



## **BROMSGROVE DISTRICT COUNCIL**

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

**MONDAY 18TH JULY 2011**

**AT 2.00 P.M.**

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

**MEMBERS:** Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), Mrs. S. J. Baxter, Mrs. J. M. Boswell, M. A. Bullivant, R. A. Clarke, R. J. Laight, Mrs. C. M. McDonald, E. J. Murray, J. A. Ruck, C. B. Taylor, C. J. Tidmarsh 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 fifteen minutes before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting.

### **AGENDA**

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 20th June 2011 (Pages 1 - 6)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 10/1184-DK - Renovation of existing building into 6 No. 1 bed 2 person flats and 1 No. 2 bed 3 person flat, erection of 4 No. 1 bed 2 person flats at Nos. 44 - 48 Windsor Gardens and Erection of 6 No. 1 bedroom 2 person flats at 2

Windsor Gardens - 44 Windsor Gardens, Bromsgrove, B60 2QA - Bromsgrove District Housing Trust (Pages 7 - 16)

6. 11/0164-HR - Change of use of warehouse and office B1 to A1. Indoor market and café - Rear of 186-210 New Road, Rubery, B45 9JA - Mr. P. Larnar (Pages 17 - 22)
7. 11/0182-SC - Construction of 5 no. 2 storey 2 bed dwellings on land to the side and rear with revised access from highway - 52 Chadcote Way, Catshill, Bromsgrove, B61 0JT - Midland Park Homes (Pages 23 - 32)
8. 11/0266-SG - Refurbishment and Extension of Wharf Cottage and Conversion of Warehouse into 2 Dwellings with Removal of Modern Lean-to and Internal Staircase - Wharf Cottage and Warehouse, Tardebigge, Bromsgrove, B60 1NF - Mr. S. Dudley (Pages 33 - 44)
9. 11/0268-SG - Refurbishment and Extension of Wharf Cottage and Conversion of Warehouse into 2 Dwellings with Removal of Modern Lean-to and Internal Staircase (Listed Building Consent) - Wharf Cottage and Warehouse, Alcester Road, Tardebigge, Bromsgrove, B60 1NF - Mr. S. Dudley (Pages 45 - 52)
10. 11/0328-DK - Four detached dormer bungalows for the use of local residents over the age of 50 - Severn Trent Buildings Site, Alcester Road, Burcot, Bromsgrove, B60 1PW - PD & L Property Ltd. (Pages 53 - 58)
11. 11/0426-RL - "Advertise Here" signage for BDC - A456 Hagley Roundabout, Birmingham Road, Hagley - Bromsgrove District Council (Pages 59 - 60)
12. 11/0442-RL - Proposed two storey rear extension installing safer staircase - Brake Mill Cottage, Hagley, DY8 2XY - Dr. J. Jenkins (Pages 61 - 64)
13. 11/0444-RL - "Advertise Here" signage for BDC - Stoneybridge Island, Sandy Lane, Wildmoor, Bromsgrove - Bromsgrove District Council (Pages 65 - 66)
14. Appeal Decisions (Pages 67 - 76)
15. 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

K. DICKS  
Chief Executive

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

6th July 2011



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- Meeting Minutes
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# Declaration of Interests - Explained

## Definition of Interests

A Member has a **PERSONAL INTEREST** if the issue being discussed at a meeting affects the well-being or finances of the Member, the Member's family or a close associate more than most other people who live in the ward affected by the issue.

Personal interests are also things relating to an interest the Member must register, such as any outside bodies to which the Member has been appointed by the Council or membership of certain public bodies.

A personal interest is also a **PREJUDICIAL INTEREST** if it affects:

- The finances, or
- A regulatory function (such as licensing or planning)

Of the Member, the Member's family or a close associate **AND** which a reasonable member of the public with knowledge of the facts would believe likely to harm or impair the Member's ability to judge the public interest.

## Declaring Interests

If a Member has an interest they must normally declare it at the start of the meeting or as soon as they realise they have the interest.

### **EXCEPTION:**

If a Member has a **PERSONAL INTEREST** which arises because of membership of another public body the Member only needs to declare it if and when they speak on the matter.

If a Member has both a **PERSONAL AND PREJUDICIAL INTEREST** they must not debate or vote on the matter and must leave the room.

### **EXCEPTION:**

If a Member has a prejudicial interest in a matter being discussed at a meeting at which members of the public are allowed to make representations, give evidence or answer questions about the matter, the Member has the same rights as the public and can also attend the meeting to make representations, give evidence or answer questions **BUT THE MEMBER MUST LEAVE THE ROOM ONCE THEY HAVE FINISHED AND CANNOT DEBATE OR VOTE.**

However, the Member must not use these rights to seek to improperly influence a decision in which they have a prejudicial interest.

**For further information** please contact Committee Services, Legal, Equalities and Democratic Services, Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove, B60 1AA

Tel: 01527 873232 Fax: 01527 881414

Web: [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk) email: [committee@bromsgrove.gov.uk](mailto:committee@bromsgrove.gov.uk)

# Agenda Item 3

## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE PLANNING COMMITTEE

MONDAY, 20TH JUNE 2011

AT 2.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), Mrs. S. J. Baxter, M. A. Bullivant, R. A. Clarke, R. J. Laight, B. Lewis F.CMI, Mrs. C. M. McDonald, E. J. Murray, J. A. Ruck, C. B. Taylor, C. J. Tidmarsh and C. J. K. Wilson

Observers: Councillors Mrs. J. M. Boswell, K. A. Grant-Pearce, Miss P. A. Harrison, C. R. Scurrall and Mrs. M. A. Sherrey JP

Officers: Ms. R. Bamford, Ms. T. Lovejoy, Mr. D. M. Birch, Mr. M. Dunphy, Mr. D. Kelly, Mr. S. Hawley (Worcestershire Highways) and Mr. A. C. Stephens

#### 16/11 APOLOGIES FOR ABSENCE

No apologies for absence were received.

#### 17/11 DECLARATIONS OF INTEREST

The following declarations of interest were made:-

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Councillor C. B. Taylor	11/0413-RL	Personal. Acquainted with neighbour in adjoining property.
Councillor Mrs. S. J. Baxter	11/0431-DMB	Personal. Member of Wythall Parish Council.
Councillor M. A. Bullivant	11/0431-DMB	Personal. Member of Wythall Parish Council.
Councillor R. A. Clarke	11/0431-DMB	Personal. Member of Wythall Parish Council.

#### 18/11 MINUTES

The minutes of the meeting of the Planning Committee held on 23rd May 2011 were submitted.

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

19/11 **11/0238/DK - REFURBISHMENT AND EXTENSION OF AN EXISTING MENTAL HEALTH UNIT - BROOK HAVEN, PRINCESS OF WALES HOSPITAL, STOURBRIDGE ROAD, BROMSGROVE, B61 0BB - MR. M. TAYLOR**

The Head of Planning and Regeneration Services reported the comments of Worcestershire Highways and the Tree Officer.

**RESOLVED** that permission be granted subject to the conditions set out on page 10 of the report.

20/11 **11/0333-DK - PROPOSED TWO BEDROOM BUNGALOW - LAND TO THE REAR OF 51 AND 53 TWATLING ROAD, BARNT GREEN, B45 8HS - MR. R. DAVIES**

At the invitation of the Chairman, Mr. A. E. Ponting addressed the Committee and spoke in opposition to the proposals.

**RESOLVED** that permission be refused for the reasons set out on page 15 of the report.

21/11 **11/0345-DK - CONVERSION OF EXISTING INDUSTRIAL BUILDINGS INTO THREE DWELLINGS AND THE ERECTION OF 9 NEW DWELLINGS, ASSOCIATED ACCESS ROAD, CAR PARKING AND AMENITY SPACE (7 X TWO BED, 4 X THREE BED AND 1 X 4 BED) - 2, AND PART OF 4 AND 6 HARTLE LANE, BELBROUGHTON, DY9 9TG - ROWANMOOR TRUSTEES / MR. AND MRS. MASON**

The Head of Planning and Regeneration Services informed Members of the Committee that a draft agreement, under Section 106 of the Town and Country Planning Act 1990, as amended, had been prepared in respect of financial contributions towards public open space and education provision. She stated that the only outstanding issue was the signing and sealing of the agreement by the interested parties.

At the invitation of the Chairman, Mr. P. Bath addressed the Committee and spoke in opposition to the proposals, whilst Mrs. L. Harvey spoke on behalf of Belbroughton Parish Council. Furthermore, Mrs. E. Mitchell spoke in support of the proposed development.

**RESOLVED:**

- (a) that authority be delegated to the Head of Planning and Regeneration Services to determine the application upon the completion of an agreement under Section 106 of the Town and Country Planning Act 1990, as amended, in respect of financial contributions relating to public open space and education provision; and
- (b) that upon the completion of the agreement referred to in (a) above, permission be granted subject to the conditions and notes set out or referred to on pages 26 to 28 of the report.

22/11 **11/0353-DK - ACCESS DRIVE AND TWO DWELLINGS - 41 SANDHILLS ROAD, BARNT GREEN, B45 8NP - MRS. J. WHYTE**

The Head of Planning and Regeneration Services reported the receipt of a letter and an additional plan from the applicant. She also reported the comments of Barnt Green Parish Council and the Tree Officer, together with two additional letters of objection.

At the invitation of the Chairman, Mrs. J. Greenhalgh addressed the Committee and spoke in opposition to the proposals.

**RESOLVED** that permission be refused for the reasons referred to on pages 34 and 35 of the report.

23/11 **11/0383-TC - PROPOSED FIRST FLOOR SIDE EXTENSION - 1 HOLYOAKES LANE, TARDEBIGGE, BROMSGROVE, B97 5SR - MR. G. UNDERHILL**

At the invitation of the Chairman, Mr. J. Underhill 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 Services.

However, on the matter being put to the vote, Members considered that -

- (a) the dwelling was located in a run for the purposes of SPG7 and set in the context of other dwellings which had been significantly extended; and
- (b) the design and modest scale of the proposals would have limited harm on the openness of the Green Belt,

which in the opinion of the Committee, 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.

Members also considered that the garage on the site should be retained, and not demolished for the purposes of this application.

**RESOLVED** that permission be granted subject to any reasonable conditions and notes considered necessary by the Head of Planning and Regeneration Services.

24/11 **11/0413-RL - EXTENSION OF THE EXISTING PROPERTY TO PROVIDE IMPROVED DISABLED ACCESS (RESUBMISSION OF 11/0047) - ANNEXE, SHUT MILL COTTAGE, SHUT MILL LANE, ROMSLEY, B62 0LY - MRS. S. COOK**

The Head of Planning and Regeneration Services stated, for reference, that the application had been 'called-in' for consideration by the Committee at the request of Councillor K. Grant-Pearce.

She reported the receipt of a letter from the neighbouring property, together with the response from the applicant/agent to the points raised in that letter. In addition, she reported the receipt of 49 letters of support for the proposals.

At the invitation of the Chairman, Mrs. S. Cook addressed the Committee and spoke in support of her application. In addition, Councillor K. A. Grant-Pearce also addressed the Committee in his capacity as the Ward Member for the area in which the application site was located.

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 the scale of the proposal would not detract from the form and character of the building and would therefore comply with policies C27c and DS2 of the Bromsgrove District Local Plan.

**RESOLVED** that permission be granted subject to any reasonable conditions and notes considered necessary by the Head of Planning and Regeneration Services.

25/11 **11/0426-RL - ADVERTISE HERE SIGNAGE FOR BDC - A456 HAGLEY ROUNDABOUT, BIRMINGHAM ROAD / KIDDERMINSTER ROAD / STOURBRIDGE ROAD, HAGLEY - BROMSGROVE DISTRICT COUNCIL**

The Head of Planning and Regeneration Services referred to this item on the agenda and stated that the application would be deferred in order to obtain further information on site selection from the applicant.

26/11 **11/0431-DMB - OUTLINE APPLICATION WITH MEANS OF ACCESS FROM SELSDON CLOSE AND PEDESTRIAN/CYCLE ACCESS FROM LEA GREEN LANE TO BE DETERMINED (INTERNAL ACCESS, LAYOUT, SCALE, APPEARANCE AND LANDSCAPING RESERVED FOR SUBSEQUENT APPROVAL), FOR THE ERECTION OF UP TO 76 DWELLINGS (CLASS C3), PUBLIC OPEN SPACE, BALANCING POND AND ASSOCIATED EARTHWORKS TO FACILITATE SURFACE WATER DRAINAGE, LANDSCAPING, CAR PARKING, AND OTHER ANCILLARY WORKS (RESUBMISSION OF 10/0920) - LAND AT SELSDON CLOSE, WYTHALL - TAYL**

The Head of Planning and Regeneration Services reported the views of Wythall Parish Council, and the consequent response to these views from the applicant's agent. She also reported that the applicant had sent a letter to all Members in support of the application, and that additional views had been received by the applicant's agent, together with a plan denoting the level of on plot car parking available for each existing property in Selsdon Close.

She stated that views had also been received from Wythall Residents' Association and Worcestershire County Council (Schools Information and Planning Section: Directorate of Children's Services), and that representations from the Wythall South Residents Action Group had been received;

representations which had prompted further comments from the applicant's agent and Worcestershire Highways.

The Head of Planning and Regeneration Services added that a further 16 letters of objection had been received, together with 794 identical letters of objection from local residents. Finally, she informed the Committee that a draft agreement under Section 106 of the Town and Country Planning Act 1990, as amended, had been received and that discussions in relation to this were ongoing.

At the invitation of the Chairman, Mr. K. Lowry addressed the Committee and spoke in opposition to the proposals, whilst Mr. S. R. Peters spoke on behalf of Wythall Parish Council. Furthermore, Mrs. K. Ventham spoke in support of the proposed development.

**RESOLVED:**

- (a) that authority be delegated to the Head of Planning and Regeneration Services to determine the application upon the completion of an agreement under Section 106 of the Town and Country Planning Act 1990, as amended, in respect of financial contributions relating to
  - (i) play space provision;
  - (ii) balancing pond maintenance;
  - (iii) education provision;
  - (iv) the promotion of sustainable access schemes, to comprise improvements to the walking and cycling network in the locality, to include accessibility to Wythall Station; and
  - (v) the securing of 30 affordable housing units;
- (b) that upon the completion of the agreement referred to in (a) above, permission be granted subject to any additional reasonable conditions and notes considered necessary by the Head of Planning and Regeneration Services.

27/11 **11/0444-RL - ADVERTISE HERE SIGNAGE FOR BDC - STONEYBRIDGE ISLAND, SANDY LANE, WILDMOOR, BROMSGROVE - BROMSGROVE DISTRICT COUNCIL**

The Head of Planning and Regeneration Services referred to this item on the agenda and stated that the application would be deferred in order to obtain further information on site selection from the applicant.

28/11 **APPEAL DECISIONS**

Consideration was given to a report which detailed the outcomes in several appeals.

**RESOLVED** that the report be noted.

The meeting closed at 3.40 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>Bromsgrove District Housing Trust 'B'</b>	Renovation of existing building into 6 No. 1 bed 2 person flats and 1 No. 2 Bed 3 person flat, erection of 4No. 1 bed 2 person flats at Nos. 44-48 Windsor Gardens and Erection of 6 No. 1 bedroom 2 person flats at 2 Windsor Gardens (as augmented by Tree Survey received 16.06.2011 and amended plans received 16.06.2011) - 2 and 44-48 Windsor Gardens, Bromsgrove	Res	<b>10/1184-DK</b> 24.05.2011

This application was deferred at the meeting of Planning Committee on 23rd May 2011 in order to obtain further information in respect of trees on the site and, following discussions between the applicant and Tree Officer, to present this information back to Members for consideration.

The applicant has submitted a full Tree Survey and amended plans (received 16.06.2011) and a re-consultation has been conducted in respect of these amended plans on 17.06.2011.

**RECOMMENDATION:** that subject to the final views of the Tree Officer, permission be **GRANTED**.

## Consultations

WH Consulted 02.03.2011. Response received 12.04.2011 as follows:

No objection subject to the following condition:

HC36 Cycle Parking (Multi unit)  
and the following advisory:  
HN14 Affected Street Lighting/Illuminated signs.

Reconsulted: 17.06.2011. No response to date.

ENG Consulted 02.03.2011. Response received: 05.05.2011.

Reconsulted: 17.06.2011. No response to date.

Strategic  
Housing Consulted 03.05.2011. Response received 16.05.2011 as follows:

The proposed development meets strategic housing priorities in providing affordable housing for older residents and for general needs clients in a popular and sustainable location. The scheme which forms part of BDHT's four year development programme provides an opportunity to make better use of an existing building on the site and associated land in the ownership of BDHT.

Reconsulted: 17.06.2011. No response to date.

- LP Consulted 02.03.2011. No response received.  
Reconsulted: 17.06.2011. No response to date.
- EHO Consulted: 02.03.2011. Response received 23.03.2011.  
Further to your consultation dated 2nd March 2011 I have reviewed the submitted application and can confirm that I have no adverse comments to make in relation to potential contaminated land. Records do not indicate any potentially contaminative historic use of the proposed development site.
- BC Consulted: 02.05.2011. Response awaited.
- WCC PROW Consulted: 02.03.2011. Response received 23.03.2011.  
Objection. The close boarded fencing would harm the amenity of the public right of way. Amended details received from the applicant.  
Re-consulted 03.05.2011. Response received 09.05.2011.  
Further to my letter of 23rd March 2011 objecting to the above application, I wish to withdraw the objection. Thank you for letting me know that the applicant proposes to reduce the fencing alongside the public right of way to a 1.2m high hit and miss fence. I am now satisfied that the proposal should have no detrimental affect on the public right of way. The applicant should still note their obligations toward the public right of way as noted in my previous letter.  
Reconsulted: 17.06.2011. No response to date.
- RA Consulted 02.03.2011. No response to date.  
Reconsulted: 17.06.2011. No response to date.
- EDO Consulted 02.03.2011. No response to date.  
Reconsulted: 17.06.2011. No response to date.
- WCC Education Services Consulted 02.03.2011. Response received 02.03.2011.  
The proposal is for affordable housing and therefore no contributions towards education will be required.  
Reconsulted: 17.06.2011. No response to date.
- Tree Officer Consulted 02.03.2011. Response received: 20.05.2011 as follows:  
  
There is an earth bank approximately 1.5 - 2m high which is covered in a mixture of vegetation with the notable tree species being Yew and Beech. The main feature of the site is a large (approx 20m tall with a crown spread of 12m) purple Beech located in the middle of the tree area. The working area required to carry out construction may result in disturbance to the bank and may therefore have an adverse effect on the stability of this and the other trees. The trees are likely to cause future issues with regard to leaf and fruit fall as well as general detritus which is likely to lead to requests for the trees to be pruned or removed.

It is likely that the proposed development will contradict the recommendations of BS5837 which sets out the root protection area (RPA) and maximum levels of disturbance for Trees in Relation to Construction.

In conclusion the development in its current form can only take place if all the trees are removed as there is a risk that they may become structurally unstable due to the proximity of construction - plus all the other concerns I have mentioned, and I would therefore recommend this application for refusal.

Reconsulted: 17.06.2011. No response to date.

Conservation  
Officer

Consulted 02.03.2011. Response received: 09.03.2011

The existing building formerly known as The Green, The College and Elmshurst was built in 1866 and is a good quality Victorian villa which retains many historic details. The existing access was once the carriage entrance to the property and includes one rusticated stone gate pier, stone and blue brick retaining walls and a second pair of rusticated stone piers at the former pedestrian entrance on New Road. The retention and conversion of the building is welcomed, however the loss of the timber sash windows and their replacement with PVC units would undermine its character. An amendment should therefore be sought to either retain and overhaul the existing windows with additional secondary glazing, or install replacement timber double glazed units which are of a superior lifespan, quality and appearance to PVC.

This building and the other historic Victorian and Edwardian buildings along College Road have significant architectural interest and the designation of a new Conservation Area has previously been explored, but no public consultation has been carried out as yet. I am concerned that the new building directly in front of the existing building would undermine this group interest and restrict views of Elmshurst from New Road. It also appears that the proposals would result in the loss of the stone retaining wall which is contemporary with the house, and some established trees which contribute to the setting of the building of local interest.

I realize that the draft local list has no official status, and that the designation of a new College Road Conservation Area shall not be taken forward in the near future, but improvements could be made to the siting of the new building to better respect the setting of the historic building. As a minimum the proposed PVC replacement windows should be omitted from the scheme.

Reconsulted: 17.06.2011. No response to date.

Publicity 2 Site Notices posted 25.03.2011, expired 15.04.2011.

Press Notice posted 10.03.2011, expired 31.03.2011.

Neighbour Notification:

27 letters sent 04.03.2011, expired 25.03.2011.

1 letter received from the Victorian Society 20.03.2011 summarised as follows:

We are pleased that the intention is to restore the house, leaving the exterior unchanged in most respects. However, we note that the intention is to replace the timber sash windows of the house with PVC. This would definitely change the character of the house, and we object to this proposal. The original window frames should be copied and new double glazed windows used where it is not possible to use secondary glazing on the original frames. The glazed veranda porch should be restored to its original length and if the front door is original it should be kept.

The proposal to build a block of two storey flats (Plots 1-6) along the east side of Elmshurst's garden would prevent the view from New Road of what is one of the most important houses in this Victorian range of dwellings, reducing considerably the visual aspect of the road. The plans show the flats encroaching on the traditional entrance to the property. We consider this new build is inappropriate and too large in this position.

We therefore object to the proposals

- (a) to change the windows of the house to PVC
- (b) to build two storey flats at the front of the house
- (c) to make any alteration to the existing boundary walls or original gate piers, other than repair to the brick frontage.

### The site and its surroundings

The application comprises development on two discrete sites at Windsor Gardens at Nos. 2 and 44-48. The site is managed by BDHT. The proposed site at 44-48 consists of a Georgian style residence with an access road from Windsor Gardens and an area of amenity space primarily to the south west. There are a number of mature trees. The site is bordered to the SW by College Walk and there are substantial trees and hedges on this side limiting the views from the footpath.

The second site, at No. 2 Windsor Gardens consists of a single storey brick building which was formerly occupied by the Women's Royal Voluntary Service and is currently derelict. The site adjoins Windsor St. car park to the NE. The immediate area to both sites largely consists of postwar housing in a variety of arrangements. The site at No. 44-48 adjoins the Town Centre Conservation Area.

## Proposal

The amended proposal for consideration by Members consists of an increase in the number of units at No. 2 Windsor Gardens from 4 to 6 and a reduction of the number of new units in the block to be provided at 44-48 Windsor Gardens from 6 to 4 and the relocation of that block from the east to the west side of the curtilage to protect existing trees. The conversion of the existing Victorian building into 7 units of accommodation remains the same so there will be a total of 17 affordable housing units provided.

The application is accompanied by a Building Survey, Design and Access Statement and a Supporting Planning Statement. The amended plans are also accompanied by a full Tree Survey and the amendment have been subject to reconsultation.

## Relevant Planning History

None.

## Relevant Policies

WMSS    QE1, QE2, QE3  
WCSP    CTC.1, D.5, SD.2, SD.3, SD.4, SD.5, T.1  
BDLP    DS13, S7, S14, S15, S35A, C4, C17, TR1, TR11  
Others   PPS1, PPS5, PPS3, PPG13, Circular 06/98, SPG1

## Notes

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

- (i) The principle of development and the requirement for affordable housing;
- (ii) The design of the proposal and its impact on the amenity of the existing adjoining occupiers;
- (iii) The impact of the proposal on existing historic character on the site and on the adjoining conservation area;
- (iv) The impact of the proposal on the existing trees on the application site;
- (v) The highway implications of the proposal.

In this respect, I consider that policies T1 and SD3 of the WCSP, policies DS13, S7, S14, C17 and TR11 of the BDLP are most relevant in determining the proposal. The advice of SPG1 and PPS5 (Planning and the Historic Environment) are also of relevance.

### (i) Principle

The site is located within the urban area of Bromsgrove. The redevelopment of the site of No. 2 Windsor Gardens amounts to brownfield development which is acceptable in principle. The remainder of the development consists of the conversion of an existing building and development in the curtilage of same. Whilst the automatic consideration of gardens as brownfield land has been removed in the amendment to PPS3, I do not consider that the principle of developing this site is in doubt and much depends on the

particular characteristics of the site. I would concur with the view of the applicant as expressed in paragraph 6.21 of the Planning Statement to that effect.

The applicant is Bromsgrove District Housing Trust and there is a supporting statement provided. The applicant has strongly raised the point about the lack of affordable housing in Bromsgrove and for every social rented, age restricted one bedroom flat that BDHT advertises, there are 21 applications and the Council's housing waiting list currently stands at 3,200 people. The Council's Housing Strategy (2006-2011) seeks to address the shortage of affordable housing as top priority.

In accordance with the guidance of PPS3 and the case of *Linson Construction Pension Fund v Warrington BC and DETR (2002)*, I consider that the need for affordable housing is a material consideration to which Members should attach considerable weight.

#### (ii) Design Density Layout

The site area comprises 0.23 hectares and I do not consider that the density of development proposed for either site would be unacceptable.

I consider that the form and layout of the proposal for 6 units at No. 2 Windsor Gardens acceptable. It occupies the position of the existing building and matches closely the residential use and scale of the surrounding buildings. It also follows the street pattern of Windsor Gardens.

I consider that the position of the amended proposal (on the opposite side of the curtilage and reduced in scale) to have considerable benefits in terms of the existing layout of the immediate area. There is also less impact on the setting of the historic building.

#### Residential Amenity

I consider that policy S7 and the advice of SPG1 is most relevant in determining the impact of the proposal on residential amenity. The policy requires that the amenity of adjoining occupiers is not detrimentally affected and SPG1 sets standards in terms of separation distances between proposed development and private amenity space.

I will consider the proposal at No. 2 Windsor gardens first. The windows to the front of the proposal are set 23m away from the properties opposite 31 - 37 Windsor Gardens. I note the set forward of the buildings opposite at Nos. 39-49 and these are approximately 20m away. However, I note that there is substantial screening provided by evergreen trees which would mitigate any loss of residential amenity to either the proposal or properties opposite. Whilst the 23m separation distance is less than the 27.5m requirement of SPG1 for these types of property, I note that the distance includes a street and the building follows the logical position of the existing development which also includes first floor living rooms. I note that the other side of the building will face Windsor St. car park and screening along this boundary will be important. I note that other properties to the west on Windsor Gardens also have this aspect. There are no windows to the side of the block Nos. 4 -10 Windsor Gardens and no windows on the proposal will face this blank elevation. I consider the proposed amenity space acceptable for flats and small house types as outlined in paragraph 9.2 of SPG1.

The amendment to the scheme to include two additional units in this position do not have a significant impact since these additional units will overlook open space to the south which is above the level of the units in any case. There are side windows proposed to the north facing the parking area and retained planting bed.

In terms of the conversion of the existing building, there is no change in the amended scheme. I note that fewer windows are proposed than are currently present on the rear elevation. There are no properties directly opposite to the NW and substantial screening to No. 15 New Road. There is a 20m separation between the range of properties 67-89 Windsor Gardens and the building. Whilst this is less than the requirements of SPG1, I note that there is residential accommodation currently on the first floor of the building and the proposal will not have any greater impact. The properties in the range opposite also have a staggered arrangement.

The position of the proposed block to the SW of the existing building has been changed from the east to the west side of the curtilage. This is in order to save existing trees of higher value in this position. The block is also reduced in scale to four flats. The front windows of the block are now separated by 37m from No. 19 New Road and there is substantial boundary treatment and a public footpath separating the site from this property. No loss of residential amenity arises. The block is located at a 90 degree angle to the existing building and there would only be oblique views from the windows of the proposed block. The proposed block is located substantially closer to No. 15 New Road. I note that this property is in an enclosed position at a lower elevation than the proposal. There is a good level of existing evergreen screening on the boundary and the private garden is separated by 10m from the proposed units which are 18m from the side of the dwelling at No. 15. The design of the scheme has taken into account the proximity of the garden of No.15 with windows in this direction generally serving bathrooms and corridors. I do not consider that there is any conflict with the advice of SPG1 and the screening on the boundary mitigates any impact.

(iii) Impact of the proposal on the historic character of site

The conversion of the existing building into 7 units of accommodation has no impact on the form or character of the area and the proposed fabric of the building will be retained. Members should note the comments from the Conservation Officer in this respect. The applicant has also agreed to retain the original windows if possible and, if not, to use timber rather than PVC.

The amended scheme has benefits in terms of the attractive area of curtilage to the SW of the existing building. The comments of the Victorian Society and Conservation Officer are noted. The reduction in the number of units from 6 to 4 in this position enables retention of the character of the site. I note the advice of PPS5 in this respect:

*'In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal'*

In this instance, I do not consider that the heritage asset would be so detrimentally harmed to justify refusing permission.

(iv) Trees

The scheme has been amended specifically to enable the retention of the higher value trees on the east side of the application site including a mature beech and yew. The Tree Officer had objected to the original scheme. The applicant, in consultation with the planning department and Tree Officer has provided a full Tree Survey and the input of all parties has resulted in the amended proposal. The formal comments of the Tree Officer are awaited and I will update Members on this issue at the meeting of the Committee.

(v) Highways

Members should note that no objection has been received from Worcestershire Highways in respect of the original proposal and a response is awaited on the amended scheme. It is noted that the number of units remains the same.

Other issues

The scheme will provide 100% affordable housing and therefore contributions in terms of open space and education are not required. The views of the WCC Footpaths Officer should be noted.

Conclusions

The principle of development at this site is acceptable and I consider that the proposal would make more efficient and beneficial use of the site. The amended scheme overcomes the objections to the previous proposal and will provide much needed affordable housing in a sustainable location and the shortage of such accommodation is an important material consideration in considering this application. There are no overriding amenity concerns. Permission should be granted.

**RECOMMENDATION:** that, subject to the final views of the Tree Officer, that permission be **GRANTED** sfc:

1. C1
2. C3
3. C7
4. C10
5. C13
6. Prior to the commencement of the development, full details of the occupancy criteria which are to be used to select occupants of the flats shall be submitted to the Local Planning Authority for approval. Subsequently the occupation of these units shall only be taken up by persons meeting the approved occupancy criteria, unless otherwise agreed in writing by the Local Planning Authority.
7. HC36

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

**10/1184-DK** - Renovation of existing building into 6 No. 1 bed 2 person flats and 1 No. 2 bed 3 person flat, erection of 4No. 1 bed 2 person flats at Nos. 44 - 48 Windsor Gardens and Erection of 6 No. 1 bedroom 2 person flats at 2 Windsor Gardens - 44 Windsor Gardens, Bromsgrove, B60 2QA - Bromsgrove District Housing Trust

**Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:**

**WMSS** QE1, QE2, QE3

**WCSP** CTC.1, D.5, SD.2, SD.3, SD.4, SD.5, T.1

**BDLP** DS13, S7, S14, S15, S35A, C4, C17, TR1, TR11

**Others** PPS1, PPS5, PPS3, PPG13, Circular 06/98, 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.

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# Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Mr Paul Larner Stage 1 Enterprises Ltd. 'A'</b>	Proposed Change of use from warehouse and office (Class B1) to indoor market and café (Class A1) (as amended by plans received on 18th May 2011) - Rear of 186 - 210 New Road, Rubery	Shopping	<b>11/0164-HR</b> 30.05.2011

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

This application was deferred at the Committee on 23rd May 2011 at the request of Councillor P. M. McDonald in order to resolve issues relating to the proposed area of car parking.

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

## Consultations

WH	Response received 14.04.2011 - No objection subject to the imposition of a condition relating to the submission of parking / unloading details to be approved in writing by the Local Planning Authority.
SPM	Response received 14.04.2011 - No objection.
EDO	Response received 14.04.2011 - No objection.
RA	No comments received.
PROW	Response received 14.04.2011 - No objection.
EHM	Response received 04.05.2011 - No objection subject to the imposition of conditions relating to noise attenuation measures and odour.
Community Safety	Response received 04.05.2011 - No objection subject to the Highways Officer being satisfied that sufficient parking can be accommodated
Publicity	Site Notice Posted 21.04.2011, expired 13.04.2011 Press Notice Posted 21.04.2011, expired 13.04.2011 3 letters sent 14.04.2011, expired 06.05.2011 - no objection received. 36 additional letters sent 04.05.2011, expired 25.05.2011 - 4 objections received: <ul style="list-style-type: none"> <li>▪ Letter received 06.05.2011: Why has no mention been made of the change of right of way which is also proposed? How will this affect the residents? The proposal will affect the residents due to the deliveries, unloading, parking and an influx of customers. The current state of the car park is dangerous and has potholes and crates and has never been properly surfaced and is a danger to both pedestrians and motorists.</li> <li>▪ Email received 12.05.2011: Concerns that the change of use to retail will cause problems with customers to the market parking and or blocking the access road to the rear of our premises as has already occurred with the hairdressers attached to the warehouse. Perhaps a sign could be erected directing customers to their private gated car park which until recently was not gated and was available</li> </ul>

to the public. Also a sign informing the public not to park or block access to the rear of our premises would be good.

- Email received 23.05.2011: The driveway to the rear of the shops 186-210 New Road, is an access way. Unless there is a notice at both ends to inform the public that it is private, not a thoroughfare, not for the parking of vehicles, and not to be blocked, I do have a most serious objection on safety access grounds.

Unless the parking of any vehicle associated with the proposed market and café is strictly confined to the fenced compound of the building, the result will be a serious loss of shopper parking which will be detrimental to existing businesses, and indeed the new venture itself. I do have a most serious objection on loss of amenities grounds, on behalf of all of Rubery shoppers.

- Email received 29.05.2011: We would like to oppose this decision based upon the local shopping area having over 14 food eating establishments within a close proximity. We are conducting a further survey of signed signatures from the local residents in order to get complete local resident information on this application. Due to the fact that recently an application was approved for A5 use of three properties all food eateries, we cannot see the benefit of having further food outlets within Rubery High Street.

The proposed site for change of use is subject to drugs misuse and anti social behaviour also criminal damage to the rear of properties and vehicles parked on and in the vicinity of this proposed site, the said car park on this site behind COOP in Rubery is dilapidated and is in need of repair, the landlord has refused to repair the car park as a further point.

Also we have contacted our local MP Sajid Javid to make him aware of what's happening in our local vicinity.

Please could all parties look at this application and further application for eateries within Rubery area carefully as allowing further food outlets in the Rubery area is causing the demise of Rubery.

We also would like to appeal against this decision should the application be successful, on the basis all of the above.

### The site and its surroundings

The application site relates to a small single storey warehouse and office unit (Class B1) located to the rear of shops and services occupying 186 to 210 New Road, Rubery. The unit shares the building known as the Nexus Centre with a hair salon. The site area is approximately 0.076 ha.

To the north of the site is a driveway providing rear access to the retail units on the parade and balcony access to the residential units located above.

Residential dwellings are situated along Graham Crescent located to the south the site. A garage is situated to the east of the site, retail units to the west of the site and a car park is located to the south west of the site.

The site is located within a Shopping Area as defined in the Bromsgrove District Local Plan 2004 though the car park area shown on the location plan is within a Residential Area.

### Proposal

It is proposed to change the use from an existing warehouse and office unit to indoor market and ancillary café. The existing use falls within the B1 category of the Town and Country Planning Use Classes Order 1987 (as amended) and the proposed use is an A1 with an incidental A3 use.

The proposed hours of opening would be 9.00 a.m. to 5.30 p.m. (Tuesday to Saturday).

External alterations are proposed as part of this application. To the south elevation, the existing shutters would be removed and fire escape doors installed for the proposed indoor market and for the proposed café / kitchen. To the north elevation, the existing fire escape would be removed and a window for the café is proposed. To the west elevation, a new roller shutter (which would replace the existing), automatic doors and a non-illuminated sign is proposed.

### Relevant Policies

WMSS	UR3
WCSP	SD.9, D.34
BDLP	DS13, S21, RUB2, TR11
DCS2	CP3, CP10
Others	PPS1, PPS4

### Relevant Planning History

10/0062	The front office to be changed from B1 Office space to A1 Hairdressers - granted 04.03.2010.
10/0496	Use the building as car valeting - granted 09.09.2010.
06/0209	To erect 2 short runs of 2m high fencing to small area of land adjacent to main building - granted 24.04.2006.

### Notes

The advice of the Council's Strategic Planning Manager has been sought in relation to the proposal's acceptability in policy terms.

The site is situated within the designated shopping area of Rubery in the Bromsgrove District Local Plan. As such retail development is seen as appropriate in this location.

Policy RUB2 provides that all retail uses within Classes A1 - A5 of the Town and Country Planning (Use Classes) Order 1987 (as amended) will be acceptable in Rubery's designated Shopping Area.

In accordance with policy RUB2 proposals for retail development on the ground floor are acceptable. This also includes A3 use, which is proposed as part of the development. The District Council will only allow retail proposals which are capable of being integrated within the existing frontages and which do not extend the shopping area. The proposal is not contradictory to this policy.

Relevant national policies include PPS1 Delivering Sustainable Development and PPS4 Planning for Sustainable Economic Growth.

The proposal would conform to PPS4 as it would encourage sustainable economic growth, promote sustainable patterns of development, encourage retail diversity and facilities and provide real consumer choice and competition.

In terms of emerging policy, CP10 Sustainable Communities within the Core Strategy is relevant. The Council supports the provision of services and facilities to meet the needs of the community, as well as supporting improvements to existing facilities to enable them to adapt to changing needs.

On this basis, the proposed use is considered to be acceptable in principle.

I therefore consider that the main issues to address are those arising from the proposal's impact on the surrounding residential properties and would the proposal have a detrimental impact in terms of parking arrangements.

### Residential Amenity

The proposal has potential to create noise and odour through customer / staff activity, fume extraction and air conditioning mechanisms. It is considered that this may be a nuisance to the occupiers of the surrounding residential properties. The Environmental Health department have been consulted on the proposal and have stated no objection subject to the imposition of conditions relating to noise attenuation measures and odour created by the proposed use.

### Parking

The Community Safety Officer has no objection to the proposal subject to the Highways Officer being satisfied that sufficient parking can be accommodated.

The site is situated within an accessible and sustainable location and therefore the Highways Officer has no objection to the proposed parking area arrangement subject to the imposition of a condition relating to the submission of parking / unloading details to be approved in writing by the Local Planning Authority.

Additional information has been received from the applicant which states that following a meeting with the Land Owners management company, Marcus King Associates, and following further conversations with their maintenance contractors, repairs to the potholes at the entrance to the shoppers car park at the rear of the Co-Op Welcome Store commenced on June 8th 2011. On site inspection at the end of June, I can confirm that the pot holes at the entrance have now been removed.

I therefore conclude that the proposal would be acceptable and I am therefore minded to approve consent.

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

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan at Scale 1:1250 - Date Received 25.02.2011
- Site Plan at Scale 1:500 - Date Received 25.02.2011
- Existing Front, Rear Elevation (plans not to scale) - Date Received 25.02.2011
- Drawing Number 151, Job Ref: R100, Elevations as Existing at Scale 1:100 - Date Received 04.04.2011
- Drawing Number 100, Job Ref: R100, Ground Floor as Existing at Scale 1:50 - Date received 04.04.2011
- Drawing Number 150, Job Ref: R100, Ground Floor Plan as Existing, Identifying Extent of Changes at Scale 1:100 - Date Received 04.04.2011
- Drawing Number 301, Job Ref: R100, Elevations as Proposed at Scale 1:100 - Date Received 04.04.2011
- Amended Plan: Drawing Number 200A, Job Ref: R100, Ground Floor as Proposed at Scale 1:50, Date Received 18.05.2011
- Drawing Number No. 303, Proposed Aluminium Shop Front for Rubery Market (plans not to scale) - Date Received 04.04.2011

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The use hereby permitted shall operate between the hours of 09:00 hrs. and 17:30 hrs. on Tuesday to Saturday.

Reason: In order to protect the amenities of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.

4. Prior to development commencing, further details shall be submitted to the authority regarding the type, location and proposed times of operation of noise making equipment. Details shall also be submitted regarding mitigation measures.

The noise levels shall be determined at the nearest noise sensitive property and comply with BS4142:1990.

Reason: In order to protect the amenities of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.

5. Prior to the development commencing, further details shall be submitted to the authority regarding type and location of extract flue systems to be used. Details shall also be included regarding odour mitigation measures that may be necessary.

Reason: In order to protect the amenities of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.

6. The development hereby permitted shall not be brought into use until areas for the manoeuvring, parking, loading and unloading of vehicles have been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.

#### Notes

The premises and business will be required to comply with Food Safety and Health and Safety legislation which is enforced by Worcestershire Regulatory Services and the premises will be subject to routine inspection to assess compliance.

Advice on compliance with the legislation can be obtained from Amy Worboys at Bromsgrove District Council (telephone number 01527 881446).

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	UR3
WCSP	SD.9, D.34
BDLP	DS13, S21, RUB2, TR11
DCS2	CP3, CP10
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 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Midland Park Homes 'B'</b>	Construction of 5 no. 2 storey 2-bed dwellings on land to the side and rear with revised access from highway (plans as amended 09.06.2011 and 13.06.2011 re-aligning Plot 1 adjacent No. 52 and reducing height of Plots 2 - 5) - 52 Chadcote Way, Catshill, Bromsgrove, Worcestershire, B61 0JT	Residential Area	<b>11/0182-SC</b> 30.05.2011

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

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

## Consultations

WH	Comments received 19.04.2011: No objection subject to conditions.
EHM	Comments received 03.05.2011: No objection subject to conditions.
ENG	Comments received 19.04.2011: No objection subject to conditions.
SPM	Comments received 23.06.2011: "The above site is situated within the residential area of Catshill within the Bromsgrove Local Plan. The proposal is to develop five dwellings, therefore PPS1, PPS3, policy S3, S7, S8 and S14 of the adopted Bromsgrove District Local Plan (adopted Jan. 2004) and SPG1 apply."
Community Safety	No comments received as yet.
WMC	Comments received 20.04.2011: No objection.
Tree Officer	Comments received 18.05.2011: No objection subject to conditions.
Parish	Comments received 01.07.2011: "Object to this application on the grounds that the resulting development would appear over-crowded and cramped; access to the site via Chadcote Way is already haphazard due to cars being parked on the pavement and the insertion of five more dwellings will add to the existing nuisance and congestion."
Publicity	17 Neighbour notification letters posted 12.04.2011; expired 03.05.2011 Site Notice Posted 21.04.2011; expired 12.05.2011  15 letters received. Concerns raised over the following: <ul style="list-style-type: none"> <li>▪ Overlooking / loss of privacy</li> <li>▪ Loss of trees</li> <li>▪ Increased traffic on Chadcote Way</li> <li>▪ Under provision of parking</li> <li>▪ Site access has poor visibility</li> <li>▪ Children play in the area</li> <li>▪ Drainage issues</li> <li>▪ Unit 1 would be forward of the building line</li> <li>▪ Loss of light</li> <li>▪ Overdevelopment</li> <li>▪ Overbearance</li> </ul>

- Development out of keeping with character of surrounding area.
- Lack of Street lighting
- Garden Land not wasteland
- Wildlife impact
- Noise from properties
- Parking survey should be performed on a weekday evening
- Layout and density of buildings unacceptable

Following receipt of amended plans the following further publicity was performed:

23 Neighbour notification letters posted 22.06.2011; expires 13.07.2011

3 Site Notice Posted 21.06.2011 expired 12.07.2011

1 further letter of objection received raising issues as covered above.

### The site and its surroundings

The application site relates to an area of former scrub land to the rear of number 35a Wildmoor Lane. The site is adjoined by existing residential development to its northern, southern and eastern boundaries. The site would be accessed from Chadcote Way which runs along its western boundary. The site is located in a Residential Area as defined in the BDLP 2004.

### Proposal

It is proposed to erect 5 no. 2 bedroom dwellings on the site. A detached dwelling would be accommodated to the west of the site, adjacent to number 52 Chadcote Way, and a terraced development comprising four units would be erected towards the eastern end of the site. All of the units would be for sale on the general market.

### Relevant Policies

WMSS	QE3, QE5, CF2, CF3, CF4, CF.5
WCSP	CTC.1, CTC.5, SD.3, SD.4, T.1
BDLP	DS13, S7, C17, TR11
DCS2	CP3
Others	PPS1, PPS3, PPG13, SPG1

### Relevant Planning History

10/0295	Residential development of 5 No. 2 Bedroom dwellings, in the redundant scrub garden area, to the rear garden of 35 A Wildmoor Lane (as amended by drawings received 02.06.10) - refused 10.06.2010.
09/0879	Development of 7 no. 2 bedroom dwellings - Withdrawn.

### Notes

This application represents a redesign of the application 10/0295, refused 10.06.2010, in order to overcome the stated highway reason for refusal. The following reason for refusal was given for 10/0295:

- The proposed development would not incorporate a safe means of access and egress and would therefore be contrary to policy T.1 of the Worcestershire County Structure Plan 2001, policies TR11 and S7 of the Bromsgrove District Local Plan 2004 and the advice contained within PPG13: Transport.

### Assessment

The proposal represents a form of backland development and, in light of the recent amendments to PPS3, it is now necessary to determine if the site is classed as a greenfield site or as previously developed land (pdl). This will be a key consideration when establishing the principle of the development.

I consider that the other main issues to address are those related to policy S7 of the BDLP and the guidance contained in SPG1. These can be grouped under four main headings:

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

I am also mindful of the concerns raised by third parties. These are considered to fall within the main subject areas set out above thus I will not give them separate consideration in this report.

### The principle of the development

The definition of pdl in PPS3 does not include land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although may feature paths, pavilions and other buildings, have not been previously developed.

It is understood that the site was formerly occupied by a brick built structure. Remains of this building were evident at the time of my site visit and its footprint appears on the Council's OS base plan. The structure is estimated to have a floor area of 75m<sup>2</sup>. This building would however have only occupied a small proportion of the site and the remainder was formerly covered by trees and vegetation. I am not therefore minded to treat the site as pdl and I consider the proposal to represent the development of a greenfield site.

When considering the implications of this for the proposed development it is necessary to consider the characteristics and context of the site. It is noted from aerial photos and third party representations that the application site was formerly an area of scrub land containing numerous large trees, long grass and other vegetation. At the time of the officer site visit, however, it was evident that all the large trees have been removed from the site. The site is currently overgrown but appears to have been subject to fly tipping. It is not therefore considered to be of any ecological or amenity value and I do not have any concerns over it being lost to development.

I appreciate that the current condition of the site is somewhat contrived, but the Council's determination on the application must be based on the existing circumstances of the case rather than any previous situations.

The site is located within a built up area. There are numerous shops and services located along nearby Golden Cross Lane and there are a number of bus services running along Wildmoor Lane. The site is therefore considered to be a sustainable location and I consider it to be suitable for new housing development.

Further to the above matters, it should be noted that the development of this site would help to relieve development pressures (albeit to a modest extent) on more sensitive Green Belt sites.

Taking the above matters into consideration I am of the view that the development of a greenfield site can be justified in this instance.

### Density, form and layout

The proposed development would be at a density of around 39 dwellings per hectare (dph). The surrounding area is comprised of development of mixed densities with higher ratios of around 60 dph located along Springs Avenue and Chadcote Way (to the north and west of the site), and lower ratios of between 20 and 30 dph located along Wildmoor Lane (to the east of the site). The proposed density is not therefore considered to be inappropriate within this context.

It is considered that the proposed density can be achieved at the site without resulting in over development. Private amenity space would be provided for each unit ranging from between 53m<sup>2</sup> in the case of Unit 2 up to 75m<sup>2</sup> at Unit 1. The average area of private amenity space per new dwelling would be 60m<sup>2</sup>. Section 9 of SPG1 recommends that small house types (i.e. 1 bedroom flats and flats) provide a minimum area of 42m<sup>2</sup> and larger family houses with 6 habitable rooms a minimum area of 70m<sup>2</sup>. The proposed dwellings would provide 2 bedrooms and 5 habitable rooms thus, having regard to SPG1, I am of the view that sufficient amenity space would be provided within the site.

Further to this, each unit would provide parking space to comply with the County Council's standards and areas of landscaping would be provided around the site, achieving a pleasant visual setting.

The form and design of the dwellings in the surrounding area is fairly mixed. The nearby dwellings along Wildmoor Lane are all of a very mixed form involving bungalows and two storey dwellings with hipped and pitched roofs. The nearby dwellings along Springs Avenue and Chadcote Way are all of a very simple pitched roof form and, with the exception of No. 52 Chadcote Way (which has a gable roof), there is very little design variation in this area.

Unit 1 would be located within the frontage along Chadcote Way set back 2m from No.52. The form and design of this unit would be very similar to most of the other buildings along this part of Chadcote Way and I am of the view that it would assimilate well within the street scene. From the proposed site plan this unit would appear to have an uncomfortable relationship with the adjacent dwelling (52 Chadcote Way). It should be

noted, however, that the part of the adjacent dwelling close to the boundary would only be at single storey. It is therefore considered that a sufficient visual gap would be provided between Unit 1 and this dwelling and I do not have any concerns over their relationship in the street scene.

The remaining dwellings do not fit within a street scene but I am of the view that they would bear a visual relationship with the surrounding dwellings along Springs Avenue, Wildmoor Lane and Chadcote Way. As previously noted, the adjoining part of Wildmoor Lane is of a very mixed character and I do not consider that there are any particular design features the development needs to have regard to. The dwellings along Springs Lane and Chadcote Way are all of a very uniform appearance and I am of the view that the form and design of the Units 2 - 5 would respect this character.

The surrounding area is of a mixed layout. The dwellings immediately adjoining the site are all set at the front of their plots forming distinct building lines. There is however a marked variation to this layout further south of the site whereby numbers 24 - 30 Chadcote Way are set around 40 metres back from the highway. Units 2 - 5 of the proposed development would mimic this development pattern and I am of the view that the layout of the proposal would be appropriate to the area.

#### Visual Amenity

As previously noted, the site is not considered to be of any public amenity value and I would not have any concerns over it being developed.

Although I acknowledge neighbour concerns over the loss of trees and vegetation from this area, and I consider this loss to be unfortunate, this matter is not relevant to this application. The Council's determination of the application must be based on the existing condition of the site.

I note that the Tree Officer has raised no objection to the proposals and that a further landscaping plan is to be conditioned to ensure this aspect of the development is of a sufficient standard. I am therefore of the view that this matter can be suitably addressed through the imposition of a condition on any planning permission granted requiring the submission of an appropriate landscaping scheme.

#### Residential Amenity

As previously noted, the site is surrounded by residential development and there are 17 properties adjoining the site. The proposed development therefore has potential to harm the amenity of the occupiers of these properties and it will be necessary to consider matters of overlooking, loss of light and overbearance.

Unit 2 would be located 1.6 metres away from the rear garden to No. 35 Wildmoor Lane and Unit 5 would be a similar distance away from the rear gardens to 1 and 1b Springs Avenue. I note the close proximity of these units to the adjoining gardens and the concerns raised by nearby residents in relation to loss of privacy, light and overbearing impact of the development. The side elevations of the proposed units, however, contain only obscure glazed windows and thus there would not be any direct overlooking of private gardens. I note that there are first floor windows in the front and rear elevations of

these dwellings but views of the adjoining gardens could only be gained from these at an angle. Given that these windows are set in from the boundary by 3.2 metres, I am of the view that any resulting views of the adjoining gardens would be from a sufficient enough distance for no unacceptable overlooking to occur. All non-obscure glazed windows would be located in excess of 21 metres away from the opposing windows in the nearby dwellings, thus, having regard to SPG1, I am not of the view that any loss of privacy would result.

In relation to the potential for loss of amenity through loss of light and overbearing proximity, it is noted that these grounds were not considered to represent reasons for refusal in the assessment of a similar block of buildings as part of application 10/0295. When considering the physical impact of the block of dwellings containing Units 2 - 5 on the surrounding occupiers, it is important to note the design of the building and its distance from the boundaries. The roof of the building would be set down at Units 2 and 5 (those closest to the boundary) and I am of the view that this would soften its physical presence. Furthermore, as noted above the building would be set off from the adjacent boundaries by 1.6 metres creating a buffer between the new dwellings and adjoining gardens. Additionally the applicant has attempted to soften the full impact of the gable side elevations by the partial hipping of the roof at this location. As such, whilst the southern location and close proximity of the proposals will impact on the residential amenity of the adjacent gardens to a certain extent, on balance, the impact is not viewed as sufficient to warrant refusal.

#### Highways and servicing issues

I note the concerns raised in the numerous representations received by the council in relation to the highways impact of the proposal. The Highways Engineer has been consulted and has not raised an objection in relation to the proposal. Having regard to this specialist advice, I am satisfied that the proposal has resolved the previously stated highways reason for refusal of the development of this site and, as such, I consider the proposal to be in accordance with policy TR11 and criterion (h) of policy S7 of the BDLP.

The Drainage Engineer has raised no objection to the proposal subject to the imposition of conditions to secure foul and storm drainage provisions.

#### Conclusion

The applicant has submitted designs that address the previously stated highways reason for refusal of application 10/0295, a development essentially of the same scale and character as this current application. I am mindful of the need for Planning Authorities to provide a consistent framework of assessment for development. As such, it is viewed that there are insufficient grounds for refusal and it is recommended that planning permission be granted.

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

1. **C001** (Standard time - three years)
2. **C001A** (In accordance with approved plans)
3. **C003** (Materials)
4. **C007** (Drainage)

5. **C010** (Landscaping)

6. **HC4** Single access - new - footway

Before any other works hereby approved on the application site are commenced, the new entrance shall be set back 2 metres from the rear of the adjoining footway. On each side of the set back entrance splays shall be formed at an angle of 45 degrees with the highway boundary and the whole of the splayed areas shall be graded and cleared so that no part thereof exceeds a height of 0.6m above the relative level of the adjoining carriageway.

REASON: In the interest of highway safety in accordance with TR11 of the BDLP 2004.

7. **HC5** - Visibility splays

No other development (hereby permitted) shall commence until visibility splays have been provided on each side of the proposed access on a line joining a point 2.4 metres back from the nearside edge of the adjoining carriageway measured along the centreline of the access, to a point 25 metres in each direction measured along the nearside edge of the carriageway from the centre of the new access. Nothing shall be planted, erected and / or allowed to grow which exceeds a height of 0.6metres on the triangular area of land so formed in order not to obstruct the visibility described above.

REASON: In the interest of highway safety in accordance with TR11 of the BDLP 2004.

8. **HC8** - Vehicle access construction

Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be agreed in writing with the Local Planning Authority.

REASON: In the interest of highway safety in accordance with TR11 of the BDLP 2004.

9. **HC11** - Access closure - occupation - vehicular

Prior to the occupation of the building(s) hereby approved the existing vehicular access onto the adjoining highway shall be permanently closed. Details of the means of closure and reinstatement of this existing access shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on the development hereby approved.

REASON: To ensure the safe and free flow of traffic using the adjoining County highway in accordance with TR11 of the BDLP 2004.

10. **HC25** - Access, turning and parking

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

REASON: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway in accordance with TR11 of the BDLP 2004.

11. **HC36** - Cycle Parking (Multi Unit)

Prior to the first occupation of any dwelling hereby approved secure parking for 2 cycles to comply with the Council's standards shall be provided within the curtilage of each dwelling and these facilities shall thereafter be retained for the parking of cycles only.

REASON: To comply with the Council's parking standards in accordance with TR11 and TR13 of the BDLP 2004

12. **HC51** - Parking for Site Operatives

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

REASON: To prevent indiscriminate parking in the interests of Highways safety in accordance with TR11 of the BDLP 2004.

### **Informatives**

1. **HN4** - Private Apparatus within the Highway

This permission does not authorise the laying of private apparatus within the confines of the public highway

The applicant should apply to the Worcestershire County Council's Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845 607 2005), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway.

Precise details of all works within the public highway must be agreed on site with the Highway Authority.

2. **HN5** - Alteration of highway to provide new or amend vehicle crossover

This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the

County Council's Approved Contractor following the issue of a license under Section 184 and 278 of the Highways Act, 1980.

The applicant should contact Worcestershire County Council's Highways Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845 607 2005), regarding the issue of the necessary license authorising the access works to be carried out by the County Council's Approved Contractor at the applicant's expense.

3. **HN9** - No Drainage to Discharge to Highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and / or Vehicular turning area does not discharge onto the Public Highway. No drainage or effluent from the proposed development shall be allowed to discharge into any Highway drain or over any part of the Public Highway.

4. **HN12** - Protection of Visibility Splays

The applicant's attention is drawn to the need to ensure that the provision of the visibility splays required by this consent is safeguarded in any sale of the application site or part(s) thereof.

5. **HR2** - Direction Sign

The sign would give directions to private premises and is not authorised by the Road Traffic Signs Regulations and General Directions 2002. Notwithstanding the question of legality, the presence of such signs would establish a precedent resulting in a proliferation of similar signs. This would create an unacceptable distraction to highway users and prejudice observation of statutory signs erected by the Highway and Police Authorities.

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, QE5, CF2, CF3, CF4, CF.5
WCSP	CTC.1, CTC.5, SD.3, SD.4, T.1
BDLP	DS13, S7, C17, TR11
DCS2	CP3
Others	PPS1, PPS3, 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

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# Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Mr. S. Dudley 'A'</b>	Refurbishment and extension of Wharf Cottage and Conversion of Warehouse into 2 dwellings with removal of modern lean-to and internal staircase (as amended by plans received 19.04.2011, 17.05.2011, 25.05.2011, 01.07.2011. As augmented by plan received 17.05.2011, Structural Report and calculations received 26.04.2011, Bat Emergence Survey received 10.05.2011, external material samples received April and May 2011, email received 03.06.2011 and letter received 23.06.2011 (drainage details)) - Wharf Cottage and Warehouse, Tardebigge, Bromsgrove, B60 1NF	GB Cons. Area LB2 LPA	<b>11/0266-SG</b> 19.05.2011

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

## Consultations

WH	Consulted 31.03.2011, expired 14.04.2011 - no objection.
Tutnall & Cobley PC	Consulted 31.03.2011, expired 21.04.2011 - no objection.
EHM	Consulted 31.03.2011, expired 14.04.2011 - no comments received.
SPM	Consulted 31.03.2011, expired 14.04.2011 - no comments received.
TO	Consulted 31.03.2011, expired 14.04.2011 - no objection subject to conditions.
CO	Consulted 31.03.2011, expired 14.04.2011 - no objection subject to conditions.
ENG	Consulted 31.03.2011, expired 21.04.2011 - no objection.
BW	Consulted 31.03.2011, expired 21.04.2011 - no objection subject to conditions.
WWT	Consulted 14.04.2011, expired 05.05.2011 - no comments received.
Publicity	Neighbour notification - 2 letters sent 19.01.2011, expired 09.02.2011. Site notice posted 05.04.2011, expired 26.04.2011. Press notice published 07.04.2011, expired 28.04.2011.
	1 objection received. Object on two counts:
	(i) I believe that the development is not in the best interest for the community and the economy of the area. In particular in view of the change in funding / stewardship of British Waterways. I would prefer to see a development of a café and visitor centre to augment the canal and the trip boat amenity.
	(ii) There is no environmental survey to be carried out. The application states that there are no priority species using the building, the applicant cannot know this and I told him that there was a high probability of the building being used as a bat roost during his public consultation. I belong to the Birmingham and Black Country and

Worcestershire Bat groups and have recorded several species using the area of a number of years. As part of my planning application, I had to have a bat survey, which recorded 6 species of bat using the area and I had a maternity roost for Soprano Pipistrelles and an overnight roost for Brown Long Eared bats. As a minimum there should be a professionally conducted bat survey. Also, last year a pair of swallows raised 2 young, they gained access via the upper window to the canal side. As the numbers of this species is declining, mitigation should be installed to maintain nesting opportunities.

### The site and its surroundings

This application relates to Wharf Cottage and Warehouse which are Grade II Listed. Wharf Cottage and Warehouse are located within New Wharf which consists of a hamlet of cottages and wharf buildings. The site is located north of the Worcester and Birmingham Canal in Tardebigge. The site is accessed via a communal driveway off Alcester Road which is shared by the other cottages and wharf buildings in the complex.

Wharf Cottage and Warehouse are officially listed as "Workshops 75m SW of Tardebigge Tunnel". The building dates back to the early 19th century with some mid-19th century alterations. The building is made of sandstone ashlar with low-pitches slate roof. The south gable end to the canal has moulded stone cornice, stone coped verge above, a central vertical opening which was formally the loft door and is now blocked over with a 3 light casement. A 20th century lean-to was added to the west side of the building which is not of any special architectural interest. A small cottage and privy were added to the north-northwest elevation of the warehouse before 1876.

The warehouse has remained largely redundant for commercial use for almost 60 years. At present, Wharf Cottage and Warehouse are empty and appear in need of renovation.

The site is located in the Tardebigge Conservation Area within the Green Belt and Landscape Protection Area.

### Proposal

This application proposes the extension and restoration of the existing 2-bed cottage and conversion of the Warehouse into two 3-bed dwellings with hard and soft landscaping and integrated car parking. The existing lean-to on the west side of the warehouse would be removed, and the original openings reinstated in the front elevation.

To the rear of the cottage, an additional storey would be added to the existing single storey extension that currently houses the bathroom and kitchen. The extension would match the height of the main body of the houses and would tie in with the existing main roof to the cottage. The existing privy is to be retained and refurbished. Internally, the ground floor to the cottage would be open plan with existing stair case leading to 2 bedrooms and a bathroom on the first floor.

Internally the existing open space of the warehouse would be divided into 2 units with a new party wall located in the centre (approx.) of the building and would be sub-divided

across two floors. The internal arrangements of the warehouse on the ground floor will be relatively open with few new partitions. There would not be ceilings on the first floor which would allow for a view of the roof and trusses. No new windows or roof lights are proposed for the warehouse therefore only original openings will be used or opened up for the doors and windows. Floor joints, beams and cast iron columns are to be exposed.

The landscaping proposed includes a car parking and amenity area to the front consisting of golden flint chippings to be defined with cast iron bollards and blue brick edging. It is proposed that the rear gardens are lawned with grass and that the side and rear boundaries are defined with 1.1m high timber post and rail fencing.

### Relevant Policies

WMSS	QE1, QE5, QE6
WCSP	SD.2, CTC.1, CTC.19, CTC.20, CTC.21, D.38, D.39
BDLP	DS2, DS13, C27, C10A, S35A, S36, S39, TR11, ES5, C1, C4, TARD1
DCS2	CP3, CP16, CP17, CP20
Others	PPS1, PPG2, PPS5, PPS7, PPS9, Circular 06/2005, SPG1, SPG4

### Relevant Planning History

None.

### Notes

The main issues in the consideration of this application are whether the proposal is appropriate development in the Green Belt, the design of the scheme and its impact on the Listed Building and Tardebigge Conservation Area, the structural condition of the building, ecological and parking issues and the impact on the amenities of adjoining occupiers.

### Principle

Policy TARD1 of the BDLP states that "land adjacent to the canal basin at Tardebigge is designated for recreational / leisure purposes in conjunction with the use and compatible with the interpretation of the canal for leisure uses appropriate within a Conservation Area. Proposals for uses not closely associated with the canal will generally be unacceptable". The application site falls within this policy designation. Given the fact that this application involves the conversion of a redundant commercial warehouse for residential use, I consider the principle for development to be contrary to policy TARD1. On this basis, it is now for me to consider whether there are any overriding circumstances that would outweigh the presumption against residential use.

I have regard to Planning Policy Statement 3 (PPS3): Housing which sets out the national framework for delivering the Government's housing objectives. I also pay regard to the current Draft Core Strategy 2 which contains the most recent housing targets for the District which are in accordance with those published in the RSS Examination in Public panel report. With regard to house types, I refer to the District's Housing Market Assessment 2008 which identified a high need for smaller house types (2 / 3 beds) within

the District. I also note a key target of PPS3 to achieve a variety of houses and the need to provide housing in rural areas. I consider the proposed development would help to meet the objectives of PPS3 and the proven housing needs of the District by providing a two bedroom house and 2 three bedroom houses within a rural area. I also take account of the fact that the scheme would be making effective use of an existing building to accommodate new housing. For the reasons above, I attach substantial weight to housing supply as a material consideration.

The need to secure a new use for a listed building at risk should also be balanced against the aims of policy TARD1. It is noteworthy that the warehouse has been largely redundant from commercial use for almost 60 years and there have been no recent planning applications at the site. The PPS5 Practice Guidance, which is a material consideration in the determination of planning applications, advises that:

"77. Finding the optimum viable use for an asset may require the local planning authority to apply other development control policies flexibly and imaginatively to achieve long-term conservation. For example, to realise the benefits of bringing an abandoned listed building on the Heritage at Risk register back into viable use it may be necessary to make an exception to a policy that restricts residential use on employment land."

"79. There are a number of potential heritage benefits that could weigh in favour of a proposed scheme:

1. It sustains or enhances the significance of a heritage asset and the contribution of its setting.
2. It reduces or removes risks to a heritage asset.
3. It secures the optimum viable use of a heritage asset in support of its long term conservation.
4. It makes a positive contribution to economic vitality and sustainable communities.
5. It is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment.
6. It better reveals the significance of a heritage asset and therefore enhances our enjoyment of it and the sense of place."

The Council's emerging core strategy policy CP16 also states that:

"The Council will conserve and enhance the significance, heritage interest and setting of the historic environment by

- Stimulating and supporting the sensitive reuse of redundant historic buildings as a catalyst for regeneration and economic vitality."

Taking the above into consideration, I am of the opinion that active use of the listed building would outweigh the policy constraint of policy TARD1 and would benefit the Tardebigge Conservation Area. For these reasons, I consider the principle of development for residential use to be acceptable.

## Green Belt issues

Policy DS2 of the Bromsgrove District Local Plan 2004 is in general accordance with the provisions of PPG2: Green Belts in setting out the instances where development may be considered appropriate in the Green Belt. One such instance is proposals for the re-use of rural buildings in accordance with policy C27.

Policy C27 sets out a number of criteria against which proposals for the re-use of rural buildings are assessed. Criterion (a) states that proposals must not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it. Criterion (b) states that extensions to any re-used rural building and associated land surrounding the building will be strictly controlled, where this would conflict with the openness of the Green Belt and the purposes of including land in it. The proposed development includes a small first floor extension to the cottage above the ground floor lean-to which would create an additional 9.3m<sup>2</sup> of floor space. To my mind, the demolition of the lean-to extension to the front of the warehouse (with an area of 44.6m<sup>2</sup>) would more than compensate for the first floor addition. Demolition of the lean-to would also significantly improve the appearance of the listed building and I consider the cottage extension to be small scale and would result in consolidation of its form and appearance. I also note that the footprint of the cottage would not be increased. In light of the above, I do not consider the new use of the building would have any greater harm on the openness of the Green Belt than its present redundant use.

## Design issues

Policy C27 of the BDLP and policy D.16 of the Worcestershire County Structure Plan 2001 (Re-use and conversion of buildings) state that the form, bulk and general design of a conversion scheme should be in keeping with its surroundings and respect local building styles and materials. The Council's Supplementary Planning Guidance Note 4: Conversion of Rural Buildings (SPG4) notes that one of the reasons for allowing conversion schemes is to preserve the character and integrity of the original building. Paragraph 3.0 states that a building should be capable of conversion to its new use without loss of those characteristics which make it worth keeping. In the case of the building to be converted, the early 19th century warehouse and mid-19th century cottage with detached privy are listed. The characteristics of the warehouse are its vernacular architecture with sandstone ashlar and low-pitched slate roof, and its simple and utilitarian form and appearance.

There have been no new openings proposed in the warehouse because the proposal will utilise all existing openings; some of which are currently blocked up. There are 5 existing openings in total that span the length of the building. The full length opening on the gable end will incorporate a 3 window casement and those openings to the front and rear elevations will incorporate 2 window casements. I consider the proposed aluminium framing for these windows to be appropriate as it will reflect the former industrial use of the building.

Refurbishment of the cottage would introduce a new doorway in the side elevation and a first floor bathroom window. The first floor extension to the cottage would introduce a new opening on the rear elevation and a change to the profiling of the existing roof. In my opinion, the introduction of a few new openings and modification to its roof would not

be of harm to the character and appearance of the cottage since it has an established residential use. Furthermore, the finished cottage would remain subservient to the principle warehouse building.

The Conservation Officer has not raised any issues with regards to the design of the conversion scheme and its impact on the Listed Building or Conservation Area. Indeed, the conversion of the warehouse to a new use is considered positive and the proposed residential use will be in keeping with the character of the wharf which contains a group of notable unlisted historic buildings.

Although some of the surrounding cottages have tiled roofs, slate is considered to be more appropriate in this case as the cottage is an addition to the slated warehouse.

I am happy with the use of cast iron bollards for the parking area since these are traditional to the Canal and the gravel surface to the front of the building would provide a softer appearance than tarmac as suggested by British Waterways.

Since there have been no extensions or new openings proposed for conversion of the warehouse, I consider its original form, character and appearance would be successfully maintained. It is noteworthy that external and internal works are to be carried out to the stone on the warehouse to preserve its vernacular architecture.

#### Listed Building and Conservation Area

The building has individual special interest as a surviving early industrial building that contributes to the character of the wider Canal Conservation Area. I consider the active use of the building would benefit the Listed Building since the structural works would deal with extant issues of structural movement and decaying fabric. I consider removal of the unattractive lean-to extension would also be advantageous because it would improve the appearance of the building. I note that conversion of the warehouse to a residential use would also be in keeping with the character of the wharf which contains a group of notable unlisted historic cottages. Retention of the historic brick privy is also welcomed.

Whilst the new residential use will require some changes to the internal historic floorplan, I recognise that efforts have been made to retain an open plan layout particularly on the ground floor and that new partitions follow the line of the existing cast iron columns and trusses. The loss of the existing staircase is unfortunate but unavoidable in order to enable a new use. There would be the loss of some internal historic fabric with the introduction of plasterboard to improve energy efficiency which would conceal the stonework. Whilst this is unfortunate, I consider it just reasonable to create suitable living conditions and this will also enable the new wiring, plumbing, etc. to be contained within the plasterboard.

To maintain the historic fabric of the building and ensure a high quality restoration, the applicant has submitted samples of the stone for the repairs to the warehouse and a sample of the new roof slate for the cottage which have been checked on site and to which I find acceptable. A detailed photographic record of the interior and exterior of the warehouse and cottage has been received from the applicant (subject to request) to provide a record of the existing buildings which are considered to be of historic interest.

Methods statements have been received by the applicant with regard to the removal of the existing render and its replacement; for the repair to the crack between the gable wall and rear wall; and for the removal of the ivy and associated chemical treatment. These methods statements are considered acceptable for the provision of sympathetic repairs that would not harm the special interest of the building.

For the reasons above, I consider the proposed scheme would have no adverse impact on the special interest of the listed building and its reuse would enhance the character and appearance of the wider Conservation Area.

#### Structural condition of the building

Policy C27 requires rural buildings to be converted to be a permanent and substantial construction and capable of conversion without major works or complete reconstruction. Policy D.16 of the WCSP has a similar requirement.

The application was accompanied by a structural report carried out by Russellford Associates dated 25th April 2011. The report found that the buildings are currently in a stable condition and suitable for conversion but do require a degree of maintenance. The report details the following work required or possibly required as part of the proposed conversion and extension of the cottage.

- The cottage will require a new roof which will have new lead flashing into the stone gable and around the brick chimney which requires re-pointing.
- New pointing with lime based mortar to replace the areas where cement based hard mortar has been used. Some re-pointing internally is also required.
- Two slates on the main roof of the warehouse require replacement.
- The underpinnings of the foundations to the cottage are required to maintain stability. An alternative solution, which would be preferable from a health and safety point of view, is for the rear single storey wing to be carefully taken down, and then the new foundation and the walls above could be constructed on the same footprint.
- Extensive ivy coverings and its roots needs to be removed from the buildings.
- The crack in the northwest corner should be tied together with resin anchored stainless steel bars. The brick pier is to be rebuilt and tied securely to the outer stone wall to provide support for the heavy first floor beam.
- The concrete ground floor will require levelling before the dpm, insulation and screed are installed. The boards to the first floor will be replaced and any defective or inadequate floor joints replaced. The timber must be checked once it has been cleaned down and any rot or infestation treated.
- The cast iron columns supporting the first floor must be fire protected.
- There are two purlins on the rear roof slope in the bay adjacent to the canal which requires replacing, and the wall plate in the same area should be checked.

I am satisfied that the works detailed above would not amount to major structural works or complete reconstruction. I therefore consider the proposed development accords with criterion (c) of policy C27.

## Ecological issues

PPS9: Biodiversity and Geological Conservation (paragraph 1vi) states that "*The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests.*" Where a proposed development would adversely affect those interests suitable mitigation measures will need to be secured or, where significant harm cannot be prevented, adequately mitigated against or compensated for, then planning permission should be refused. Policy C10A of the BDLP states that the Council will seek to minimise the effects of development proposals on features of nature conservation importance in the District. Policy QE7 of the WMSS requires Local Planning Authorities to encourage the maintenance and enhancement of the Region's wider biodiversity resources giving priority to (among other criteria) the protection of statutory protected species.

Article 12 (1) of the EC Habitats Directive requires Member States to take requisite measures to establish a strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites or resting places. This directive is implemented by the Conservation (Natural Habitats, etc.) Regulations 1994. Administrative guidance on the application of law relating to planning and nature conservation is provided in Circular 06/2005. Paragraph 116 of the Circular states that under regulation 3(4) of the 1994 Regulations, a Local Planning Authority has a duty to have regard to the Habitats Directive when dealing with planning applications where a European protected species may be affected. Natural England has drawn attention to recent case law (R. (on the application of Simon Woolley) -v- Cheshire East Borough Council) which has clarified and placed emphasis on this duty. Paragraph 99 of the Circular states that "*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 planning permission is granted, otherwise all relevant material considerations may not have been addressed in making that decision.*"

During the consideration of the application, the applicant submitted an Initial Internal and External Bat Survey (dated March 2011) followed by a Bat Emergence Survey (dated May 2011). These surveys were undertaken according to Natural England and Bat Conservation Trust guidelines within the approved season for survey. It was evident from the initial Bat Survey that bats may currently utilise the buildings as roosts and that a full bat emergence survey would be required in order to determine if this was the case. Accordingly, a full Bat Emergence Survey was undertaken in early May 2011. The Bat Emergence Survey conclusively determined that there was not a bat roost present within the buildings. The low levels of activity also indicate that the site and surrounds are low quality foraging for bat species, and the strong neon floodlighting from the British waterway compound to the West of the site illuminates both the canal corridor and the Western aspect of the building, which is likely to deter bats.

In order to comply with PPS9 a certain level of mitigation / compensation will be required within the works. Whilst there is not a roost present, as compensation for loss of roost potential the Bat Emergence Survey recommends that mitigation as specified in the initial internal / external bat survey should be undertaken and that works should be timed to avoid the bird breeding season.

Having regard to the findings of the bat survey and following Natural England's standing advice, I consider it acceptable to secure the proposed mitigation proposals through

planning conditions. To compensate for the reduction in the availability of bat roosting sites, artificial roost sites in the form of 8 bat boxes would need to be installed on the western face of the boundary wall. Details and locations of the bat boxes would need to be submitted to and approved by the Local Planning Authority to ensure that these would provide for roost replacement for all species determined including the brown long-eared bats as well as the common pipistrelle. It would be inappropriate to attach bat boxes to the building due to its Grade 2 listed status.

Further to the survey, claims have been made by a 'third party' that bats are now utilising the building, via the County Council Ecologist. A request for further details has been requested by the applicant to the County Council Ecologist, however no details to substantiate this claim have yet been provided to the applicant or the Local Planning Authority. To this end, I consider the current situation is that further bat surveys are not justified or required. Should further information come to light which may then substantiate this claim, the position will be re-assessed by the Local Planning Authority as to whether a further survey is required. I will update Members at the meeting of the Committee on this issue. However, as the situation currently stands, the legal requirement for consideration of bats has been met by the existing surveys.

#### Parking and access issues

Policy C27 states that traffic generated by a conversion scheme must be able to be accommodated and parking facilities should exist or be provided without detriment to highway safety, the visual amenities of the Green Belt or the character of the local rural environment. The proposal has the provision for 8 car parking spaces which is ample in relation to the new use of the building for 4 houses. Since the warehouse has remained largely redundant for commercial use for almost 60 years, the proposed use for 2 dwellings would increase the parking needs of the site. However, I am satisfied that the parking area can be adequately supplied and would not harm the visual amenities of the Green Belt since, for the most part, the parking area would replace the existing front lean-to extension. No alterations are proposed to the existing access arrangements. Worcestershire Highways has raised no objection to the proposal.

#### Residential amenity

The front elevation of the warehouse and cottage look toward a wharf building which is located a minimum of 15.5 metres away. The wharf cottages located north-west of the building are a minimum distance of 58 metres away. For that reason, I do not consider that the proposal raises any privacy issues to these occupiers. The rear elevation of the warehouse and cottage are located a minimum of 11.5 metres from the site boundary where it adjoins the private garden area of 'Plymcot'. The rear elevation of the building to be converted is also over 24 metres from the windows on the rear elevation of 'Plymcot'. Therefore the proposal also accords with the minimum separation distance recommended in SPG1. It is noteworthy that the adjoining property, Plymcot, is located at a higher level than the application site. For this reason, a 7m high (approx.) boundary wall exists between the application site and the rear garden of Plymcot. Hence, the windows to be inserted in the rear elevation of the buildings will look towards the brick wall for the most part. Thus, I do not consider the proposal would give rise to any privacy issues.

I consider the private amenity spaces proposed for each of the dwellings to be adequate with a minimum garden length of 10.5 metres and minimum area of 90sqm.

### Services

Criterion (f) of policy C27 states that the provision of necessary services must not adversely affect the environmental character or visual amenities of the Green Belt. The building benefits from an existing connection to a nearby treatment plant for foul water and there is an existing arrangement for the discharge of storm water. Further information was received from the applicant via email on 03.06.2011 and via letter on 23.06.2011 in relation to drainage details. Subsequently, the Drainage Engineer has raised no objections.

### Trees and Landscaping

I have regard to the views of the Tree Officer in relation to the request for a landscaping scheme to include tree and hedge planting. However, I consider this request to be unreasonable on the basis that the application site does not consist of any trees or hedges. Thus, the proposal does not involve the removal of any trees / hedges. I am concerned that tree / hedge planting would obscure views of the Listed Building and cause it harm as a result of root damage. Furthermore, I consider the low timber fencing as proposed on the landscaping plan (Drawing No. HSE-039-005 Rev D) would be more in keeping with the open character of Tardebigge Wharf.

### Conclusion

The proposed development involves sympathetic alterations and an extension that would maintain the historic interest of the buildings, and enhance the character and appearance of the Conservation Area. Re-use of the building is considered acceptable in terms of impact on the Green Belt, and mitigation measures will be provided to compensate for the reduction in available bat roosting sites. There was found to be no need for major structural works and the provision of necessary services can be accommodated. I therefore find the proposed development to be acceptable in accordance with policies DS2, C27, C10A, S35A and S39 of the BDLP, policies D.16, CTC.20 and CTC.21 of the WCSP, PPS5, SPG4, PPS9 and Circular 06/2005.

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

1. The development must be begun not later than the expiration of one year beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Drawing Number HSE-039-001 received 24.03.2011;  
Drawing Number HSE-039-003 Rev F received 25.05.2011;  
Drawing Number HSE-039-005 Rev D received 01.07.2011;  
Drawing Number HSE-039-006 Rev D received 19.04.2011;

Drawing Number HSE-039-008 Rev A received 17.05.2011;  
Drawing Number HSE-039-009 received 24.03.2011;  
Drawing Number HSE-039-011 received 19.05.2011;  
Drawing Number HSE-039-012 received 17.05.2011;  
Statement of Significance and Design & Access Statement received 24.03.2011;  
SJD Architects Structural Report dated 11.04.2011, received 13.04.2011;  
Russellford Associates Structural Report dated 25.04.2011, received 26.04.2011;  
Russellford Associates Design Calculations received 26.04.2011;  
Russellford Associates Gable frame and Ties Drawing Number 699001 received 17.05.2011;  
Bat Survey and Mitigation Strategy dated March 2011, received 06.04.2011;  
Bat Emergence Survey dated May 2011, received 10.05.2011;  
Email from applicant received 03.06.2011 and letter received 23.06.2011 (Drainage details).

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Classes A to H shall be carried out without the prior approval of the local planning authority to an application in that behalf.

Reason: To protect the openness of the Green Belt in accordance with policies DS2 and C27 of the Bromsgrove District Local Plan January 2004 and policy D.39 of the Worcestershire County Structure Plan 2001.

4. Prior to occupation of the development hereby permitted, the implementation of the recommendations set out on page 12 in Section 5.0: Recommendations of the Bat Survey and Mitigation Strategy (March 2011) shall be undertaken and implemented without deviation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure sufficient mitigation measures to address the presence of protected species on site in accordance with policy CTC.12 of the Worcestershire County Structure Plan and policy C10a of the Bromsgrove District Local Plan

5. Prior to occupation of the development hereby permitted, details and locations of 8 bat boxes to be placed on the western face of the boundary wall with Plymcot, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented without deviation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure sufficient wildlife enhancement measures in accordance with policy CTC.12 of the Worcestershire County Structure Plan and policy C10a of the Bromsgrove District Local Plan

Notes:

**Third party works permission**

*"The applicant / developer is advised to ensure that any necessary consent is obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterways: (<http://www.britishwaterways.net/media/documents/CoPIntroductions1-4.pdf> ). For further advice, please contact our Works Engineer (Phil J White)."*

**Access**

*The applicant is advised that an agreement with British Waterways would be required for access relating to the BW depot and canal, for service crossings and for drainage/water connections.*

*The applicant is advised that permission would be required for any access to British Waterways land to accommodate the proposed demolition, excavation and construction works, i.e. scaffolding.*

**Encroachment**

*The applicant / developer is advised that an agreement would be required for the erection of balconies, foundations, etc. on British Waterways property.*

**Right of Support**

*British Waterways offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.*

The applicant should contact British Waterways with regard to measures to prevent the ingress of construction materials into the waterway during the course of construction to prevent pollution of the waterway.

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy June 2004, 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	QE1, QE5, QE6
WCSP	SD.2, CTC.1, CTC.19, CTC.20, CTC.21, D.38, D.39
BDLP	DS2, DS13, C27, C10A, S35A, S36, S39, TR11, ES5, C1, C4, TARD1
DCS2	CP3, CP16, CP17, CP20
Others	PPS1, PPG2, PPS5, PPS7, PPS9, Circular 06/2005, SPG1, SPG4

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
Mr. S. Dudley 'A'	Refurbishment and extension of Wharf Cottage and Conversion of Warehouse into 2 dwellings with removal of modern lean-to and internal staircase - Listed Building Consent (As amended by plans received 19.04.2011, 17.05.2011 and 25.05.2011. As augmented by plans received 19.04.2011, 17.05.2011 and 27.05.2011, external material samples received April and May 2011, Photographic Record dated 26.05.2011, Structural Report and calculations received 26.04.2011, Nullifire Fire Protection Document and Primers & Top Seals Document and email received 27.05.2011, email received 23.06.2011 (timber treatment)) - Wharf Cottage and Warehouse, Alcester Road, Tardebigge, Bromsgrove, B60 1NF	LB	11/0268-SG 19.05.2011

**RECOMMENDATION:** that listed building consent be **GRANTED**.

## Consultations

CO	Consulted 31.03.2011, expired 14.04.2011 - no objection subject to conditions.
BW	Consulted 31.03.2011, expired 21.04.2011 - no objection subject to conditions.
GG	Consulted 14.04.2011, expired 05.05.2011 - no comments received.
SPAB	Consulted 14.04.2011, expired 05.05.2011 - no comments received.
Publicity	Neighbour notification - 2 letters sent 19.01.2011, expired 09.02.2011. Site notice posted 05.04.2011, expired 26.04.2011. Press notice published 07.04.2011, expired 28.04.2011.

1 objection received. Object on two counts:

- (i) I believe that the development is not in the best interest for the community and the economy of the area. In particular in view of the change in funding / stewardship of British Waterways. I would prefer to see a development of a café and visitor centre to augment the canal and the trip boat amenity.
- (ii) There is no environmental survey to be carried out. The application states that there are no priority species using the building, the applicant cannot know this and I told him that there was a high probability of the building being used as a bat roost during his public consultation. I belong to the Birmingham and Black Country and Worcestershire Bat groups and have recorded several species using the area of a number of years. As part of my planning application, I had to have a bat survey, which recorded 6 species of bat using the area and I had a maternity roost for Soprano Pipistrelles and an overnight roost for Brown Long Eared bats. As a minimum there

should be a professionally conducted bat survey. Also, last year a pair of swallows raised 2 young, they gained access via the upper window to the canal side. As the numbers of this species is declining, mitigation should be installed to maintain nesting opportunities.

### The site and its surroundings

This application relates to Wharf Cottage and Warehouse which are Grade II Listed. Wharf Cottage and Warehouse are located within New Wharf which consists of a hamlet of cottages and wharf buildings. The site is located north of the Worcester and Birmingham Canal in Tardebigge. The site is access via a communal driveway off Alcester Road which is shared by the other cottages and wharf buildings in the complex.

Wharf Cottage and Warehouse are officially listed as "Workshops 75m SW of Tardebigge Tunnel". The building dates back to the early 19th century with some mid-19th century alterations. The building is made of sandstone ashlar with low-pitches slate roof. The south gable end to the canal has moulded stone cornice, stone coped verge above, a central vertical opening which was formally the loft door and is now blocked over with a 3 light casement. A 20th century lean-to was added to the west side of the building which is not of any special architectural interest. A small cottage and privy were added to the north-northwest elevation of the warehouse before 1876.

The warehouse has remained largely redundant for commercial use for almost 60 years. At present, Wharf Cottage and Warehouse are empty and appear in need for a renovation.

### Proposal

This Listed Building application proposes the extension and restoration of the existing 2-bed cottage and conversion of the Warehouse into two 3-bed dwellings with hard and soft landscaping and integrated car parking. The existing lean-to on the west side of the warehouse would be removed.

To the rear of the cottage, an additional storey would be added to the existing single storey extension that currently houses the bathroom and kitchen. The extension would match the height of the main body of the houses and would tie in with the existing main roof to the cottage. The existing privy is to be retained and refurbished. Internally, the ground floor to the cottage would be open plan with a new stair case leading to 2 bedrooms and a bathroom on the first floor.

Internally the existing open space of the warehouse would be divided into 2 units with a new party wall located in the centre (approx.) of the building and would be sub-divided across two floors. The internal arrangements of the warehouse on the ground floor will be relatively open with few new partitions. There would not be ceilings on the first floor which would allow for a view of the roof and trusses. No new windows or roof lights are proposed for the warehouse therefore only original openings will be used or opened up for the doors and windows. Floor joints, beams and cast iron columns are to be exposed.

The landscaping proposed includes a car parking and amenity area to the front consisting of golden flint chippings to be defined with cast iron bollards and blue brick edging. It is proposed that the rear gardens are lawned with grass and that the side and rear boundaries are defined with 1.1m high timber post and rail fence.

### Relevant policies

WMSS	QE5
WCSP	CTC.19, CTC.21
BDLP	S39
DCS2	CP16
Others	PPS5

### Notes

The main issues in the consideration of this application are the impact of the conversion scheme on the special interest of the Listed Building.

### Listed Building and Conservation Area

The building has individual special interest as a surviving early industrial building that contributes to the character of the wider Canal Conservation Area. I consider the active use of the building would benefit the Listed Building since the structural works would deal with extant issues of structural movement and decaying fabric. I consider removal of the unattractive lean-to extension to the front of the warehouse would also be advantageous because it would improve the appearance of the building. I note that conversion of the warehouse to a residential use would also be in keeping with the character of the wharf which contains a group of notable unlisted historic cottages. Retention of the historic brick privy is also welcomed.

Whilst the new residential use will require some changes to the internal historic floorplan, I recognise that efforts have been made to retain an open plan layout particularly on the ground floor and that new partitions follow the line of the existing cast iron columns and trusses. The loss of the existing staircase is unfortunate but unavoidable in order to enable a new use. There would be the loss of some internal historic fabric with the introduction of plasterboard to improve energy efficiency which would conceal the stonework. Whilst this is unfortunate, I consider it just reasonable to create suitable living conditions and this will also enable the new wiring, plumbing, etc., to be contained within the plasterboard.

To maintain the historic fabric of the building and ensure a high quality restoration, the applicant has submitted samples of the stone for the repairs to the warehouse and a sample of the new roof slate for the cottage which have been checked on site and to which I find acceptable. A detailed photographic record of the interior and exterior of the warehouse and cottage has been received from the applicant (subject to request) to provide a record of the existing buildings which are considered to be of historic interest.

Methods statements have been received by the applicant with regard to the removal of the existing render and its replacement; for the repair to the crack between the gable wall

and rear wall; and for the removal of the ivy and associated chemical treatment. These methods statements are considered acceptable for the provision of sympathetic repairs that would not harm the special interest of the building.

There have been no new openings proposed in the warehouse because the proposal will utilise all existing openings; some of which are currently blocked up. There are 5 existing openings in total that span the length of the building. The full length opening on the gable end will incorporate a 3 window casement and those openings to the front and rear elevations will incorporate 2 window casements. I consider the proposed aluminium framing for these windows to be appropriate as it will reflect the former industrial use of the building.

Refurbishment of the cottage would introduce a new doorway in the side elevation and a first floor bathroom window. The first floor extension to the cottage would introduce a new opening on the rear elevation and a change to the profiling of the existing roof. In my opinion, the introduction of a few new openings and modification to its roof would not be of harm to the character and appearance of the cottage since it has an established residential use. Furthermore, the finished cottage would remain subservient to the principle building.

The Conservation Officer has not raised any issues with regards to the design of the conversion scheme and its impact on the Listed Building or Conservation Area.

Although some of the surrounding cottages have tiled roofs, slate is considered to be more appropriate in this case as the cottage is an addition to the slated warehouse.

I am happy with the use of cast iron bollards for the parking area since these are traditional to the Canal and the gravel surface to the front of the building would provide a softer appearance than tarmac as suggested by British Waterways.

For the reasons above, I consider the proposed scheme would have no adverse impact on the special interest of the listed building and its reuse would enhance the character and appearance of the wider Conservation Area.

#### Structural condition of the building

The application was accompanied by a structural report carried out by Russellford Associates dated 25th April 2011. The report found that the buildings are currently in a stable condition and suitable for conversion but do require a degree of maintenance. The report details the following work required or possibly required as part of the proposed conversion and extension of the cottage.

- The cottage will require a new roof which will have new lead flashing into the stone gable and around the brick chimney which requires re-pointing.
- New pointing with lime based mortar to replace the areas where cement based hard mortar has been used. Some re-pointing internally is also required.
- Two slates on the main roof of the warehouse require replacement.
- The underpinnings of the foundations to the cottage are required to maintain stability. An alternative solution, which would be preferable from a health and safety point of view, is for the rear single storey wing to be carefully taken down,

and then the new foundation and the walls above could be constructed on the same footprint.

- Extensive ivy coverings and its roots needs to be removed from the buildings.
- The crack in the northwest corner should be tied together with resin anchored stainless steel bars. The brick pier is to be rebuilt and tied securely to the outer stone wall to provide support for the heavy first floor beam.
- The concrete ground floor will require leveling before the dpm, insulation and screed are installed. The boards to the first floor will be replaced and any defective or inadequate floor joints replaced. The timber must be checked once it has been cleaned down and any rot or infestation treated.
- The cast iron columns supporting the first floor must be fire protected.
- There are two purlins on the rear roof slope in the bay adjacent to the canal which requires replacing, and the wall plate in the same area should be checked.

Subject to planning conditions, I consider the structural works required for the conversion scheme can be carried out without any impact on the special architectural or historic interest of the buildings.

### Conclusion

The proposed development involves sympathetic alterations and an extension that would maintain the special interest of the Listed Buildings in accordance with policy S39 of the BDLP, policy CTC.21 of the WCSP and PPS5. I therefore consider LBC should be granted.

**RECOMMENDATION:** that listed building consent be **GRANTED**.

1. The development must be begun not later than the expiration of one year beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Number HSE-039-001 received 24.03.2011;

Drawing Number HSE-039-003 Rev F received 25.05.2011;

Drawing Number HSE-039-006 Rev D received 19.04.2011;

Drawing Number HSE-039-008 Rev A received 17.05.2011;

Drawing Number HSE-039-009 received 24.03.2011;

Drawing Number HSE-039-011 received 19.05.2011;

Drawing Number HSE-039-012 received 17.05.2011;

Drawing Number HSE-039-017 received 27.05.2011;

Drawing Number HSE-039-018 received 27.05.2011;

Drawing Number HSE-039-019 received 27.05.2011;

Drawing Number HSE-039-020 received 27.05.2011;

Statement of Significance and Design & Access Statement received 24.03.2011;

SJD Architects Structural Report dated 11.04.2011, received 13.04.2011;

Russellford Associates Structural Report dated 25.04.2011, received 26.04.2011;

Russellford Associates Design Calculations received 26.04.2011;

Russellford Associates Gable frame and Ties Drawing Number 699001 received 17.05.2011;

Photographic Record dated 26.05.2011 received 27.05.2011;

Nullifire Fire Protection Document received 17.05.2011;

Nullifire Primers & Top Seals Document received 17.05.2011;

Email from applicant received 27.05.2011 (Nullifire)

Email from applicant received 23.06.2011 (Timber Treatment).

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The external materials listed below shall be used and no others substituted without the written approval of the local planning authority.
  1. External aluminium window/door frames RAL 5008 Grey blue
  2. Reclaimed Welsh Roof slate
  3. Reclaimed Red and Buff Stone

Reason: To preserve the special interest of the Listed Building and preserve the character and appearance of the Conservation Area in accordance with policy S39 and S35A of the Bromsgrove District Local Plan January 2004 and policies CTC.21 and CTC.20 of the Worcestershire County Structure Plan 2001.

4. Prior to the commencement of works further details of the drylining of the internal walls, the installation of the new insulation, wiring and plumbing shall be submitted and agreed in writing by the Local Planning Authority.

Reason: To preserve the special interest of the Listed Building in accordance with policy S39 of the Bromsgrove District Local Plan January 2004 and policy CTC.21 of the Worcestershire County Structure Plan 2001.

5. During the conversion phase, full details of any replacement purlins, if necessary, shall be submitted and approved in writing by the Local Planning Authority.

Reason: To preserve the special interest of the Listed Building in accordance with policy S39 of the Bromsgrove District Local Plan January 2004 and policy CTC.21 of the Worcestershire County Structure Plan 2001.

6. Details of the replacement timber casement windows for the cottage at a scale of 1:20 shall be submitted and approved in writing by the Local Planning Authority.

Reason: To preserve the special interest of the Listed Building in accordance with policy S39 of the Bromsgrove District Local Plan January 2004 and policy CTC.21 of the Worcestershire County Structure Plan 2001.

#### Notes:

##### **Third party works permission**

*"The applicant / developer is advised to ensure that any necessary consent is obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterways". (<http://www.britishwaterways.net/media>*

*[/documents/CoPIntroductions1-4.pdf](#) ). For further advice, please contact our Works Engineer (Phil J White)."*

### **Access**

*The applicant is advised that an agreement with British Waterways would be required for access relating to the BW depot and canal, for service crossings and for drainage/water connections.*

*The applicant is advised that permission would be required for any access to British Waterways land to accommodate the proposed demolition, excavation and construction works, i.e. scaffolding.*

### **Encroachment**

*The applicant / developer is advised that an agreement would be required for the erection of balconies, foundations, etc. on British Waterways property.*

### **Right of Support**

*British Waterways offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.*

The applicant should contact British Waterways with regard to measures to prevent the ingress of construction materials into the waterway during the course of construction to prevent pollution of the waterway.

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy June 2004, 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	QE5
WCSP	CTC.19, CTC.21
BDLP	S39
DCS2	CP16
Others	PPS5

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 listed building consent.

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# Agenda Item 10

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>PD and L Property Ltd. 'A</b>	Four detached dormer bungalows for the use of local residents over the age of 50 - Severn Trent Buildings Site, Alcester Road, Burcot, B60 1PW	Green Belt	<b>11/0328-DK</b> 04.07.2011

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

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

## Consultations

Lickey and Blackwell PC Consulted 16.06.2011. No response to date.

WH Consulted 16.05.2011. No response to date.

ENG Consulted 16.05.2011. No response to date.

OHL Consulted 16.05.2011. Response received: 03.06.2011  
No objection.

TRANSCO Consulted 16.05.2011. No response to date.

VICSOC Response received: 03.06.2011.

This application relates to the last remaining building of the East Worcestershire Waterworks built in 1882, and was the engine house. This was the first of Bromsgrove's waterworks, and served water to Bromsgrove, Headless Cross (for Redditch), Barnt Green and Finstall. By 1894 Aston Fields, Webheath and Tardebigge were also served water from the four bore holes on this site.

The original buildings were designed by Birmingham architect Charles Allerton Edge (1845-1900), and built by Brazier & Weaver of Bromsgrove; drawings for the buildings are in Birmingham City Archives (MS 1703/86).

The Victorian Society is of the opinion that the engine house is eminently suitable for restoration and dividing into dwellings as previously approved, and cannot agree to its demolition. We therefore object to this application.

Conservation Officer Consulted 16.05.2011. Response received 25.05.2011.  
The existing building dates from 1882 and was originally the waterworks for the East Worcestershire Water Company. The adjacent house was originally known as Waterworks Cottage and is still in residential use. Severn Trent still occupy the Engine House on Greenhill which was built in 1924.

I have visited the site, and although a lack of maintenance and proper security is evident, the external shell of the building is sound and requires only repointing, minor brick repairs and more extensive roof repairs. The building has clear architectural interest, and local social importance and should therefore be retained and converted. Even if demolition were necessary, the proposed design of the new bungalows is inferior to that of the existing building and does not respect the context of the surrounding area and established architectural forms. I would therefore recommend refusal of this application as contrary to policy S38 of the current local plan.

EHO

Consulted 16.05.2011. Response received: 06.06.2011.

This site has previously been through the planning application proposal and comments in relation to contaminated land risk assessment were made at those times (09/0440 and 09/0845). I am aware that some site investigation and risk assessment has previously been carried out due to the sites previous use as a former pumping station and depot. A number of potential sources of contamination have previously been identified - these included the presence of tanks, a repair workshop, a spray shop and woodwork shop. Previous investigations required further work to ensure that all potential sources of contamination have been fully assessed. It is noted that not all reports submitted with previous applications have been submitted with this one. However we are aware that further investigation was previously required and this is still the case.

The comments in relation to previous applications and the same conditions should be applied. These comments and recommendations remain unchanged as no additional information has been submitted with this application.

In addition I recommend that the Environment Agency are consulted on this application, if they have not already been, as the site lies on a major aquifer and within 60m of a drinking water abstraction point.

EA

Consulted 16.06.2011. No response to date.

COARCH

Consulted 16.05.2011. Response received: 10.06.2011.

The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by Planning Policy Statement 5 - Planning for the Historic Environment.

Within this PPS, policy HE1: Heritage assets and climate change states that -

*"HE1.1 Local planning authorities should identify opportunities to mitigate, and adapt to, the effects of climate change when devising policies and making decisions relating to heritage assets by seeking the*

*reuse and, where appropriate, the modification of heritage assets so as to reduce carbon emissions and secure sustainable development. Opportunities to adapt heritage assets include enhancing energy efficiency, improving resilience to the effects of a changing climate, allowing greater use of renewable energy and allowing for the sustainable use of water. Keeping heritage assets in use avoids the consumption of building materials and energy and the generation of waste from the construction of replacement buildings."*

The application provides no discussion of the impact of the development on the historic environment and there is no survey provided showing the building to be demolished. In the event of the Planning Committee approving the application, then a condition should be applied to require detailed site investigations to be carried out.

Publicity Neighbour notification: 1 letter sent: 16.06.2011.

Site Notice posted: 25.05.2011. Expired 15.06.2011.

No responses received.

### The site and its surroundings

This application relates to a parcel of land located to the north side of Alcester Road, close to its junction with Blackwell Road. The site accommodates a former waterworks building. This Italianite style building, dating from 1882, is built of red brick in English bond with ornamental blue brick detailing over segmental arched windows, at dentil-eaves levels and on the gables forming pediments. There are terracotta finials on the roof ridges and raised articulated entrance ranges crowned by Baroque-detailed parapets. There are three separate sections of gabled roof, two being of slate and the inner roof being of asbestos with rooflights. Above the front entrance is a hipped roof and to the rear elevation is a small lean-to extension. To the east boundary is a large brick built agricultural building and to the rear of this are two smaller outbuildings. The majority of land surrounding the buildings is laid to concrete. The northern boundary of the application site is currently unmarked and the existing hardstanding continues onto the adjoining land. To the west, the site neighbours 359 Alcester Road, a two storey detached dwelling and, to the east, an open field and sub-station. The site benefits from a vehicular access point onto Blackwell Road just before it meets Alcester Road. From Alcester Road the site is partly screened by trees/hedgerow. The site is located in a recognised Green Belt.

### Proposal

The proposal is for the demolition of the existing waterworks and the erection of four detached dormer bungalows for the use of local residents over the age of 50.

## Relevant Policies

WMSS	QE1, QE3, QE5, QE6, QE7, T2, T7
WCSP	SD.3, SD.4, CTC.1, CTC.5, CTC.5, CTC.12, CTC.13, CTC.19, D.5, D.38, D.39, T.1
BDLP	DS2, DS13, S9, C17, C30, TR11, ES7
DCS2	CP21
Others	PPS1, PPG2, PPS3, PPS5, PPS9, PPG13, PPS23, Circular 06/05

## Relevant Planning History

B/2010/0747	Extension of time for permission 09/0440 - Conversion of existing buildings to form four residential units. Granted 27.10.2010.
B/2009/0440	Proposed additional unit to a previously approved residential scheme to increase the numbers from 3 to 4. Conversion of existing building to form 4 residential units, parking and other works including new access road (Amendment to planning approval B/2004/1171 to increase the number of residential units from 3 to 4 and other alterations).
B/2004/1171	Conversion of existing building to form 3 residential units, parking, garaging & other works inc. new access road. Granted 09.11.2004.
B/2002/0653	Redevelopment of existing depot, pumping station, reservoir, to provide nine dwellings, alterations to existing access - Outline Consent. Withdrawn 12.07.2002.
B/1998/0109	Redevelopment for residential development comprising 4 dwellings. Refused 11.05.1998.

## Notes

This is an outline planning application for the demolition of the former waterworks and the erection of four detached dormer bungalows. The application is accompanied by a statement from a registered ecologist and a remediation validation report. Members should note that there is no legal agreement provided to ensure the occupancy of the bungalows is limited to persons over the age of 50 and I consider as a standard market housing scheme.

The site is located within the Green Belt outside of the village envelope of Burcot. The main issues in the determination of this application are:

- (i) whether the proposal amounts to inappropriate development and if so, whether there are very special circumstances to outweigh the harm caused
- (ii) the impact of the proposal on the historic character of the site
- (iii) the ecological impact of the proposal
- (iv) Drainage, highway and contaminated land issues

### (i) Green Belt

Members must consider the proposal as an outline application for 4 residential dwellings. The applicant has, however, presented detailed plans in respect of the form, scale and

layout of the proposal and confirmed that the proposal would be in accordance with these details. As such, the harm to openness can be assessed on that basis. One of the dwellings will face Alcester Road and the other three in a linear formation to the west of this unit. Each unit has a floorspace of 206sqm making a total of 825sqm in the scheme. This exceeds the floorspace of the original buildings which stand at approx 770sqm. Policies DS2 and S9 of the BDLP and D39 of the WCSP are relevant to the proposal. Whilst I consider that the conversion of a rural building can amount to appropriate development in the Green Belt, its demolition and replacement is not covered under policy C27. I do not consider that the proposal amounts to the replacement of an existing dwelling since the buildings have never been in use for residential purposes. It fails the tests of policies DS2 and S9 and must be considered as inappropriate development for which very special circumstances must be demonstrated.

The applicant has provided a justification for the proposal in the Design and Access Statement summarised as follows:

- Under supply of housing stock specifically designed for the ageing population
- The site currently has an extant permission for four dwellings
- The site is brownfield
- Reduction in pressure on other Green Belt sites
- Improvement to openness

I consider the demand for housing to serve the needs of older persons to amount to a national issue and not a very special circumstance to override Green Belt harm. There is no numerical evidence provided to substantiate the view of the applicant. I therefore place no weight to the description of the application restricting use to a specific age range only.

The extant permission relates to the retention and conversion of the building and this has been considered acceptable in Green Belt terms. It would not justify the proposal. Whilst there is development on the site, it is questionable whether it could be defined as brownfield in PPS3. As outlined by the figures above, I do not consider that there would be any significant improvement to openness since development would be spread around the site further than would be the case for the conversion of the buildings resulting in a random residential site in the Green Belt.

#### (ii) Historic Interest

Members should note the comments of the Conservation Officer, County Archaeologist and Victorian Society which are unanimous in objection to the proposal. The reason for permitting a residential conversion was to enable the retention of the character of the building. The case officer in application 09/0440 noted:

'Whilst the building is not listed, I am of the view it is an attractive and interesting example of a late 19th century utilities building. It is of significant local interest and this has been recognised through its recent inclusion in the District's Local List. The reuse of the building will prevent further dilapidation and allow it to be sympathetically repaired'.

The current proposal would defeat the purpose of the previous application and would be contrary to policy S38 of the BDLP and the principles of PPS5 as outlined above.

(iii) Ecology

The consultant ecologist's report concludes that there is some potential for bats and some additional survey work including an emergence survey is required. I would refer to the standing advice of Natural England. Box (xii) of the advice states that in accordance with Bat Survey - Good Practice Guidelines, additional information should be requested from the applicant and the application refused if this is not provided. These matters have been addressed to the applicant. I consider that this requirement is more important now since the proposal will remove the building.

(iv) Drainage, highway and contaminated land issues

Members should note the comments of the Drainage Engineer and the comments of WH are awaited. The site has been a pumping station and depot and survey work has been conducted for the previous applications. There is a remediation validation statement provided. The EA have been consulted because of the proximity of the proposal to a drinking water abstraction point and their views are awaited.

Conclusion

The proposal amounts to new residential development in the Green Belt and as such is inappropriate development with no very special circumstances. It would result in the loss of a building of historic interest and may result in harm to protected species. Permission should be refused.

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

1. The proposal is inappropriate development in the Green Belt and would cause harm to the openness and visual amenities of the Green Belt in this location. No very special circumstances have been put forward or exist that clearly outweigh the harm caused and therefore the proposal is contrary to policies SD.2, D.28, D.38, and D.39 of the Worcestershire County Structure Plan and policies DS2 and DS13 of the Bromsgrove District Local Plan and the provisions of PPG2 (Green Belts).
2. The proposal would result in the loss of a building of local historic interest. Thereby, it would be contrary to policy S38 of the Bromsgrove District Local Plan and the advice of PPS5 Planning for the Historic Environment.
3. There is insufficient information to demonstrate that the proposal would not result in harm to protected species and their habitats contrary to policy QE7 of the West Midlands Spatial Strategy, policy CTC.13 of the Worcestershire County Structure Plan and the advice of PPS9 (Biodiversity and Ecological Conservation) and Circular 06/05.

# Agenda Item 11

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Bromsgrove District Council 'A'</b>	"Advertise Here" signage for BDC - A456 Hagley Roundabout, Birmingham Road / Kidderminster Road / Stourbridge Road, Hagley	GB	<b>11/0426-RL</b> 11.07.2011

**RECOMMENDATION:** that advertisement consent be **GRANTED**.

## Consultations

Worcestershire Highways	Consulted 24.05.2011 - No comments received to date
Hagley PC	Consulted 24.05.2011 - No comments received to date
Publicity	N/A

## The site and its surroundings

This application has been submitted by the Council and is for advertisement consent relating to a roundabout at the end of the A491 where it meets the A456 at Hagley. The roundabout is located within designated Green Belt. The roundabout is fast moving with four major entrances and exits leading onto/off it and one minor leading from Park Road on the east side. There are currently a number of mature trees in the centre of the roundabout and highway information signs located in front of each entrance/exit.

## Proposal

The applicant is proposing to erect four separate advertisement boards on the centre of the roundabout opposite to each of the four major entrances / exits onto it. Each board would be mounted on two powder coated, metal posts of 800mm in height. The advertisement boards themselves would be 1000mm wide x 500mm in height and would be used by companies who contact the Council to place an advert on these to advertise their business. The proposed signs would not be illuminated.

## Relevant Policies

WMSS	QE3
WCSP	CTC.1
BDLP	DS13
DCS2	CP3
Others	PPS1, PPG19

## Relevant Planning History

N/A

## Notes

In terms of PPG19, signs are assessed on visual amenity and highway safety only:

### Visual amenity

The proposed advertisement boards would not have a detrimental affect on the visual amenity of the area.

### Highways safety

The proposed advertisement boards would not be illuminated and would not therefore cause any issue with regard to highway safety.

**RECOMMENDATION:** that advertisement consent be **GRANTED** for a period of five years.

No conditions required.

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 2004 (BDLP) and other material considerations as summarised below:

WMSS	QE3
WCSP	CTC.1
BDLP	DS13
DCS2	CP3
Others	PPS1, PPG19

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 12

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Dr. J. Jenkins 'A'</b>	Proposed two storey rear extension installing safer staircase - Brake Mill Cottage, Hagley, DY8 2XY	GB	<b>11/0442-RL</b> 26.07.2011

**Councillors S. R. Colella and C. R. Scurrell have requested that this application be considered by the Committee, rather than being determined under delegated powers.**

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

## Consultations

Ramblers Association	Consulted 02.06.2011 - No comments received to date.
PROW Officer	Consulted 02.06.2011 - No comments received to date.
WH	Consulted 02.06.2011 - No objection received 22.06.2011.
Hagley PC	Consulted 02.06.2011 - Comments received 20.06.2011: Request that the application is called in due to there being a strong 'fall-back' position when considering what could be constructed under pd and the developments which have been previously approved in Certificate of lawfulness applications.
Publicity	Site notice posted 09.06.2011 (expired 30.06.2011). No comments received to date.

## The site and its surroundings

This application relates to a detached cottage located at the end of Brake Mill, off Stakenbridge Lane, Hagley which is located within designated Green Belt. The plot is 'V' shaped and bounded on the east and west sides by Public Footpaths. Beyond the footpath to the west is a wood and to the north are agricultural fields. The property has been previously extended to the rear and had applied for two certificates of lawfulness for outbuildings which were both determined to be permitted development.

## Proposal

The applicant is proposing a two-storey rear extension to create a kitchen extension and utility on the ground floor with a new bedroom above including an en-suite with internal alterations to the ground and first floor room layouts. The proposed extension would project 3.9m from the existing rear wall of the previous extension and would have a dual ridged roof of maximum height 6.7m.

## Relevant Policies

WMSS	QE3
WCSP	CTC1, D38, D39
BDLP	DS2, DS13, S11

### Relevant Policies (cont'd)

DCS2 CP3  
Others SPG1, SPG7, PPS1, PPG2

### Relevant Planning History

B/2003/0175 Demolition of existing single storey annex and construction of 2-storey extension to rear - approved 19.03.2003  
10/0656 Certificate of Lawfulness application for the construction of 2 outbuildings conforming to class E of the GDPO - PD 14.09.2010  
10/0956 Certificate of Lawfulness application for the construction of 2 outbuildings - PD 14.12.2010  
11/0168 Amendments to 10/0956 to increase the floor area of the proposed utility room - PD 28.03.2011

### Notes

I consider the main issues with this application to be whether the proposals are considered appropriate development in the Green Belt and if not whether there are any very special circumstances which would outweigh the harm caused and whether the proposed extension would have a detrimental affect on the amenities of the neighbouring properties.

### Green Belt issues

Due to the property being located within designated Green Belt, SPG7 Extensions to Dwellings in the Green Belt states that proposals should be proportionate to the size of the original dwelling and therefore any extension should not be greater than 40% above the floor space of the 'original' dwelling unless there are VSC's which exist to outweigh any harm caused to the openness of the Green Belt. The table below shows the calculations:

Original dwelling (ground and first floor)	154.3 sqm
Previous extensions (B/2003/0175)	56.98 sqm
% increase above original	67.9%
Proposed extension	58.5 sqm
Total % increase above original dwelling	141.2 %

As the proposed extension would increase the property by a total of 141.2% which is over the 40% limit as specified within SPG7, a case for VSC's would need to be submitted which would demonstrate any reasons to justify the reason for the development which would outweigh the harm caused to the openness of the Green Belt. In this case, the justification for the development relates to there being a strong 'fall-back' position in the applicant's opinion. Relating to the fact that there have been two Certificate of Lawfulness applications previously submitted for two outbuildings which would create more ground cover than the proposed two-storey extension applied for and hence have a greater affect on the openness of the Green Belt and detract from the cottage and its

simple lines and harm the rear of the building when viewed from the adjacent footpaths. I am not in agreement with the argument that two single storey buildings would have a greater impact on the openness of the Green Belt than a two-storey extension as by virtue of the height, a two storey extension would have a greater impact than a single storey structure. I note the 'fall back' position. However, Members should be aware that the proposed extension could be built together with the largest single storey, which could be built under Permitted Development as per Certificate of Lawfulness ref. 11/0168, and this would therefore still create greater harm to the openness of the Green Belt. Whilst I consider that there would be an argument for VSC's in this case, I do not consider that sufficient weight should be given to this 'fall-back' position given that the proposed extension would be two-storey and the Certificates relate to single storey structures only. I consider that as the proposed extension would result in a dwelling which would be a lot greater in size than is deemed to be proportionate within SPG7, that the proposed extension is inappropriate development within the Green Belt with the VSC's not outweighing the potential harm caused to the openness of the Green Belt.

### Residential Amenity

In accordance with guidance within SPG1 Residential Design Guide and policy S11 of the BDLP, there should be no detrimental affect on the amenities of the neighbouring occupiers by reason of loss of light, outlook or privacy. In this case, as the property has no immediate neighbours, the proposed extension would not have any detrimental affect on any neighbouring property.

### Conclusion

Despite a case for VSC's being submitted in support of this proposal and it having no detrimental affect on any neighbouring property, I do not give this substantial weight in which to justify the approval of this development.

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

It is considered that the extension to the dwelling is inappropriate development in the Green Belt because the impact of the proposal would constitute a disproportionate addition over and above the size of the original dwelling. The proposal would unacceptably harm the openness of the Green Belt, contrary to policies DS2 and S11 of the Bromsgrove District Local Plan, policy D.39 of the Worcestershire County Structure Plan, the provisions of SPG7 and the guidance contained in PPG2. The arguments which have been put forward to support the development are not considered to be acceptable as very special circumstances which would outweigh the harm that would be caused to the Green Belt.

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# Agenda Item 13

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Bromsgrove District Council 'A'</b>	"Advertise Here" signage for BDC - Stoneybridge Island, Sandy Lane, Wildmoor, Bromsgrove	GB	<b>11/0444-RL</b> 11.07.2011

**RECOMMENDATION:** that advertisement consent be **GRANTED**.

## Consultations

Worcestershire Highways Consulted 24.05.2011 - No comments received to date  
Publicity N/A

## The site and its surroundings

This application has been submitted by the Council and is for advertisement consent relating to a roundabout along the A491 at Stoneybridge, Wildmoor between Lydiate Ash and Hagley. The roundabout is located within designated Green Belt. The roundabout is fast moving with four entrances and exits leading onto/off it. There are currently a number of mature trees in the centre of the roundabout and highway information signs located in front of each entrance / exit.

## Proposal

The applicant is proposing to erect four separate advertisement boards on the centre of the roundabout opposite to each of the four entrances/exits onto it. Each board would be mounted on two powder coated, metal posts of 800mm in height. The advertisement boards themselves would be 1000mm wide x 500mm in height and would be used by companies who contact the Council to place an advert on these to advertise their business. The proposed signs would not be illuminated.

## Relevant Policies

WMSS QE3  
WCSP CTC.1  
BDLP DS13  
DCS2 CP3  
Others PPS1, PPG19

## Relevant Planning History

NA

## Notes

In terms of PPG19, signs are assessed on visual amenity and highway safety only.

### Visual amenity

The proposed advertisement boards would not have a detrimental affect on the visual amenity of the area.

### Highways safety

The proposed advertisement boards would not be illuminated and would not therefore cause any issue with regard to highway safety.

**RECOMMENDATION:** that advertisement consent be **GRANTED** for a period of five years.

No conditions required.

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 January 2004 (BDLP) and other material considerations as summarised below:

WMSS	QE3
WCSP	CTC.1
BDLP	DS13
DCS2	CP3
Others	PPS1, PPG19

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.

## BROMSGROVE DISTRICT COUNCIL

### PLANNING COMMITTEE

18TH JULY 2011

#### APPEAL DECISIONS

Relevant Portfolio Holder	Councillor C. B. Taylor
Relevant Head of Service	Head of Planning and Regeneration Services
Non-Key Decision	

#### 1. SUMMARY OF PROPOSALS

- 1.1 To note the planning appeal decisions which have been received since the last meeting of the Committee.

#### 2. RECOMMENDATION

- 2.1 Members are requested to note the report and accompanying appendices.

#### 3. BACKGROUND

	<b>Name of Appellant</b>	<b>Plan Ref. / Proposal / Decision</b>
3.1	Mr. and Mrs. A. Finnie	11/0035-RL - Proposed single storey extension - 79 Hartle Lane, Belbroughton, DY9 9TN - See <b>APPENDIX 1</b>  Refused: 7th March 2011 Appeal decision: <b>dismissed</b> - 14th June 2011
3.2	Mr. D. Sikkam	10/1222-SC - Proposed two storey side and rear extension - 2 Thicknall Rise, Hagley, DY9 0LQ - See <b>APPENDIX 2</b>  Refused: 4th February 2011 Appeal decision: <b>allowed</b> - 15th June 2011
3.3	Mrs. J. Warrington	10/0742-SC - Proposed erection of new manager accommodation - Wassell Grove Fisheries, Wassell Grove Lane, Hagley, DY9 9JH - See <b>APPENDIX 3</b>  Refused: 14th October 2010 Appeal decision: <b>dismissed</b> - 21st June 2011

#### 4. KEY ISSUES

- 4.1 N/A

**PLANNING COMMITTEE**

**18TH JULY 2011**

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5. **FINANCIAL IMPLICATIONS**

5.1 There are no financial implications arising from this report.

6. **LEGAL IMPLICATIONS**

6.1 There are no legal implications arising from this report.

7. **POLICY IMPLICATIONS**

7.1 There are no policy implications arising from this report.

8. **COUNCIL OBJECTIVES**

8.1 This report is for information only and, therefore, does not directly relate to the Council's Objectives.

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

9.1 N/A

10. **CUSTOMER IMPLICATIONS**

10.1 There are no customer implications arising from this report.

11. **EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 There are no equalities or diversity implications arising from this report.

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

12.1 N/A

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

13.1 N/A

14. **HUMAN RESOURCES IMPLICATIONS**

14.1 N/A

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15. **GOVERNANCE / PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 N/A

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

16.1 N/A

17. **HEALTH INEQUALITIES IMPLICATIONS**

17.1 N/A

18. **LESSONS LEARNT**

18.1 N/A

19. **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 N/A

20. **OTHERS CONSULTED ON THE REPORT**

20.1	Portfolio Holder	No
	Chief Executive	No
	Executive Director (S.151 Officer)	No
	Executive Director - Leisure, Cultural, Environmental and Community Services	No
	Executive Director - Planning and Regeneration, Regulatory and Housing Services	No
	Director of Policy, Performance and Partnerships	No
	Head of Planning and Regeneration Services	Yes
	Head of Resources	No
	Head of Legal, Equalities and Democratic Services	No
	Corporate Procurement Team	No

**PLANNING COMMITTEE**

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21. **WARDS AFFECTED**

21.1 Furlongs and Hagley

22. **APPENDICES**

Appendix 1 - Appeal report for 11/0035-RL - 79 Hartle Lane,  
Belbroughton, DY9 9TN

Appendix 2 - Appeal report for 10/1222-SC - 2 Thicknall Rise, Hagley,  
DY9 0LQ

Appendix 3 - Appeal report for 10/0742-SC - Wassell Grove Fisheries,  
Wassell Grove Lane, Hagley, DY9 9JH

23. **BACKGROUND PAPERS**

23.1 Appeal decision letters received from the Planning Inspectorate, dated  
14th, 15th and 21st June 2011.

24. **KEY**

24.1 N/A

**AUTHOR OF REPORT**

Name: Andy C. Stephens

email: a.stephens@bromsgrove.gov.uk

Tel.: 01527 881410

**Appeal made against the refusal of planning permission**

<b>Appeal reference</b>	APP/P1805/D/11/2151283
<b>Planning Application</b>	11/0035-RL
<b>Proposal</b>	Single storey rear extension (re-submission of 10/0737)
<b>Location</b>	79 Hartle Lane, Belbroughton
<b>Ward</b>	Furlongs
<b>Decision</b>	Refused (under delegated authority) - 7th March 2011

The author of this report is Ruth Lambert who can be contacted on 01527 881373 (e-mail: r.lambert@bromsgrove.gov.uk) for more information.

**Discussion**

The proposal related to the erection of a single storey rear extension to create a downstairs bedroom extension. The property had already been previously extended and the roof space utilised as living space.

The Inspector considered that the main considerations of the proposal were:

- whether the proposal would represent inappropriate development in the Green Belt for the purposes of Planning Policy Guidance Note 2: Green Belts (PPG2) and development plan policy;
- the effect of the proposal on the openness of the Green Belt and the purposes of including land in it;
- the effect of the proposal on the character and appearance of the Green Belt; and
- if inappropriate development, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

In paragraph 3.2, PPG2 points out that inappropriate development is, by definition, harmful to the Green Belt and paragraph 1.4 states that the most important attribute of Green Belts is their openness. The Inspector was satisfied in terms of its design and use of materials that the extension would blend in with the existing dwelling and would not be harmful to the visual appearance of the Green Belt. Nor, on its own, would the extension be particularly large. However, when taken together with the previous extensions, it would have a materially harmful effect on the openness of the Green Belt.

The Inspector also considered that whilst a case for Very Special Circumstances had been put forward, enough weight could not be given to this to justify the development.

**Costs application**

No application for costs was made.

**Appeal outcome**

The appeal was **DISMISSED**.

**Recommendation**

**The Committee is asked to RESOLVE that the item of information be noted.**

**Appeal made against the refusal of planning permission**

<b>Appeal reference</b>	APP/P1805/D/11/2151966
<b>Planning Application</b>	10/1222-SC
<b>Proposal</b>	Two storey side and rear extension
<b>Location</b>	2 Thicknall Rise, Hagley, DY9 0LQ
<b>Ward</b>	Furlongs
<b>Decision</b>	Refused (under delegated authority) - 4th February 2011

The author of this report is Stuart Castle who can be contacted on 01527 881339 (e-mail: s.castle@bromsgrove.gov.uk) for more information.

**Discussion**

The main issue of consideration was the effect of the proposed extension on the character and appearance of the area.

**Background**

Two previous applications have been refused for larger extensions, the latter being dismissed on appeal (Ref APP/P1805/A/10/2129612). In that case the Inspector was concerned that because of its size, the extension would significantly alter the character of the original dwelling and would result in an over-dominant building in this location. He also considered that as the extension would project beyond the building line of the dwellings on Newfield Road, it would be a dominant feature on this prominent corner site.

**Key Reasons**

The extension has been reduced in width so that it would be less than half the width of the existing dwelling, compared to almost three-quarters of its width previously. The rearward projection of the extension has also been reduced by one metre. It would be set further back from the existing front elevation with a further lowering of the roof ridge line. With these changes, the Inspector was satisfied that, although the extension would stand forward of the irregular building line of dwellings on Newfield Road, it would be less so than in the previous appeal case.

The appeal dwelling is also set down below the property at the rear, 53 Newfield Road and would be partially screened by existing planting when viewed along Newfield Road from the east. In addition, a significant distance would remain

between the side elevation of the proposed extension and the rear of the footway on Newfield Road.

The Inspector was satisfied that for these reasons, when taken together with the reduction in size of the proposed extension, that it would not appear as a dominant feature on the site and that the general spaciousness of the area and the visual appearance of the street scene would not be harmed.

**Costs application**

No application for costs was made.

**Appeal outcome**

The appeal was **ALLOWED**.

**Recommendation**

**The Committee is asked to RESOLVE that the item of information be noted.**

**Appeal made against the refusal of planning permission**

<b>Appeal reference</b>	APP/P1805/A/11/2144404
<b>Planning Application</b>	10/0742-SC
<b>Proposal</b>	Erection of new manager accommodation
<b>Location</b>	Wassell Grove Fisheries, Wassell Grove Lane, Hagley, DY9 9JH
<b>Ward</b>	Hagley
<b>Decision</b>	Refused (under delegated authority) - 14th October 2010

The author of this report is Stuart Castle who can be contacted on 01527 881339 (e-mail: [s.castle@bromsgrove.gov.uk](mailto:s.castle@bromsgrove.gov.uk)) for more information.

**Discussion**

New dwellings in Green Belts constitute "inappropriate" development in the terms of Planning Policy Guidance (PPG) 2: *Green Belts* and so are, by definition, harmful to the Green Belt. The very special circumstances necessary to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. These considerations will include whether or not the proposal meets the tests set out in Annex A of PPS 7 for a rural worker's dwelling.

- **Financial Test**

In this particular case, the submitted accounts indicate that the enterprise did not generate sufficient funds to pay the wages of the two full time workers essential to its operation in 2009, 2010 or 2011. The Inspector consequently concluded that the business could not currently be considered 'economically viable' in the terms envisaged by PPS 7. It was therefore concluded that the proposed development failed to meet the financial test as set out in Annex A of PPS 7.

- **Green Belt Impact**

The Inspector viewed the proposed development would constitute a substantial intrusion into the openness of the Green Belt. This was exacerbated by the fact that it would comprise not only residential accommodation, but two linked outbuildings to either side, intended to house quarantine tanks and provide storage space for equipment needed by the business. The Inspector was not convinced that the currently proposed site

would have any markedly better security benefits than a less obtrusive location at the lower level of the car park and existing buildings.

**Decision**

On balance, the Inspector concluded that the other considerations in this case do not clearly outweigh the harm to the Green Belt, and the very special circumstances necessary to justify the development do not exist.

**Costs application**

No application for costs was made.

**Appeal outcome**

The appeal was **DISMISSED**.

**Recommendation**

**The Committee is asked to RESOLVE that the item of information be noted.**