set down 300mm and the front extension would be set down 950mm from the existing ridge height of the main roof.

Set off - the first floor side extension would be set off the boundary by 1.5 metres at its narrowest point.

Set back - the first floor side extension would be set back 1.0 metres from the principal elevation. The two storey front extension would be set forward 3.4metres from the principal elevation.

Having consideration of the above, I am content that the first floor side extension would be visually subordinate to the original house. Whilst appreciating that the proposed development involves a two storey front extension; by virtue of its scale with a length of 4.2metres, I am mindful of the fact that this would comprise less than a quarter of the length of the main house, and would not, in my opinion create an over-dominant addition.

### Street scene

The street scene is characterised with large detached houses that sit on generous plot sizes. The houses are set well back from the highway by some 20 metres creating a relatively open setting. By virtue of its scale, siting and design, I consider that the proposed extensions would be well related to the original house and would be in keeping with the character of the properties that exist in the locality. I note that the proposed development would increase the size of the existing house by 37.8%. Contrary to the views put forward by adjoining occupiers, I consider that the proposed extensions would result in a proportionate addition to the size of the main dwelling given its residential setting.

Members will note that property no. 5a (which is positioned two houses south of the application site) and no.'s 8 and 4 Twatling Road (on the opposite side of the road) have 1.8 metre high metal gates and railings to the front of their driveways. I note that Lickey and Blackwell Parish Council have objected to the metal gates and railings on the grounds that they would be contrary to the Village Design Statement. However, given the fact that there are a number of existing examples of such development within the immediate vicinity, I consider that this type of development is now an established feature in the street scene. Therefore, it is my opinion that the proposed metal gates and railings to the front entrance would be in keeping with the character of the area. In addition I note that the existing vegetation to the front of the site would be maintained to preserve the green boundaries that are characteristic of the setting. Furthermore, I note that Worcestershire Highways have raised no objection.

### Residential amenity

I am content that the two storey side extension complies with the 45 degree code and would not cause any significant loss of light to the adjoining occupiers. I note that the single storey kitchen extension would marginally breach the 45 degree line with no. 7a; however having regard to its scale with a height of 2.7 metres and the existing screening along the side boundary up to 4 metres in height. I do not consider that the kitchen extension would cause any significant loss of light.

I am satisfied that the first floor side extension would not give rise to the issue of overlooking since no first floor windows have been proposed on the side elevation. To safeguard privacy, paragraph 8.5 of SPG1 states that 'as a general guide new development with main windows overlooking existing private spaces should be set back by a distance of 5 metres per storey from the site boundary where it adjoins a private garden area'. I am content that the proposed development accords with this criterion and that the windows on the rear elevation in the side extension would not cause undue overlooking over and above that which exists.

#### Drainage

The Drainage Engineer has been consulted and I await comments.

#### Conservation Area Setting

The Conservation Officer has been consulted and I await comments.

#### Conclusion

I am content that the proposal would be in keeping with the street scene and would not adversely affect the amenity of adjoining occupiers. On this basis, I am minded to grant permission.

**RECOMMENDATION** that permission be **GRANTED** subject to the satisfactory views from the Drainage Engineer, Tree Officer, Environmental Health Manager and the Worcestershire Wildlife Trust.

#### Conditions:

1. C001 (time limit for implementation)
2. The external wall finish (materials, colour and texture) and the roof covering as described in the approved application form, and email received 03.11.10, shall be used and no others substituted without the written approval of the Local Planning Authority.

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

WMSS	QE3
WCSP	CTC.1
BDLP	DS13, S10, S35A, ES4
Others	PPS1, PPG13, SPG1

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
Mr. D. Jones 'A'	Erection of three bedroomed detached bungalow and garage - 6 St Catherines Road, Blackwell	Residential	10/0973-MT 07/12/10

**RECOMMENDATION:** that permission be **GRANTED** subject to the receipt of satisfactory comments from the Drainage Engineer, Tree Officer and Environmental Health Manager.

## Consultations

WH	Comments received 16/11/10: No objection
Lickey & Blackwell PC	Comments received 11/11/10: Objection - <i>'Our Village Design Statement is against sub-division of plots, and there is a new presumption against "garden-grabbing".'</i>
ENG	Consulted 23/11/10: No comments received to date
TO	Consulted 18/10/10: No comments received to date
EHM	Consulted 23/11/10: No comments received to date
WWT	Comments received 09/11/10:  <i>'The building in question doesn't look likely to be a bat roost, not so much because it's small but more because the materials don't look suitable. Accordingly I don't think you need to commission a full bat survey, but I would recommend that you consider timing the demolition to late autumn or early spring (which are the times when even transient bats are least likely to be present). In addition you ought to consider a sensitive demolition by hand rather than with a JCB if possible.</i>  <i>Clearly any permission should come with biodiversity enhancement attached and given the surroundings you might consider including a bat roost in any new loft, or a couple of internal bat tubes within the building.'</i>
Publicity	Three neighbour notification letters posted 20.10.10 expire 10.11.10; one additional letter posted 08/11/01 expires 29/11/10  Site Notice posted 03.11.10 expires 24.11.10  1 letter received: concerns raised over the development affecting the traditional pattern and character of the area, harm to wildlife, impact on residential amenity and loss of trees.

## The site and its surroundings

The application site relates to an existing 4 bedroom detached dwelling with a spacious curtilage. The dwelling is currently being renovated and its rear garden is in an overgrown and neglected condition containing piles of debris and materials associated with the ongoing works. The site is adjoined by existing residential development to all of its boundaries and is located within a Residential Area as defined in the BDLP.

## Proposal

It is proposed to erect 1 no. 3 bedroom bungalow within the rear garden of the dwelling. The proposed dwelling would be accessed from St Catherine's Road via a new access drive that would run along the northern side boundary of the site. The new dwelling would be for sale on the general market.

## Relevant Policies

WMSS    QE3, CF4  
WCSP    CTC.1, CTC.5, CTC.8, T.1, T.4  
BDLP    DS13, S7, S8, C17, TR11, ES1  
Others   PPS1, PPS3, PPG13, SPG1, Lickey & Blackwell Village Design Statement

## Relevant Planning History

B/2003/0881    2 dwellings (Outline) - Granted 22/08/03  
B/2006/0840    2 dwellings (Outline) (renewal of B/2003/0881) - Granted 04/10/06

## Notes

The proposals are located within residential garden land. Members will note that garden land has been removed from the definition of 'previously developed land' set out at Annex B of PPS3, on which there was a presumption in favour of development. In light of these amendments it is now necessary to consider the principle of the development in this location.

It should be noted that the amendment to PPS3 does not mean that garden land may not be developed for housing, but it does give local planning authorities the opportunity to consider the feasibility of a site in strategic and contextual terms.

In this case the site is located within a built up area. There is a shop and a school in the vicinity and there are a number of bus services running along nearby roads. The site is therefore considered to be a sustainable location and I consider it to be suitable for new housing development.

Members are also reminded of the requirement in PPS3 and other national policy documents to use land efficiently and effectively, and the national planning policy objective of increasing the housing supply. Given the predominance of the Green Belt within the Bromsgrove District there is inherently a shortage of land that is suitable for new housing development. It is considered that the development of this site would represent an opportunity to make the effective use of land in a sustainable location.

Allowing suitable development in residential garden and backland sites will also help to relieve development pressures on more sensitive Green Belt sites.

On the above basis it is considered that the principle of the development of this site for new housing is acceptable.

Furthermore, I am mindful of the previous (expired) outline planning permission for two dwellings at the site (including the replacement of the existing dwelling) and the inclusion of the site in the Council's Strategic Housing Land Availability Assessment (SHLAA). Although these matters do not provide the applicant with a fallback position or a determination as to whether planning permission should be granted for residential development, they do indicate that the principle of residential development has already been established on this site.

As noted earlier, the site is located in a Residential Area thus it will fall to be considered under Policy S7 of the BDLP. This provides that proposals involving development of new dwellings outside the Green Belt will be considered favourably providing that they meet the following criteria:

- a. the proposal does not lead to development at a density inappropriate for the site;
- b. the form and layout of the development is appropriate to the area;
- c. the proposal minimises the loss of mature hedges, trees and landscaping;
- d. the proposal does not adversely affect the existing amenities of adjoining occupiers;
- e. the proposal does not involve a loss of open space, allotments or other amenity areas which it is desirable to maintain;
- f. the development can be appropriately serviced;
- g. the proposal would not have unacceptable traffic implications or perpetuate a traffic hazard;
- h. it conforms with other relevant policies of the Plan.

The site would also involve plot subdivision thus Policy S8 of the BDLP would apply. This provides that the District Council will not permit proposals for plot sub-division or housing on backland sites where such development would be detrimental to the character, traditional pattern or amenity of the location.

It is considered that the criteria set out at Policy S7 and the provisions of Policy S8 can be grouped together under four main headings:

- Density, form and layout
- Character/Visual amenity
- Residential amenity
- Highways and servicing issues

I will address each of these matters under a separate heading below.

I am also mindful of the concerns raised by Lickey and Blackwell Parish Council. The issues of plot sub division and 'garden grabbing' relate to the subject areas identified above thus I will not give them separate consideration in this report.

### Density, form and layout

Policy S7 requires the density of a proposed development to be appropriate for the site. In this case it is considered that the dwelling would sit comfortably within a spacious plot. The Council's Residential Design Guide (SPG1) advises that a minimum private amenity area of 70m<sup>2</sup> is provided for family dwellings. In this case an area in excess of 250m<sup>2</sup> of private amenity space will be provided for the new dwelling, and an area far in excess of this would remain at the existing dwelling. Taking these matters into consideration I am of the view that the density of the proposed development would be appropriate for the site.

The proposed bungalow would be of a simple pitched roof form with two gable walls on its front elevation. These features would reflect the design of the other dwellings along this part of St Catherine's Road and I find the form of the development to be acceptable.

This part of St Catherine's Road has a very mixed development pattern. There is a building line set by numbers 2 to 18 but there are also a number of dwellings to the rear of this line (namely numbers 10, 10a, 12a, 16 and number 3 St Catherine's Close) including some more recent backland development. The addition of a new dwelling to the rear of the building line would therefore reflect the established development pattern of the area and I would not have any concerns in relation to the layout of the proposal.

### Character/Visual Amenity

The explanatory text to Policy S8 of the BDLP states that *'in certain instances and localities it may be acceptable to develop back garden for new housing which is in keeping with the character and quality of the local environment... The District Council will pay careful attention to the established density of development in any particular area and will not favour proposals which introduce densities which are inconsistent with the character of the surrounding development; where dwelling to plot ratios are out of keeping with the area; where developments are proposed which would lead to the unacceptable loss of trees and hedges; or where such changes would lead to or threaten a substantial change to the character or amenity of an area.'*

In relation to this policy, Members should note that the established density of the area is very low at an average of 7 dwellings per hectare. The existing development on the site is below this at just 4 dwellings per hectare. The proposed development would increase the density of the development on the site to 8 dwellings per hectare. Given the higher density of the surrounding area, I am not of the view that the increasing the density of development on the site would have any adverse impact on the character of the location.

Taking the above matter into consideration, and given the mixed form and layout of the surrounding area, it is not considered that the proposal would be detrimental to the character, traditional pattern or amenity of the location. I am therefore of the view that the proposal would be in accordance with Policy S8 of the BDLP.

I am aware of the guideline within the Lickey & Blackwell Village Design Statement to preserve the openness in residential areas by avoiding sub-division of plots and in-fill development, especially if it joins areas of housing previously seen as distinct and

separate. This proposal is however shown to represent a low density development and I am of the view that the openness of the area would be retained.

### Residential Amenity

As noted earlier the site is surrounded by existing residential development. However, given the single storey nature of the development and its spacious surroundings I am not of the view that any harm to the amenity of the surrounding occupiers would result. It is noted that the windows in the north side elevation of the proposed dwelling would be within close proximity to the adjoining private garden. There is however a high boundary wall between the two properties beyond which there are a number of outbuildings. These features would prevent any views being gained of the adjoining private garden from the proposed development.

I am mindful of the advice contained in SPG1 whereby concerns are raised over tandem development proposals involving a shared access. It is generally considered that a shared access drive can cause disturbance and lack of privacy to the house at the front of the arrangement. In this instance however the dwelling that may potentially be affected by the proposed access arrangement is owned by the applicant and within the application site boundary. The Council can therefore request that measures are taken to reduce the impact on the occupier of the existing dwelling by imposing conditions on any planning permission granted. This may involve, for example, a fence or landscaping so to screen the drive from the existing dwelling. This can be secured through the standard Landscaping Scheme condition (C010).

### Highways and servicing issues

Members will note that no objection has been raised to the proposal by the County Highways Authority. The Council's Drainage Engineer has been consulted on the application but no comments have been received to date. I will update Members on this matter at their meeting.

### Other matters

Members will note the views of WWT in relation to biodiversity. Concerns were raised by your officer over the potential for the existing shed to the southern boundary of the site to provide a habitat for bats. Although this building is featured on the submitted Block Plan at 1:200, the applicant is uncertain if it is to be demolished, or retained and refurbished as part of the development. Either proposal would have a potential impact on any bats using the building but, having regard to the comments of WWT, I no longer consider this to be an issue. There is however still some potential for transient bats to use the building in future. I would therefore recommend that the advice of WWT is conveyed to the applicant in the form of a note attached to any planning permission granted.

I also note the comments in relation to biodiversity enhancement. PPS9 states that *'Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate.'* Having regard to this advice, I recommend that

WWT's recommendation to incorporate bat tubes into the design of the building is imposed on the applicant by condition.

### Conclusion

The proposal is considered to be acceptable in principle and it is generally found to be in accordance with policies S7 and S8 of the BDLP. There are however outstanding matters to address in relation to trees, drainage and land contamination. On this basis I am minded to recommend that the application is approved but this is contingent on the receipt of satisfactory comments from the Drainage Engineer, Tree Officer and Environmental Health Manager.

**RECOMMENDATION:** that permission be **GRANTED** subject to the receipt of satisfactory comments from the Drainage Engineer, Tree Officer and Environmental Health Manager.

### **Conditions:**

1. C001 (time limit for implementation)
2. C003 (materials to be submitted to LPA for approval)
3. C010 (landscaping scheme)
4. C007 (storm and foul drainage)
8. C022 (removal of permitted development rights)
9. Bat tubes shall be incorporated into the construction of the building hereby approved. Details of the bat tubes, including their proposed location on the building, shall be submitted to and approved in writing by the local planning authority before any work on the site commences. The approved bat tubes shall be installed before the dwelling hereby approved is first occupied.

### **Notes**

1. The applicant is advised to time the demolition or refurbishment of the existing shed building to the southern boundary of the site to between late autumn or early spring.

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

WMSS	QE3, CF4
WCSP	CTC.1, CTC.5, CTC.8, T.1, T.4
BDLP	DS13, S7, S8, C17, TR11, ES1
Others	PPS1, PPS3, PPG13, SPG1, Lickey & Blackwell Village Design Statement

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 9

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>BDHT 'A' &amp; 'B'</b>	Refurbishment of 58 no. 1 and 2 bed Wimpey no-fines flats including new external insulation with render and timber effect finish	RES	10/1016
			10/1037
			10/1043
			10/1044
	Removal of 10 no. existing concrete stairs to flats, retention of 10 no. existing concrete landings and construction of 10 no. new stair enclosures to replace existing stairs		21.12.10
	(Charford Regeneration Phase 2)		
	Foxwalks Avenue/Alderney Road, Charford Willow Close/Rowan Close, Sidemoor Charford Road/Lyttleton Avenue, Charford Breakback Road/Alderney Road, Charford		

**RECOMMENDATION** that permission be **GRANTED** in relation to:

Foxwalks Avenue/Alderney Road	(10/1016)
Willow Close/Rowan Close	(10/1037)
Charford Road/Lyttleton Avenue	(10/1043)
Breakback Road/Alderney Road	(10/1044)

## Consultations (for all applications)

WH	Consulted - views received 18.11.10: No objection
Climate Change Officer	Consulted 01.11.10: views awaited
Community Safety	Consulted 01.11.01: views awaited
West Mercia Constabulary Publicity	Consulted - views received 18.11.10: No objection <b>10/1016</b> 11 letters sent 01.11.10 (expire 22.11.10): no response received 2 site notices posted 16.11.10 (expire 07.12.10): no response received  <b>10/1037</b> 2 letters sent 01.11.01 (expire 22.11.10): no response received 1 site notice posted 16.11.10 (expire 07.12.10): no response received  <b>10/1043</b> 6 letters sent 01.11.10 (expire 22.11.10) 2 site notices posted 16.11.10 (expire 07.12.10) 1 response received 19/11/10: concerns over construction phase, including storage of materials and parking provision.

Foxwalks Avenue/Alderney Road (10/1016), Willow Close/Rowan Close (10/1037), Charford Road/Lyttleton Avenue (10/1043) and Breakback Road/Alderney Road (10/1044) - Refurbishment of 56 1 & 2 bed Wimpey no-fines flats including new external insulation with render and timber effect finish. Removal of existing concrete stairs to flats including some built on sheds, retention of 10 no. existing concrete landings and construction of 10 no. new stair enclosures to replace existing stairs - Bromsgrove District Housing Trust

### **10/1044**

24 letters sent 02.11.10 (expire 23.11.10): no response received

2 site notices posted 16.11.10 (expire 07.12.10): no response received

### The site and its surroundings

The scheme relates to a number of sites in 16 locations situated across the Charford and Sidemoor areas of Bromsgrove involving 60 no dwellings, of which the applicant (Bromsgrove District Housing Trust) owns and manages 48.

The sites are:

Foxwalks Avenue/Alderney Road	(10/1016)
Willow Close/Rowan Close	(10/1037)
Charford Road/Lyttleton Avenue	(10/1043)
Breakback Road/Alderney Road	(10/1044)

All sites are located in an established residential area.

### Proposals

The proposals include external wall insulation and cladding to 58 no. dwellings and the construction of 10 no. new stair enclosures. The application forms part of a wider scheme of similar works to other dwellings within the Charford and Sidemoor area the applicant is implementing under permitted development (improved insulation, double glazing and external rendering). These aspects do not require planning permission and therefore do not form part of the scheme for determination by Members.

The proposals the subject of this application relate to a full application for external fabric upgrades to existing flatted accommodation to include:

- Insulation of external walls and lofts
- New double glazed window and doors

The scheme also includes the construction of new stair pods to existing flats to consist of:

- Removal of existing non-compliant stairs
- Retention of existing landings
- Construction of new stair to current building regulations
- New stair enclosure to provide safe and secure access to flats

The stair enclosure works will involve the removal of the existing stairs (and in some cases those constructed on brick stores). New stairs are then to be constructed, fixed to the existing concrete landings. A steel frame will be erected around the stairs, clad with glazed curtain walling and Supertech™ (timber effect planks). Fixed louvers within the curtain walling frame will allow for ventilation. A small window is included on stair landings. The roof is to be aluminium standing seam in grey. Hidden guttering is to be utilised.

Foxwalks Avenue/Alderney Road (10/1016), Willow Close/Rowan Close (10/1037), Charford Road/Lyttleton Avenue (10/1043) and Breakback Road/Alderney Road (10/1044) - Refurbishment of 56 1 & 2 bed Wimpey no-fines flats including new external insulation with render and timber effect finish. Removal of existing concrete stairs to flats including some built on sheds, retention of 10 no. existing concrete landings and construction of 10 no. new stair enclosures to replace existing stairs - Bromsgrove District Housing Trust

The flats included in the proposals will be improved externally with a neutral coloured render and the introduction of horizontal timber effect planks. A selection of four blue colours is proposed to residents, whose comments will then affect the final choice.

Members will note this scheme follows the previous phase carried out at Tibberton Court and Austin Road, Charford. This second phase of works draws on the success of Phase 1 whilst also giving it its own identifying features, promoting the same sense of place that was achieved at Austin Road.

### Relevant Policies

WMSS UR3, QE1, QE2, QE4  
WCSP SD.2, SD.3, SD.5, D.43, T.1  
BDLP DS3, DS13, S28, ES11, C6, TR11  
Others PPS1, PPS3, SPG1

### Relevant Planning History

B/1995/0986 Erection of 10 No. 2 bedroom flats and enclosure of existing staircase entrance together with provision of parking bays:  
Approved 12.02.96  
B/1994/0034 Three 3 bedroom terraced houses with 6 car parking spaces at rear access from Foxwalks Avenue and 12 car parking spaces on existing grass verge fronting Foxwalks Avenue:  
Refused 09.05.94

### Notes

The scheme effectively relates to environmental enhancements that will serve to improve the locality and the quality of life for the residents.

The enclosed stairwells are of an appropriate design and will significantly improve the elevations of these dwellings. The new stairwells will remove the unsympathetic and unsightly external stairwells and provide positive enhancement to the compound dwellings and the streetscene in general. The stairwells will provide greater cohesiveness with the refurbished dwellings and reduce opportunities for crime.

This aspect of the proposal will not lead to any loss of residential amenity for the occupiers of the adjacent dwellings. I note the concern regarding the construction phase arising from the consultation process and consider it suitable to impose a condition on such matters.

The external alterations to the dwellings are appropriate and will provide further enhancement to the streetscene.

I therefore find no reason to refuse permission and recommend approval. To provide clarity to the Local Planning Authority, I suggest it pertinent to impose a Condition regarding external facing materials.

Foxwalks Avenue/Alderney Road (10/1016), Willow Close/Rowan Close (10/1037), Charford Road/Lyttleton Avenue (10/1043) and Breakback Road/Alderney Road (10/1044) - Refurbishment of 56 1 & 2 bed Wimpey no-fines flats including new external insulation with render and timber effect finish. Removal of existing concrete stairs to flats including some built on sheds, retention of 10 no. existing concrete landings and construction of 10 no. new stair enclosures to replace existing stairs - Bromsgrove District Housing Trust

**RECOMMENDATION** that permission be **GRANTED** in relation to:

Foxwalks Avenue/Alderney Road	(10/1016)
Willow Close/Rowan Close	(10/1037)
Charford Road/Lyttleton Avenue	(10/1043)
Breakback Road/Alderney Road	(10/1044)

1. Time limit
2. Notwithstanding the annotated materials schedule detailed on the approved drawings, details of the form, colour and finish of the materials to be used externally on the dwellings, together with the new external stairwell enclosures shall be subject to the approval, in writing, of the Local Planning Authority before any work on the site commences.
3. The development shall not begin until parking for site operatives and visitors and storage of materials to be used in conjunction with the development have been provided 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.

### Reasons

2. To protect the amenities of adjacent occupiers in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004 and Policy SD.2 of the Worcestershire County Structure Plan 2001
3. To prevent indiscriminate parking in the interests of highway safety.

### Notes

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

WCSP SD.2, SD.3, SD.5, D.43, T.1  
BDLP DS3, DS13, S28, ES11, C6, TR11  
Others PPS1, PPS3, SPG1

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 10

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>West Mercia Housing Group 'A'</b>	Erection of 10no. affordable dwellings (as amended by plans received 13/08/10 and augmented by information received 21/10/10)  Land at E:392205 N:278780 Holy Cross Green, Holy Cross	GB CA	<b>10/0632</b> 05.10.10

**Members are advised that the applicant had instigated appeal proceedings against the non-determination of this application within the statutory time. Consequently the power to make a decision on the application has passed from the Council to the Secretary of State for Communities and Local Government. However, the view of the Committee on the application is required in order to form part of the Council's case in respect of the appeal.**

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

1. The proposed development would be contrary to Policy S16 of the Bromsgrove District Local Plan 2004 by virtue of its conflict with policies S35A and S36 within that plan and Policy CTC.20 of the Worcestershire County Structure Plan 2001. The proposal would therefore represent an inappropriate form of development in the Green Belt contrary to policies D.38 and D.39 of the Worcestershire County Structure Plan 2001, Policy DS2 of the Bromsgrove District Local Plan 2004 and the advice contained within PPG2: Green Belts. It is considered that the proposal would cause clear harm to the openness of the Green Belt and no very special circumstances exist or have been put forward by the applicant to outweigh this harm.
2. The proposed development would result in the loss of an area of woodland which is considered to make an important contribution to the character and appearance of the Holy Cross Conservation Area. Furthermore it is not considered that the design of the development would preserve and enhance the character and appearance of the Conservation Area. The proposal is therefore found to be contrary to policies CTC.1 and CTC.20 of the Worcestershire County Structure Plan 2001, policies DS13, S35A and S36 of the Bromsgrove District Local Plan 2004, the advice contained in PPS5: Planning for the Historic Environment and the advice contained in PPS1: Delivering Sustainable Development.
3. The proposed development fails to provide adequate visibility at the site access and the absence of this visibility will have a detrimental impact on highway safety for passing vehicles and persons existing the site. The proposal would not therefore incorporate a safe means of access and egress and is found to be contrary to Policy T.1 of the Worcestershire County Structure Plan 2001 and Policy TR11 of the Bromsgrove District Local Plan 2004.
4. The application contains insufficient information to demonstrate the impact of the proposal on protected species. The application cannot therefore be accurately determined in accordance with PPS9: Biodiversity and Geological Conservation.

## Consultations

WH

Comments received 31/08/10

Recommends that the permission be refused for the following reasons:-

The application demonstrates a 33m visibility splay based on pre application discussions. In 2007 research was published which reconsidered visibility splays based on different driver reaction times, the 33m visibility splay was considered appropriate due to speeds being considered to be less than 25mph based on road geometry.

A speed survey undertaken as part of this application indicates that the 85<sup>th</sup> percentile speeds were 29.6mph westbound and 29.4 mph eastbound. Applying the formula in manual for streets and adding adjustment for bonnet length based on 29.6mph a visibility splay of 42.1m is required in each direction. Therefore notwithstanding the pre application discussions the evidence provided from this survey indicates that the application fails to provide adequate visibility at the site access and the absence of this visibility will have a detrimental impact on highway safety for passing vehicles and persons exiting the site.

It is recommend that due to a lack of visibility that this application be refused in the interests of Highway Safety.

Clent PC

Consulted 16/07/10: No comments received to date

Contaminated  
Land Officer

Comments received 03/11/10:

*'The submitted Baynham Meikle Partnership Ground Investigation and Test Report (Ref: AGM/TB/7671) concludes that the history of the use of the site is unlikely to give rise to the presence of significant contamination. In addition there are no potentially contaminative historic uses of adjacent sites and no landfill within 250m. Ground investigation work undertaken at the site has not identified any visual or olfactory evidence of contamination. It is therefore considered that further work in relation to contaminated land risk assessment is not required in this instance.*

*The submitted report details information in relation to foundation design, concrete classification etc. Please be aware that this Department is unable to provide comment as to the suitability of the geotechnical recommendations made.'*

Strategic  
Planning

Comments received 18/08/10:

*'The site is located adjacent to the village envelope of Holy Cross and is sited in the designated Green Belt within the Bromsgrove District Local Plan (adopted 2004). The applicant proposes a rural exception scheme*

*and therefore PPG2, PPS3 and Policies S9 and particularly S16 of the adopted Local Plan are of most relevance.*

*PPS3 emphasises that rural exception schemes should “enable small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint.” Holy Cross is a small rural settlement in the Green Belt that is considered acceptable in principle for a rural exception housing scheme subject to there being a suitable site, and a total of 10 units constitutes a small site in this context, this is an approach also reflected in BDLP policy S16.*

*Extensive pre application discussion has taken place with the applicants over a number of years regarding the selection of this particular site. A report contained within the application outlines the ongoing discussions that have taken place between the applicants and Council officers since 2004. Whilst the information appears fragmented and in some cases poorly presented, I can confirm it is an accurate representation of the discussions that have taken place. I can also confirm that previous guidance provided to the applicants about the suitability of the site are still relevant and demonstrates that alternative sites have been considered.*

*The site selection report demonstrates although not particularly clearly, that there are no ideal unconstrained deliverable sites in and around Holy Cross, in this respect I would reiterate my previous comments that whilst this site may well be the only available site to the applicants that does not necessarily mean it is suitable. Of the available possibilities I think this site is preferable to others in terms of preserving the openness of the green belt, whilst still allowing some residential development in line with BDLP policy S16. As consistently highlighted to the applicants there are considerable constraints to overcome in terms of its location within the Conservation Area and the woodland and its associated wildlife protected by a TPO, separate detailed advice has been provided on these aspects of the scheme.*

*The issue of local housing needs is also one of importance when considering this application. Again considerable discussions have taken place with the applicants on the process identifying the local housing need. The initial surveys carried out in 2004 have been re-evaluated a number of times since by strategic housing and planning officers, due to concerns over the robustness and validity of the original data officers recommended a new survey was undertaken. The 2010 survey provided by the applicants continued to raise concerns to officers, particularly the lack of detailed interpretation of the results and failure to recognise the number of owner occupiers appearing to be in housing need. It is my understanding the Housing officers have done further research to validate these results, and have identified a number of local households highly likely to be in genuine need which is in excess of the number of properties being proposed in this application. Taking the*

*above into account and understanding that the assessment can only reflect the local needs at a particular moment in time, in a very complex housing market currently being additionally restricted by the wider economic downturn, I am satisfied as I understand the Strategic Housing Manager is, that the level of need identified is sufficient to support this proposed development of affordable housing in Holy Cross.*

*I do however have concerns that the 50/50 split of social rent and shared ownership doesn't reflect the likely economic circumstances of those who responded to the survey. The high numbers of people who responded identifying that they could only afford a deposit for a mortgage or an actual mortgage itself in the lower price brackets, would seem to suggest that even they do not currently have the amount of finance available to afford a shared ownership property in this location. As such the split should be much higher in favour of social rented properties to ensure they are suitable for the locally identified need.*

*Due to the size of the proposal SPG11 should be considered, although due to the proximity of this development to existing equipped play facilities, and the likely low level of impact on these facilities I do not consider that either onsite provision or a financial provision should be sought from this scheme.*

*In conclusion I am happy that the proposal complies with BDLP S16 policies*

*a) the site is within or adjoining the boundary of the settlement and the proposal is small scale and suitable for the location;*

*b) any application on unallocated land must be accompanied by a local needs survey which shows conclusively that there is a genuine local need for the type, mix and scale of the proposed dwellings;*

*d) the proposal must include arrangements to ensure that the benefits of affordable housing are retained for future occupiers;  
and*

*e) the proposal does not involve "cross-subsidy".*

*Subject to the mix being altered to increase the number of social rented properties, and a suitable s106 agreement being entered into to secure the affordable status of the properties in perpetuity and the imposition of a local lettings policy.*

*I have no detailed comment to make on part C of this policy*

*c) the site should conform with all environmental and control policies in both the Local Plan and the County Structure Plan;*

*other than to reiterate my concerns over the acceptability of this proposal in relation to the impact on the Conservation Area and the provisions of TPO (14) 2006.'*

Strategic  
Housing

Comments received 20/08/10:

*'Discussions between the applicants and Planning and Strategic Housing Officers have been ongoing over the past six years regarding the identification of a suitable site for small scale affordable housing provision at Clent and guidance has been provided as detailed within the Strategic Planning Managers comments. I am therefore able to confirm that the exercise as set out in Section 7 of the Planning Statement, to identify a site for affordable housing that accords with the requirements of Local Plan Policy S16 has been undertaken over the period since the initial local housing needs survey was carried out in 2004.*

*With regard to the identification of local housing need, Planning and Strategic Housing Officers recommended that the data provided by the original 2004 housing needs survey be refreshed by another survey that was subsequently carried out by the Rural Housing Enabler in 2010. Some further examination has been made of the data delivered by the more recent Local Housing Needs Survey through contact being made with those respondents who provided contact details. The further research to validate the conclusions reached by the Rural Housing Enabler's survey identifies a number of local households likely to be in genuine need which is in excess of the number of properties being proposed in this application and that are consistent with the type and size of the dwellings planned.*

*However, to ensure that the development targets those most in need and least able to access open market housing, I have recommended to West Mercia Housing Group that the proportion of shared ownership units being proposed should be reduced and the proportion of rented units be increased to more accurately match the affordability of those in need of housing and to reflect the pressures resulting from the economic downturn.*

*To ensure that the benefits of the proposed affordable housing are retained for future occupiers it would be appropriate for a planning approval to be conditional upon the initial and subsequent allocation of the dwellings being in accordance with the 'Criteria and Allocations Policy for the Letting and Allocation of Rural Affordable Housing Developed Under Exception Site Policy.'*

Natural England Comments received 12/08/10:

***'Protected Species***

***Based on the information provided, Natural England objects to the proposed development. We recommend that the local planning authority refuse planning permission on the grounds that the application***

*contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.*

*Our concerns relate specifically to the likely impact upon dormouse and badger. The protection afforded these species is explained in Part IV and Annex A of Circular 06/2005 'Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System.'*

#### *Dormouse*

*Natural England notes the ecological survey that has been carried out in an attempt to assess the suitability of the application site and its surroundings to support dormouse. However the 'habitat suitability' approach does not reflect the methods set out in the Dormouse Conservation Handbook, the key reference for this species. Without survey methods that reflect this guidance the application fails to demonstrate the absence of this European Protected Species from the site and the surrounding connecting habitats.*

#### *Badger*

*Further consideration is needed with respect to the site's ability to reasonably accommodate a replacement badger sett. Badger mitigation and compensation measures need to be factored into a holistic approach to management of the site's wildlife interest (Please see 'Enhancing biodiversity' below).*

#### **Next steps**

*Surveys, assessments and recommendations for mitigation measures should be undertaken by suitably experienced persons holding any relevant licences. In order to assess the potential implications on protected species, this and any subsequent planning application should include the following information:*

- ***Description of the proposal*** - details of the type, scale, location, timing and methodology of the proposed works, including relevant plans, diagrams and schedules;

*This has been addressed in the application material submitted so far but may need to be amended following further survey work for dormouse.*

*The following headings require further work with respect to dormouse:*

- ***Survey for protected species*** - thorough and robust survey of the development site and any other areas likely to be affected by the proposals for protected species;
- ***Impact assessment*** - clear assessment of the likely impacts of the proposal upon protected species;

- **Mitigation strategy** - to clarify how the likely impact will be addressed in order to ensure no detriment to the maintenance of the population at a favourable conservation status of the protected species. This should be proportionate to perceived impacts and must include clear site-specific prescriptions rather than vague, general or indicative possibilities; and
- **Delivery mechanisms** - to include additional information as appropriate to the mitigation strategy that will be required to ensure that the proposed mitigation works are feasible and deliverable e.g. architects plans, licenses, planning agreements, contractors' precautionary method statements.'

Further comments received 02/09/10:

*Dormouse survey*

*We acknowledge the points Middlemarch make concerning a preliminary assessment of the application site and surrounding area in terms of dormouse. Nonetheless Natural England's guidance in the Dormouse Conservation Handbook leads us to conclude further survey effort may reasonably be justified in order to reduce doubt and specifically to meet the Council's need for adequate information to determine the application:*

- *The use of a survey based on habitat suitability fulfils preliminary judgement on the likelihood of dormouse being present. However even where habitat is classed as 'sub optimal', as in this case, the guidance emphasises the need for adequate and appropriate survey effort.*
- *While the habitats and linkage may be sub-optimal the existence of a record for dormouse strongly suggests that guidance on methods of dormouse survey should be more fully explored. This is because dormouse tend to be under-recorded. In this case the opportunity to inspect the site and surrounding habitats for direct evidence of dormouse has not been taken. The guidance recommends a precautionary approach whereby a verdict of sub optimal habitat/s does not in itself justify a conclusion that dormouse are absent. We believe Middlemarch are aware of the direct survey options available and should consider which of them may be adopted. The council should seek this information before determining the application.*

*Badger sett relocation*

*Natural England notes Middlemarch's statement regarding the area of the application site relative to the foraging area available. We acknowledge the stated intention to provide a new sett east of the application site. We fully support the proposed mitigation and biodiversity enhancement measures as a mechanism to provide for the site's wildlife interest into the future . Natural England advises that, if*

*approved, the council ensure the stated mitigation and enhancement measures are secured as part of the planning consent, for example by means of a planning condition.'*

Further comments received 13/09/10:

*'The applicant's ecological consultants Middlemarch Environmental Limited have written to us (Email date 8 September 2010) setting out the following proposal for additional survey:*

*"Further to your ... email to Joseph Turner on 2nd September 2010, I am emailing you to outline the level of further survey effort which we propose for the Holy Cross site. In addition to a nut and nest searches of the site and the surrounding hedgerows, we propose to install 100 nest boxes within the same area this week. This would give an index of probability of September (14), October (4) and November (4), giving a total of 22. Please can you confirm that whether this level of survey effort is acceptable to Natural England or whether you require further effort."*

*While this approach applies the accepted survey and mitigation guidance set out in the Dormouse Conservation Handbook Natural England believes that the limited window of opportunity for survey between now and November (the normal month when dormouse survey results are finalised) seriously limits the prospects for this survey work producing robust data. Most importantly our view is that surveying using accepted methods this late in the season, even if it were to produce no positive signs of dormouse, could not be taken as reasonable evidence of absence. Consistent with these concerns I spoke to Anna Dudley at Middlemarch Environmental on Friday 10 September and explained that our preferred option is for the proposed survey methods to be employed over a reasonable period of time next year (the guidance suggests the May to September period as a reasonable spread of survey effort using dormouse tubes). Anna has in turn explained that the survey methods are intended to comprise only a start to the necessary survey, further survey effort being carried out next year, for a period of time subject to Natural England's advice.*

*In conclusion Natural England advises that adequate survey for dormouse using the methods (outlined above in the excerpt from Middlemarch Environmental's email) still remains to be carried out. Survey work done during the rest of 2010 will not provide sufficient proof of absence to determine the planning application. Our objection to the planning application on the grounds of inadequate protected species information therefore remains in place. If the applicant wishes to pursue the development proposal we propose that the application is withdrawn for the time being. Suitable adequate ecological survey for dormouse should be planned for and carried out next year so as to inform the detail of any subsequent new application.'*

Worcestershire Wildlife Trust Comments received 13/08/10:

- 1. We consider that the ecological information provided so far is insufficient to allow you to determine the likely effect of the application on protected species, in particular dormouse and badger. Further survey and additional information on necessary mitigation is required and we would therefore suggest that you contact Natural England for details and advice on what is needed prior to determination.*
- 2. We object to the removal of such a high proportion of the woodland block associated with the site. This is clearly one of the more valuable ecological resources in the locale and while we accept that the woodland is not especially rich or ancient it is contrary to the guidance in PPS9 and the NERC Act 2006 to allow its removal when alternative sites have not been ruled out or appropriate mitigation put in place. The fact that the site is covered by a TPO also highlights the wider amenity and aesthetic contribution the woodland makes to the local area and whilst these issues are outside our remit they are clearly worthy of consideration in this case.*
- 3. We do not consider that the mitigation package put forward is adequate. The area of compensatory planting to offset the woodland loss is too small and the chosen location already contains scrub of ecological value in its own right. Accordingly planting of this area does not in our opinion class as suitable mitigation for the habitat lost. Should you be otherwise minded to grant planning permission we would therefore strongly recommend that any habitat creation be covered by a long term management plan and Section 106 agreement to provide funds for appropriate levels of management. Additional biodiversity enhancement should include the installation of bird and bat boxes within the new dwellings, careful use of SUDS to provide wetland enhancement where opportunities exist and the planting of berry and flower rich habitats to provide food for a range of native wildlife.*

*We consider that our position is in line with guidance given in PPS9 and your duties under the NERC ACT 2006 and we therefore recommend that you refuse this application.'*

Tree Officer Comments received 18/08/10 in relation to the biodiversity value of the woodland. The dormice assessment indicates the possibility that dormice could be present and thus supports the need for a full survey to be conducted. Insufficient information has been provided in relation to the mitigation details for the affected badger sett.

CPRE Comments received 17/08/10: Concerns raised over a lack of local need for the new dwellings.

Severn Trent      Comments received 03/08/10: No objection *sfc*

ENG                Comments received 03/11/10: No objection *sfc*

West Mercia      Comments received 20/07/10: No objections

Constabulary

Publicity         No adjoining occupiers

Site Notice Posted 21.07.10; expires 11.08.10.

Press Notice published 22.07.10; expires 12.08.10

121 representations made; 115 objections and 6 in support.

Objections are made due to concerns over the Conservation Area, the Green Belt, nature conservation, loss of trees, light pollution, traffic/parking, lack of need and highway safety.

Support is given to the proposal due to the benefits affordable housing will bring to local residents.

### The site and its surroundings

The application site relates to a rectangular parcel of land located on the southern side of Holy Cross Green. The majority of the site is densely wooded with trees of varying age and sizes and this area is known locally as 'The Pleck'. The remainder of the site is comprised of maintained grassland and an informal footpath associated with Centenary Field; a Parish Council owned recreation ground.

The site is bounded by Centenary Field and the remainder of The Pleck to its southern, eastern and western boundaries. There is an electric sub station immediately adjoining the north-eastern boundary of the site and Holy Cross Green runs parallel to its northern boundary. Holy Cross Green is characterised by residential development and The Pleck is adjoined by dwellings to its south west and north east boundaries.

The site is located in the Green Belt adjacent to, but not within, the Village Envelope settlement of Holy Cross. A large part of the site is located in the Holy Cross Conservation Area. This same area is the subject of a Woodland Tree Preservation Order.

### The Proposal

This application seeks full planning permission for the development of 10 no. affordable housing units comprised of 4 no. 2 bed flats, 2 no. 2 bed houses and 4 no. 3 bed houses. The 2 bed flats would be located within a two storey building block and the 2 and 3 bed houses would be split into two short terraces of two storey development. The buildings would be located to the northern end of the site parallel to Holy Cross Green.

Vehicular access to the site would be from Holy Cross Green at a point close to the adjoining sub station. A shared access drive and 10 external car parking spaces would

be located to the rear of the buildings, along with private domestic gardens and communal amenity space.

The application has been submitted in conjunction with West Mercia Housing Group; a Registered Social Landlord (RSL) and the development would be for 100% affordable housing. The Planning Statement submitted with the application indicates that the intended tenure of the dwellings will be evenly split between social rented and shared ownership.

### Relevant Policies

WMSS	QE1, QE3, QE4, QE5, QE7, CF5
WCSP	SD2, SD3, SD4, SD5, SD8, CTC1, CTC5, CTC6, CTC8, CTC9, CTC15, CTC17, CTC18, CTC19, CTC20, D6, D8, D12, D38, D39, T1, T3, T4, T9
BDLP	DS1, DS2, DS3, DS5, DS11, DS13, S9, S14, S16, S35A, C4, C5, C10A, C12, C16, C17, C18, C38, TR1, TR8, TR11, TR13, ES1, ES8, ES11, RAT5, RAT6
Others	PPS1, PPG2, PPS3, PPS5, PPS7, PPS9, PPG13, PPG17, PPS25, SPG1, SPG11, Circular 06/98, Circular 06/05, Bromsgrove District Housing Needs Study (2004), Strategic Housing Market Assessment (2007), Housing Market Assessment (2008), Clent Parish Housing Needs Survey - Analysis of Results (2010)

### Relevant Planning History

None relevant

### Notes

I consider that the main issues to address in the determination of this application are those associated with Green Belt policy.

Policy D.39 of the adopted Worcestershire County Structure Plan states that there will be a presumption against allowing inappropriate development in the Green Belt as stemming from national planning guidance PPG2 "Green Belt". Inappropriate development is, by definition, harmful to the Green Belt. Policy D.12 and D.38 of the Worcestershire County Structure Plan and Policy DS2 of the Bromsgrove District Local Plan are in general accordance with PPG2 in resisting development in the Green Belt unless the proposals fall within a defined list of appropriate development. This includes limited infilling in existing villages and limited affordable housing for local community needs under Development Plan Policies according to policies with PPG3 (now PPS3).

Affordable housing is defined in PPS3 Annexe B as:

Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should:

\* Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.

\* Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.

The terms affordability and affordable housing have different meanings. Affordability is a measure of whether housing may be afforded by certain groups of households. Affordable housing refers to particular products outside the main housing market and relates to accommodation for sale or rent available at a price identified as being genuinely affordable to those persons living or working in the area who are unable to access housing on the open market.

In recent years, Bromsgrove District Council has invested heavily in identifying the level of need for affordable housing across the District. Firstly a Bromsgrove District Housing Needs Study was completed in 2004, followed by a Strategic Housing Market Assessment in 2007 and most recently a Housing Market Assessment in 2008. A specific Clent Parish Housing Needs Survey was conducted in May 2010.

The main types of affordable housing are:

#### *Low Cost Rented Housing*

Housing rented by a Registered Social Landlord at a price below the cost of renting privately.

#### *Intermediate Housing*

Of which there are three types:

\* *Shared Ownership Housing* - housing where a tenant buys a proportion of the property from a Registered Social Landlord and rents the rest with the option to buy an increase share of the whole property

\* *Intermediate Rent* - housing is rented at prices above the cost of low cost rent but below prices of the private rental market. The rent is approximately 80% of the price of full market renting.

\* *Intermediate Rent to Purchase* - the property is rented at a price that is 80% of the full market value for 5 years. After this period, the tenant has the opportunity to purchase a share in the property.

PPS3 states that in providing for affordable housing in rural communities, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages. This requires planning at local and regional level adopting a positive and pro-active approach which is informed by evidence, with clear targets for the delivery of rural affordable housing. Where viable and practical, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This enables small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of

restraint. Rural exception sites should only be used for affordable housing in perpetuity. A Rural Exception Site policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.

The principle of rural exception housing is referred to in PPS3 (paragraphs 30 and 38). This states:

(a) Fundamentally it enables Local Authorities to grant permission for small sites within or adjoining existing small rural communities which would not otherwise be released for general market housing, in order to provide affordable housing to meet local needs in perpetuity. This may include land covered by a Green Belt designation

(b) Whilst it is often the best solution to tackling housing needs in rural areas, it is only intended to supplement overall rural affordable housing provision

(c) Local Authorities may allocate rural exceptions sites for 100% affordable housing within Local Development Framework documents

Policy S9 of the BDLP relates to new dwellings in the Green Belt. Criteria (c) refers to limited affordable housing for local communities in accordance with Policy S16. Policy S16 refers to rural exception sites and lists five criteria against which such an application will be considered:

- a. the site is within or adjoining the boundary of the settlement and the proposal is small scale and suitable for the location;
- b. any application on unallocated land must be accompanied by a local needs survey which shows conclusively that there is a genuine local need for the type, mix and scale of the proposed dwellings;
- c. the site should conform with all environmental and control policies in both the Local Plan and the County Structure Plan;
- d. the proposal must include arrangements to ensure that the benefits of affordable housing are retained for future occupiers; and
- e. the proposal does not involve "cross-subsidy".

The proposal's compliance with Policy S16 will form one of the main considerations in the determination of this application. Members will note that criterion 'c' of Policy S16 provides an opportunity to consider the development in relation to other policies within the Local Plan and Structure Plan. In this instance, I am mindful of the concerns raised by the Conservation Officer (CO) and Worcestershire Highways (WH) and their associated policy implications. I will therefore address these matters in my consideration of Policy S16.

If the proposal is found to be contrary to Policy S16 it will by definition constitute an inappropriate form of development in the Green Belt. If applicable, it will be necessary to consider the level of harm caused to the Green Belt by the development and if any very special circumstances exist to outweigh this harm. I will consider each of these matters under a separate heading below.

Further to this, it is necessary to address all other material considerations relevant to a new housing proposal (i.e. density, design, form and layout, impact on residential amenity) along with the views of consultees.

Members will also note that there has been considerable objection to the proposal from local residents. The concerns raised in these representations are considered to fall within the main subject areas identified above this I will not give them separate treatment in this report. There is also some support for the proposal based on the benefits of affordable housing to local residents. Members will note that affordable housing is already identified as a key material consideration in the determination of this application.

## **GREEN BELT**

I will deal with each of the five criteria set out at Policy S16 under a separate sub heading below.

### ***(a) The site is within or adjoining the boundary of the settlement and the proposal is small scale and suitable for the location.***

As noted earlier, the site adjoins the settlement boundary of Holy Cross. Whilst Policy S16 does not provide any interpretation of 'small scale', I am mindful of a recent appeal decision relating to land at Hinton Fields (APP/P1805/A/08/2061377: 18 April 2008), whereby the Inspector defined small scale as relating to schemes of below ten dwellings. This arises from the District Council's Housing Capacity Study of 2004, whereby the Council considers a small site as one having a potential capacity of 9 or less dwellings. In the Inspector's experience a figure in this range is commonly used.

Although it is noted that the proposed development of 10 dwellings would be slightly larger than the definition of small scale employed by the Inspector, I am of the view that in this instance it would represent a very modest addition within the context Holy Cross. This view is shared by the Strategic Planning Manager (SPM). On the above basis I would not have any concerns in relation to this criterion.

### ***(b) Any application on unallocated land must be accompanied by a local needs survey which shows conclusively that there is a genuine local need for the type, mix and scale of the proposed dwellings.***

The Planning Statement submitted in support of the application refers to a number of documents that provide an assessment of housing needs at a macro and micro level. At the micro level, The Bromsgrove District Council Housing Strategy 2006-2011 (adopted March 2006) identifies that there is a general need for affordable housing in the District with particular regard to its villages. The Clent Parish Housing Needs Survey (Worcestershire County Council and Community First, May 2010) concludes that there is a minimum requirement for 24 additional affordable housing units within the parish area now or in the next five years. This demand is split between the different tenures; Fixed Equity Ownership, Housing Association Ownership, Housing Association Rented accommodation and Private Rent.

Members will be aware of the comprehensive views of the SPM and the Strategic Housing Manager (SHM) on this issue. Both of these consultees are satisfied that the

level of need identified in the abovementioned survey is sufficient to support the proposed development. On this basis I find the proposal to be in accordance with criterion (b) of Policy S16.

Members will note the recommendation of the SHM for the proposed tenure split of the units to be modified so to better match the affordability of those in need of housing. This detail should form part of any legal mechanism used to secure the affordability of the units in perpetuity. I will comment further on this matter upon consideration of criterion (d).

***(c) The site should conform with all environmental and control policies in both the Local and County Structure Plan***

Members will note the views of the Council's Conservation Officer (CO) and Worcestershire Highways (WH) in relation to the proposal. These views raise concerns in relation to the Transport and Heritage Conservation policies within the Development Plan. It is necessary therefore to consider the implications of these policies and the issues identified by these consultees.

Conservation

Policy CTC.20 of the WCSP and Policy S35A of the BDLP require new development to preserve and enhance the character and appearance of the Conservation Area in which it's located. Policy S36 of the BDLP provides that a high standard of design is expected where development is proposed in or adjacent to a Conservation Area. Proposals should demonstrate that the relevant aspects of the built form have been taken fully into consideration and that proposals are compatible with the character of the area. The advice contained in PPS5: Planning for the Historic Environment and its associated practice guide are also a material considerations in the determination of this application.

The CO raises concerns in relation to the loss of the woodland known as The Pleck, the impact of the development on the setting of the Conservation Area and a number of design issues. Conclusively the CO is of the opinion that the development would not preserve or enhance the character or appearance of the Holy Cross Conservation Area. Having regard to the specialist advice available to the Council it is considered that the proposal would conflict with the relevant Conservation policies within the adopted development plan and national planning policies within PPS5.

Highways

Concerns are raised by WH over the visibility provisions of the proposed vehicular access to the site. It is considered that the proposed development fails to provide adequate visibility at the site access and the absence of this visibility will have a detrimental impact on highway safety for passing vehicles and persons existing the site.

Policy T.1 of the WCSP provides that any additional traffic generated by development proposals will need to be shown to be capable of accommodation safely on the road system without undue environmental consequences. Policy TR11 of the BDLP requires that all developments incorporate a safe means of access and egress appropriate to the nature of the local highway network.

Having regard to the views of WH it is considered that the proposed development would conflict with the relevant Transport policies within the adopted Development Plan.

***(d) The proposal must include arrangements to ensure that the benefits of affordable housing are retained for future occupiers***

The dwellings will be managed by West Mercia Housing Group. The Planning Statement submitted with the application indicates that arrangements will be put in place through a Section 106 undertaking to ensure that the benefits of affordable housing are retained for future occupiers 'in perpetuity'. To date however, the Council is not in receipt of any legal mechanism to secure this matter.

***(e) The proposal does not involve cross subsidy***

The proposal does not involve cross subsidy. The scheme relates to a scheme of 100% affordable housing.

Taking the above matters into consideration I consider the proposal to be contrary to criteria (c) and (d) of Policy S16 of the Local Plan and thus the scheme is subsequently contrary to Policy S9 and DS2. Given these circumstances, I am consequently of the view that the proposal is, by definition, inappropriate development in the Green Belt.

### **Harm Caused**

It is considered that the development would cause clear harm to the openness and visual amenities of the Green Belt. The site is currently in a natural state and it is considered to make an important contribution to the rural character of this Green Belt settlement. Although it is noted that the majority of the site is not open as such, I am of the view that trees represent an appropriate landscape feature in the Green Belt and they do not have any harmful effect on its openness. The proposed development would result in the removal of the trees and the introduction of a significant built form to the site. It is considered that this would have an urbanising effect on the site and a harmful impact on the openness of the Green Belt.

It is now necessary to consider whether any very special circumstances exist to outweigh the identified harm that would be caused by the development.

### **Very Special Circumstances**

Members will be aware that establishing very special circumstances involves a balancing exercise. On the one side is the extent of the harm to the Green Belt by virtue of inappropriateness and any other factors. On the other side are the positive advantages of the proposal. Very special circumstances exist where the advantages outweigh the harm. Members will also be aware that it is for the applicant to show why permission should be granted.

The applicant is of the opinion that the proposal would represent appropriate development in the Green Belt and consequently no very special circumstances have been put forward in support of the proposal. Nonetheless, it is noted that this proposal would have social benefits insofar as it would expand the stock of affordable housing in

Holy Cross. I am not however of the view that the need for more affordable housing would in itself amount to the very special circumstances necessary to justify inappropriate development in the Green Belt as such an approach could be applied widely throughout sites adjacent urban areas, seriously undermining the principal aim of Green Belt policy which is to prevent urban sprawl and maintain openness. Notwithstanding the need for some additional affordable housing in the Parish of Clent, this does not amount to the very special circumstances which need to exist in order to justify setting aside the presumption against inappropriate development in the Green Belt.

## **OTHER ISSUES**

### ***Density***

The total developable area is 0.27 hectares. This provides a density of 37 dwellings per hectare.

This is considered to be a reasonable density for the site without causing harm to the general character of the established development in the area. On this basis I am of the view that the proposal accords with the guidance set out in PPS3 which promotes the efficient use of land.

### ***Design, Form and Layout***

Policy DS13 of the BDLP requires development to protect the Plan area's essential character and main environmental assets, including the open and undeveloped nature of the countryside and the Green Belt. Policy CTC.1 of the WCSP sets out a general requirement that the Local Planning Authority in considering development proposals should take every opportunity to safeguard, restore or enhance, as appropriate, the landscape character of the area in which they are proposed. Proposals for development and associated land use change or land management must demonstrate that they are informed by, and sympathetic to, the landscape character of the area in which they are proposed to take place.

PPS1 states that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development (paragraph 13). Paragraph 38 of PPS1 goes on to state that Local planning Authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Members will note the BDLP does not contain any specific Policy relating to design.

In this instance, the proposal is located within a sensitive built landscape associated with the Holy Cross Conservation Area. Members will note the views of the CO in relation to the design of the development and the conflict with the Conservation policies within the Development Plan identified in the earlier part of this report. Having regard to these

matters, it is considered that the design of the development would not enhance the character and quality of the area in which it's located and I find it to be in conflict with the general design related policies within the Development Plan and national guidance within PPS1.

The new houses accord with the amenity space and garden length distances set out in SPG1. A communal amenity area would be provided to the rear of the dwellings for the benefit of the occupiers of the proposed flats. This would meet the communal amenity space requirements set out in SPG1.

Holy Cross Green has a fairly regular development pattern. The majority of the dwellings are located within a building line fronting the highway and there are notable gaps in the street scene between small groups of dwellings. It is considered that the proposed development would respect this pattern and I am of the view that the layout of the development would be appropriate to its surroundings.

### ***Impact on the Amenity of Adjacent Occupiers***

SPG1 sets out design guidance for residential development including separation distances to existing dwellings so as to avoid detriment to residential amenity due to overlooking, overshadowing and overbearing affects. The proposed development would be set a sufficient distance away from the surrounding existing dwellings for there to be no conflict with the guidelines set out within SPG1. The layout of the development would not result in any conflict between the individual units and there would be no issues in relation to SPG1. It can therefore be concluded that the development would have no adverse impact on the amenity of the surrounding occupiers, or the future occupiers of the individual units.

### ***Ecological and Biodiversity Issues***

Individual protected species surveys relating to Badgers, Bats and Great Crested newts have been provided with the application along with a Dormouse Assessment.

The Badger Survey reveals that a number of badger sets are present on the site. The survey results indicate that, although the level of badger activity on the site during the survey was limited, there is still potential for badgers to return to old sets at any time. The survey concludes that the proposed development and site investigation works will cause a disturbance to these sets. Recommendations are made for mitigation works including the requirement for a Natural England Development License, and the possible need for a mitigation strategy to be approved by Natural England.

The Bat Survey indicates that no bat roosts were identified within the site. The site does however provide a good foraging and commuting location for as range of bat species. A single species of bat, common pipistrelle, was recorded on site at the time of survey. The survey makes a number of recommendations to minimise any disturbance to bats utilising the site, including restrictions on lighting levels and the retention of the hedgerow to the northern boundary of the site.

The Great Crested Newt Survey finds to evidence of the species within the pond located 50 metres south west of the application site. Consequently no specific recommendations

are made other than the general requirement to notify Natural England if any of the species are found during the construction works.

The Dormouse Assessment concludes that the site provides poor conditions to support a dormouse population. Given the low probability of dormouse being present on the site no specific recommendations are made.

Members will note the views of Natural England (NE) and Worcestershire Wildlife Trust (WWT) in relation to the above matters. The initial comments of NE raise concerns over the habitat suitability approach towards dormice as being insufficient to demonstrate the absence of the species from the site and the surrounding connecting habitat. WWT share this concern and consider the information provided to be insufficient to determine the likely effect of the application on protected species. This stance has also been reinforced by the Council's Tree Officer (TO).

Concerns are also raised by NE and WWT over the mitigation measures for badgers proposed in the submitted survey. Members should note however the further comments of NE on this matter. It is understood that further information has been provided by the applicant's Ecological Consultant which provides details of the developer's intention to provide a new badger set to the east of the application site. NE support the proposed mitigation measures and advise that they are secured through a condition attached to any planning permission granted. No further comments have been made by WWT in relation to this matter.

PPS9 advises that 'Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.'

The advice on Species Surveys contained in the companion guide to PPS9 (Planning for Biodiversity and Geological Conservation: A Guide to Good Practice) advises that 'Where a development poses a likely risk of harm to a protected or priority BAP species, local planning authorities should ensure that an adequate survey is carried out in advance of a planning application. The results of this survey should be submitted with the planning application and show how the proposal has taken this evidence into account through its design and any mitigation or compensation proposed.'

Government Circular 01/2005 (Biodiversity and Geological Conservation - Statutory obligations and their impact within the planning system) states that 'The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat....It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'

The concerns raised by NE, WWT and the TO in relation to dormice indicate that the presence of this species cannot be established from the information provided. Thus, having regard to the policy advice contained in PPS9 and the administrative guidance set out in Circular 01/2005, it is not considered that the Council can make an accurate determination of the application from the information provided.

It is understood however that the applicant has recently provided NE with new information in relation to dormice. The further comments of NE are awaited and I will update Members on this matter at their meeting.

## **CONCLUSION**

The proposal is not found to be fully in accordance with Policy S16 of the BDLP by virtue of its conflict with the Conservation and Transport policies within the Development Plan and the applicant's failure to secure arrangements to ensure that the benefits of affordable housing are retained for future occupiers. The proposal is therefore considered to represent an inappropriate form of development in the Green Belt contrary to policies D.38 and D.39 of the WCSP, Policy DS2 of the BDLP and the advice contained within PPG2: Green Belts. The proposal would cause clear harm to the Green Belt and no very special circumstances have been put forward by the applicant to outweigh this harm.

The proposed development would result in the loss of an area of woodland which is considered to make an important contribution to the character and appearance of the Holy Cross Conservation Area. Furthermore it is not considered that the design of the development would preserve and enhance the character and appearance of the Conservation Area. The proposal is therefore found to be contrary to Policy CTC.20 of the WCSP, policies S35A and S36 of the BDLP and the advice contained in PPS5: Planning for the Historic Environment.

The proposed development fails to provide adequate visibility at the site access and the absence of this visibility will have a detrimental impact on highway safety for passing vehicles and persons existing the site. The proposal would not therefore incorporate a safe means of access and egress and is found to be contrary to Policy T.1 of the WCSP and Policy TR11 of the BDLP.

A conclusion cannot however be made on the proposal's ecological impact. It is noted that further survey work has been provided to address this matter but without the subsequent advice of NE this view should be maintained. As such, it is not considered that all of the relevant material considerations can be addressed in the determination of this application.

Taking the above matters into consideration the proposal is not found to be in accordance with the relevant policies of the adopted Development Plan and national planning policy advice. I therefore recommend that planning permission is refused.

## **RECOMMENDATION: that permission is REFUSED**

The proposed development would be contrary to Policy S16 of the Bromsgrove District Local Plan 2004 by virtue of its conflict with policies S35A and S36 within that plan, Policy CTC.20 of the Worcestershire County Structure Plan 2001, and the applicant's failure to secure arrangements to ensure that the benefits of affordable housing are retained for future occupiers. The proposal would therefore represent an inappropriate form of development in the Green Belt contrary to policies D.38 and D.39 of the Worcestershire County Structure Plan 2001, Policy DS2 of the Bromsgrove District Local Plan 2004 and the advice contained within PPG2: Green Belts. It is considered that the proposal would

cause clear harm to the openness of the Green Belt and no very special circumstances exist or have been put forward by the applicant to outweigh this harm.

The proposed development would result in the loss of an area of woodland which is considered to make an important contribution to the character and appearance of the Holy Cross Conservation Area. Furthermore it is not considered that the design of the development would preserve and enhance the character and appearance of the Conservation Area. The proposal is therefore found to be contrary to policies CTC.1 and CTC.20 of the Worcestershire County Structure Plan 2001, policies DS13, S35A and S36 of the Bromsgrove District Local Plan 2004, the advice contained in PPS5: Planning for the Historic Environment and the advice contained in PPS1: Delivering Sustainable Development.

The proposed development fails to provide adequate visibility at the site access and the absence of this visibility will have a detrimental impact on highway safety for passing vehicles and persons existing the site. The proposal would not therefore incorporate a safe means of access and egress and is found to be contrary to Policy T.1 of the Worcestershire County Structure Plan 2001 and Policy TR11 of the Bromsgrove District Local Plan 2004.

The application contains insufficient information to demonstrate the impact of the proposal on protected species. The application cannot therefore be accurately determined in accordance with PPS9: Biodiversity and Geological Conservation.

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## BROMSGROVE DISTRICT COUNCIL

### **PLANNING COMMITTEE**

Date 6th December 2010

#### **NON-CONFIRMATION OF TREE PRESERVATION ORDERS (NO. 2), (NO. 6), (NO. 8), (NO. 10) AND (NO. 12) 2009**

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

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

1.1 The Committee is asked to consider the non confirming of **five** Tree Preservation Orders in accordance with Regulation of the Town and Country Planning (Trees) Regulations 1999.

- TPO (2) 2009 - trees on land at and adjoining 64 Worcester Road, Hagley.
- TPO (6) 2009 - trees on land at the rear of 21 May Lane, Hollywood, Wythall
- TPO (8) 2009 - trees on land at the rear of New Road and Woodleaves, Hollywood, Wythall.
- TPO (10) 2009 - trees on land at 25, Sycamore Drive, Hollywood, Wythall.
- TPO (12) 2009 - trees on land at Pumping Station, Brake Lane, Hagley.

#### **2. RECOMMENDATION**

2.1 That the Committee approves the “non confirmation” of the following Tree Preservation Orders:

- i) TPO (2) 2009 - trees on land at and adjoining 64 Worcester Road, Hagley
- ii) TPO (6) 2009 - trees on land at the rear of 21 May Lane, Wythall.
- iii) TPO (8) 2009 - trees on land at the rear of New Road and Woodleaves, Hollywood, Wythall.

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- iv) TPO (10) 2009 - trees on land at 25 Sycamore Drive, Hollywood, Wythall.
- v) TPO (12) 2009 - trees on land at Pumping Station, Brake Lane, Hollywood

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

The provisional Tree Preservation Orders listed above were made in provisional form in 2009. After allowing a minimum of 28 days for those people affected by the Order to make representations, the trees would normally then have been reviewed to assess their merit and in response to any points raised by any parties affected. A report and recommendation would then be made to confirm, amend or revoke the provisional Order within 6 months of being made.

For the reasons set out in the Woodland Officer's report these Provisional Tree Preservation Orders were not confirmed within the six month provision period. As such the Provisional Orders have all expired and are therefore non enforceable. In accordance with the Secretary of States guidance, it is recommended that the expired Provisional Orders are formally certified as "not confirmed" and formally removed from the Local Land Charges Register.

In relation to all of the Provisional Orders the Woodland Officer will in due course seek to make fresh Tree Preservation Orders and this process will allow all affected parties an opportunity to raise any objections or representation they have in relation to the new Orders. This will also ensure that any new land owners who were unaware of the previous Order will have an opportunity to comment.

A new Tree Preservation Order can not be made until the current, expired Provisional Order has been certified as a "Non Confirmation". The committee is therefore asked to determine that each of the Provisional Orders should be certified as not confirmed. The committee is not asked to make any determination in relation to new Tree Preservation Orders such considerations will be made by the Woodland Officer under delegated powers.

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#### **TPO (2) 2009 - Trees on land at and adjoining 64 Worcester Road, Hagley.**

- 3.1 On the 21<sup>st</sup> May 2009 a provisional Tree Preservation Order was made in relation to two trees, on frontage of 64 Worcester Road Hagley, and at the rear of 4 South Road, Hagley.
- 3.2 The Woodland Officer has reviewed this matter and in his opinion the Cedar tree is “an excellent example of a relatively rare species and due to its size and location is highly visible and significant in the street scene of this southerly approach to Hagley”
- 3.3 In relation to the Oak tree it “is a good example of it’s species and has considerable value for screening, biodiversity and general amenity of the area”
- 3.4 An objection was received during the consultation period, and when the new Tree Preservation Order is made, all affected parties will again be afforded the right to object or make representations.

#### **TPO (6) 2009 -Trees on Land at the rear of 21 May Lane, Hollywood, Wythall.**

- 3.5 On the 12<sup>th</sup> August 2009 a provisional Tree Preservation Order was made in relation to one Oak tree situated on land at the rear of 21 May Lane, Wythall. In the opinion of the Woodland Officer, the tree is a “ good example of the mature oaks that are a characteristic feature of the Wythall landscape”.
- 3.6 There were two objections received during the consultation period, and when the new Tree Preservation Order is made, all affected parties will again be afforded the right to object or make representations.

#### **TPO ( 8) 2009 -Trees on land at the rear of New Road and Woodleaves, Hollywood, Wythall.**

- 3.7 On the 2<sup>nd</sup> September 2009 a Provisional Tree Preservation Order was made in respect of an area order to cover “all trees of whatever species within the area” defined as land at the rear of New Road, and Woodleaves, Hollywood, Wythall.
- 3.8 The Woodland Officer has carried out some site visits and considers a full assessment and review of this area is necessary. Allowing the current Order to be marked as “not confirmed” would enable the full assessment to

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take place and a new Tree Preservation Order to be made covering only those trees which merit protection.

- 3.9 One objection was received during the consultation period, and when the new Tree Preservation Order is made, all affected parties will again be afforded the right to object or make representations.

#### **TPO ( 10) 2009 -Trees on land at 25 Sycamore Drive, Hollywood, Wythall.**

3.10 On the 23<sup>rd</sup> October 2009 a provisional Tree Preservation Order was made in relation to two oak trees on land at 25 Sycamore Drive, Hollywood, Wythall.

3.11 The Woodland Officer describes the trees as “good examples of their species and contribute significantly to the amenity of the property and local street scene...”

3.12 Although no objections were received in relation to this Provisional Tree Preservation Order it is still appropriate to formally certify this Provisional Order as “not confirmed” to allow a new Tree Preservation Order to be made.

#### **TPO ( 12) 2009 -Trees on land at 25 Sycamore Drive, Hollywood.**

3.13 On the 22<sup>nd</sup> December 2009 a Provisional Tree Preservation Order was made in respect of an area order to cover “all trees of whatever species within the area” defined as land at the Pumping Station, Brake Lane, Hagley.

3.14 The Woodland Officer describes this as a “blanket area classification”, and in due course it is his intention to carry out a detailed assessment of the site to identify those trees which merit protection by way of a new Tree Preservation Order.

3.15 One objection was received during the consultation period, and when the new Tree Preservation Order is made, all affected parties will again be afforded the right to object or make representations.

#### **4. FINANCIAL IMPLICATIONS**

4.1 There are no financial implications.

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**5. LEGAL IMPLICATIONS**

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

**6. POLICY IMPLICATIONS**

- 6.1 None

**7. COUNCIL OBJECTIVES**

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

**8. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

- 8.1 There are no significant risks associated with the details included in this report

**9. CUSTOMER IMPLICATIONS**

- 9.1 The parties affected by the non confirmation will be notified of the decision of the Committee and the Provisional Tree Preservation Order will be removed from the Land Registry records.

- 9.2 It is intended that any new Tree Preservation Orders are served at the same time as the Non Confirmation with a covering letter fully explaining the process that has been applied.

**10. EQUALITIES AND DIVERSITY IMPLICATIONS**

- 10.1 None.

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

- 11.1 None.

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

- 12.1 None

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**13. HUMAN RESOURCES IMPLICATIONS**

13.1 None

**14. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

14.1 None

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

15.1 None.

**16. HEALTH INEQUALITIES IMPLICATIONS**

16.1 None.

**17. LESSONS LEARNT**

17.1 None.

**18. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

18.1 The Committee's decision will be notified to all those affected by the original Order.

**19. 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

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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

**20. WARDS AFFECTED**

TPO (2) 2009 Worcester Road Hagley  
Wards affected: Furlongs

TPO (6) 2009 21 May Lane, Hollywood Wythall  
Wards affected: Hollywood and Majors Green

TPO (8) 2009 New Road and Woodleaves, Hollywood Wythall  
Wards affected: Hollywood and Majors Green

TPO ( 10) 2009 25 Sycamore Drive, Hollywood, Wythall  
Wards affected: Drakes Cross and Walkers Heath

TPO (12) 2009 Pumping Station, Brake Lane, Hagley.  
Wards affected : Hagley

**21. APPENDICES**

Appendix 1 - Report from the Woodland Officer

**22. BACKGROUND PAPERS**

None

**23. KEY**

N/A

**BROMSGROVE DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**Date 6th December 2010**

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**AUTHOR OF REPORT**

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**MEMORANDUM****APPENDIX 1**

From:	<b>Andy Bucklitch</b> <b>Tree &amp; Woodland Officer</b>	To:	<b>Kam Sodhi</b> <b>Legal Officer</b>		
My Ref:	<b>TPO (2) 2009</b> <b>TPO (6) 2009</b> <b>TPO (8) 2009</b> <b>TPO (10) 2009</b> <b>TPO (12) 2009</b>	Your Ref:	<b>TPO (2) 2009</b> <b>TPO (6) 2009</b> <b>TPO (8) 2009</b> <b>TPO (10) 2009</b> <b>TPO (12) 2009</b>		
Please ask for:	Andy Bucklitch	Ext	1320	Date	24 November 2010

Further to our conversations regarding the abovementioned TPO's, please find my comments below.

**TPO (2) 2009 - Land at and adjoining 64 Worcester Rd, Hagley**

**TPO (6) 2009 - Land at rear of 21 May Lane, Hollywood**

**TPO (8) 2009 - Rear of New Road & Woodleaves, Hollywood**

**TPO (10) 2009 - 25 Sycamore Drive, Hollywood**

**TPO (12) 2009 - Land at Pumping Station, Brake Lane, Hagley**

**Background**

The provisional Tree Preservation Orders listed above were made in provisional form in 2009. After allowing a minimum of 28 days for those people affected by the Order to make representations, the trees would normally then have been reviewed to assess their merit and in response to any points raised by any parties affected. A report and recommendation would then be made to confirm, amend or revoke the provisional Order within 6 months of being made.

Due to unforeseen and difficult staff circumstances during 2009, it was unfortunately not possible to carry out these reviews as normal and so these Order all went outside their 6-month provisional period. These Orders are therefore no longer in force although they still exist on the land. In all these cases, however, I consider that the trees are of sufficient merit and under such reasonably foreseeable threat to merit the continued protection of a TPO.

Due to the period of time which has passed since the end of the provisional period, it is possible that those parties who may be affected by any of these TPO's may now be different from those when these Orders were originally made. Consequently, these new parties can be considered to have not been afforded reasonable opportunity to make representations regarding the TPO which may affect their properties.

In such a situation, the Secretary of States guidance as detailed in Chapter 3 of "Tree Preservation Order: a guide to the law & good practice" is that the existing Orders are certified as "non confirmation" and that new provisional Orders are put in place such that all parties are given adequate opportunity to make comment before confirmation. I therefore recommend that all five Orders are certified as "non confirmation" and replaced at the earliest opportunity.

Although the Head of Planning & Environment has delegated authority to make new provisional Orders, the non confirmation of Orders under any circumstances currently requires the prior approval of the Planning Committee.

Further information on the currently known merits of each Order are detailed below.

## **TPO (2) 2009 - Land at and adjoining 64 Worcester Rd, Hagley**

This Order comprises 2 trees – a large Cedar located on the frontage of 64 Worcester Road and a young Oak located in the rear garden of 4 South Road overhanging the boundary of 64 Worcester Road.

The Cedar is an excellent example of a relatively rare species and due to its size and location is highly visible and significant in the street scene of this southerly approach to Hagley. Although the owner states that his intention is to retain the tree and it appears to have been reasonably well managed thus far, I consider that the size of the tree, the space it occupies on the frontage and its relatively close proximity to houses will all lead to pressure for works to the tree or even felling to be carried out in the future.

The Oak is less visible but is a good example of its species and has considerable value for screening, biodiversity and general amenity of the area. Tree on this boundary have already been subject to pruning and felling resulting in an ongoing neighbour dispute between the two parties. There is therefore a risk that this tree will be harmed or lost by the actions of, or under pressure from, the neighbouring party.

**I recommend that both trees are made subject to a new provisional TPO and the existing Order is certified as a "non confirmation".**

## **TPO (6) 2009 - Land at rear of 21 May Lane, Hollywood**

This Order comprises just 1 tree – a large mature Oak located in the rear garden of 21 May Lane. The tree is a good example of the mature Oaks that are a characteristic feature of the Wythall landscape. Due to its size and spread, the tree overhangs the boundaries of several neighbouring properties and this appears to have led to pressure upon the owner to fell the tree to remove amenity issues such as falling leaves and sap and concerns over safety issues from falling branches or risk of building damage.

A small number of objections were received along these lines but as yet the latter concerns would appear to be unsubstantiated fears where further investigation is required. The review process following the making of a new provisional Order will include and allow this investigation.

**I recommend that this tree is made subject to a new provisional TPO and the existing Order is certified as a "non confirmation".**

## **TPO (8) 2009 - Rear of New Road & Woodleaves, Hollywood**

This Order comprises a number of trees of different species along the rear boundaries of approximately 20 properties. Originally this boundary line appears to have been a hedgerow with a number of hedgerow trees including several of the hedgerow Oaks which are a distinct feature of the Wythall landscape. As this boundary has now been 'chopped up' into many different ownership, the original natural hedgeline and hedgerow trees has suffered a gradual process of attrition. Many trees and sections of hedgerow have been lost either deliberately or through poor management and without the protection of a TPO, the remaining trees would gradually go the same way.

The remaining trees and hedgerow, form a significant amenity feature providing screening and biodiversity value to both current residents and the wider landscape

**Some visits have been carried out to individual properties affected by the current Order but a full assessment and review has yet to be carried out. A new provisional Order will allow time for this to be done to ensure continued protection on those trees of merit and so I recommend that the existing Order is certified as a "non confirmation" and the making of a new Order in the same form.**

## **TPO (10) 2009 - 25 Sycamore Drive, Hollywood**

This Order currently comprises of two Oak trees referred to as T2 (on the frontage) and T1 (on the south-west boundary) of 25 Sycamore Drive. Upon visiting the site to examine the trees, however, it was evident that T1 is actually two trees that have grown so close together that they have formed a shared canopy such that there are actually three trees encompassed by the Order.

All three trees are good examples of their species and contribute significantly to the amenity of the property and the local street scene and are of merit for a TPO. Although the current owners wish to retain the trees, their close proximity to the properties at 25 and 27 Sycamore Drive does inevitably lead to pressure to prune the trees back to prevent perceived or actual problems. Consequently there is an ongoing risk that without the protection of a TPO, the trees may be damaged through poor pruning or removed by less enlightened future owners.

Although there were no objections to the making of this Order, amending the Order at Confirmation to 'add' one Oak tree, while administratively simple, would be against Government guidance as it would be creating a 'different animal' as the Confirmed Order would then include more trees than the existing provisional one. To be legally sound, it is therefore necessary to revoke the existing Order and create a new provisional one including three trees referenced T1 (single Oak tree on the frontage) and G1 (Groups of 2x Oak trees on the south-west boundary).

**I recommend that these trees are made subject to a new provisional TPO with a revised map and schedule as detailed above and the existing Order is certified as a "non confirmation".**

#### **TPO (12) 2009 - Land at Pumping Station, Brake Lane, Hagley**

This Order consists of a blanket Area classification over the whole site. There are a number of trees across the site, particularly those on the north-west and south-east boundaries that contribute significantly to the amenity of the area and provide valuable screening between the site and The Sidings residential development on one side and Haybridge High School on the other.

While many of the trees are of sufficient amenity, some are not and therefore a more detailed assessment is required prior to confirmation and with a site of this size and number of trees, this was not possible prior to the expiry of the provisional Order. In addition, the residents of one property within the site had made objections and a full appraisal of the points raised is required before confirmation.

It is understood that, although no works or proposals are known to be imminent, the owners are considering the site either for the construction of a new pumping facility or residential development. In either situation, the retention of the majority of the trees would be desirable to protect the amenity of the area and neighbouring residents and so I consider that the trees do merit the protection of a TPO subject to individual assessment.

**I recommend that the site is made subject to a new provisional TPO with the same Area classification and the existing Order is certified as a "non confirmation".**

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

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