



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 15TH AUGUST 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 18th July 2011 (Pages 1 - 6)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

5. 08/1038-DK - Nursing home and associated offices (Outline) - Land to the south of 1-6 Smedley Crooke Place, Redditch Road, Hopwood, Alvechurch, B48 7TR - Pipsilver Limited (Pages 7 - 14)
6. 10/0987-SC - Conversion of barn to a 4-bedroom dwelling and construction of 2 no. 4 bedroom dwellings - 233 Worcester Road, Stoke Heath, Bromsgrove, B61 7JA - B. G. D. Ltd. (Pages 15 - 22)
7. 11/0410-DK - Two stable barns, horsewalker and all weather gallop - The Barn, Icknield Street, Beoley, B48 7EW - Mr. J. Boland (Pages 23 - 26)
8. 11/0502-SC - One detached dwelling - Land Adj. 19 Summerfield Road, Holy Cross, Clent, DY9 9RG - Mr. A. Adams (Pages 27 - 32)
9. 11/0567-HR - Erection of a CCTV camera on the corner of the building, housed within a heritage style dome, suspended below an ornate bracket - Bromsgrove Conservative Association, 37 Worcester Road, Bromsgrove, B61 7DN - Bromsgrove District Council / Redditch Borough Council (Pages 33 - 36)
10. Planning Application Validation Criteria (Pages 37 - 106)
11. Tree Preservation Order (No. 2) 2011 - Land at side and rear of Barnt Green Inn, Kendal End Road, Barnt Green (Pages 107 - 124)
12. Appeal Decisions (Pages 125 - 142)
13. 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

4th August 2011



INFORMATION FOR THE PUBLIC

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- Meeting Agendas
- 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 email: committee@bromsgrove.gov.uk

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 18TH JULY 2011

AT 2.00 P.M.

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

Observers: Councillors J. S. Brogan, B. Lewis F.CMI and C. R. Scurrall

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

29/11 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor R. J. Laight.

30/11 DECLARATIONS OF INTEREST

The following declarations of interest were made:-

| <u>Member</u> | <u>Application(s)</u> | <u>Nature of Interest</u> |
|-------------------------------|---------------------------------|--|
| Councillor Mrs. J. M. Boswell | 11/0266-SG and 11/0268-SG | Personal. Applicant is also a Conservative Group Member of the Council. |
| Councillor Mrs. J. M. Boswell | 11/0426-RL and 11/0444-RL | Prejudicial. Had promoted sponsorship of other traffic islands in the past. During consideration of the application, Councillor Mrs. Boswell left the room and took no part in the consideration and voting thereon. |
| Councillor M. A. Bullivant | 11/0266-SG and 11/0268-SG | Personal. Applicant is also a Conservative Group Member of the Council. |
| Councillor R. A. Clarke | 11/0266-SG and 11/0268-SG | Personal. Applicant is also a Conservative Group Member of the Council. |
| Councillor J. A. Ruck | 11/0266-SG and 11/0268-SG | Personal. Applicant is also a Conservative Group Member of the Council. |

| <u>Member</u> | <u>Application(s)</u> | <u>Nature of Interest</u> |
|---------------------------|---------------------------------|---|
| Councillor C. B. Taylor | 11/0266-SG and 11/0268-SG | Personal. Applicant is also a Conservative Group Member of the Council. |
| Councillor C. J. Tidmarsh | 11/0266-SG and 11/0268-SG | Personal. Applicant is also a Conservative Group Member of the Council. |

31/11 **MINUTES**

The minutes of the meeting of the Planning Committee held on 20th June 2011 were submitted.

RESOLVED that the minutes be approved as a correct record.

32/11 **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**

The Head of Planning and Regeneration Services reported the receipt of an amended development scheme, together with a related Structural Survey. In addition, she reported the comments of the Tree Officer, and stated that two further third party representations had been received.

The Chairman read out a statement which had been submitted by Councillor Mrs. R. L. Dent who had registered to speak at the meeting, in her capacity as Ward Member for the area in which the application site was located. However, in the event, Councillor Mrs. Dent was subsequently unable to be present at the meeting.

At the invitation of the Chairman, Mr. R. Richardson addressed the Committee and spoke in objection to the proposals, whilst Mr. G. Fowler spoke in favour of the development.

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 14 and 15 of the report, together with additional appropriately worded conditions in respect of:-

- (a) Fenestration details for Elmshurst;
- (b) Details of safety measures to the wall dividing the site with 15 New Road; and
- (c) Land level details.

33/11 **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. LARNER**

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 21 and 22 of the report.

34/11 **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**

The Head of Planning and Regeneration Services reported the receipt of additional comments from West Mercia Constabulary, together with five additional letters of objection to the proposals.

At the invitation of the Chairman, Ms. D. Blakeway addressed the Committee and spoke in opposition to the application. Councillor J. S. Brogan also addressed the Committee in his capacity as one of the Ward Members for the area in which the application site was located.

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

- (a) result in overdevelopment of the site, and therefore be at odds with the character of the locality;
- (b) be detrimental to existing residential amenity through loss of privacy and outlook; and
- (c) lead to unacceptable traffic implications and negatively impact on the amenities of existing residents by virtue of exacerbating on-road parking issues inherent in Chadcote Way.

RESOLVED that permission be refused for reasons (a), (b) and (c) above.

35/11 **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**

The Head of Planning and Regeneration Services reported additional views received from the applicant in respect of a further bat survey which had been carried out.

At the invitation of the Chairman, Dr. S. Bodnar addressed the Committee and spoke in support of the application.

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 42 to 44 of the report.

- 36/11 **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**

At the invitation of the Chairman, Dr. S. Bodnar addressed the Committee and spoke in support of the application.

RESOLVED that listed building consent be granted subject to the conditions and notes set out or referred to on pages 49 to 51 of the report.

- 37/11 **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.**

The Head of Planning and Regeneration Services reported the views of Lickey and Blackwell Parish Council, Worcestershire Highways, Western Power Distribution and the Environment Agency. She also stated that an additional statement and email had been received from the applicant in support of the application.

At the invitation of the Chairman, Mrs. J. King addressed the Committee and spoke in support of the application on behalf of Lickey and Blackwell Parish Council. In addition, Mr. P. Grove and Mr. D. Jones spoke in favour of their application.

RESOLVED that permission be refused for the reasons set out on page 58 of the report.

- 38/11 **11/0442-RL - PROPOSED TWO STOREY REAR EXTENSION INSTALLING SAFER STAIRCASE - BRAKE MILL COTTAGE, HAGLEY, DY8 2XY - DR. J. JENKINS**

The Head of Planning and Regeneration Services reported additional information which had been received from Councillor C. R. Scurrall.

At the invitation of the Chairman, Dr. J. Jenkins spoke in support of her application. In addition, Councillor C. R. Scurrall spoke in his capacity as one of the Ward Members for the area in which the application site was located.

RESOLVED that permission be refused for the reason set out on page 63 of the report.

39/11 **11/0426-RL - "ADVERTISE HERE" SIGNAGE FOR BDC - A456 HAGLEY ROUNDABOUT, BIRMINGHAM ROAD, HAGLEY - BROMSGROVE DISTRICT COUNCIL**

The Head of Planning and Regeneration Services reported the views of Hagley Parish Council, together with an objection from one of the Ward Members for the area, and stated that two further letters of objection had been received.

At the invitation of the Chairman, Mr. A. Brown addressed the Committee on behalf of Hagley Parish Council and spoke in opposition to the proposals. In addition, Councillor C. R. Scurrrell addressed the Committee and spoke in his capacity as one of the Ward Members for the area in which the application site was located.

Consideration was given to the application which had been recommended for approval by the Head of Planning and Regeneration Services. However, on the matter being put to the vote, Members considered that the application should be refused on the basis that the proposals:-

- (a) adversely impact on the visual amenities of the locality; and
- (b) cause undue highway safety issues due to distraction.

RESOLVED that permission be refused for reasons (a) and (b) above.

40/11 **11/0444-RL - "ADVERTISE HERE" SIGNAGE FOR BDC - STONEYBRIDGE ISLAND, SANDY LANE, WILDMOOR, BROMSGROVE - BROMSGROVE DISTRICT COUNCIL**

The Head of Planning and Regeneration Services reported the views of Belbroughton Parish Council, Hagley Parish Council and the Wildmoor Residents' Association, and stated that three further letters of objection had been received.

At the invitation of the Chairman, Mrs. J. Spooner addressed the Committee and spoke in opposition to the proposals. Ms. L. Harvey also spoke against the application on behalf of Belbroughton Parish Council. In addition, Councillor B. Lewis F.CMI addressed the Committee and spoke in his capacity as the Ward Member for the area in which the application site was located.

Consideration was given to the application which had been recommended for approval by the Head of Planning and Regeneration Services. However, on the matter being put to the vote, Members considered that the application should be refused on the basis that the proposals:-

- (a) adversely impact on the visual amenities of the locality; and
- (b) cause undue highway safety issues due to distraction.

RESOLVED that permission be refused for reasons (a) and (b) above.

41/11 **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 4.05 p.m.

Chairman

Agenda Item 5

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Ref. Expiry Date |
|--|---|--------------------|---------------------------------|
| Pipsilver Limited 'B' | Nursing home and associated offices - outline (as augmented by Phase 1 Ecological Survey Report and Arboricultural Survey Report Received 02.06.2011; as amended by application forms received 02.06.2011) - land to the rear of 1 - 6 Smedley Crooke Place, Redditch Road, Hopwood, Alvechurch | GB | 08/1038-DK 30.08.2011 |

RECOMMENDATION: that delegated powers be granted to the Head of Planning and Regeneration Services to determine the application following the expiry of the publicity period on 25th August 2011.

Consultations

Alvechurch
PC Consulted 03.06.2011. Response received: 28.06.2011.

Objection. This is inappropriate development in the Green Belt. There are no special circumstances to justify the development in this area. The development is outside the village envelope. There may be a case for such a proposal in Bromsgrove but not in a hamlet like Hopwood. The site is not brownfield and as outlined by the Principal Planning Officer last year, it is Green Belt and there will always be a presumption against development at this location.

WH Consulted 03.06.2011. Response received 29.07.2011.
Objection as per responses received on 19.07.2010 and 02.08.2011:
Recommends that permission be refused for the following reasons -

The applicant is missing key information to allow for the analysis of the alterations to the highway network.

- The applicant should provide a transport assessment prepared in accordance with Worcestershire County Council's guidance note. This must include a travel plan which is presently absent.
- The application should include a stage 1 road safety audit.
- The applicant should delete reference to the provision of an emergency access. This location is unsuitable due to inadequate visibility. The drawings should promote the closure of this existing access.
- The roundabout design should be reviewed in accordance with the below detailed comments.
- The applicant should provide additional assessment of how the site is to provide and promote sustainable access in light of the isolated nature of the site.
- The car parking provision is proposed as 51 spaces. The County Council standard is 105 spaces; due to the isolated nature of the site, the maximum parking provision should be provided.

- The application proposes an ancillary office, but this separation distance makes this look like a standalone unit. The applicant should explain the need and relationship of this building with the proposed nursing home. (For the above car parking calculation I have assumed as proposed that the office unit is ancillary).

Insufficient information relating to the design of the altered roundabout has been provided, the TA does not provide all the information which is required and the car parking is not appropriate for the use class or the environment. It is therefore recommended that this be refused due to a lack of information.

ENG Consulted 03.06.2011. Response received: 01.07.2011.
No objection subject to conditions.

Tree Officer Consulted 03.06.2011. Response received 03.08.2011.
No objection subject to conditions.

EHO Consulted 03.06.2011. Response received 29.06.2011.
Contaminated Land No objection subject to conditions.

EDO Consulted 03.06.2011. No response to date.

WWT Consulted 03.06.2011. No response to date.

Publicity 6 letters sent 03.06.2011 (expired 24.06.2011)
Site notice posted 21.06.2011 (expired 11.07.2011)
Press notice published 09.06.2011 (expired 30.06.2011)

29 responses received summarised as follows:

- This is a Green Belt site and the proposal is contrary to policies DS1, DS2, DS13, S6, S7 and TR3.
- There is already a nursing home at Havencroft with 32 rooms and an occupancy of 21. There is no further demand for nursing home spaces in Hopwood.
- Unacceptable access onto the roundabout on the A441.
- The A441 is already at capacity without the completion of the Longbridge development.
- There are ADRs in Alvechurch which could provide the accommodation proposed.
- The elderly residents would be trapped by a dangerous road with no where to walk to.
- The development is not infill and lies outside the boundary of the settlement.
- A development of this scale would destroy the setting of the hamlet.
- There are no very special circumstances to justify the proposal.
- The provision of care homes is already at a high level; indeed, the level of provision is so high that the number of people in care and nursing homes represents a disproportionately high proportion of the

population. The effect of this is that the district is already providing to a considerable extent for needs arising in Birmingham. This is contrary to the principle that in rural areas (of which this is one), development should be limited to Local Needs (which excludes demand from migrants) - see WMRSS policies RR1 and CF2.

| name | location | type | places |
|-----------------|------------------|--------------|---------------|
| Hopwood Court | Hopwood | care home | 23 |
| Havencroft | Hopwood | nursing home | 32 |
| The Leys | Alvechurch | care home | 20 |
| Grosvenor House | Alvechurch | nursing home | 25 |
| The Lawns | Alvechurch | care home | 40 |
| | | | 140 |
| Mapleleaf Lodge | Forhill, Wythall | disabled | 13 |
| Redwood | Barnt Green | care home | 26 |
| Moundsley Hall | Walkers Heath | care home | 99 |
| | | | 278 |

Source: Care Quality Commission website

- The application is for unacceptable development in the Green Belt, contrary to PPS2.
 - There are no exceptional circumstances that would warrant departure from the normal rules on this.
 - It is for development of a kind for which there is no local need contrary to WMRSS policies RR1 and CF2.
- Accordingly, the application should be refused.

The site and its surroundings

This application relates to an area of land measuring some 1.2 hectares located on the eastern side of Redditch Road. The site is predominantly open scrubland with a storage container and discarded rubble. Natural field hedges interspersed with semi-mature and mature tree specimens are located to the site boundaries, with a row of mature conifers approximately 6 metres in height to the frontage boundary facing Redditch Road. The rear gardens of residential dwellings located in Smedley Crooke Place back onto the northern boundary. An existing vehicular access is located to the north-west corner leading off Redditch Road. The site is located in recognised Green Belt.

Proposal

This is an outline application for the erection of a nursing home and ancillary office building and associated works. The application was originally received on 01.12.2008 and reserved all matters for future consideration apart from access arrangements. It remained invalid for a considerable period of time. The applicant presented details of the scale and layout of the proposal. However, there was misinformation presented in respect of trees and ecology and notice under Article 3 of the Town and Country Planning (General Permitted Procedure) Order 1995 was served on 11.06.2010. The additional information comprising an Ecological Survey and Arboricultural survey was received on 03.06.2011.

The nursing home building is a two-storey complex. The building has a height to ridge of 8.5 metres and extends to a footprint of 4,845sqm. The detached office building would be to the west of the main complex and amount to 372sqm in area.

A new vehicular access proposed centrally within the site leading off the roundabout located on the A441 (Redditch Road). A car-park consisting of 51 no. spaces is proposed, together with associated circulation space. A private garden will be provided in the southern part of the site.

The existing tree screening to the north, east and western boundaries are proposed to be retained, with the loss of the section of conifer screening to the western boundary to facilitate the new access.

A Design and Access Statement and Transport Statement accompanies the application.

Relevant policies

WMSS UR4, PA1, PA14, QE3, QE6, T2, T3
WCSP CTC.1, CTC.5, CTC.14, CTC.15, D.19, D.26, D.28, D38, D39, T.1
BDLP DS1, DS2, DS13, C4, C10A, C12, C16, C17, E4, E9, TR11
DCS2 CP22
Others PPS1, PPG2, PPG4, PPS7, PPS9, PPG13, PPS23, Circular 06/05

Relevant planning history

B/2007/0626 Nursing home and associated offices: outline (recommended for refusal). Withdrawn 30.11.2007.
B/2007/0261 Office development (outline): withdrawn 30.11.2007.
B/2006/0080 Office development (outline): withdrawn 10.05.2006.
B/1997/0986 Removal of existing entrance gates and erection of new security gates and fencing: approved 09.03.1998.
B/1995/0862 Erection of public house and associated parking and area for social housing and / or public open space: refused 15.01.1996.
B/1991/0966 B1 development: withdrawn 09.12.1991.
COU/1/85 Certificate of Lawfulness relating to external storage of plant and machinery: granted 06.02.1985.

Notes

Given the location of the site in recognised Green Belt, I consider the main issues in the determination of this application are:

- (i) whether the proposal represents appropriate development in the Green Belt; and if not,
- (ii) whether very special circumstances exist that clearly outweigh the harm caused to the Green Belt, the purposes of Green Belt policy and any other harm;
- (iii) whether the proposal complies with the strategic policies relating to the location of new development as set out in the WCSP and the WMSS;
- (iv) implications for residential amenity and highway safety.

Whether Appropriate Development in the Green Belt

Members should note that the proposed site is not within the village envelope of Hopwood. Policy DS2 is in general accordance with WCSP and PPG2 in defining the types of development that may be deemed appropriate within the Green Belt. None of the relevant policies define the erection of a new nursing home as being appropriate development within the Green Belt. Policy D.28 of the WCSP states that new business buildings will only be allowed in identified settlements within Green Belt areas and the site does not fall within any such area. As such, I consider the proposal represents inappropriate development in the Green Belt. PPG2 states that inappropriate development is by definition harmful and in considering whether very special circumstances exist, substantial weight shall be attached to the harm caused.

For the reference of Members, this site benefits from a Certificate of Lawfulness (CLUED) for the external storage of plant and machinery. The Certificate was granted on 6 February 1985 and covers the entire site. The Certificate refers to the storage of plant. It is considered that plant in this case relates to engineering plant, both large and small, used for the construction industry. It would include plant conveyors. The Certificate does not cover the sale and repair of plant. Thus whereas operations involving the storage, movement on and off site of plant is lawful, repairs for the purposes of sales of plant on site would not be lawful.

Harm caused

In this case, I consider the erection of the new nursing home building would, in itself, go against the fundamental aim of the Green Belt policy (PPG2, paragraph 1.4) to preserve openness.

I also consider the proposal would go against the intentions of Green Belt policy to ensure development takes place in locations allocated within development plans. This policy stance is supported by policy PA1 of the WMSS which states that wherever possible economic growth should be focused on the Major Urban Areas. This is supported by policy T.2 which seeks to reduce the need to travel, particularly by car, by encouraging developments which generate significant travel demands to be situated where accessibility to public transport links is maximised.

The application site is not in the town centre and not well-served by public transport facilities. The proposal would therefore attract trips to and from the site, with the majority of these trips made by private car. Current strategic planning policy is clear in stating that the application site is not in the preferred location for such new development.

The proposed complex is substantial extending to 4,845sqm and 8m in height. I note the retention of the boundary hedge to the front (apart from the section which will be removed for the proposed access). However, I still consider that the proposal would be an alien and intrusive feature of substantial scale visible from the properties on Redditch Rd, Smedley Crooke Place and Woodpecker Close. There would be a significant impact on the openness of the Green Belt at this location.

The case for very special circumstances

In considering proposals for inappropriate development in the Green Belt, paragraph 3.2 of PPG2 is relevant:

"Inappropriate development is, by definition, harmful to the Green Belt. *It is for the applicant to show why permission should be granted.* Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is *clearly outweighed* by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach *substantial weight* to the harm to the Green Belt when considering any planning application or appeal concerning such development"

The words "very special" to be given their ordinary, natural meaning. The meaning of the word "special" include those which exceed or excel those which are common. The test in relation to Green Belt policy qualifies that meaning to the extent that the circumstances have to be "very" special.

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

There is a Design and Access Statement presented with the application (received 01.12.2008) but no mention of very special circumstances. These have been requested of the applicant and a response has been received on 01.08.2011. The case is summarized as follows:

- Fallback position in terms of the CLEUD
- Quantitative and Qualitative Need for Nursing Homes
- Brownfield Land
- Sustainable Location
- Screening

The applicant has stated that there is a substantial and growing need for residential care and nursing homes amounting to 3068 and 1069 places respectively. The figures relate to Worcestershire. It is unclear why the need cannot be fulfilled in the urban areas of the County.

Members should note that a case for very special circumstances was not accepted in application B/2007/0626.

Members should note the existence of the CLEUD for the storage of plant and this relates to the storage of engineering plant and not the sale or repair of such plant. The site has not been utilised for this use for at least eight years and the site at present is predominantly open. I do not consider it a brownfield site.

Overall, I do not consider that very special circumstances exist in this instance to outweigh the identified harm to the Green Belt.

Residential amenity

Although not relating strictly to a residential development scheme, I consider the contents of SPG1 to be relevant. This document includes separation distances to existing dwellings so as to avoid detriment to residential amenity due to overlooking, overshadowing and overbearing affects. The Guidelines suggest that new development with main windows overlooking existing private spaces should be set back by a distance of 5 metres per storey from the site boundary where it adjoins a private garden area. Paragraph 8.2 of SPG1 states that a general guide, a minimum distance of 21 metres for two-storey conventional houses is suggested between window walls.

The dwellings in Smedley Crooke Place are located to the northern boundary. The main care home building is located 60 metres from the rear elevations of these dwellings and approximately 45 metres from the rear garden boundaries. Members will note this guidance relates to purely residential development and the contents of this document should be used flexibly. I am of the view that the development would not cause demonstrable loss of amenity to the occupiers of these dwellings and to be able to secure and accommodate a reasonable level of privacy in this instance.

Ecological Issues

A Phase 1 Ecological Survey has accompanied the application. The survey results show that there are no protected species which would be negatively affected by the proposal. Therefore the application would meet with the requirements of PPS9 and the relevant policies set out in the WCSP and the BDLP relating to this issue.

Highway Issues

Highway safety is detailed in policy TR11 of the Bromsgrove District Local Plan. This policy requires that all development incorporate safe means of access and egress appropriate to the nature of the local highway network. Members will note the objection raised by WH.

Conclusions

The erection of the new nursing home and associated ancillary office building represents inappropriate development in the Green Belt and therefore should only be allowed if very special circumstances exist that clearly outweigh the harm that would be caused. This involves a balancing exercise weighing the existence and degree of harm that would be caused to the Green Belt against the factors of advantage. Even if it is accepted that there is a need for a nursing home within the District, I see no good reason as to why such a facility needs to be provided within a Green Belt location. The provision of a nursing home on the site would go against WMSS and WCSP policy seeking to minimise the need to travel by car.

I therefore consider that very special circumstances do not exist and recommend that permission be refused. Members will also note the strong objection on highway grounds advocated by WH.

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

1. The proposed development relates to inappropriate development in the Green Belt. The scheme would harm the openness and visual amenity of the site. No very special circumstances exist that clearly outweigh the harm caused and therefore the proposal is contrary to policies SD.2, SD.4, D.28, D.38, D.39 of the Worcestershire County Structure Plan 2001 and policies DS2 and DS13 of the Bromsgrove District Local Plan 2004 and the provisions of PPG2 (Green Belts)
2. No information has been provided to prove that the proposed development would not jeopardise highway safety and the free flow of traffic upon the A441. As such the development is considered to be contrary to policy TR11 of the Bromsgrove District Local Plan (2004).

Agenda Item 6

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Ref. Expiry Date |
|--|--|--------------------|---------------------------------|
| B G D Ltd. 'A' | Conversion of barn to a four bedroom dwelling and construction of 2 no. four bedroom dwellings (amended plans received 28.06.2011) - 233 Worcester Road, Stoke Heath, Bromsgrove, Worcestershire, B61 7JA | Residential | 10/0987-SC 10.01.2011 |

RECOMMENDATION: that permission be granted.

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

Consultations

WH Comments received 15.07.2011: No objection subject to conditions.
EHM Comments received 08.12.2010: No objection subject to conditions.
PROW Comments received 26.07.2011: No objection subject to conditions.
RA Consulted 13.07.2011: No comments received as yet.
Stoke Prior Parish Council Comments received 10.12.2010: "No objection - the development will make a significant improvement to a currently derelict site."
Publicity 4 Neighbour notification letters posted 22.11.2010; expired 13.12.2010
8 Further notification letters posted 29.11.2010; expired 20.12.2010
3 Further notification letters posted 30.11.2010; expired 21.12.2010

Site notice posted 29.11.2010; expired 20.12.2010
Press notice posted 25.11.2010; expired 16.12.2010

5 letters received. Concerns raised over the following:

- Overlooking/loss of privacy
- Loss of light
- Loss of views
- Overdevelopment
- Too close to existing rear garden boundaries - overbearing impact.

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

15 Neighbour notification letters posted 13.07.2011; expired 03.08.2011

Site notice posted 18.07.2011; expires 08.08.2011
Press notice posted 21.07.2011; expires 11.08.2011

4 further letters of objection received raising issues as covered above and the following additional points:

- Will further reduce light to north facing gardens increasing dampness to kitchen and conservatory of 79 Avoncroft Road.
- Reduce value of properties.

The site and its surroundings

This application relates to an existing builder's yard on an 'L' shaped plot, accessed from the eastern side of Worcester Road, Bromsgrove, and measuring approximately 0.155ha.

The existing structure on site consists of a substantial half-timbered barn with both two-storey and single-storey elements. Unattractive single-storey extensions have been added to both the northern and western elevations of the barn. The half-timbered barn appears in good condition and forms a visible and important part of the street scene, though it is set back approximately 30m from Worcester Road, by virtue of its size and lines of sight between the surrounding built form. The majority of the site is, however, open, has a grey gravelled surface and is being used for the storage of wares associated with the business.

The site is located within an area defined as residential within the BDLP 2004 and is predominantly surrounded by residential properties on all its non-highway boundaries. Of particular note is the recently completed BUPA Heathbrook House nursing home adjoining the northern boundary of the site. Across Worcester Road, to the west of the site, the land is designated Green Belt and open agricultural fields predominate.

A public footpath that provides a route between Hanbury Road and Worcester Road bisects the site.

Proposal

It is proposed to retain, extend and convert the existing half-timbered barn (Building A) to accommodate residential use. The existing extensions on the northern and western elevations are to be demolished and replaced by smaller single-storey extensions to the two-storey element of the half-timbered barn. A detached, pitched roof garage measuring 6m (W) x 6m (L) x 4.6m (H) is proposed to be located approximately 2.8 to the south of the single-storey element of the half-timbered barn.

A further two detached dwellings (Building B and Building C), both four bedroom and two-storey in scale are to be located on the southern portion of the site. Building C is located at the westernmost end of the site adjacent the highway access from Worcester Road. In terms of orientation, both buildings B and C have west facing principal elevations and gardens located to the east.

Relevant Policies

| | |
|--------|-------------------------------|
| WMSS | QE3, QE5, CF2, CF3, CF4, CF5 |
| 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

None relevant

Assessment

The application site lies within an established residential area and falls within the definition of previously developed land, as defined in Planning Policy Statement 3 (PPS3): Housing. PPS 3 states that the priority for development should be previously developed land. It is therefore viewed that the principle of residential development on the site is acceptable. It noted, however, that PPS 3 also states that, *there is no presumption that land that is previously-developed is necessarily suitable for housing development.*

The site is located within a built up area of Bromsgrove and there are numerous shops and local services located nearby. There is a regular bus service along Worcester Road into Bromsgrove town centre. The site is therefore considered to be a sustainable location and I consider it to be suitable for new housing development.

As the general principle of development is considered acceptable, the main issues in the consideration of this application, given the policies contained within the Worcestershire County Structure Plan (WCSP), and the Bromsgrove District Local Plan (BDLP), 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.

Density, form and layout

The proposed development would be at a density of around 18.5 dwellings per hectare (dph). The surrounding area is comprised of development of mixed densities, with higher ratios of around 27 dph located to south along Avoncroft Road and Fircroft Close, and generally lower ratios of between 15 and 20 dph for residential development located to the east and north, between Worcester Road and Hanbury Road. 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. Building B has the smallest rear garden at approximately 130sq m, with building C having a slightly larger space and building A providing significantly greater private amenity space. Section 9 of SPG1 recommends that larger family houses with 6 habitable rooms have a minimum area of 70m², 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 spaces to comply with the County Council's standards.

The form and design of the dwellings in the surrounding area is fairly mixed. Predominantly the nearby dwellings are detached, gable ended and two-storey in nature; however, a bungalow immediately adjoins at the south-eastern corner and the recently

constructed BUPA nursing home is hip roofed and located immediately to the north. Building A is existing and the works proposed do not alter its basic form or character. Both the proposed buildings B and C are of a similar design, with both hipped roof and gable end elements. I do not consider the form and design of the proposed dwellings to be incongruous within the surrounding context described above.

Building C is to be located adjacent to the vehicular access from Worcester Road and it is this building that will be most visible within the street scene. Parking is located forward of the west facing principal elevation and the building is set back approximately 8m from Worcester Road. I note that building C is located forward of the property at 237, however I am satisfied that, given the disjointed building line in the immediate area and the 8m set back, this will not create an encroachment harmful to the openness of the street scene. It is noted that the northern elevation of building C is located immediately adjacent the access drive and this does have the potential to be overbearing given the largely blank façade. The applicant has attempted to mitigate this potential by hipping the roof at this point and I am satisfied that the 4.7m height to the eaves is not excessive in this context.

Building B will be less prominent and has been positioned substantially in line with the existing dwellings of Avoncroft Road. Only part of its southern elevation will be visible from Avoncroft Road and I am satisfied that the existing boundary and the setback from Avoncroft Road would allow this building to be assimilated well within the street scene.

It is therefore considered that the proposed development would not harm the existing pattern of development and that the form and layout of the dwellings proposed would respect the character of the surrounding dwellings.

Visual Amenity

The site, in its current form, is not considered to be of any particular public amenity value and I would not have any concerns over it being developed. As noted above, the buildings proposed are not viewed to be incongruous within the local context. The current grey surfacing of the builder's yard is slightly incongruous in an otherwise residential area and, as such, it is viewed that the proposed dwellings will assimilate well within the street scene.

Residential Amenity

As previously noted, the site is predominantly surrounded by residential development. The proposed development therefore has the potential to harm the amenity of the occupiers of these surrounding properties and it will be necessary to consider matters of overlooking, loss of light and any unacceptable harm by virtue of an overbearing effect.

The Local Planning Authority has received a number of objections from local residents concerned regarding the specific impact of buildings B and C.

Building C would be located 1.6 metres away from the rear garden of 77 Avoncroft Road. I note the close proximity of building C to the gardens to the south and the concerns raised by nearby residents in relation to loss of privacy, light and the overbearing impact of the development. The side elevation of building C, however, does not contain windows at first floor level, 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 the proposed dwellings but views of the adjoining gardens could only be gained from these at an angle. I am of the view that any resulting views of the adjoining gardens would be from a sufficient enough distance and angle for no unacceptable overlooking to occur in accordance with SPG1.

The concerns raised by the occupiers of Avoncroft Road regarding the proposal creating an unacceptable loss of light to their properties are noted. It is viewed, however, that given building C is located to the north of the properties on Avoncroft Road, the path of the sun throughout the day will significantly reduce any impact on these properties in terms of loss of light. It is considered that any loss of light would be restricted to the bottom of these properties' rear gardens and no loss of light would be caused to the dwellings themselves. I am not, therefore, of the view that any unacceptable loss of amenity, by virtue of loss of light, would be caused to the occupiers of Avoncroft Road.

When considering the overbearing physical impact of the proposed buildings on the surrounding occupiers, it is important to note the design of the buildings and their distance from adjoining occupiers' boundaries and their dwellings themselves. Though buildings B and C are two storey, eaves height and roof height are limited to 4.6m and 6.5m respectively, a ridge height more typical of a dormer bungalow. The roof of building C on the southern elevation has been hipped as part of the amended plans and I am of the view that this would soften this building's physical presence. Furthermore, as noted above, building C would be set off from the adjacent boundaries by at least 1.6 metres creating a buffer between the new dwelling and adjoining gardens. SPG1 guides a minimum distance of 12.5m should be provided where windows of habitable rooms are to face blank walls. The proposals provide at least 13m between the rear windows of properties on Avoncroft Road and the new development and, as such, whilst the close proximity of the proposals will impact on the residential amenity of the adjacent dwellings to a certain extent, on balance, the impact is not viewed as sufficient to warrant refusal.

The minimum separation distance between facing windows of building B and building C is approximately 20.5m. Whilst SPG1 requires 21m, it is viewed that the development provides suitable privacy between windows and does not create issues of overlooking or loss of outlook in accordance with S7 and SPG1.

Highways and servicing issues

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 is in accordance with policy TR11 and criterion (h) of policy S7 of the BDLP.

Conclusion

The proposed designs are considered to be acceptable, representing a sustainable use of an area of previously developed land within an established residential area in accordance with PPG3, policy S7 of the BDLP2004 and SPG1.

RECOMMENDATION: that permission be granted.

C001 (Standard time - three years)

C001A (In accordance with approved plans)

C003 (Materials)

C007 (Drainage)

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.

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.

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.

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.

HC36

Cycle Parking (Multi Unit)

Prior to the first occupation of any dwelling hereby approved secure parking for 4 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

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

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.

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.

HN12 - Protection of Visibility Splays

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

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.

Note

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy, Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan 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.

Agenda Item 7

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Ref. Expiry Date |
|--|---|--------------------|--------------------------|
| Mr. J. Boland 'A' | Two stable barns, horsewalker and all weather gallop - The Barn, Icknield Street, Beoley, B48 7EW | GB | 11/0410-DK 23.08.2011 |

RECOMMENDATION: that permission be **REFUSED**.

Consultations

| | |
|------------|---|
| Wythall PC | Consulted 01.06.2011. Response received: 17.06.2011. Strongly object - appears to be a commercial enterprise in the Green Belt. The access is up a narrow track totally unsuitable for the use as described in the supporting documents. |
| WH | Consulted 01.06.2011. Response received: 08.06.2011. No objection. |
| WCC PROW | Consulted 01.06.2011. Response received: 27.06.2011. The proposal affects a public right of way as recorded on the Definitive Map. The public right of way is Beoley footpath 502 (BE-502). |

However, the proposal should have no detrimental affect on the public right of way providing that the applicant is aware of the standard obligations.

The applicant should note policy RST.3 of the Worcestershire County Structure Plan to ensure that the development does not reduce the utility, convenience, recreational value, attractiveness and historic significance of the public right of way.

| | |
|--------------|---|
| RA | Consulted 01.06.2011. No response to date. |
| ENG | Consulted 01.06.2011. No response to date. |
| EDO | Consulted 01.06.2011. No response to date. |
| EHO | Consulted 01.06.2011. Response received 15.06.2011. No objection. |
| Tree Officer | Consulted 01.06.2011. Response received 15.06.2011. No objection. |
| Publicity | Site Notice posted: 20.06.2011. Expired 11.07.2011. Press Notice posted 09.06.2011. Expired 30.06.2011. 3 Responses received summarised as appropriate: <ul style="list-style-type: none"> • Objection on the grounds that it is completely disproportionate in size and destroys a vital part of the local green belt. • The lane is very narrow and has too much traffic already. It will not withstand anymore. There are very few passing places. • The road is generally in poor repair and used extensively by horse riders and cyclists (part of a cycle route). Horse box trailers cannot be reversed along this narrow road and this will cause disputes and problems with other traffic having to reverse for very long distances. |

- The gates of 'Roseway' have been used for turning purposes which is not acceptable.
- The new buildings will be on or near the highest part of the land and will be visible across the whole valley. This area has been designated as protected and a conservation area because of its appearance, etc.
- The foot path crossings proposed are not safe. Would a foot path be allowed to be constructed across a horse racing course!
- I think the whole proposal is ill conceived, unsafe, will cause highway mayhem and inappropriate for green belt land.

The site and its surroundings

The application site is a large area of agricultural land to the west side of Icknield Street to the north of Barton Farm. There is an existing agricultural building currently in use as kennels and a public footpath transects the site in an east west direction. The site lies within confirmed Green Belt.

Proposal

The proposal relates to the erection of two large stable buildings in the north east corner of the application site and the gallop will follow the existing boundaries of the site and intersect the public footpath at two points labelled 'A' and 'B'. It is proposed that the gallops will be fenced for up to 20m either side of the crossing point and there will be gated access for pedestrians with appropriate warning signs. There is also a horse-walker proposed close to the stables.

The proposed stables will be externally clad in timber with a roof of fibre cement sheets. There are 18 individual stalls proposed with a store room for tack, feed and equipment.

Relevant Policies

| | |
|--------|-----------------------------|
| WMSS | QE3 |
| WCSP | CTC.1, SD.2, D.38, D.39 |
| BDLP | DS2, DS13, C4, RAT16, RAT17 |
| DCS2 | CP22 |
| Others | PPG2, PPS7, SPG5 |

Relevant Planning History

10/0881 Two hay storage Barns. Agricultural Notification. Details approved 26.11.2010.

Notes

The site is located in the Green Belt in a Landscape Protection Area. I consider that the main issues in the determination of the application are:

- (i) whether the development of the stables are appropriate development in the Green Belt;
- (ii) whether there would be harm to landscape character;
- (iii) the issues raised by Third Parties.

Green Belt

In this respect, I consider the main policies against which the proposal should be assessed are policies DS2, C4, RAT16 and RAT17 of the Bromsgrove District Local Plan (2004).

Policy RAT16 is supportive of the development of buildings for agricultural and equestrian pursuits in the Green Belt provided that the criteria in policy RAT17 are fulfilled.

Each of the stable buildings A and B are identical to each other with a floorspace of 238sqm (a total of 476sqm). The ridge height would be 4.8m. There is also a circular horse walker structure proposed. The gallop is approximately 500m with fencing along the length. There are additional structures proposed at the crossing points for the Public Right of Way as outlined in the description above.

Members will note that the scheme falls outside the scope of policy RAT17 because of its scale. Each of the buildings contains a large corridor (at least a third of the width of the structure) and also a tack room and feed store.

I am of the view that the corridor and tack room are not essential facilities (unlike the stables) for outdoor sport and recreation. This is made clear in the appeal decision (APP/P1805/A/09/2098683) at Cofton Hackett that additional building to house feed and equipment are not essential facilities. I see no difference in this case.

In terms of the stables proposed, they are 3.5 x 3.5m in size. The stables are 4m high (eaves minimum). In terms of height, it exceeds the requirements and given that 18 stables are proposed, this makes a significant difference to the overall bulk of the proposal.

I have concerns about the scale of the building which is large when PPG2 makes clear reference to unobtrusive stables and policy RAT17 states that preference should be given to the use of existing buildings and should only be allowed in a position isolated from existing farm buildings in exceptional circumstances. I consider it inappropriate development in the Green Belt and very special circumstances are required.

The Design and Access Statement refers to Planning Policy Statement 7 in respect of farm diversification but there is no reference to the development being inappropriate and Green Belt policy carries more weight. The applicant has been invited to present additional information in terms of very special circumstances and Members will be updated on this matter.

Landscape Character

The proposal is located in a Landscape Protection Area and I note the attractive views from the site and footpath to hills and woodlands in the distance to the east and south.

The site is also in an elevated position. I consider that the proposal would cause visual harm to the protected landscape and this harm must be considered additionally to the harm arising from inappropriateness. I consider that it would be in breach of policy C4 of the BDLP 2004.

Third Party Comments

Members should note the comments received from Third Parties. The issues in respect of Green Belt have been addressed in my report above. I note there are concerns in respect of the scale of the proposal and the narrow width of Icknield Street. There is no objection from WH. In terms of the footpath, whilst there is no objection from WCC PROW, I would share the concerns of the Third Parties about the safety of a public right of way being intersected by a gallop in two places and this may discourage the use of the path.

Conclusions

I appreciate that the applicant owns a large area of land but this does not justify such large stables for personal use. Overall, there is no justification presented for the scale of the buildings and there is a negative impact on the Landscape Protection Area. I consider that it amounts to inappropriate development in the Green Belt.

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

1. The scales of the proposed buildings are disproportionate for the purposes of stables and as such, the proposal represents inappropriate development in the Green Belt. No very special circumstances exist sufficient to outweigh the harm caused to the Green Belt. The proposal is therefore contrary to policies D.39 and SD.2 of the Worcestershire County Structure Plan 2001, policies, DS2 and DS13 of the Bromsgrove District Local Plan 2004, and the advice of PPG2 (Green Belts).
2. The development would have a detrimental impact on a designated Landscape Protection Area by virtue of its scale, design and position. The proposal is thereby contrary to policies CTC.1 of the Worcestershire County Structure Plan 2001, and policies C1, C4 and DS13 of the Bromsgrove District Local Plan 2004.

Agenda Item 8

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Ref. Expiry Date |
|--|--|--------------------|---------------------------------|
| Mr. A. Adams 'A' | One detached dwelling (Outline) - Land adjoining 19 Summerfield Road, Holy Cross, Clent, DY9 9RG | GB CA VENV | 11/0502-SC 05.08.2011 |

RECOMMENDATION: that permission be **REFUSED**.

Consultations

| | |
|-------------------------|--|
| WH | Consulted 21.06.2011 - verbal comments received 01.08.2011: No objection s.t.c. |
| Clent Parish Council | Consulted 21.06.2011 - no comments received as yet. |
| Policy | Consulted 21.06.2011 - policy advice received 23.06.2011. |
| Trees | Consulted 21.06.2011 - no comments received as yet. |
| Eng | Consulted 21.06.2011 - views received 12.07.2011: No objection s.t.c. |
| Publicity | Site notice posted 11.07.2011; expired 01.08.2011 1 Neighbour notification letter posted 21.06.2011; expired 12.07.2011 20 representations received raising no objection or in support of the proposal. Main points raised: <ul style="list-style-type: none">• Development will finish row of houses and improve the currently scrappy land.• Development is within the village envelope and building line.• Development is of suitable scale and character and will prevent large-scale development of the plot. |

The site and its surroundings

This application relates to an undeveloped parcel of green space located on the southern side of the junction of Summerfield Road with Belbroughton Road, adjacent the existing property at 19 Summerfield Road.

The site is within the Green Belt and within the designated Holy Cross village envelope.

Proposal

This is an outline application and seeks approval for matters relating to access, layout and scale for the construction of a detached, two-storey, 4 bedroom dwelling located approximately 3m to the west of the existing property at 19 Summerfield Road. The dwelling is to be set back approximately 6.7m from the pavement and is therefore inline with the prevailing building line on the southern side of Summerfield Road. This set back provides space for a driveway supporting parking for two vehicles.

In terms of proposed dimensions, the dwelling is to measure 15m in width, 10.7m in depth and 7.4m in height. A single storey garage is located on the eastern side of the house, adjacent 19 Summerfield Road.

Details relating to landscaping and appearance are reserved matters to be approved by the Council at a later date.

Relevant Policies

| | |
|--------|--------------------------|
| WCSP | CTC.1, CTC.5, D.38, D.39 |
| BDLP | DS2, DS13, DS5, S9, TR11 |
| DCS2 | CP3, CP17 |
| Others | SPG1, PPS1, PPG2 |

Relevant Planning History

| | |
|-------------|--|
| 11/0329 | Proposed dwelling on land adjoining 19 Summerfield Road - Refused 26.05.2011 |
| 10/0483 | Proposed dwelling - Withdrawn 16.08.2010 |
| B/1995/0020 | Erection of two detached houses - Refused 13.03.1995 |
| BR/436/1970 | Two dwellings with garages - Granted |
| B7181 | Erection of two dwellings - Refused April 1980. Appeal dismissed April 1982 |

Notes

This outline application follows the recent refusal, determined at the June 2011 Planning Committee, of a full application (10/0329) for a new dwelling on land adjoining 19 Summerfield Road. The refusal reasons given in relation to the full application are outlined below:

1. It is considered that the new dwelling is inappropriate development materially harmful to the openness of the Green Belt. The proposal is therefore considered contrary to policy DS2, DS5 and S9 of the Bromsgrove District Local Plan, policy D.39 of the Worcestershire County Structure Plan and the provisions of PPG2: Green Belts. No very special circumstances have been put forward that would outweigh the harm that would be caused.
2. The proposed dwelling would be a highly visible urban feature which would adversely impact on the character and visual amenity of the open village vista, which is considered contrary to policy CTC.1 of the Worcester County Structure Plan, Bromsgrove District Council's Residential Design Guide SPG 1, policies DS13 and S9 of the Bromsgrove District Local Plan and the guidance in paragraph 3.15 of PPG2 Green Belts.

Assessment

The main issue with this application is whether the proposed development is an appropriate form of development in the Green Belt and, if not, whether very special circumstances exist to outweigh the level of harm caused.

Although this application is at outline stage, it is necessary to consider if there are any inherent problems with the site, in particular, in relation to the matters of access, layout and scale for which approval is sought. The impact of the proposal on the character of the street scene, its impact on the amenity of the nearby occupiers, technical matters relating to highways and drainage, and the views of third parties will also be addressed.

Green Belt Policy

Policy D.39 of the Worcestershire County Structure Plan and policy DS2 of the Bromsgrove District Local Plan 2004 are in general accordance with advice given under PPG2: Green Belts in stating that inappropriate development in the Green Belt will not be allowed unless very special circumstances exist to outweigh the harm caused. Policy DS2 reflects PPG2 in setting out the instances where development in the Green Belt may be considered appropriate. With regards to new dwellings, these instances are further defined by policy S9 of the BDLP.

Policy S9 states that new dwellings will only be considered where the dwelling falls within the following categories.

- Required for forestry or agriculture.
- Re-use of a rural building.
- Affordable housing.
- Limited infill within the defined village envelope.
- Replacement dwelling.
- Sub-division of an existing dwelling.

The application site is located within the Village Envelope of Holy Cross and as such I refer to policy DS5 of the Bromsgrove District Local Plan 2004 (BDLP). This provides that within defined Village Envelope settlements limited housing infill may be acceptable. For the purposes of this policy 'limited infill' is defined as the development of sites located between existing development which are capable of accommodating no more than 2 dwellings, in a form which maintains the line and form of the existing buildings.

Whilst the application site is located within the Village Envelope of Holy Cross, it would not be located between existing development within the defined settlement. I am not therefore minded to treat the proposal as a form of infill development.

In any event, the explanatory text to policy DS5 indicates that '*where gaps in frontages do occur there will be no automatic presumption in favour of development. For instance, it may be desirable to protect some 'gaps' from development because of the contribution of the site to the street scene or general character of the village or where it is desirable to retain views of the surrounding countryside.*'

Further to this, 5.5 of SPG1 states: '*Gaps within a village street for example can help to impart a rural atmosphere and this is particularly important in loose-knit villages where the spaces can be as important as the buildings themselves.*'

In this instance, I am of the view that it would be desirable to maintain this gap in the Village Envelope. The site is considered to serve an important Green Belt function by acting as a natural buffer between the Village Envelope Settlement of Holy Cross and the surrounding development to the south west of the site. Development in this location would have the effect of conjoining these two areas of existing development resulting in harm to the openness of the Green Belt and the purposes of including land within it.

I am also of the view that the natural appearance of the site helps to preserve the rural character of the village when viewed from Belbroughton Road. Furthermore it is considered that the site helps to protect views into the open Green Belt from Summerfield Road.

As the proposal is not considered to represent an acceptable form of infill development, having regard to policies DS2 and S9 of the BDLP the proposal will be treated as an inappropriate form of development in the Green Belt.

Very Special Circumstances

In relation to Green Belts, the emphasis is on developers to demonstrate that very special circumstances exist to outweigh a proposal's harm to the Green Belt. The application's Design and Access Statement states:

"...should the Council take the view that the proposed development of this site for one dwelling comprises inappropriate development it is argued for the applicant that very special circumstances apply in relation to this specific site given its visual appearance of unkempt ground, especially overgrown in the summer months is detracting from the rest of Summerfield Road. Further, the granting of permission also allows a replacement indigenous hedgerow to be provided to bound and screen the site to the visual improvement of the frontage to Belbroughton Road."

Paragraph 1.5 of PPG2 lists the five purposes of including land within the Green Belt including "to assist in safeguarding the countryside from encroachment" and paragraph 1.4 explains that one of the intentions of Green Belt policy is to keep land permanently open. It is noted that the most important attribute of Green Belts is their openness. As such, it is not viewed that the very special circumstances put forward by the applicant carries weight to such an extent as to outweigh the harm to openness of the Green Belt that the proposal represents.

Design / Street Scene

The appearance of the proposed dwelling is to be determined as a reserved matter at a later stage. In relation to the proposed layout of the dwelling, it is noted that the existing dwellings on Summerfield Road are two-storey and the scale of the proposal would not be incongruous in this context. Additionally, the proposal would respect the existing building line on the southern side of Summerfield Road.

I note the large number of comments in support of this proposal and the view that a dwelling in this location would 'finish the row of houses' and 'improve on the scrappy appearance of the site.' However, it is the loss of the open character of the street scene at this conspicuous corner location that I view as harmful to visual amenity. The increased bulk of the proposed dwelling is therefore viewed as detrimental to this open and rural village vista.

Residential Amenity Issues

The proposed dwelling is set within a well sized plot and in respect of private amenity space, and exceeds the total area required by SPG1. I am also satisfied that the location of the proposed dwelling can accommodate a detached dwelling without raising concerns in relation to privacy or overlooking, in accordance with the residential amenity guidelines as set out in SPG1.

Highways and servicing issues

Policy TR11 of the BDLP requires all development to incorporate safe means of access and egress appropriate to the nature of the local highway network and to provide sufficient off-street parking. The County Highways Officer has been consulted with regards to the proposals and has raised no objection subject to conditions.

The Council's Drainage Engineer has been consulted and no objection has been raised subject to conditions requiring the submission of drainage details. On this basis, I consider that the development can be appropriately serviced.

Other matters

I note the numerous letters of support received from local residents. The points raised in these letters have been adequately addressed in the report sections above.

Conclusion

In conclusion, it is considered that the new dwelling is inappropriate development materially harmful to the openness of the Green Belt by virtue of its increased bulk. The proposal is therefore considered contrary to policies DS2, DS5 and S9 of the Bromsgrove District Local Plan, policy D.39 of the Worcestershire County Structure Plan and the provisions of PPG2: Green Belts. No very special circumstances have been put forward that would outweigh the harm that would be caused.

RECOMMENDATION: that permission be **REFUSED**.

1. It is considered that the new dwelling is inappropriate development materially harmful to the openness of the Green Belt. The proposal is therefore considered contrary to policies DS2, DS5 and S9 of the Bromsgrove District Local Plan, policy D.39 of the Worcestershire County Structure Plan and the provisions of PPG2: Green Belts. No very special circumstances have been put forward that would outweigh the harm that would be caused.

- 2 The proposed dwelling would be a highly visible urban feature which would adversely impact on the character and visual amenity of the open village vista, which is considered contrary to policy CTC.1 of the Worcester County Structure Plan, Bromsgrove District Council's Residential Design Guide SPG 1, policies DS13 and S9 of the Bromsgrove District Local Plan and the guidance in paragraph 3.15 of PPG2 Green Belts.

Agenda Item 9

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Ref. Expiry Date |
|---|--|--------------------|---------------------------------|
| Redditch Borough Council / Bromsgrove District Council | To erect, on the corner of the building, a CCTV camera housed within a heritage style dome suspended below an ornate bracket - 37 Worcester Road, Bromsgrove, B61 7DN | CA SHOPSE | 11/0567-HR 02.09.2011 |

This application is a joint application between Redditch Borough Council and Bromsgrove District Council and will need to be considered by the Committee, rather than being determined under delegated powers.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application following the expiry of the publicity period on 17th August 2011.

MINDED TO APPROVE

Consultations

| | |
|-----------|---|
| CO | Consulted 13.07.2011 - No objection. |
| CSO | Consulted 13.07.2011 - No objection. |
| WMC | Consulted 03.08.2011. No comments received to date. |
| Publicity | Site Notice posted 27.07.2011, expires 17.08.2011 Press Notice published 21.07.2011, expires 11.08.2011 No objections received. |

The site and its surroundings

The application site is situated at 37 Worcester Road, Bromsgrove, which comprises of a variety of businesses, offices, retail outlets and licensed premises. The application site relates to a Grade II listed building which dates from the eighteenth century and is the Conservation Association Bromsgrove Office and is used by members of the party to carry out their duties.

The site is located within the Bromsgrove Town Conservation Area and within a Secondary Shopping Street as defined in the Bromsgrove District Local Plan 2004.

Proposal

The main issue to address in this application for Listed Building Consent is the proposals impact on the special interest of the Listed Building.

The proposal seeks to erect a CCTV camera inside a Heritage Housing Perspex dome which would be supported by a bracket which would be placed on the corner wall of 37 Worcester Road. The style and materials of the bracket would be an Altron Newcastle style ornate (heritage) corner mount which would have a black powder coated finish. The camera finish would be black aluminium. The existing surface mounted, galvanised steel

conduits which run horizontally to the front elevation of the building would be utilised to conceal the camera power, video and telemetry cabling, all of which would run back to the existing adjacent British Telecoms street cable.

The proposed camera is required in this location for several reasons which include:

- surveillance of the surrounding area, buildings and activity, particularly in relation to the night time economy;
- to help deter crime, detect and prevent crime;
- to assist in the apprehension and identification of offenders;
- to produce evidence relevant to the prosecution of offenders;
- to enhance community safety, boost the economy and encourage greater use of the town centre and shopping centre;
- to assist the Local Authority in its enforcement and regulatory functions, for maintenance of Public Order;
- to provide information for traffic management.

The position of the camera has been chosen as it would provide the optimum view of the road, clearly and closely observing the Dog and Pheasant Public House which has a late licence to 2.00 a.m., the Love2Love Night Club which has a licence to 4.00 a.m., a number of Take Away restaurants in the area and a taxi rank which provides an active night time economy. The height of the camera would be out of reach of passing pedestrians and would provide a clear view of Worcester Road. A slight bend in the road would reduce visibility if the camera were to be positioned further up or further down Worcester Road.

There has previously been a CCTV camera at this site but the type of camera was not in keeping with the style of the Listed Building and was therefore removed.

Relevant Policies

| | |
|--------|----------------|
| WMSS | QE3 |
| WCSP | CTC.1, CTC.19 |
| BDLP | DS2, DS13, S39 |
| DCS2 | CP3, CP18 |
| Others | PPS1, PPS5 |

Relevant Planning History

| | |
|-------------|---|
| B/1975/1901 | Change of use of 1st and 2nd floors from flats to offices. Granted: 09.02.1976 |
|-------------|---|

Notes

The key consideration of this application is to consider the impact of the proposal on the Listed Building. The main policies to assess the proposal would be policy CTC.19 of the Worcestershire County Structure Plan, policy S39 of the BDLP 2004 and PPS5.

Policy S39 of the BDLP 2004 states that careful attention will be paid to any proposal affecting the character of a Listed Building or its setting. Any proposal for alteration or extension of a Listed Building, whether or not involving a change of use, will be thoroughly assessed before consent is given. The change of use of Listed Buildings may be acceptable if it can be demonstrated that an alternative use would ensure retention of the building(s). The advantage of keeping a building in active uses will be weighed carefully against any impact on the special architectural or historic interest of the building.

Policy CTC.19 of the Worcestershire County Structure Plan states that any development which would adversely affect those features and areas of historic and / or architectural significance which contribute to the character of the urban or rural parts of the County will not normally be allowed. This policy also states that careful attention will be paid to any proposal affecting the character of a Listed Building or its setting. Therefore any proposal for the alteration or extension of a listed building will be thoroughly assessed before consent is given.

Policy HE7.1 of PPS5 states that in decision making, local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal.

The advice of the Council's Conservation Officer has been sought in relation to the proposal's acceptability in policy terms. The Conservation Officer has stated no objection to the proposal.

The advice of the Council's Community Safety Officer has been sought in relation to the proposals acceptability. The Community Safety Officer has no objection to the proposal and has stated support for both the location and the technical specification for the CCTV within this application. The proposed location of this camera is ideally located within the town centre and within Worcester Road effectively to monitor disorder related to the night time economy. The technical specification for the camera is suitable for the aesthetics of the Worcester Road area. CCTV within public spaces including the proposed erection of a CCTV on Worcester Road, Bromsgrove, will have two direct positive impacts on Community Safety. This proposal clearly gives the prospect of improved feelings of public safety, it will also compliment policing strategies to prevent and detect crime. There are also potential benefits of CCTV generally and to this specific application that go beyond any direct impact on crime which should not be overlooked, they include:

- Economic benefits whereby CCTV will promote a safe town centre encouraging people to use the town centre and its facilities which in turn benefits local businesses.
- Increased management capabilities such as direct policing deployment and the deployment of other front line services within authorities.
- The promotion of partnership working between the local authority, the police and local businesses which in turn allows for other community safety issues to be addressed.

Therefore, it is considered that the proposal would not unduly harm the character and / or setting of the Listed Building and would therefore be acceptable and would comply with policy CTC.19 of the Worcestershire County Structure Plan, policy S39 of the BDLP 2004 and PPS5.

11/0567-HR - Erection of a CCTV camera on the corner of the building, housed within a heritage style dome, suspended below an ornate bracket - Bromsgrove Conservative Association, 37 Worcester Road, Bromsgrove, B61 7DN - Bromsgrove District Council / Redditch Borough Council

On this basis, I therefore conclude that the proposal should be granted Listed Building Consent.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application following the expiry of the publicity period on 15th August 2011.

MINDED TO APPROVE

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

15th August 2010

PLANNING APPLICATION VALIDATION CRITERIA

| | |
|---------------------------|--|
| 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 This report informs Members of the proposed Planning Application Validation Criteria to be used by planning staff, applicants and agents to ensure that planning applications submitted to the Council contain all information necessary for the applications to be validated.

2. **RECOMMENDATION**

- 2.1 That Planning Committee approves the Planning Application Validation Criteria for Consultation. The validation checklist is attached as Appendix 1.

3. **BACKGROUND**

- 3.1 The Department of Communities and Local Government published new guidance on the validation of planning and other associated applications in December 2007 and this accompanied the introduction of the standard application form in April 2008. Revised guidance has now been published in the form of Guidance on Information Requirements and Validation March 2010. Central to the new validation regime was the introduction of a 'National List' of statutory information required to accompany all applications. The guidance also encouraged local authorities to publish its own 'local validation requirements' which sets out locally relevant information it would expect to accompany applications.
- 3.2 The term validation means the very first step that is taken when an application is received by the Council. Essentially it is an administrative process to check whether the application is complete and includes all the necessary information, plans, fee, etc., for it to be registered as an application and thus begin to be considered by the Council. Validation does not mean that the application proposals are in any sense being approved. It merely signifies that the application can begin consideration by the Council. Making an application valid does not imply any judgement about the merits of the proposals.

PLANNING COMMITTEE

15th August 2010

- 3.3 The national list only covers the most basic and fundamental requirements for an application to be validated. There are many additional requirements which this council currently seeks depending on the type of application. Different types and scale of application require different levels of information and supporting documentation to be submitted. This is why the local list is important. Both the national and local lists are structured in a way which distinguishes clearly between these different types and scale of development and their differing information requirements.
- 3.4 Once adopted the requirements are mandatory and mean that an application which does not comply with them will not be able to be registered.
- 3.5 It is considered that adopting a local list will
- help planning applicants and agents to understand from the outset the type and extent of information that will be required of them
 - provide greater certainty for the applicant, and
 - enable the local planning authority to have all the information it needs in order to determine the application, draft the planning permission and word any planning conditions required, and
 - minimise the risk that the local planning authority will have to go back to an applicant for more information resulting in a more timely decision on the proposal.
- 3.6 There are three parts to the document:
- The first section sets out the different types of application;
 - The second section provides details of the information needed (both nationally and locally) as applicable to each application type;
 - The third section provides explanatory notes for the information requirements together with links to useful documents and other sources of information.
- 3.7 The layout and presentation of the information follows recommendations in the government guidance on validation of planning applications.

4. **KEY ISSUES**

- 4.1 The main benefit of a local validation checklist is to provide a greater degree of certainty for applicants and agents as to the level of information required to accompany applications. This will enable a better quality of submission and improve existing rates of validation. There is a balance to be struck between local authorities undertaking a 'tick box' approach to

validation and the need to take into account the more individual characteristics of schemes. It is important therefore that care is taken to ensure that requests are proportionate to the scheme under consideration. Applicants proposing major schemes or proposals with significant impacts are of course encouraged to engage with the local planning authority using the pre application discussion route. A part of these discussions would include the submission requirements to accompany the application and this would provide the applicant with clarity as to the information the local authority would need to assess the impact of the proposal.

- 4.2 In addition the checklist provides guidance on the level of detail of various requirements (such as Statements of Significance) which will ensure that when submitted such reports will be of a suitable quality on which to make informed and sound planning decisions.
- 4.3 The DCLG document 'Guidance on Information requirements and Validation' March 2010 sets out in section 5 that the validation checklist should be consulted on for a period of not less than eight weeks and should include applicants, agents and the local community. Appendix 2 includes a list of individuals and organisations that it is proposed to consult. Consultation responses received as a result of this process will be taken into account by the authority when preparing the final revised list. That final list will require the approval of the Planning Committee and will be published on the council's website.

5. **FINANCIAL IMPLICATIONS**

- 5.1 The only financial implications are those associated with carrying out the consultation. These can be accommodated within existing budgets.

6. **LEGAL IMPLICATIONS**

- 6.1 There are no significant legal implications identified with this report. The resultant adoption of a local validation checklist will bring the council in line with good practice guidance.

7. **POLICY IMPLICATIONS**

- 7.1 The final checklist would be adopted as formal Council procedural policy, and would complement rather than conflict with any existing policies.

PLANNING COMMITTEE

15th August 2010

8. **COUNCIL OBJECTIVES**

- 8.1 The publication of Planning Application Requirements will meet Council objectives; Improvement and Environment.

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

- 9.1 Not publishing a local application requirement list will result in planning applications being validated just on the basic national statutory requirements. There would be limited power for the Local Planning Authority to request further information in order to validate applications. This would result in poor quality application submission with limited information to make an informed decision.

10. **CUSTOMER IMPLICATIONS**

- 10.1 This document will help planning applicants from the outset to understand the type and extent of information required.

11. **EQUALITIES AND DIVERSITY IMPLICATIONS**

- 11.1 None identified.

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

- 12.1 A thorough understanding of what is required to accompany an application will be beneficial to both developer and the Council with respect to the efficient use of Officer time. This checklist will assist in supporting this objective. There are no procurement or asset management consequences. Costs associated with the consultation exercise will be borne from existing budgets.

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

- 13.1 The adoption of a checklist will enable the matters of climate change and biodiversity to be addressed with relevant information at the outset of the application process. This will support these objectives and ensure a robust planning decisions.

PLANNING COMMITTEE

15th August 2010

14. **HUMAN RESOURCES IMPLICATIONS**

14.1 There are no additional HR implications as the minor alterations to back office systems that can be met from existing resources.

15. **GOVERNANCE / PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 There are no direct governance issues arising from this report. The checklist will be published on the Council's website and its effectiveness in guiding applicant and agents will be monitored internally.

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

16.1 The impact of a development on crime and disorder is a material planning consideration to be taken into account in the determination of any proposal.

17. **HEALTH INEQUALITIES IMPLICATIONS**

17.1 None.

18. **LESSONS LEARNT**

This is a new procedure which follows the advice and case studies of others. Therefore, whilst learning some lessons others will come from the proposed consultation, after which the checklist can be evaluated and changed if it is considered necessary.

19. **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 Appendix 2 sets out the bodies that will be consulted on the local validation checklist. These organisations reflect both statutory and non statutory bodies as well as local interest groups and local agents. The consultation period will run for eight weeks and the resultant views of these organisations will be fed into the subsequent report.

20. **OTHERS CONSULTED ON THE REPORT**

| | | |
|------|------------------|----|
| 20.1 | Portfolio Holder | No |
| | Chief Executive | No |

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

15th August 2010

| | | |
|--|---|-----|
| | 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 |

21. **WARDS AFFECTED**

21.1 All wards

22. **APPENDICES**

Appendix 1 - Draft Planning Application Requirements
Appendix 2 - Draft of external consultees

23. **BACKGROUND PAPERS**

Review of information requirements for validation of planning applications.
DCLG November 2008.

Guidance on information requirements and validation. DCLG. March 2010

AUTHOR OF REPORT

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Bromsgrove District Council
Planning and Environment Services

Local Validation Checklist

Advice and guidance on compiling and submitting planning and other related applications for the development or change of use of land

Adopted 2011



This document was approved by x Committee on x for public consultation purposes. The consultation period will run from x to x. Comments can be made by email to;

pec@bromsgrove.gov.uk Please include 'LVC response' as the subject heading of your email

in writing to;

H. Plant
Development Control Manager; Business Processing and Special Projects
Development Control
Bromsgrove District Council,
Burcot Lane,
Bromsgrove,
Worcs,
B60 1AA.

h.plant@bromsgrove.gov.uk

(Please note that email comments are preferred)

CONTENTS

| | |
|--|---------|
| 1. Introduction and purpose of document | Page 5 |
| 2. Types of Application | Page 7 |
| 3. National and local requirements for validating planning and associated Applications | |
| Important information Relating to all Applications | Page 10 |
| Householder Application for planning permission for works or extension(s) to a dwelling (Application type 1) | Page 13 |
| Householder application for planning permission for works or extension(s) to a dwelling and for Conservation Area Consent for demolition in a Conservation Area (Application Type 2) | Page 14 |
| Householder application for planning permission for works or extension(s) to a dwelling and for Listed Building Consent for works to a Listed Building (Application Type 3) | Page 15 |
| Application for Full Planning Permission for operational development or material change of use (Application type 4) | Page 16 |
| Outline Application for Planning Permission with <i>some</i> matters reserved (Application Type 5) | Page 18 |
| Outline Application for Planning Permission with <i>all</i> matters reserved (Application Type 6) | Page 19 |
| Outline Application for Full Planning Permission and for Conservation Area Consent for Demolition in a Conservation Area (Application Type 7) | Page 21 |
| Outline Application for Full Planning Permission and for Listed Building Consent for Alterations, extensions or demolition of a listed Building (Application Type 8) | Page 22 |
| Application for Full Planning Permission and for Advertisement Consent (Application Type 9) | Page 23 |
| Conservation Area Consent for Demolition in a Conservation Area (Application Type10) | Page 24 |
| Listed Building Consent for alterations, extensions or demolition of a Listed Building (Application Type 11) | Page 25 |
| Advertisement Consent for the Display of Advertisements (Application Type 12) | Page 26 |
| Listed Building Consent for alteration, extension or demolition of a Listed Building and Advertisement Consent (Application Type 13) | Page 27 |
| Application for a Lawful Development Certificate for an existing use or operation or activity including those in breach of a planning condition (Application Type 14) | Page 28 |
| Application for a Lawful Development Certificate for a proposed use or development (Application Type 15) | Page 28 |

| | |
|---|---------|
| Application for Prior Notification of Proposed Agricultural Development for a proposed building (Application Type 16) | Page 29 |
| Application for Prior Notification of Proposed Agricultural Development for a proposed road (Application Type 17) | Page 29 |
| Application for Prior Notification of Proposed Agricultural Development for proposed excavation/deposit of waste material from the farm (Application Type 18) | Page 29 |
| Application for Prior Notification of Proposed Agricultural Development for proposed fish tank (Application Type 19) | Page 30 |
| Application for Prior Notification of Proposed Telecommunications Installations (Application Type 20) | Page 30 |
| Application for Hedgerow Removal Notice (Application Type 21) | Page 31 |
| Application for Prior Notification of Demolition (Application Type 22) | Page 32 |
| Application for Approval of Reserved Matters of a previously Granted Outline Planning Permission (Application Type 23) | Page 32 |
| Application for Removal or Variation of a Condition following the grant of Planning Permission (Section 73 of the Town and Country Planning Act 1990 as amended) (Application Type 24) | Page 33 |
| Application for Approval of details Reserved by a Condition following the grant of Planning Permission (Application Type 25) | Page 34 |
| Application for Tree Works: (1) Tree subject to a Tree Preservation Order (2) Works to a tree in a Conservation Area (Application Type 26) | Page 35 |
| 4. Guidance on the content of supporting statements and a description of what the 'Information Needed' Should Contain | Page 36 |
| 5. List of reference materials | Page 51 |
| 6. Final Checklist to ensure that all information has been compiled ready for the submission of an application | Page 54 |
| 7. Appendices | Page 55 |

Please note that all contact details and websites were correct at publication. Bromsgrove District Council takes no responsibility for any information that became incorrect over time.

1. Introduction and Purpose of Document

Why have Validation Criteria for Planning Applications?

In 2008, the Government introduced a national standard application form for applications made under the Town and Country Planning system and the Listed Building and Conservation Area consent regime. A national checklist was also introduced to ensure that all applicants knew what information they would need to provide when submitting applications to their local authority. To accompany and support this, Government also introduced new requirements for the validation of applications. Collectively these measures were aimed at providing a more predictable and efficient planning service, whilst recognising the need for locally relevant information. Amendments were made to the Town and Country (General Development Procedure) Order 1995 (GDPO) in March 2008 to make the use of the Standard Application Form and validation checklists mandatory from April 2008. The provisions in the 1995 GDPO has been merged with subsequent amendments has been replaced with the Town and Country Planning (Development Management Procedure) (England) 2010 (DMP). Also, the 2008 Circular has been cancelled and replaced with the Development Management Policy Annex: Information Requirements and Validation for Planning Applications. (see reference list at the end of this document for details of where to find any supplementary documents).

The intention of the checklist is to make the planning process more transparent, and allow applicants and agents to check what information will be required in support of their applications. Applications will not be validated and registered until all the requirements of both the national **and** local checklists have been received. Applicants and agents should therefore be aware that if they have provided insufficient information, they will be asked for the remaining information prior to their application being registered. This should limit the number of times further information will be requested from the local authority in order to complete an application, thereby reducing delays in the application process.

The national checklist mainly refers to the plans required, but also reflects the requirement for a Design and Access Statement to accompany all applications, except those proposing only a change of use and no physical alterations; householder applications where the dwelling is neither statutorily listed nor in a Conservation Area and; applications for Lawful Development Certificates.

This document represents the local validation checklist for Bromsgrove. It has been organised into application types and provides a list of references for further information and guidance. It sets out the national requirements for different types of applications followed by the local requirements. There is also guidance on how to prepare supporting statements as well as a final checklist to ensure that each application is ready to be submitted

Where there are any queries or doubts regarding the requirements, or whether planning permission is required, applicants or their agents are recommended to contact the Development Control Team at the Council to clarify their position prior to submitting an application. (Contact details can be found in the opening pages.)

What are the criteria made up of?

There are two sets of requirements for planning (and related) applications: the national requirements (statutory information required to accompany all applications as specified by the DMP and the national standard planning application form) and the local ones (extra information which Local Planning Authorities can require) in order to register an application as valid. An invalid application is one which does not include some aspect of either the national or local requirement and as such will not be registered as valid by Bromsgrove District Council.

As a local planning authority, Bromsgrove District Council has the power to set out its own local requirements and to review and amend them over time.

Pre application discussions with the Local Planning Authority will assist in identifying the relevant requirements for application submissions. In addition, this document will set out the different levels of information and supporting documentation needed for the variety of types and scales of application.

What is included in this document and how do I comment?

This document is divided into three main sections:

1. The different types of application as used by the national standard application form (Section 2).
2. The information needed (both nationally and locally) as applicable to each application type (Section 3).
3. A description of what the 'information needed' should contain (Section 4).

There is also a list of reference materials (Section 5) and a Final checklist (Section 6) together with three appendices (Section 7):

- A. Non-mains Sewerage Notes and Form
- B. Waste Disposal and Treatment Supplementary Form
- C. Full list of Planning Policy Guidance Notes (PPG) and Planning Policy Statements (PPS)

Local Authorities are encouraged to consult on and adopt locally relevant validation criteria and as a result this document will be subject to a limited programme of consultation with interested parties including local Agents, Parish Councils and statutory consultees.

This document was approved by xxxxx Committee on xxx for public consultation purposes. The consultation period will run from xxx to xxx.

2. Types of Application

The national standard application form covers many different types of application. This list identifies the type of forms and the relevant type of development or work.

Form 1 - Householder;

Extensions and alterations to houses, changes to residential property which do not create additional dwelling units

Form 2 - Householder and Conservation Area Consent

Extensions and alterations to house as above, but in this case the property is in a conservation area and there is some demolition involved.

Form 3 - Householder and Listed Building Consent

Extensions and alterations to houses as above, but in this case the property is a listed building and the works need not only planning permission but also listed building consent. For other types of proposals for Listed Buildings see types 8 and 11.

Form 4 - Planning Permission

The basic planning application form to be used for all development which requires a planning application in its own right whether it is a change of use or new building operations (or both). Development which involves more than just extensions to a house, e.g. alterations to a property to create new dwelling units will need this form and not the householder one. This form is the appropriate one for the full range of types of development including new buildings of all types and material changes of use, also earthmoving and engineering operations.

Form 5 - Outline application with some reserved matters

It is possible to establish the principle of new building projects first with an "Outline" application. There is a list of "Reserved Matters" which may not need to be submitted at this stage. The Reserved matters are: layout, scale, appearance, access and landscaping. This form is for use when some of the reserved matters are being provided at this stage.

Form 6 - Outline application with all matters reserved

As above, but with all of the above matters reserved for later consideration.

Form 7 - Planning permission and Conservation Area Consent

Conservation Area Consent is required for demolitions in conservation areas. Where a development project in a conservation area requires some demolition then this form can be used as a composite application form to cover both planning permission and conservation area consent applications.

Form 8 - Planning permission and Listed Building Consent.

Where development involves a listed building, this form can be used as a composite form to cover both the planning application and the application for listed building consent (not all works to a listed building will require planning permission). This form should not be used for alterations to Listed Buildings or Structures that are an existing dwelling.

Form 9 - Planning permission and Advertisement Consent.

Commercial development, such as new shop fronts, often include an element of advertising. This form can be used as a composite application for both the planning permission and the commercial signage on the new (or altered) building.

Form 10 - Conservation Area Consent

This form is used when the only works proposed are for the demolition (or part demolition) of a building in a conservation area. If planning permission is also required, use form 7 above

Form 11- Listed building Consent

This form is used for works to listed buildings which do not also require planning permission. If planning permission is required for the works, use form 8 above

Form 12- Advertisement Consent

The display of commercial (and other) advertising may require the “Express consent” of the Council. There is a wide range of “Deemed consent” where an application is not required. This form is needed where the amount, type and position of the advertisements requires the consent of the Council

Form 13 - Listed building consent and Advertising Consent

A composite form for use when the proposal involves both alterations to a listed building and the display of advertising.

Form 14 - Lawful Development Certificate (for existing uses or operations)

Where any person believes that certain existing uses or operations are lawful and/or immune from enforcement, it is possible to apply for a Lawful Development Certificate. The extract from Annex 8 of Circular 10/97 at Appendix D of this document may also serve to provide further explanation.

Form 15 - Lawful Development Certificate (for proposed uses or operations)

This is used when seeking a formal decision on whether planning permission will be required for something which is proposed.

Form 16 - Prior Approval for Agricultural Development involving new buildings

There is a wide range of “Permitted development” which, effectively, already benefit from a general planning permission, granted not by the local planning authority but by Parliament through legislation [(The Town and Country (General Permitted Development) Order 1995)]. However, notwithstanding the permitted development rights for agricultural development involving new buildings, the Prior Approval of the Council is needed for the siting and design of the new building, and confirmation is needed that the building is genuinely required in connection with agriculture. This form is used for Prior Approvals for new agricultural buildings

Form 17 - Prior Approval for Agricultural Development involving new roadways

As for form 16 above but involving new roadways rather than new buildings

Form 18 - Prior Approval for Agricultural Development involving excavations and/or the deposit of waste on the land

As for form 16 above but in this case the development involves excavations or the deposit of waste on the land, including soil and rubble. This also includes the creation of farm ponds and reservoirs necessary for agriculture

Form 19 - Prior Approval for Agricultural Development involving the creation of a new fish tank

As above, but for the purposes of commercial fish farming.

Form 20 - Prior Approval for Telecommunications Development

The main mobile phone providers are classed as “Telecommunications Code Operators” and can erect telephone masts up to certain limitations subject to the Prior Approval procedure which is concerned solely with siting and appearance (and not the principle of the development).

Form 21 - Hedgerow Removal Notices

For use where it is intended to remove a section of protected hedgerow.

Form 22 - Prior Approval for Demolitions

For use when it is intended to demolish a residential property which is not in a conservation area.

Form 23 - Reserved Matters

Following the grant of outline permission (see items 5 and 6 above) individual reserved matters can be made the subject of a separate application to seek approval. Development cannot commence lawfully until either full permission has been granted or Outline Permission *and* the relevant Reserved Matters have been approved.

Form 24 - Application to remove or vary a condition

Where permission has been granted subject to a condition it is possible to apply subsequently to vary or dispense with that condition. This is the form to use in that circumstance

Form 25 - Application to discharge a condition

In this case the condition is not challenged, but the details needed to comply with it are formally submitted for approval.

Form 26 - Tree Preservation Order or Conservation Area Tree Application

Where trees benefit from protection either because they are subject to a Tree preservation order or are in a Conservation Area then this form is used to seek consent for works to the tree including, pruning, lopping, topping or felling.

3. National and local requirements for validating planning and associated applications.

Important Information Relating to all Applications

The standard application form

From 6 April 2008, all planning applications are required to be presented on the standard national application form (known as “1-APP”) which are available electronically. However some essential information is not included in the national form and thus the use of additional forms is required especially in respect of drainage and waste matters. Paper forms will continue to be available on request (See contacts at end of this document).

Number of documents

Bromsgrove District Council actively encourages the submission of online applications via the Planning Portal <http://www.planningportal.gov.uk> Where this is not possible one copy of an application form, plans and any supporting document will be acceptable. All submissions, paper or electronic, will be stored in electronic format by the authority to enable paperless consultation where possible.

Note in respect of all plans.

All submitted plans and drawings should be identified with a unique plan or drawing number. Plan numbers are referred to in decision notices and it is essential that they are correctly identified from the beginning of the process.

Plans or drawings must be in adobe .pdf format, with the scale embedded in the document. No single document should exceed should exceed 2mb in size and the total size of all files submitted should not exceed 20mb.

PDF format is an international standard (ISO 32000-1:2008) created to represent documents in a manner independent of software, hardware, and any operating system. Each PDF file encapsulates a complete description of a fixed-layout flat document, including the text, fonts, graphics, and other information needed to display it.

The location plan

All applications must include copies of a location plan based on an up-to-date map. This should be at a scale of 1:1250 or 1:2500. In exceptional circumstances plans of other scales may also be required. Plans should wherever possible show at least two named roads and surrounding buildings. The properties shown should be numbered or named to ensure that the exact location of the application site is clear. The application site should be edged clearly with a red line. It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings. A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site

Site and Other Plans

Copies of the site plan should be submitted. The site plan should be drawn at a scale of 1:500 or 1:200 and should accurately show:

- a) the direction of North;
- b) the proposed development in relation to the site boundaries and other existing

- buildings on the site, with written dimensions including those to the boundaries;
- c) all the buildings, roads and footpaths on land adjoining the site including access arrangements;
- d) all public rights of way crossing or adjoining the site;
- e) the position of all trees on the site, and those on adjacent land that could influence or be affected by the development;
- f) the extent and type of any hard surfacing; and
- g) boundary treatment including walls or fencing where this is proposed.

In addition other plans should be submitted (dependent on the type of application – refer to the relevant checklist for specific requirements and may include:

- **Block plan of the site** at a scale of 1:100 or 1:200, should show any site boundaries; the type and height of boundary treatment (e.g. walls, fences etc); the position of any building or structure on the other side of such boundaries.
- **Existing and proposed elevations** should be drawn to a scale of 1:50 or 1:100 and show clearly the proposed works in relation to what is already there. All sides of the proposal must be shown and these should indicate, where possible, the proposed building materials and the style, materials and finish of windows and doors. Blank elevations must also be included; if only to show that this is in fact the case. Where a proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings, and detail the positions of the openings on each property.
- **Existing and proposed floor plans** These should be drawn to a scale of 1:50 or 1:100 and should explain the proposal in detail. Where existing buildings or walls are to be demolished these should be clearly shown. The drawings submitted should show details of the existing building(s) as well as those for the proposed development. New buildings should also be shown in context with adjacent buildings (including property numbers where applicable).
- **Existing and proposed site sections and finished floor and site levels** plans drawn at a scale of 1:50 or 1:100 should show a cross section(s) through the proposed building(s). In all cases where a proposal involves a change in ground levels, illustrative drawings should be submitted to show both existing and finished levels to include details of foundations and eaves and how encroachment onto adjoining land is to be avoided. Full information should also be submitted to demonstrate how proposed buildings relate to existing site levels and neighbouring development. Such plans should show existing site levels and finished floor levels (with levels related to a fixed datum point off site) and also show the proposals in relation to adjoining buildings. This will be required for all applications involving new buildings. In the case of householder development, the levels may be evident from floor plans and elevations, but particularly in the case of sloping sites it will be necessary to show how proposals relate to existing ground levels or where ground levels outside the extension would be modified. Levels should also be taken into account in the formulation of design and access statements.
- **Roof plans** (e.g. at a scale of 1:50 or 1:100) A roof plan is used to show the shape of the roof and is typically drawn at a scale smaller than the scale used for the floor plans. Details such as the roofing material and their location are typically specified on the roof plan.

Ownership Certificates

Under section 65(5) of the Town and Country Planning Act 1990, read in conjunction with Article 12 of the DMP, the local planning authority must not entertain an application

for planning permission unless the relevant certificates concerning the ownership of the application site have been completed, which are now set out in the national application form. All applications for planning permission must include the appropriate certificate of ownership. An ownership certificate A, B, C or D must be completed stating the ownership of the property. For this purpose an 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years.

Notice(s)

A notice to owners of the application site must be completed and served in accordance with Article 11 of the DMP.

Agricultural Holdings Certificate

This certificate is required whether or not the site includes an agricultural holding. All agricultural tenants must be notified prior to the submission of the application. This certificate is not required if the applicant is making an application for reserved matters, renewal of temporary planning permission, discharge or variation of conditions, tree preservation orders, or express consent to display an advertisement.

The Correct Fee (where one is necessary)

Design and Access Statements

A Design and Access Statement must accompany applications for both outline and full planning permission unless they relate to one of the following:

- A material change of use of land and buildings, (unless it also involves operational development);
- Engineering or mining operations;
- Householder developments.

However, statements are required for householder applications where any part of a dwellinghouse or its curtilage falls within one of the following designated areas:

- Site of Special Scientific Interest
- Conservation Area
- Area of Outstanding Natural Beauty

A Design and Access Statement is a short report accompanying and supporting a planning application that should seek to explain and justify the proposal in a structured way. The level of detail required in a Design and Access Statement will depend on the scale and complexity of the application, and the length of the statement will vary accordingly. The Design and Access Statement should cover both the design principles and concepts that have been applied to the proposed development and how issues relating to access to the development have been dealt with. What is required in a Design and Access Statement is set out in Article 8 of the DMP and DCLG Circular 01/06 – *Guidance on Changes to the Development Control System*. Applications for listed building consent will also be required to be accompanied by a Design and Access Statement. In particular, such a statement should address:

- (i) the special architectural or historic interest of the building;
- (ii) the particular physical features of the building that justify its designation as a listed building; and

(iii) the building's setting. The legislative requirements are set out in regulation 3A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (Listed Building Regulations).

Requirements

The Local requirements are divided into those relevant in all cases and those relevant in some cases. Applicants should indicate in writing, why they have not submitted the full range of additional information in order to avoid delay in the applications being registered.

In circumstances where applicants disagree with the requirement for information or plans as set out by Bromsgrove District Council, they may challenge this decision not to validate the application. This process would be a right of appeal for non-validation under section 78 of the Town and Country Planning Act 1990 (as amended). In addition the right to contact the Local Government Ombudsman on grounds of maladministration remains open to the applicant.

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| <p>Householder Application for Planning Permission for works or extension(s) to a dwelling (Application type 1)</p> |
| <p>1. National Requirements</p> <ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant/agent. • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • Other plans and drawings or information necessary to describe the subject of the application including: <ul style="list-style-type: none"> Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100) Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100) Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100) Roof plans (e.g. at a scale of 1:50 or 1:100) • The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMP. • Agricultural Holdings Certificate • Design and Access Statement, if the property is in a Conservation Area or S.S.S.I. • The appropriate fee • In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMP must be given and/or published in accordance with this Article and the relevant schedule. |
| <p>2. Local Requirements – items required in all cases</p> <ul style="list-style-type: none"> • Plans and elevations must follow the following principles: <ul style="list-style-type: none"> ○ They must be sufficient to show clearly how the property will look before and after the house and/or its curtilage are altered or extended. ○ They must show the relative positions of adjacent properties ○ On sloping sites the existing natural ground level must be shown on the principal elevations, along with any proposed level changes |

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| <ul style="list-style-type: none"> ○ They must be drawn to recognised metric scales ○ The site layout plan should be at a scale of 1:500 to show any neighbouring properties, buildings and boundaries accurately along with the access and parking arrangements for the house both before and after the proposed alterations/extension. ○ The layout plan must also show any hedges and trees on the site and proposals for their protection or replacement ● Details of external materials must be given either by annotation on the plans or in a written statement ● A note of any pre-application discussions and the name of the Planning Officer who gave the advice. |
| <p>3. Local Requirements – items required where relevant</p> <ul style="list-style-type: none"> ● Archeological Evaluation Report ● Biodiversity Survey and Report - ● Daylight/sunlight assessment ● Flood risk assessment ● Heritage Statement ● Land contamination assessment ● Noise impact assessment ● Tree Survey |

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| <p>Householder Application for Planning Permission for works or extension(s) to a dwelling and for Conservation Area Consent for demolition in a Conservation Area (Application type 2)</p> |
| <p>1. National Requirements</p> <ul style="list-style-type: none"> ● Completed form which must be signed and dated by either the applicant/agent. ● A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North ● Other plans and drawings or information necessary to describe the subject of the application including: <ul style="list-style-type: none"> Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100) Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100) Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100) Roof plans (e.g. at a scale of 1:50 or 1:100) ● The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMP [and Article 6 of the Listed Building Regulations, where relevant]. ● Agricultural Holdings Certificate ● Design and Access Statement, if the property is in a Conservation Area, or S.S.S.I. ● The appropriate fee ● In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMP must be given and/or published in accordance with this Article and the relevant schedule |
| <p>2. Local Requirements – items required in all cases</p> <ul style="list-style-type: none"> ● A Heritage Statement in respect of the part of the works which requires conservation area consent for demolition. |

- Photographic record of what is to be demolished
- Plans and elevations must follow the following principles:
 - They must be sufficient to show clearly how the property will look before and after the house and/or its curtilage are altered or extended.
 - They must show the relative positions of adjacent properties
 - On sloping sites the existing natural ground level must be shown on the principal elevations, along with any proposed level changes
 - They must be drawn to recognised metric scales
 - The site layout plan should be at a scale of 1:500 to show any neighbouring properties, buildings and boundaries accurately along with the access and parking arrangements for the house both before and after the proposed alterations/extension.
 - The layout plan must also show any hedges and trees on the site and proposals for their protection or replacement
- Details of external materials must be given either by annotation on the plans or in a written statement
- A note of any pre-application discussions and the name of the Planning Officer who gave the advice.

3. Local Requirements – items required where relevant

- Photographs
- Archeological Evaluation Report
- Biodiversity Survey and Report
- Daylight/sunlight assessment
- Flood risk assessment
- Land contamination assessment
- Noise impact assessment
- Tree Survey
- Site Waste Management Plan
- Structural Survey

Householder Application for Planning Permission for works or extension(s) to a dwelling and for Listed Building Consent for works to a Listed Building (Application type 3)

1. National Requirements

- Completed form which must be signed and dated by either the applicant/agent.
- A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North
- Other plans and drawings or information necessary to describe the subject of the application including:
 - Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries
 - Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100)
 - Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100)
 - Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100)
 - Roof plans (e.g. at a scale of 1:50 or 1:100)
- The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMP [and Article 6 of the Listed Building Regulations, where relevant].
- Agricultural Holdings Certificate

- Design and Access Statement, if the property is in a Conservation Area or S.S.S.I.
- The appropriate fee
- In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMP must be given and/or published in accordance with this Article and the relevant schedule

2. Local Requirements – items required in all cases

- A Heritage Statement
- Structural survey
- Plans and elevations must follow the following principles:
 - They must be sufficient to show clearly how the property will look before and after the house and/or its curtilage are altered or extended.
 - They must show the relative positions of adjacent properties
 - On sloping sites the existing natural ground level must be shown on the principal elevations, along with any proposed level changes
 - They must be drawn to recognised metric scales
 - The site layout plan should be at a scale of 1:500 to show any neighbouring properties, buildings and boundaries accurately along with the access and parking arrangements for the house both before and after the proposed alterations/extension.
 - The layout plan must also show any hedges and trees on the site and proposals for their protection or replacement
- Details of external materials must be given either by annotation on the plans or in a written statement
- A note of any pre-application discussions and the name of the Planning Officer who gave the advice.

3. Local Requirements – items required where relevant

- Photographs and photomontages showing the whole building and its setting and/or the particular section of the building affected by the proposals
- Archeological Evaluation Report
- Biodiversity Survey and Report
- Daylight/sunlight assessment
- Flood risk assessment
- Land contamination assessment
- Noise impact assessment
- Tree Survey
- Planning Statement

Application for Full Planning Permission for operational development or material changes of use (Application type 4)

1. National Requirements

- Completed form which must be signed and dated by either the applicant or the agent.
- A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North
- Other plans and drawings or information necessary to describe the subject of the application including:
 - Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries
 - Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100)

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| <p>Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100)</p> <p>Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100)</p> <p>Roof plans (e.g. at a scale of 1:50 or 1:100)</p> <ul style="list-style-type: none"> • The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMP. • Agricultural Holdings Certificate • Design and Access Statement, (except for applications for Engineering Operations or for Material Changes of Use where there are no associated operational development). • The appropriate fee • In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMP must be given and/or published in accordance with this Article and the relevant schedule |
| <p>2. Local Requirements – items required in all cases</p> <ul style="list-style-type: none"> • Plans and elevations must follow the following principles: <ul style="list-style-type: none"> ○ They must be sufficient to show clearly how the property and site will look before and after the development has taken place. In the case of changes of use there may be no physical changes to the property – but it needs to made clear in a statement that no physical changes are proposed. ○ They must show the relative positions of adjacent properties ○ On sloping sites the existing natural ground level must be shown on the principal elevations, along with any proposed level changes ○ They must be drawn to recognised metric scales ○ The site layout plan should be at a scale of 1:500 to show any neighbouring properties, buildings and boundaries accurately along with the access and parking arrangements for the unit both before and after the proposed alterations/extension. ○ The layout plan must also show any hedges and trees on the site and proposals for their protection or replacement ○ They must show either the connection points to local services or, if non-mains facilities are proposed, the position and form of the drainage and water supply facilities • Details of external materials must be given either by annotation on the plans or in a written statement • A note of any pre-application discussions and the name of the Planning Officer who gave the advice. |
| <p>3. Local Requirements – items required where relevant</p> <ul style="list-style-type: none"> • Affordable Housing Statement • Agricultural Dwelling Justification • Air Quality Assessment • Archaeological evaluation report • Daylight/sunlight assessment • Drainage/Sewerage Assessment • Ecological Assessment (Biodiversity Statement)/Protected Species Survey • Economic Statement • Environmental Impact Assessment • Flood Risk Assessment • Heritage Statement • Land Contamination Assessment |

- Landscape Impact Assessment
- Landscape Scheme
- Lighting Impact Assessment
- Noise Impact Assessment
- Non-mains Sewerage – supplementary information – see appendix A
- Open Space/Recreational Needs Assessment
- Plans, Photographs and Montages
- Planning Obligation Agreement Heads of Terms
- Planning Statement
- Retail Impact Assessment
- Site Waste Management Plan
- Statement of Community Involvement
- Structural Survey
- Topographical survey
- Transport Assessment
- Travel Plan
- Tree Surveys and Proposals
- Utilities Statement
- Ventilation/Fume Extraction Details

Outline Application for Planning Permission with *some* matters reserved (Application type 5)

1. National Requirements

- Completed form which must be signed and dated by either the applicant or the agent on behalf of the applicant.
- A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North
- A Block Plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries.
- The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMP.
- Agricultural Holdings Certificate
- Design and Access Statement including indicative block plan
- The appropriate fee
- In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMP must be given and/or published in accordance with this Article and the relevant schedule
- In addition, DCLG Circular 1/2006 requires that the following *minimum* information should be provided:
 - Use-** the use or uses proposed for the development and any district development zones within the suite identified.
 - Amount of development** – the amount of development proposed for each use proposed within the site boundary where appropriate
 - Scale parameters** – an indication of the upper and lower limits for height ,width and length of each building within the site boundary
 - Indicative access points** – an area or areas in which the access point or points to the site will be situated.

2. Local Requirements – items required in all cases

- Other plans and drawings or information necessary to describe the reserved matters

for which approval is sought at this stage. These should include an indicative layout and, in respect of any buildings for which approval is sought at this stage, the following:

- Proposed elevations (e.g. at a scale of 1:50 or 1:100)
- Proposed floor plans (e.g. at a scale of 1:50 or 1:100)
- Proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100)
- Roof plans (e.g. at a scale of 1:50 or 1:100)
- A note of any pre-application discussions and the name of the Planning Officer who gave the advice.

3. Local Requirements – items required where relevant

- Affordable Housing Statement
- Agricultural Dwelling Justification
- Air Quality Assessment
- Archaeological evaluation report
- Daylight/sunlight assessment
- Drainage/Sewerage Assessment
- Ecological Assessment (Biodiversity Statement)/Protected Species Survey
- Economic Statement
- Environmental Impact Assessment
- Flood Risk Assessment
- Heritage Statement
- Land Contamination Assessment
- Landscape Impact Assessment
- Landscape Scheme
- Lighting Impact Assessment
- Noise Impact Assessment
- Non-mains Sewerage – supplementary information – see appendix A
- Open Space/Recreational Needs Assessment
- Plans, Photographs and Montages
- Planning Obligation Agreement Heads of Terms
- Planning Statement
- Retail Impact Assessment
- Site Waste Management Plan
- Statement of Community Involvement
- Structural Survey
- Topographical survey
- Transport Assessment
- Travel Plan
- Tree Surveys and Proposals
- Utilities Statement
- Ventilation/Fume Extraction Details

Outline Application for Planning Permission with *all* matters reserved (Application type 6)

1. National Requirements

- Completed form which must be signed and dated by either the applicant or the agent on behalf of the applicant.
- A location plan which identifies the land to which the application relates drawn to an

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| <p>identified scale and showing the direction of North</p> <ul style="list-style-type: none"> • A Block Plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries. • The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMP • Agricultural Holdings Certificate as required by Article 7 of the Town and Country Planning (General Development Procedure) Order 1995 • Design and Access Statement including indicative block plan • The appropriate fee • In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMP must be given and/or published in accordance with this Article and the relevant schedule |
| <p>2. Local Requirements – items required in all cases</p> <ul style="list-style-type: none"> • A note of any pre-application discussions and the name of the Planning Officer who gave the advice |
| <p>3. Local Requirements – items required where relevant</p> <ul style="list-style-type: none"> • Affordable Housing Statement • Agricultural Dwelling Justification • Air Quality Assessment • Archaeological evaluation report • Daylight/sunlight assessment • Drainage/Sewerage Assessment • Ecological Assessment (Biodiversity Statement)/Protected Species Survey • Economic Statement • Environmental Impact Assessment • Flood Risk Assessment • Heritage Statement • Land Contamination Assessment • Landscape Impact Assessment • Landscape Scheme • Lighting Impact Assessment • Noise Impact Assessment • Non-mains Sewerage • Open Space/Recreational Needs Assessment • Plans, Photographs and Montages • Planning Obligation Agreement Heads of Terms • Planning Statement • Retail Impact Assessment • Site Waste Management Plan • Statement of Community Involvement • Structural Survey • Sustainable Travel Plan • Topographical survey • Transport Assessment • Travel Plan • Tree Surveys and Proposals • Utilities Statement • Ventilation/Fume Extraction Details |

**Application for Full Planning Permission and for Conservation Area Consent for Demolition in a Conservation Area
(Application type 7)**

1. National Requirements

- Completed form which must be signed and dated by either the applicant or the agent.
- A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North
- Other plans and drawings or information necessary to describe the subject of the application including:
 - Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries
 - Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100)
 - Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100)
 - Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100)
 - Roof plans (e.g. at a scale of 1:50 or 1:100)
- The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMP [and Article 6 of the Listed Building Regulations, where relevant].
- Agricultural Holdings Certificate
- Design and Access Statement, (except for applications for Engineering Operations or for Material Changes of Use where there are no associated operational development).
- The appropriate fee
- In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMP must be given and/or published in accordance with this Article and the relevant schedule.

2. Local Requirements – items required in all cases

- A Heritage Statement
- A note of any pre-application discussions and the name of the Planning Officer who gave the advice

3. Local Requirements – items required where relevant

- Affordable Housing Statement
- Air Quality Assessment
- Archaeological evaluation report -
- Biodiversity Survey and Report -
- Daylight/sunlight assessment
- Drainage/Sewerage Assessment
- Ecological Assessment (Biodiversity Statement)/Protected Species Survey
- Economic Statement
- Environmental Impact Assessment
- Flood Risk Assessment
- Heritage Statement
- Land Contamination Assessment
- Landscape Impact Assessment
- Landscape Scheme
- Lighting Impact Assessment
- Noise Impact Assessment

- Non-mains Sewerage – supplementary information – see appendix A
- Open Space/Recreational Needs Assessment
- Plans, Photographs and Montages
- Planning Obligation Agreement Heads of Terms
- Planning Statement
- Retail Impact Assessment
- Site Waste Management Plan
- Statement of Community Involvement
- Structural Survey
- Topographical survey
- Transport Assessment
- Travel Plan
- Tree Surveys and Proposals
- Utilities Statement
- Ventilation/Fume Extraction Details

Application for Full Planning Permission and for Listed Building Consent for alterations, extensions or demolition of a Listed Building (Application type 8)

1. National Requirements

- Completed form which must be signed and dated by either the applicant or the agent.
- A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North
- Other plans and drawings or information necessary to describe the subject of the application including:
 - Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries
 - Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100)
 - Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100)
 - Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100)
 - Roof plans (e.g. at a scale of 1:50 or 1:100)
- The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMP [and Article 6 of the Listed Building Regulations, where relevant].
- Agricultural Holdings Certificate
- Design and Access Statement, (except for applications for Engineering Operations or for Material Changes of Use where there are no associated operational development).
- The appropriate fee
- In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMP must be given and/or published in accordance with this Article and the relevant schedule.

2. Local Requirements – items required in all cases

- A Heritage Statement
- Structural survey
- A note of any pre-application discussions and the name of the Planning Officer who

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| gave the advice |
| 3. Local Requirements – items required where relevant |
| <ul style="list-style-type: none"> • Affordable Housing Statement • Air Quality Assessment • Archaeological evaluation report • Daylight/sunlight assessment • Drainage/Sewerage Assessment • Ecological Assessment (Biodiversity Statement)/Protected Species Survey • Economic Statement • Environmental Impact Assessment • Flood Risk Assessment • Heritage Statement • Land Contamination Assessment • Landscape Impact Assessment • Landscape Scheme • Lighting Impact Assessment • Noise Impact Assessment • Non-mains Sewerage – supplementary information – see appendix A • Open Space/Recreational Needs Assessment • Plans, Photographs and Montages • Planning Obligation Agreement Heads of Terms • Planning Statement • Retail Impact Assessment • Site Waste Management Plan • Statement of Community Involvement • Structural Survey • Sustainable Travel Plan • Topographical survey • Transport Assessment • Travel Plan • Tree Surveys and Proposals • Utilities Statement • Ventilation/Fume Extraction Details |

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| Application for Full Planning Permission and for Advertisement Consent (Application type 9) |
| 1. National Requirements |
| <ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • Other plans and drawings or information necessary to describe the subject of the application including: <ul style="list-style-type: none"> Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100) Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100) Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100) Roof plans (e.g. at a scale of 1:50 or 1:100) |

- The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMP
- Agricultural Holdings Certificate as required by Article 7 of the Town and Country Planning (General Development Procedure) Order 1995
- Design and Access Statement, (except for applications for Engineering Operations or for Material Changes of Use where there are no associated operational development).
- The appropriate fee
- In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMP must be given and/or published in accordance with this Article and the relevant schedule
- Advertisement drawings (at a scale of 1:50 or 1:100) to show advertisement size, siting, materials and colours to be used, height above ground, extent of projection and details of method and colour(s) of illumination (where illuminated).

2. Local Requirements – items required in all cases

- The advertisement drawings must include details of any existing advertisements on the site, making it clear which ones are to be retained and which are to be removed
- A note of any pre-application discussions and the name of the Planning Officer who gave the advice
- Form of mounting – fixed, hanging, projecting, pole etc

3. Local Requirements – items required where relevant

- Affordable Housing Statement
- Air Quality Assessment
- Archaeological evaluation report
- Daylight/sunlight assessment
- Drainage/Sewerage Assessment
- Ecological Assessment (Biodiversity Statement)/Protected Species Survey
- Economic Statement
- Environmental Impact Assessment
- Flood Risk Assessment
- Heritage Statement
- Land Contamination Assessment
- Landscape Impact Assessment
- Landscape Scheme
- Lighting Impact Assessment
- Noise Impact Assessment
- Non-mains Sewerage – supplementary information – see appendix A
- Open Space/Recreational Needs Assessment
- Plans, Photographs and Montages
- Planning Obligation Agreement Heads of Terms
- Planning Statement
- Retail Impact Assessment
- Site Waste Management Plan
- Statement of Community Involvement
- Structural Survey
- Sustainable Travel Plan
- Topographical survey
- Transport Assessment
- Travel Plan

- Tree Surveys and Proposals
- Utilities Statement
- Ventilation/Fume Extraction Details

**Conservation Area Consent for Demolition in a Conservation Area
(Application type 10)**

1. National Requirements

- Completed form which must be signed and dated by either the applicant or the agent.
- A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North
- Other plans and drawings or information necessary to describe the subject of the application (including: Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries
- Existing (and, if only partial demolition is involved, proposed) elevations (e.g. at a scale of 1:50 or 1:100)
- The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMP [and Article 6 of the Listed Building Regulations, where relevant].
- In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMP must be given and/or published in accordance with this Article and the relevant schedule

2. Local Requirements – items required in all cases

- Heritage Statement
- Photographic record of what is to be demolished
- The Block Plan must show any site boundaries, and buildings and properties on and adjacent to the site
- Statement of proposals (if any) for future use and/or future development proposals for the site
- A note of any pre-application discussions and the name of the Planning Officer who gave the advice.

3. Local Requirements – items required where relevant

- Ecological Assessment (Biodiversity Statement)/Protected Species Survey
- Site Waste Management Plan
- Structural Survey
- Tree Surveys and Proposals

**Listed Building Consent for alterations, extension or demolition of a Listed Building
(Application type 11)**

1. National Requirements

- Completed form which must be signed and dated by either the applicant or the agent.
- A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North
- Other plans and drawings or information necessary to describe the subject of the application including:
 - Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries
 - Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100)

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| <p>Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100)</p> <p>Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100)</p> <p>Plans to a scale of not less than 1:20 to show all new doors, windows, shop-fronts, paneling, fireplaces, plaster mouldings and other decorative details</p> <p>Roof plans (e.g. at a scale of 1:50 or 1:100)</p> <ul style="list-style-type: none"> • Design and Access Statement • The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMP [and Article 6 of the Listed Building Regulations, where relevant]. • In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMP must be given and/or published in accordance with this Article and the relevant schedule |
| <p>2. Local Requirements – items required in all cases</p> <ul style="list-style-type: none"> • Heritage Statement • Structural survey • The Block Plan must show any site boundaries, and buildings and properties on and adjacent to the site • A note of any pre-application discussions and the name of the Planning Officer who gave the advice. |
| <p>3. Local Requirements – items required where relevant</p> <ul style="list-style-type: none"> • Ecological Assessment (Biodiversity Statement)/Protected Species Survey • Photographs and photomontages showing the whole building and its setting and/or the particular section of the building affected by the proposals • Planning Statement • Tree Surveys and Proposals |

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| <p>Advertisement Consent for the Display of Advertisements (Application type 12)</p> |
| <p>1. National Requirements</p> <ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • A location plan which identifies the land to which the application relates drawn to an identified scale, identifies the location of the site by reference to at least two named roads, identifies the proposed position of the advertisement(s) and shows the direction of North • Other plans and drawings or information necessary to describe the subject of the application (including: Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries • Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100) • Advertisement drawings (at a scale of 1:50 or 1:100) to show advertisement size, siting, materials and colours to be used, height above ground, extent of projection and details of method and colour(s) of illumination (where illuminated). • The appropriate fee |
| <p>2. Local Requirements – items required in all cases</p> <ul style="list-style-type: none"> • The advertisement drawings must include details of any existing advertisements on the site, making it clear which ones are to be retained and which are to be removed • Form of mounting – fixed, hanging, projecting, pole etc • A note of any pre-application discussions and the name of the Planning Officer who |

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| gave the advice |
| 3. Local Requirements – items required where relevant |
| <ul style="list-style-type: none"> • Lighting Assessment (where the advertisements are to be illuminated) • Planning Statement • Photographs and Photomontages |

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| Listed Building Consent for alteration, extension or demolition of a Listed Building and Advertisement Consent (Application type 13) |
| 1. National Requirements |
| <ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • A location plan which identifies the land to which the application relates drawn to an identified scale, identifies the location of the site by reference to at least two named roads, identifies the proposed position of the advertisement(s) and shows the direction of North • Other plans and drawings or information necessary to describe the subject of the application including: <ul style="list-style-type: none"> Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100) Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100) Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100) Plans to a scale of not less than 1:20 to show all new doors, windows, shop-fronts, panelling, fireplaces, plaster mouldings and other decorative details Roof plans (e.g. at a scale of 1:50 or 1:100) • Advertisement drawings (at a scale of 1:50 or 1:100) to show advertisement size, siting, materials and colours to be used, height above ground, extent of projection and details of method and colour(s) of illumination (where illuminated). • Design and Access Statement • The appropriate fee • The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMP [and Article 6 of the Listed Building Regulations, where relevant]. • In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMP must be given and/or published in accordance with this Article and the relevant schedule |
| 2. Local Requirements – items required in all cases |
| <ul style="list-style-type: none"> • Heritage Statement • Form of mounting – fixed, hanging, projecting, pole etc • The Block Plan must show any site boundaries, and buildings and properties on and adjacent to the site • The advertisement drawings must include details of any existing advertisements on the site, making it clear which ones are to be retained and which are to be removed • A note of any pre-application discussions and the name of the Planning Officer who gave the advice. |
| 3. Local Requirements – items required where relevant |

- Ecological Assessment (Biodiversity Statement)/Protected Species Survey
- Lighting Assessment
- Photographs and photomontages showing the whole building and its setting and/or the particular section of the building affected by the proposals
- Planning Statement
- Structural Survey
- Tree Surveys and Proposals

Application for a Lawful Development Certificate for an existing use or operation or activity including those in breach of a planning condition (Application type 14)

1. National Requirements

- Completed form which must be signed and dated by either the applicant or the agent on behalf of the applicant.
- A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North
- Such evidence verifying the information included in the application as can be provided
- Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100)
- Such other information as is considered to be relevant to the application
- The appropriate fee

2. Local Requirements – items required in all cases

- In the case of building or engineering operations plans, elevations and sections to describe the development. These should include:
 - Existing elevation at a scale of 1:50 or 1:100
 - Existing floor plans at a scale of 1:50 or 1:100
 - Existing site survey plan at a scale of 1:50 or 1:100
- In the case of uses, documented evidence that the use has existed continuously for at least 10 years – such evidence may include financial statements, sworn affidavits, written evidence of trading taking place and or other documentary evidence.
- A note of any pre-application discussions and the name of the Planning Officer who gave the advice.

3. Local Requirements – items required where relevant

- Photographs
- Planning Statement
- In the case of possible contaminated land, a contaminated land assessment may be relevant

Application for a Lawful Development Certificate for a proposed use or development (Application type 15)

1. National Requirements

- Completed form which must be signed and dated by either the applicant or the agent.
- A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North
- Such evidence verifying the information included in the application as can be provided
- Such other information as is considered to be relevant to the application
- The appropriate fee

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| 2. Local Requirements – items required in all cases |
| <ul style="list-style-type: none"> • In the case of building or engineering operations plans, elevations and sections to describe the development. These should include: <ul style="list-style-type: none"> ○ Existing and proposed elevations at a scale of 1:50 or 1:100 ○ Existing and proposed floor plans at a scale of 1:50 or 1:100 ○ Existing site survey plan at a scale of 1:50 or 1:100 • A note of any pre-application discussions and the name of the Planning Officer who gave the advice. |
| 3. Local Requirements – items required where relevant |
| <ul style="list-style-type: none"> • Planning Statement • In the case of possible contaminated land, a contaminated land assessment may be relevant |

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| Application for Prior Notification of Proposed Agricultural Development for a proposed building (Application type 16) |
| 1. National Requirements |
| <ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • The appropriate fee |
| 2. Local Requirements – items required in all cases |
| <ul style="list-style-type: none"> • Plans, elevations and sections to describe the development. These should include: <ul style="list-style-type: none"> ○ Existing and proposed elevations at a scale of 1:50 or 1:100 ○ Existing and proposed floor plans at a scale of 1:50 or 1:100 ○ Existing site survey plan at a scale of 1:50 or 1:100 • Explanation of the purpose of the new building • A note of any pre-application discussions and the name of the Planning Officer who gave the advice. |
| 3. Local Requirements – items required where relevant |
| <ul style="list-style-type: none"> • Photographs/photomontages • Planning Statement |

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| Application for Prior Notification of Proposed Agricultural Development for a proposed road (Application type 17) |
| 1. National Requirements |
| <ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • The appropriate fee |
| 2. Local Requirements – items required in all cases |
| <ul style="list-style-type: none"> • Explanation of the need for the road • Type/s and source/s of material to be used and method of construction with sections • A note of any pre-application discussions and the name of the Planning Officer who gave the advice. |
| 3. Local Requirements – items required where relevant |
| <ul style="list-style-type: none"> • Planning Statement |

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| Application for Prior Notification of Proposed Agricultural Development for proposed excavation/deposit of waste material from the farm (Application type 18) |
| 1. National Requirements |
| <ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • The appropriate fee |
| 2. Local Requirements – items required in all cases |
| <ul style="list-style-type: none"> • Topographical survey of existing site including sections and levels • Details of final proposed landform including realistic sections from at least 2 directions, and levels • For pools and reservoirs, full details of any embankments, dams, sluices, weirs, inflow/overflow mechanisms, quantity and source of water to be held, and reasons for need • Site Waste Management Plan; to explain the source and or destination of all waste materials involved including soil, stone and rubble • A note of any pre-application discussions and the name of the Planning Officer who gave the advice. |
| 3. Local Requirements – items required where relevant |
| <ul style="list-style-type: none"> • Planning Statement • Tree surveys and proposals |

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| Application for Prior Notification of Proposed Agricultural Development for proposed fish tank (Application type 19) |
| 1. National Requirements |
| <ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent on behalf of the applicant. • A location plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North • The appropriate fee |
| 2. Local Requirements – items required in all cases |
| <ul style="list-style-type: none"> • Details of the water tank/s, quantity and source of water to be held, flood protection and overflow contingency measures • Site Waste Management Plan; to explain the source and or destination of all waste materials involved • A note of any pre-application discussions and the name of the Planning Officer who gave the advice. |
| 3. Local Requirements – items required where relevant |
| <ul style="list-style-type: none"> • Planning Statement |

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| Application for Prior Notification of Proposed Telecommunications Installations (Application type 20) |
| 1. National Requirements |
| <ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent or a written description of the proposed development. • A location plan which identifies the land to which the application relates drawn to an |

- identified scale and showing the direction of North
- The appropriate fee
 - Evidence that the developer has given notice of the proposed development in accordance with condition A.3(1) of Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order.
 - Where the proposed development consists of the installation of a mast within three kilometres of the perimeter of an aerodrome evidence that the developer has notified the Civil Aviation Authority, the Secretary of State for Defence or the Aerodrome operator in accordance with condition A.3(2) of Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order.

2. Local Requirements – items required in all cases

- A full statement in accordance with the Code of Best Practice on Mobile Phone Network Development to include:
 - Technical information including the frequency, modulation characteristics, power output, height of the proposed mast and antennas
 - Area of search
 - Alternatives considered
 - “Before” and “After” diagrams to show signal coverage with and without the proposed installation
 - Details of any consultation undertaken
- Other plans and drawings or information necessary to describe the subject of the application including: Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries, buildings and properties.
- Proposed elevations at a scale of 1:50 or 1:100
- Signed declaration that the equipment and installation fully complies with the ICNIRP requirements
- A note of any pre-application discussions and the name of the Planning Officer who gave the advice.

3. Local Requirements – items required where relevant

- Noise Impact Assessment
- Landscape Impact Assessment
- Landscape Scheme
- Planning Statement
- Statement of Community Involvement

**Application for Hedgerow Removal Notice
(Application type 21)**

1. National Requirements

- Completed form which must be signed and dated by either the applicant or the agent to include all the details set out in Schedule 4 to the Hedgerow Regulations 1997
- A plan which clearly shows the location and length of the hedgerow(s) to be removed (preferably at a scale of 1:2500)
- Evidence of the date of planting

2. Local Requirements – items required in all cases

- Arboricultural implications
- Ecological Assessment (Biodiversity Statement)/Protected Species Survey
- Estimate of the age of the hedge if known
- A note of any pre-application discussions and the name of the Planning Officer who

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| gave the advice. |
| 3. Local Requirements – items required where relevant |
| <ul style="list-style-type: none"> • Tree surveys and proposals • Archaeology Statement - where the process of removing the hedgerow may require earthworks affecting an archaeologically sensitive feature or remains. |

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| Application for Prior Notification of Demolition (Application type 22) |
| 1. National Requirements |
| <ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent and gives a written description of the proposed development • A statement that the applicant has displayed a site notice in accordance with condition A.2(b)(iii) of Part 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order. • The appropriate fee |
| 2. Local Requirements – items required in all cases |
| <ul style="list-style-type: none"> • A plan which identifies the land and building(s) to which the application relates drawn to an identified scale and showing the direction of North • Photographs of the building(s) to be demolished – with the position and direction of the photographs identified on the site plan • A note of any pre-application discussions and the name of the Planning Officer who gave the advice. |
| 3. Local Requirements – items required where relevant |
| <ul style="list-style-type: none"> • Ecological Assessment (Biodiversity Statement)/Protected Species Survey • Planning Statement • Structural Survey • Tree survey and proposals |

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| Application for Approval of Reserved Matters of a previously Granted Outline Planning Permission (Application type 23) |
| 1. National Requirements |
| <ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • Such particulars as are necessary to deal with the matters reserved for subsequent approval in the outline planning permission • Such plans and drawings as are necessary to deal with the matters reserved in the outline planning permission including: <ul style="list-style-type: none"> Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100) Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100) Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100) Roof plans (e.g. at a scale of 1:50 or 1:100) • The appropriate fee |
| 2. Local Requirements – items required in all cases |

- Plans and elevations must follow the following principles:
 - They must show the relative positions of any adjacent properties
 - On sloping sites the existing natural ground level must be shown on the principal elevations, along with any proposed level changes
 - The site layout plan should be at a scale of 1:500 to show any neighbouring properties accurately along with the access and parking arrangements for the development. The layout plan must also show any hedges and trees on the site and proposals for their protection or replacement
 - They must show either the connection points to local services or, if non-mains facilities are proposed, the position and form of the drainage and water supply facilities
- Details of external materials must be given either by annotation on the plans or in a written statement
- Design and Access Statement (where one was not submitted with the outline application) or updated Design and Access Statement in all other cases.
- A note of any pre-application discussions and the name of the Planning Officer who gave the advice.

3. Local Requirements – items required where relevant

- Affordable Housing Statement
- Air Quality Assessment
- Archaeological evaluation report
- Ecological Assessment (Biodiversity Statement)/Protected Species Survey
- Daylight/sunlight
- Drainage/Sewerage Assessment
- Environmental Impact Assessment
- Flood Risk Assessment
- Heritage Statement
- Land Contamination Assessment
- Landscape Impact Assessment
- Landscape Scheme
- Lighting Impact Assessment
- Noise Impact Assessment
- Non-mains Sewerage – supplementary information – see appendix A
- Open Space/Recreational Needs Assessment
- Plans, Photographs and Montages
- Planning Obligation Agreement Heads of Terms
- Planning Statement
- Retail Impact Assessment
- Site Waste Management Plan
- Statement of Community Involvement
- Structural Survey
- Topographical survey
- Transport Assessment
- Travel Plan
- Tree Surveys and Proposals
- Utilities Statement
- Ventilation/Fume Extraction Details

Application for Removal or Variation of a Condition

following the grant of Planning Permission (Section 73 of the Town and Country Planning Act 1990)

(Application type 24)

1. National Requirements

- Completed form which must be signed and dated by either the applicant or the agent.
- The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 12 of the DMP.
- Agricultural Holdings Certificate
- In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 11 of the DMP must be given and/or published in accordance with this Article and the relevant schedule
- Design and Access Statement, where required.
- The appropriate fee

2. Local Requirements – items required in all cases

- Planning Statement to identify the permission and condition(s) concerned and to explain why the condition(s) is (are) no longer necessary or require(s) variation, and to identify the likely impacts of the change.
- Site Location Plan
- Where the condition relates to built development, plans and elevations must follow the following principles:
 - They must be sufficient to show clearly how the property will look before and after the development.
 - They must show the relative positions of adjacent properties
 - On sloping sites the existing natural ground level must be shown on the principal elevations, along with any proposed level changes
 - They must be drawn to recognised metric scales
 - The site layout plan should be at a scale of 1:500 to show any neighbouring properties accurately along with the access and parking arrangements for the house both before and after the proposed alterations/extension. The layout plan must also show any hedges and trees on the site and proposals for their protection or replacement
 - They must show either the connection points to local services or, if non-mains facilities are proposed, the position and form of the drainage and water supply facilities
- A note of any pre-application discussions and the name of the Planning Officer who gave the advice.

3. Local Requirements – items required where relevant

- (all as required for the original grant of planning permission)

Application for Approval of Details Reserved by a Condition following the grant of Planning Permission

(Application type 25)

1. National Requirements

- There are no National requirements for the approval of detail reserved by a condition, except that they should be made in writing.

2. Local Requirements – items required in all cases

- Preferably a completed form however alternatively a letter or written statement to identify the permission and condition(s) concerned and to explain the details which are being submitted.
- The written scheme or details required by the condition/s

| |
|---|
| <ul style="list-style-type: none"> • Fee where applicable • A note of any pre-application discussions and the name of the Planning Officer who gave the advice. |
| 3. Local Requirements – items required where relevant |
| <ul style="list-style-type: none"> • (all as required for the original grant of planning permission where relevant to the condition(s) concerned) |

| |
|---|
| <p>Application for Tree Works:(1) Tree subject to a Tree Preservation Order (2) Works to a tree in a Conservation Area (Application type 26)</p> |
| 1. National Requirements |
| <ul style="list-style-type: none"> • (None) |
| 2. Local Requirements – items required in all cases |
| <ul style="list-style-type: none"> • Completed form which must be signed and dated by either the applicant or the agent. • Site Location Plan • For works to a tree the subject of Tree Preservation Order or in a Conservation Area: <ul style="list-style-type: none"> ○ Scale plan showing the location of all relevant trees (this may include adjacent trees which are not the subject of proposals but may be in proximity to the affected trees) ○ A full and clear specification of the works to be carried out ○ A statement of reasons for the work ○ Evidence in support of the proposed works including a report by an arboriculturalist or horticultural adviser if your reasons relate to the health or safety of the tree, and/or a report by an engineer or surveyor if subsidence damage is alleged ○ Method statement for the works • Photographs of the tree(s) and any alleged damage or weaknesses in them • A note of any pre-application discussions and the name of the Planning or other Officer who gave the advice. |
| 3. Local Requirements – items required where relevant |
| <ul style="list-style-type: none"> • Ecological Assessment (Biodiversity Statement)/Protected Species Survey • Tree survey of the whole site |

4. Guidance on the Content of Supporting Statements and a description of what the 'Information Needed' should contain

This section identifies the situations in which the relevant requirements may occur and sets out what that information should include.

Affordable Housing Statement

Criteria: Required for proposals for residential development, which are at or above the following thresholds (either by number of units or by site size):

Affordable Housing Thresholds

| | Number of Units Proposed | Site Area |
|----------------------------|--------------------------|----------------|
| Population of 3000 or more | 25 | 1ha. Or more |
| Population of 3000 or less | 15 | 0.5ha. or more |

A statement setting out what the identified housing need is for the locality and how the scheme proposes to meet that need. This will normally include details of tenure, house type(s) and locations of affordable houses within the scheme. If different levels or types of affordability or tenure are proposed for different units this should be clearly specified and explained. There will also be a Section 106 Agreement in most cases and the statement should therefore include draft Heads of Terms of the agreement.

Supplementary Guidance:

The Council is currently preparing a supplementary planning document (SPD) concerning affordable housing. This SPD will look at affordable housing needs together with appropriate thresholds from development sites.

Planning Policy Statement 3 (PPS3): Housing (June 2011). Available from:
<http://www.communities.gov.uk/publications/planningandbuilding/pps3housing>

Agricultural/Forestry Dwelling Justification

Criteria: Required for:

- All proposals for an agricultural or other rural dwelling.
- All proposals to remove an agricultural occupancy condition from a farm dwelling;
- Proposals for agricultural buildings where the agricultural need for the proposed building(s) is questioned.

An appraisal is required demonstrating the essential need for such a dwelling having particular regard to the functional and financial tests outlined in PPS7:Sustainable Developments in Rural Area (August 2004), Annex A Agricultural, Forestry and other Occupational Dwellings.

Supplementary Guidance:

Supplementary Planning Guidance Note 6: Agricultural Dwellings and Occupancy Conditions
<http://bromsgrove.whub.org.uk/home/bdc-planning-lplan-spg6.pdf>

A Farmer's Guide to the Planning System

[\(http://www.communities.gov.uk/publications/planningandbuilding/farmersguide/\)](http://www.communities.gov.uk/publications/planningandbuilding/farmersguide/)

Planning Policy Statement 7: Sustainable Development in Rural Areas -

<http://www.communities.gov.uk/planningandbuilding/planning/planning/planningcountryside/pps7/>

Air Quality Assessment

Criteria: Required for

- Proposals for industrial or commercial activity requiring regulation under Pollution Prevention and Control Regulations
- Proposals that will result in increased congestion, a change in traffic volumes (typically a change in annual average daily traffic (AADT) or peak traffic flows of more than + 5% or 10%, depending on local circumstances), or a change in vehicle speed (typically of more than +/- 10kph), or both, usually on a road with more than 10,000 AADT
- Proposals which significantly alter the composition of traffic locally (i.e. increase the proportion of HGVs) for example bus stations, HGV parks, increased delivery traffic etc.
- Proposals that include new parking –m e.g. >300 spaces or an increase in current parking provision by, for example 25%, although account should be taken of car park turnover, i.e. the difference between short term and long term car parking or new coach or lorry parks
- Developments located in, or which may affect sensitive areas (e.g. ecological sites) or areas of poor air quality (including AQMAs), where either direct emissions to air occur, or where any of the preceding criteria are met
- Introduction of new exposure close to existing sources of air pollutants, including road traffic, industrial operations, agricultural operations etc;
- Potential impacts for from construction on nearby residents;
- Development which would give rise to significant dust emissions in areas where people and/or commercial activities would be exposed.

There are three Air Quality Management Areas (AQMAs) in the Bromsgrove District:

- Lickey End M42 J1
- Redditch Road, Bromsgrove
- Kidderminster Road, Hagley
- A further AQMA is being declared at Worcester Road, Bromsgrove

Applications should be supported by such information as necessary to allow full consideration of the impact of the proposal on the air quality of the area.

Supplementary Guidance:

Planning Policy Statement 23: Planning and Pollution Control (November 2004).

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicystatements/pps23/>

A locally developed air quality Planning Protocol for Herefordshire and Worcestershire can be inspected at:

<http://www.bromsgrove.gov.uk/cms/environment-and-planning/environment-health/air-quality.aspx>

This document was developed by the Hereford & Worcester Pollution Group which comprises local authority officers responsible for air quality management. It outlines what is expected in terms of when assessments are required and what they should include.

Archaeological Evaluation Report

Criteria: Required for any development involving any excavation in an archaeologically sensitive area, including adjacent or near to a Scheduled Ancient Monument.

A statement setting out what steps have been taken to establish the likelihood of archaeological remains existing on the site, the impact of the development on any existing features as well as proposals to mitigate against that impact will be required. A desk study or test pits undertaken by a suitably qualified person will be needed. Contact should be made with the County Archaeologist.

Supplementary Guidance:

Planning Policy Statement 5: Planning for the Historic Environment (March 2010)

<http://www.communities.gov.uk/publications/planningandbuilding/pps5>

Contaminated Land Assessment

Criteria: Sites with a history of any use which may have caused land contamination, e.g. garages, industry, depots, intensive farming.

Previously developed land often requires this assessment where contamination from a previous use or operation is known or suspected or the proposed use would be particularly vulnerable to ground contamination. An assessment comparable to the known or suspected levels of contamination will therefore be required to determine the existence of contamination, its nature and the risks it poses and whether these can be reduced to an acceptable level;

- Where contamination is suspected a desk top study will be needed, supplemented by a walkover survey and assessment of associated risks.
- Where contamination is known to exist a site investigation study will be required in addition to a desk top survey. A remediation scheme to manage identified risks will also be required. A completion report will be required by the developer following the works.
- If the site is within 250m of a former landfill site, ground gasses will require specific consideration.

Supplementary Guidance: Comprehensive information and guidance on how to undertake a contaminated land assessment and the information that must be submitted is available in Annexe 2 (Development on Land Affected by Contamination) of PPS 23: Planning and Pollution Control (November 2004) . Available at:

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicystatements/pps23/>

Daylight/Sunlight Assessment

Criteria: Where new buildings or extensions to existing ones would be likely to adversely affect the sunlight or daylight to windows of habitable rooms of nearby dwellings.

In the case of household extensions a diagram to illustrate the “45 degree” rule – i.e. to show if the extension projects forward of a line (on plan) drawn from the reveal of the neighbour’s habitable window at an angle of 45 degrees from the centre line of the window.

In the case of new housing estates a more comprehensive assessment may be required.

Supplementary Guidance: Building Research Establishments publication Site Layout planning for daylight and sunlight: a guide to good practice.

Details of External Materials

Criteria: All proposals for new development or works to Listed Buildings.

Details of the proposed materials must be clearly specified on the drawings. This requirement refers specifically to details of bricks, tiles and windows types.

Drainage/Sewerage Assessment

Criteria: All proposals which would give rise to any change in connections to water supply, connection to exiting services, or the provision of new drainage/sewerage facilities to serve the development.

Where connection is proposed to existing mains or services the route(s) of the connection(s) should be shown on the site layout plan. (This may involve impacts on trees or hedgerows in which case those impacts should be identified). Where independent facilities are proposed the "Sewerage Form" attached as an appendix to this document must be submitted.

Ecological Assessment (Biodiversity Statement)/Protected Species Surveys

Criteria: Any application for development that could reasonably be considered to affect biodiversity* must be accompanied by an Ecological Assessment detailing the current ecological features at the site, the potential impacts upon these features from the development and actions to mitigate and/or compensate for said impacts. Details of ongoing management and maintenance that will deliver biodiversity enhancements should also be provided.

*Biodiversity should be considered to include statutorily protected species, local biodiversity action plan (LBPA) habitats and species, wildlife habitats and corridors, nationally and locally designated sites (e.g. SSSI, LNR, SINC).

An Ecological Assessment is required for:

- All proposals for new development within 8 metres of Sites of Special Scientific Importance (SSSIs), Local Nature Reserves (LNRs), Local Biodiversity Action Plan (LBAP) habitats and Sites of Importance to Nature Conservation (SINCs);
- All proposals involving works to traditional agricultural buildings;
- All proposals involving development on or within 8 metres of streams or rivers;
- All proposals where there is a pond within the ownership boundary
- All proposals which would affect protected species.

A Bat Survey is required for:

- All proposals for the conversion of rural buildings
- All proposals which would affect the roofspace of existing buildings (including domestic extensions and loft conversions where planning permission is required);
- All proposals involving tunnels, mines, kilns, icehouses, air raid shelters, cellars and similar underground ducts and structures;
- All proposals involving works to bridge structures; and
- All proposals which would involve the felling of, or substantial works to, mature trees.

At least a Phase 1 Habitat Survey should be submitted. This should include up to date information and be undertaken at the appropriate time of year to allow the identification of the main wildlife interests and this may require survey work some time before the submission of any application. These surveys should be undertaken by suitably qualified individuals and should include analysis of the existing ecological data available from Worcestershire Biological Records Centre. An evaluation of the

ecological importance of the site as well as the impact of the proposed development on the nature conservation interests in the short, medium and long term should also be included.

Where proposals are being made for mitigation and/or compensation measures information to support those proposals will be needed. Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of habitats of any species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994 or the Protection of Badgers Act 1992. Applications for development in the countryside that will affect areas designated for their biodiversity interests are likely to need to include assessments of impacts and proposals for long term maintenance and management. This information might form part of an Environmental Statement, where one is necessary. Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of trees, scrub, hedgerows or alterations to water courses may affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts.

In relation to water-based bio-diversity, PPS 9 (Biodiversity and Geological Conservation) Practice Guide identifies two types of surveys that may be required as part of a planning application: **Ecological Surveys and Species Surveys**. (See chapter 5 on Development Control). These are required when the type and location of development may have significant impacts on nature conservation, legally protected species or Biodiversity Action Plan priority species. They are also required if there is insufficient information about the nature or quantity of sites or species.

Supplementary Guidance:

Policy Statement 9: Biodiversity and Geological Conservation (PPS9) (August 2005), PPS9 is accompanied by a Government Circular: Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system (ODPM Circular 06/2005, Defra Circular 01/2005 and Planning for Biodiversity and Geological Conservation: A Guide to Good Practice.

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicystatements/pps9>

Economic Statement

Criteria:

Applications may also need to be accompanied by a supporting statement of any regeneration benefits from the proposed development, including: details of any new jobs that might be created or supported; the relative floorspace totals for each proposed use (where known); any community benefits; and reference to any regeneration strategies that might lie behind or be supported by the proposal.

Supplementary Guidance: Planning Policy Statement 4 Planning for Sustainable Economic Growth (December 2009)

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicystatements/pps5/>

Environmental Impact Assessment

Criteria: The Town and Country Planning (Environmental Impact Assessment) Regulations (1999) as amended set out the circumstances in which an Environmental Impact Assessment (EIA) is required.

Where an EIA is required, Schedule 4 to the regulations sets out the information that should be included in an Environmental Statement.

Applicants may seek a Screening opinion from the Council to identify whether or not an Environmental Impact Assessment is required. Applicants are encouraged to do this at pre application stage for major applications or those applications in sensitive areas and to enclose the resultant response with the application.

Supplementary Guidance: Circular 02/99 (Environmental Impact Assessment) and Environmental Impact: A Guide to Procedures. Both available at:
<http://www.communities.gov.uk/planningandbuilding/planning/sustainabilityenvironmental/environmentalimpactassessment/>

The Environment Agency has also produced EIA Scoping Guidance which identifies requirements for a range of project types. <http://www.environment-agency.gov.uk/business/444304/773887/311024/>

Final Landform details/Topographical survey

Criteria: Proposals involving earthmoving and engineering operations, hardstandings, bunds, embankments, excavations, landfilling, cut and fill operations or land raising.

The final landform details/topographical survey will include detailed plans showing existing and proposed levels and realistic sections, construction methods, timescales, amount of imported material and phases of development.

Flood Risk - Planning Policy Statement (PPS) 25 Sequential Test and Exception Test

All development should address the PPS 25: Development and Flood Risk **Sequential Test**. This test is designed to steer development away from higher risk Flood Zones and involves considering alternative sites for development.

Development in Flood Zone 1 automatically passes the Sequential Test. For any major development posed in Flood Zones 2 or 3, the **Sequential Test** should be applied. The Planning Authority determines the Sequential Test, and it should be discussed at pre-application stage. Evidence of the Sequential Test should be submitted with the application.

The process of undertaking the Sequential Test will become easier once a Strategic Flood Risk Assessment (SFRA) has been completed as the test can then be applied at a strategic level for most development. The SFRAs will include all sources of flooding and may enhance the accuracy of the Flood Zones. A Sequential Approach within Flood Zone 2 or 3 may still be required (see paragraph 17 and D8 in PPS25).

The **Exception Test** also needs to be passed for certain types and locations of development. Evidence of this should also be included in planning applications where relevant. For more details of the Sequential and Exception Tests see PPS 25 paragraphs 16 – 21 and Annex D, particularly Table D3.

Evidence of both Sequential and Exception Tests can be included in a flood risk assessment (see below).

Flood Risk Assessment

A Flood Risk Assessment (FRA) is required for:

- Planning applications for development of 1 hectare or greater in Flood Zone 1
- All proposals for development in Flood Zones 2 and 3

- Where drainage problems have been identified or mapped (such as in a Strategic FRA) (PPS25, Annex E, paragraph E9).

FRAs should assess the risks of fluvial, surface water and other sources of flooding. Sustainable Drainage Systems (SUDS) should be included in development wherever possible to reduce surface water run-off. (This also helps protect water quality and add amenity value to development).

For more detail on when a FRA is required see Table D1 and Annex E paragraphs E8-E10. More information on flood risk and FRAs is available at <http://www.pipenetworking.com/floodrisk/>. Guidance on undertaking a FRA is found in Annex E of PPS25.

Supplementary Guidance: Planning Policy Statement 25: Development and Flood Risk (March 2010) and its associated Practice Guide provide comprehensive guidance in relation to the undertaking of FRAs.
<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicystatements/pps25/>

Foul Drainage Details

The requirements for an assessment of development involving non-mains drainage are set out in DETR Circular 03/99. (See also PPS 23 paragraphs 8-15 and Annex 1 paragraphs 1.21 -1.23.) A **foul drainage assessment form** should be completed by the applicant, in particular where a development involves non-mains drainage. (Also see Non Mains Sewerage Supplement and Appendix A below)

Heritage Statement

Criteria: Required where the proposal involves works to a listed building, or works of demolition in a conservation area or a planning application for development which affects any or all of:

- A listed building
- The setting of a listed building
- A conservation area
- An area of archaeological interest
- A scheduled ancient monument
- A scheduled historic park or garden

The scope and degree of detail necessary in a Heritage Statement will vary according to the particular circumstances of each application. Applicants are advised to discuss with the Council's Conservation Officer the level of information required for each application, however for guidance applications for Listed Building Consent should include a written statement that includes a schedule of works to the listed building(s) , an analysis of the significance of archeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting of adjacent buildings maybe required.

Supplementary Guidance: Planning Policy Statement 5: Planning for the Historic Environment (March 2010).
<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicyguidance/pps5>

Landscape (and Visual) Impact Assessment

Criteria: Required for any scale of development that is likely to have a significant impact on the surrounding landscape and/or townscape character.

Supporting information to show how these impacts have been assessed and how the development has been designed to address or mitigate these impacts.

Landscape Scheme

Soft and hard landscape proposals form an integral part of the external design of new developments yet these elements are often left as an afterthought or are shown purely illustratively on plans and sketches. Realising the details and quality of the proposals may then prove difficult to achieve once planning permission has been granted. By submitting professionally prepared landscape details from the outset, applicants can also help to avoid requests for additional information and amendments and the delay that these entail.

Criteria:

Applications for full planning permission involving erection of buildings or engineering works must be submitted with an accompanying landscape master plan including drawings and a supporting design statement. The drawings should include accurate plotting and labelling of existing trees and hedges that are to be retained or removed, as well as details of new hard and soft landscape proposals

In terms of **soft landscape** details the following information is required:

- Planting plan, plant schedule, (showing plant species, size and numbers/density) written specification of cultivation operations (eg soil preparation, herbicide, including quality of workmanship and materials for establishment of the planting)

In terms of **hard landscape** details the following information is required:

- Existing and proposed finished levels, proposed hard surface treatment (eg paving or gravel type, colour, size) and edging, boundary treatments and forms of enclosure (eg walls, railings, fence types). Standard elevation details should illustrate these as well for the avoidance of doubt.

Land Contamination Assessments

Planning Policy Statement 23: Planning and Pollution Control (PPS23) takes a precautionary approach to land contamination. This means land contamination needs to be assessed prior the principle of development being determined – it is no longer acceptable to control these matters simply by condition. PPS 23 advises that where contamination is known or suspected, or the proposed use is especially vulnerable (such as schools, hospitals or residential use), the applicant should provide a **preliminary risk assessment** comprising:

- Desk study
- Walkover site reconnaissance
- Conceptual model identifying potential pollutant sources, pathways and receptors (pollutant linkages) as a basis for assessing the risks and appraising the options for remediation.

A phased or tiered approach is recommended in the Defra/Environment Agency's Model Procedures for the Management of Contamination (CLR11). The initial provision of this information is essential to determine whether further more detailed investigation is required. Where the above detailed **preliminary risk assessment** does not provide sufficient information to assess the risks and appraise remedial options, further site investigations may need to be carried out and a remediation strategy submitted before the application is determined.

Applications involving development of sites located on or within 250 metres of a former landfill site will need to include a **risk assessment of landfill gas migration**.

In addition, **long-term monitoring** (i.e. of groundwater, surface water and landfill gas) may be required, and this should be secured by Section 106 Agreement. Such matters need to be considered early in the planning process (see Section 106/Planning Obligations below).

For further advice see PPS 23, in particular paragraphs 22-25 and Appendix A. Table 2.1 in Annex 2 of PPS 23 gives examples of potentially contaminative uses of land. The Environment Agency website also provides advice on land contamination at the following link:

http://www.environment-agency.gov.uk/subjects/landquality/113813/?version=1&lang=_e

Management and maintenance of landscape areas

- A schedule of landscape maintenance, including a table of monthly operations and a brief description of these maintenance operations, is likely to be required for a period of 5 years after planting has been implemented (not required for domestic gardens)

Applications for outline permission, where landscaping is to be approved as a reserved matter, may also require the submission of a landscape master plan as supporting information or, depending on the type of scheme, indicative planting areas so that the potential for future landscape details, in particular sufficient space, can be assessed.

Lighting Impact Assessment

Criteria: Required for:

- Floodlit outdoor uses such as sports pitches or golf driving ranges; and
- Other uses which would require extensive outdoor lighting such as commercial developments with illuminated forecourts.

The application should include

- a schedule of the lighting equipment,
- a plan showing the position of lights
- a plan showing the “Lux levels” in and adjacent to the site,
- full details of the hours of illumination as required on each day of the week .
- a statement of why the lighting is required.

Supplementary Guidance: Lighting in the countryside: Towards good practice (1997). Please note that this guidance was published jointly with the (then) Countryside Commission. The findings and recommendations in this report are those of the consultant authors and do not necessarily represent the views or proposed policies of the Department for Communities and Local Government.

<http://www.communities.gov.uk/archived/publications/planningandbuilding/lighting> is a good guide on what can be done to lessen the effects of external lighting. The advice is applicable in towns as well as the countryside.

Noise Impact Assessment

Criteria: Proposals for noise sensitive developments (residential, education, religious or similar uses) adjacent to potentially noisy uses (for instance major roads, industrial, storage and distribution, hotels, night clubs, take aways) or proposals for potentially noisy uses close to noise sensitive development

The Noise Assessment should be prepared by a suitably qualified acoustician and include

- measurement of the existing background noise levels at the site;
- measurement of existing sources or the prediction of noise from future sources; and
- evaluation of the actual or predicted value against the most relevant criteria and assessing whether complaints from local residents are likely to occur.

Supplementary Guidance: Planning Policy Guidance 24: Planning and Noise (October 1994)
<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicyguidance/ppg24/>

Non-Mains Sewerage Supplement

Where a development will require non-mains sewerage completion of a supplementary form is required. See appendix A

Open Space/Recreational Needs Assessment

Where a development entails the loss of outdoor sports facilities or any public open space applications should be accompanied by plan showing any areas of existing or proposed open space/outdoor sports facilities within or adjoining the application site. Together with an assessment to demonstrate the consequences of the loss and any proposed mitigation.

Applications for residential development of 6 residential units or more or on sites of a minimum area of 0.2 hectares shall include a plan to show provision for playing space as specified in the *Local Plan/SPG Outdoor Play space in the District of Bromsgrove*. A financial contribution towards maintenance may also be required. This would be secured either through a direct payment, a unilateral undertaking or through a S106 agreement. Where a section 106 agreement is to be used this should be included in the draft Heads of Terms submitted with the application.

Supplementary Guidance: National planning policy is set out in Planning Policy Guidance note 17: Planning for open space, sport and recreation. (July 2002)

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicyguidance/ppg17/>

Photographs and Montages

These provide useful background information and can help show how large developments can be satisfactorily integrated within the street scene.

Photomontages will be required where development is likely to have an impact on the street scene or as part of a Landscape Assessment.

Criteria: Photographs should be provided if the proposal involves the demolition of an existing building or development affecting a conservation area or a listed building.

Photographs should be provided if the proposal involves the demolition of an existing building to provide a record of the building. In addition photographs are helpful should to assess the impact on the appearance of Conservation Areas, the setting of listed buildings, and/or the impact on the landscape qualities of the district.

Planning Obligation Agreements – Heads of Terms

Planning obligations (or section 106 agreements) are private agreements negotiated between local planning authorities and persons with an interest in a piece of land (or developers), and are intended to make acceptable development which would otherwise be unacceptable in planning terms.

Criteria: - Normally will not apply to developments of less than 5 dwellings or 250m³ of floor space.

Notes: Potential Planning Obligations may include

- Affordable Housing
- Open Space/Playspace
- Education Contributions
- Highway Works Provision/Contributions

For applications where a legal agreement/planning obligation (for example a Section 106 Agreement or a unilateral undertaking under Section 106) will be required you will need to supply the following information with the planning application:

(i) statement of the anticipated planning obligations (Heads of Terms).

(ii) proof of title;

(iii) in the event that there are any charges, mortgages or other securities secured on the land or leases, the names and addresses of the Chargees/Mortgagees/holders of the security and/or lessees since it will be usually be necessary for any such to be joined as parties to the agreement;

(v) a unilateral undertaking (if applicable);

(vi) an undertaking to pay a contribution towards the Council's legal costs and those of any other Authority (such as the County Council) in connection with the preparation and sealing of a Section 106 agreement regardless of whether or not the planning permission is granted;

(vii) in the event that you or your clients are represented by solicitors, the relevant contact address and name of person dealing with the matter.

In relation to environmental infrastructure and major development and certain other applications, applicants should submit draft heads of terms for a Section 106 Agreement or Unilateral Undertaking.

Where relevant the following environmental matters should be covered in such agreements:

- Arrangements for long-term monitoring of ground or surface water and landfill gas
- SUDS adoption and maintenance agreements
- Financial contributions for environmental infrastructure such as:
 - o new flood defences and/or maintenance of existing defences
 - o flood warning provision
 - o retrofitting water minimisation devices.

Further advice is available in ODPM Circular 05/05

<http://www.communities.gov.uk/publications/planningandbuilding/circularplanningobligations> and DCLG Planning Obligations: Practice Guidance

<http://www.communities.gov.uk/publications/planningandbuilding/planningobligationspractice>

and for more information on environmental infrastructure see the Environment Agency's Hidden Infrastructure 2007 Report:

<http://publications.environment-agency.gov.uk/pdf/GEHO0307BMCD-E-E.pdf>

Planning Statement

A planning statement identifies the context and need for a proposed development and includes an assessment of how the proposed development accords with relevant national, regional and local planning policies. It may also include details of consultations with the local planning authority and wider community/statutory consultees undertaken prior to submission.

Provided all the other requirements have been met then a Planning Statement will be discretionary.

Retail Impact Assessment

Criteria: Retail Impact Assessments are required for all retail and leisure developments over 2,500 square metres gross floorspace, and may be required for smaller developments such as those likely to have a significant impact on smaller centres. Impact assessments should also be provided for applications for other main town centre uses when they are in an edge of centre or out of centre location and not in accordance with the Bromsgrove District Local Plan.

The coverage and detail of the retail impact assessment should reflect the scale of the proposed development and its local context. This will normally require evidence to justify that a need exists and, if it does, an assessment of both quantitative and qualitative nature of the need. The impact statement should then go on to address the impact on existing retail centres and demonstrate how that impact will be managed.

Supplementary Guidance: PPS4: Planning for Sustainable Economic Growth (December 2009) available at

<http://www.communities.gov.uk/publications/planningandbuilding/pps4>

Site Waste Management Plan

Criteria: These are advisable for all new development other than householder development.

The plan includes an assessment of the waste likely to be generated by the development and details of how it is to be minimised and, where not eliminated, how it will be dealt with.

Supplementary Guidance: Further information is set out in the Site Waste Management Plans Regulations 2008.

Statement of Community Involvement

Applications may need to be supported by a statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the Local Planning Authority's adopted Statement of Community Involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.

Criteria: Significant applications, as defined in Bromsgrove District Council's adopted Statement of Community Involvement.

Supplementary Guidance: Bromsgrove District Council's adopted Statement of Community Involvement. <http://bromsgrove.whub.org.uk/home/bdcindex/bdc-planning/bdc-planning-policy/bdc-planning-ldf/bdc-planning-lplan-satamentcommunityinvolve.htm>

Structural Survey

Criteria: Required for

- all proposals involving the re-use of rural buildings and
- for works involving substantial reconstruction of Listed Buildings and important buildings in Conservation Areas.

In the case of the re-use of rural buildings a full structural survey is required to demonstrate the practicality of converting the existing building rather than substantially reconstructing it. The survey will need to indicate the structural soundness of the building and the extent of rebuilding, remedial works and alterations which would be necessary in order to carry out the proposed conversion.

In the case of listed buildings and buildings in Conservation Areas the survey will need to identify defects and indicate the extent of rebuilding, remedial works and alterations which would be necessary in order to restore the building.

In all cases, any areas of rebuilding should be clearly marked on representative elevational plan/s to be submitted with the application.

Note: Structural surveys must be carried out by a qualified building surveyor or other suitably qualified person.

Sustainability Statement

PPS 1 (Delivering Sustainable Development) requires sustainable development to be at the heart of the planning system. This is more important than ever with the impact of climate change.

Sustainability statements should be submitted with most applications, and all major development.

Assessments to form the basis of the sustainability statement include:

- Water use – particularly where water scarcity is a recognised issue locally; for major development involving surface or groundwater abstraction.
- Energy consumption – incorporation of renewable energy schemes, aiming to reduce CO2 emissions.
- Sustainable construction – utilising recycled building materials.
- Waste management – promoting resource efficiency.

Residential development should establish how the development will meet Level 3 or above standard of sustainability for water use as set by the 'Code for Sustainable Homes' (DCLG, 2006); and 'very good' rating under the BREEAM Standard for Non-residential development.

For further advice – Code for Sustainable Homes – DCLG (December 2006). See http://www.planningportal.gov.uk/uploads/code_for_sust_homes.pdf

See www.breeam.org

Planning Policy Statement 1 – Delivering Sustainable Communities

For major development sustainability statements will need to be more detailed. The following sections show in more detail the type of assessments that may need to be undertaken separately.

Transport Assessment

Criteria: For any commercial development in excess of 1,000 sq metres floorspace and Residential scheme in excess of 50 houses. Transport Assessments may also be required for developments that

fall below these thresholds that for reasons of site location or other particular circumstances, the Highway Authority considers such a development could have a significant impact in transport terms.

The coverage and detail of the Transport Assessment (TA) should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application, while for major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts.

Supplementary Guidance: Guidance on Transport Assessment, published by the Department for Transport (March 2007).

<http://www.dft.gov.uk/pgr/regional/transportassessments/>

Travel Plan

Criteria: For any commercial development in excess of 1,000 sq metres floorspace and residential schemes in excess of 50 houses

A (draft) travel plan should outline the way in which the transport implications of the development are going to be managed in order to ensure the minimum environmental, social and economic impacts. The (draft) travel plan should have a strategy for its implementation that is appropriate for the development proposal under consideration. It should identify the travel plan coordinator, the management arrangements for the plan – e.g. a steering group and the development timetable. The strategy should also include activities for marketing and promoting the plan to occupiers, users, visitors and residents of the site.

Supplementary Guidance: Planning Policy Guidance 13: Transport (January 2011)

<http://www.communities.gov.uk/publications/planningandbuilding/ppg13> and Good Practice Guidelines: Delivering travel plans through the planning system (April 2009) published by DfT
<http://www.dft.gov.uk/pgr/sustainable/travelplans/tpp/>

Tree Surveys and Proposals

Criteria: Any application involving building or engineering work where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees) are required to be accompanied by a tree survey.

Information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a suitably qualified and experienced arboriculturist.

Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837 'Trees in relation to construction – Recommendations'. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.

Utilities Statement

A utilities statement should include how an application connects to existing utility infrastructure systems. Most new development requires connection to existing utility services, including electricity and gas supplies, telecommunications and water supply, and also needs connection to foul and

surface water drainage and disposal Two planning issues arise; firstly, whether the existing services and infrastructure have sufficient capacity to accommodate the supply/service demands which would arise from the completed development, and secondly, whether the provision of services on site would give rise to any environmental impacts, for example, excavations in the vicinity of trees or archaeological remains.

Utilities statements should demonstrate:

- (a) that the availability of utility services has been examined and that the proposals would not result in undue stress on the delivery of those services to the wider community;
- (b) that proposals incorporate any utility company requirements for substations, telecommunications equipment or similar structures;
- (c) that service routes have been planned to avoid as far as possible the potential for damage to trees and archaeological remains.

Ventilation/Fume Extraction Details

Criteria: These are required to accompany all applications for the use of premises as hot food takeaways, restaurants, public houses, wine bars and hotels.

This information (excluding odour abatement techniques unless specifically required) will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed

Details shall include the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics.

Waste Management Plan

Planning applications should be accompanied by **waste management and minimisation plans/statements**. Waste during construction and occupation should be addressed. Relevant issues include the re-use of materials on site, local sourcing of materials and provision of recycling facilities in the built development.

5: List of reference materials

The following list of additional references may also be of assistance in compiling and submitting applications:

For the national validation requirements, see the Development Management Policy Annex: Information Requirements and Validation for Planning Applications' published in March 2010 available via the Communities and Local Government website or directly at:

<http://www.communities.gov.uk/publications/planningandbuilding/developmentannexinfo>

Further advice has been published in the CLG document entitled 'Guidance on information requirements and validation' available via the CLG website or directly at

<http://www.communities.gov.uk/publications/planningandbuilding/validationguidance>

❖ Planning portal is the website where applications can be made electronically, and the source for forms if you prefer to print them off and send them in. It is available at:

❖ For planning guidance documents specific to Bromsgrove Council, including the LDF, Draft Core Strategy and SPDs (Supplementary Planning Documents)? as well as emerging policy documents, see the Council website at:

www.bromsgrove.gov.uk

❖ Another circular that may be of relevance:

Circular 04/2008 (Planning related fees):

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/10.pdf>

❖ Design and access statements

The headings to be covered in these statements are as follows:

- Use
- Amount
- Layout
- Scale
- Landscaping
- Appearance
- Access

CABE publish a guide called 'Design and access statements: how to write, read and use them', which can be downloaded from their website. On the inside of the back cover there is a useful summary sheet of what should be covered under each of these headings.

http://www.cabe.org.uk/default.aspx?contentitemid=1334&field=browse_subject&term=Planning%20policy&type=2

or, to go direct to the pdf document follow this link:

<http://www.cabe.org.uk/files/design-and-access-statements.pdf>

❖ The Environment Agency foul drainage assessment form can be found at:

http://www.environment-agency.gov.uk/static/documents/Research/foul_drainage_form_1351186.doc

❖ DCLG useful links for planning:

<http://www.communities.gov.uk/planningandbuilding/planning/linksdirectory/>

❖ Code of Best Practice on Mobile Phone Network Development

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/codemobilenetwork.pdf>

❖ Environmental impact assessments (EIA)

Check the relevant regulations for when an environmental impact assessment would be required, and if in doubt, seek a screening opinion from the Local Planning Authority.

Circular 02/1999 Environmental Impact Assessment:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

Diagram for establishing whether an EIA is required:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147585.pdf>

EIA: A guide to procedures:

<http://www.communities.gov.uk/publications/planningandbuilding/environmentalimpactassessment>

If an EIA is required, you should follow the advice and guidance and prepare an EIA. If you submit an application without a necessary EIA when one is needed, then your application will be delayed while the EIA is requested and compiled.

❖ For further details relating to Secured by Design or other issues relating to minimising risk and fear of crime, please make contact in the first instance with:

❖
Peter Aston
Crime Risk Advisor
West Mercia Constabulary
Kidderminster Police Station
Habberley Road
Kidderminster
DY11 6AN

❖ For further details, or to seek further advice and guidance, please contact the Development Control at:

Development Control
Planning and Environment Services
Bromsgrove District Council
Burcot Lane
Bromsgrove
B60 1AA

❖ Officer advice and assistance

Should you wish to seek further advice on whether your proposal requires permission or is likely to gain consent, you should take advantage of the low cost consultation service provided by the Development Control service.

✱ Planning Policy Guidance (PPG) notes and their replacements Planning Policy Statements (PPS), are prepared by the Government after public consultation to explain statutory provisions and provide guidance to local authorities and others on planning policy and the operation of the planning system.

They also explain the relationship between planning policies and other policies which have an important bearing on issues of development and land use.

Local authorities must take their contents into account in preparing plans. The guidance may also be relevant to decisions on individual applications and appeals.

Planning policy notes are referred to in Section 4 and a full list is shown at Appendix C.

Section 6: Final checklist to ensure that all information has been compiled ready for the submission of an application

Stage 1:

Have you identified the type of development proposed and therefore the type of application required?

Stage 2:

Have you compiled all the information and documents required under the national validation requirements for your particular application type, as set out in Section two?

Stage 3:

Have you compiled all the information and documents required under the local validation checklist for your particular application type, as set out at Section 3 above?

Stage 4:

If your development is very large (over 200 dwellings, over 0.5ha site area or over 1000m² of new floorspace), have you checked whether an Environmental Impact Assessment is required?

Stage 5:

If you are not submitting electronically, have you got the right number of copies of each document, plan and form?

Stage 6:

If the answer to all the questions above is yes, then submit the application to Bromsgrove District Council Development Control Team.

Please note:

Submissions can be made electronically via the Planning Portal, or delivered on paper. Either way, the application forms will need to be downloaded from the Planning Portal.

NB The Climate Change guidance in section five and the form at section six can each be downloaded separately for use and reference from the Council website.

7: Appendices

Appendix A

DETR CIRCULAR 03/99 – PLANNING REQUIREMENTS IN RESPECT OF THE USE OF NON-MAINS SEWERAGE FOR NEW DWELLING UNITS

EXPLANATORY NOTES TO ACCOMPANY THE FORM

DETR Circular 03/99, relating to the use of non-mains sewerage arrangements, came into effect on 1st April 1999 and places the responsibility on the developer to demonstrate that a new development is to be effectively served by an adequate sewerage system. Applications for planning permission where foul drainage is to discharge to any new non-mains sewerage now need to be supported **prior to registration** by an assessment of the likely effects of using septic tanks, cesspools and package sewage treatment plants. This also applies for an existing system if extra use will be made of it, for example in the conversion of farm buildings to dwellings or holiday lets.

For Septic Tanks soil porosity (percolation) tests are seen as an integral part of the assessment and should be carried out before submitting a planning application. Where septic tanks are unlikely to produce an acceptable solution the advice is that the application may be refused. This decision would of course take into account the views of the Environment Agency and other bodies including the Council's own Environmental Health and Building Control Departments.

Cesspools will now be discouraged, but any proposal will need to be supported by full details of capacity and size, and may need an agreement as to maintenance and regular emptying,

Package sewage treatment plants are considered a sustainable alternative to septic tanks, but we will need details of the product type, capacity, and whether the final discharge will be to a ground soakaway or watercourse. The Environment Agency advise that for soakaways, percolation tests will still be needed, and if discharge is to be to a watercourse, a Consent to Discharge will be needed. However we can register applications of this type prior to receiving the results.

For all types of non-mains sewerage we will need a **block plan** showing the location of the chosen system, and the extent of any soakaway area.

The form overleaf asks you for the basic information, and will comprise part of your application. You may wish to hold your application pending percolation test results, as applications may be delayed or refused if adequate information is not supplied.

If you need further advice, please contact the Planning Officer for your area, or Building Control Section.

Appendix B

USE OF NON-MAINS SEWERAGE ARRANGEMENTS (THIS FORM TO COMPRISE PART OF THE PLANNING APPLICATION)

Site address:

Please enter details where relevant and use the tick boxes

Package Sewage Treatment Plant

Product type:

Capacity:

A copy of the manufacturer's specification/brochure is enclosed

Has a maintenance contract been agreed for the plant? (Enclose a copy)

Final discharge will be to:- ground soakaway watercourse

**Note: if discharge is to soakaway, a percolation test is necessary. (see below)
If to a watercourse, a Discharge Consent is necessary.**

Has a Discharge Consent been granted by the Environment Agency?

Enclose copy

Septic Tank

Capacity of tank:

Number of chambers:

Number of persons the tank will serve:

a percolation test is necessary. (see below)

Please use this section for either option:

A percolation test to BS 6297 has been carried out and

The result (percolation value) is an average of

mins

(Further advice on the test is available from the Council's Building Control Section)

Percolation tests should not be carried out in extreme weather

A block plan showing the location of the tank or plant, test holes, any watercourses, the soakaway length and discharge area, or any other drainage arrangements is enclosed (all applications)

If you wish to use an alternative system, please enter the specific arrangements here and include a plan

Appendix C

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

Planning Policy Guidance (PPG) notes and their replacements Planning Policy Statements (PPS), are prepared by the Government after public consultation to explain statutory provisions and provide guidance to local authorities and others non planning policy and the operation of the planning system.

They also explain the relationship between planning policies and other policies which have an important bearing on issues of development and land use.

Local authorities must take their contents into account in preparing plans. The guidance may also be relevant to decisions on individual applications and appeals.

The advice in some of PPGs and PPSs will not be relevant to the Bromsgrove locality but a full list of extant PPG and PPS is shown below for completeness:

Draft Planning Policy Statement; Planning for a Natural and Healthy Environment

CLG published a consultation on proposed planning policy on: biodiversity; geological conservation; landscape and soil protection; heritage coastline; sport recreation; green infrastructure and floodlighting of sports and recreation facilities.

Planning Policy Statement 1: Delivering Sustainable Development

PPS1 sets out the Governments overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement; Planning and Climate Change – A Supplement to Planning Policy Statement 1

This PPS sets out how planning in providing new homes, jobs and infrastructure needed by communities, should help shape places with lower carbon emissions and resilient to climate change now accepted as inevitable. December 2007

Planning Policy Statement; eco towns – a supplement to Planning Policy Statement 1

This PPS sets out the standards any eco-town will have to adhere to and the list of locations identified with the potential for an eco-town. July 2009

Planning Policy Guidance 2: Green Belts

PPG2 sets out the history and extent of Green Belts and explains their purposes. Published January 1995

Planning Policy Statement 3: Housing

PPS£ underpins the delivery of the Government’s strategic housing policy objectives.

Planning Policy Statement 4: Planning for Sustainable Economic Growth

This sets out the Government’s comprehensive policy framework for planning for sustainable economic development in urban and rural areas.

Planning Policy Statement 5: Planning for the Historic Environment

PPS5 sets out the Government’s planning policies on the conservation of the historic environment.

Planning Policy Statement 7: Sustainable Development in Rural Areas

This sets out the Government’s planning policies for rural areas, including county towns and villages and for wider, largely undeveloped countryside up to the fringes of larger urban areas.

Planning Policy Guidance 8: Telecommunications

PPS8 gives guidance on planning for telecommunications development. This includes radio masts and towers, antennas of all kinds, radio equipment housing, public call boxes, cabinets, poles and overhead wires.

Planning Policy Statement 9; Biodiversity and Geological Conservation

Planning Policy 9 (PPS9) sets out planning policies on protection of biodiversity and geological conservation through the planning system.

Planning policy Statement 10: Planning for Sustainable Waste Management

PPS 10 sets out the Government's policy to be taken into account by waste planning authorities and forms part of the national waste management plan for the UK.

Planning Policy Statement 12: Local Spatial Planning

This PPS sets out the Government's policy on local spatial planning, which plays a central role in the overall role of place shaping and in the delivery of land uses and associated activities.

Planning Policy Guidance 13: Transport

Planning Policy Guidance 13 (PPG13) sets out the objectives to integrate planning and transport at the national, strategic and local level and to promote sustainable transport choices for carrying people and for moving freight.

Planning Policy Guidance 14: Development on Unstable Land

PPG14 sets out the broad and technical issues to be addressed in respect of development on unstable land.

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation

Planning Policy Guidance 17 sets out the policies needed to be taken into account by regional planning bodies in the preparation of Regional Planning Guidance (or any successor) and by the local planning authorities in the preparation of development plans (or their successors); that may be material to decisions on individual planning applications.

The Department of Community and Local government has published a consultation paper on the proposed Planning policy Statement: Planning for a Natural and Healthy Environment. This sets out streamlined and consolidated policy including open space, sport and recreation (PPG 17). Proposed policy changes relate only to the strategic provision of green infrastructure and to the floodlighting of sports and recreational facilities.

Planning Policy Guidance: 18 Enforcing Planning Control

This PPG introduced new and improved enforcement powers given to local planning authorities (LPAs) by the Planning and Compensation Act 1991.

The note outlines the general approach to enforcement including the primary responsibility of LPAs in the matter and decisive issue of whether a breach of planning would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.

Planning Policy Guidance 19: Outdoor Advertisement Control

PPG19 explains that the main purpose of the advertisement control system is to help those in outdoor advertising to contribute positively to the appearance of an attractive environment in cities, towns and the countryside.

The advice covers pre-application discussions, deemed consent, exemption from detailed control as well as permanent advertisements. The role of guidance on design is explained as are criteria for dealing with advertisement applications.

Planning Policy Guidance 20: Coastal Planning

This PPG covers the character of the coast, designated areas, heritage coasts and the international dimension.

The new Planning Policy Statement 25 Supplement: Development and Coastal Change replaces the policy on managing the impacts of coastal erosion to development set out in PPG20 with some exceptions. PPG20 will be cancelled when Draft Planning Policy Statement: Planning for a Natural and Healthy Environment has been

introduced.

Planning Policy Statement 22: Renewable Energy

PPS 22 sets out the Government's policies for renewable energy, which planning authorities should have regard to when preparing local planning documents and when taking planning decisions.

Planning Policy Guidance 23: Planning and Pollution Control

PPG23 is intended to complement the pollution control framework under the Pollution Prevention and Control Act 1999 and the Pollution Prevention and Control (England and Wales) Regulations 2000.

It should be noted that Appendix 2B of Annex 2 to PPG23 has been cancelled by the Department's letter of 30 May 2008 to Chief Planning Officers.

Planning Policy Guidance 24: Planning and Noise

PPG24 guides local authorities in England on the use of their planning powers to minimize the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise sensitive developments and for those activities which generate noise.

Planning Policy Statement 25: Development and Flood Risk

This sets out the Government policy on development and flood risk. It aims to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where developments are, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere and, where possible, reducing flood risk overall.

Planning Policy Statement 25 Supplement: Development and Coastal Change

This Supplement sets out a planning framework for continuing economic and social viability of coastal communities. The policy aims to strike the right balance between economic prosperity and reducing the consequences of coastal changes on communities.

Appendix D

Extract from Annex 8 of 10/97

Extracts from Annex 8 of 10/97

Lawfulness for planning purposes

8.3 By virtue of section 191 (2), uses and operations are "lawful" if no enforcement action may be taken against them **and** they are not in contravention of any enforcement notice which is in force. And, by virtue of section 191(3), *a failure to comply with any condition or limitation subject to which planning permission has been granted is "lawful"* if the time for taking enforcement action in respect of the failure has expired and it does not constitute a contravention of any enforcement notice or breach of condition notice which is in force. Development or other activity on land is lawful for planning purposes if it is within one of the following categories and does not involve a failure to comply with a condition or limitation subject to which planning permission has been granted:

- (1) it is not within the definition of "development" in section 55(1) and (1A) of the 1990 Act. (This might be because it is so insignificant that it can be disregarded (a "de minimis" operation, use or activity); or because it involves a change of use which is not, as a matter of fact and degree, materially different, for planning purposes, from a previous lawful use of land.); or
- (2) it is specifically excluded from the definition of development by section 55(2) (for example, a use of land for the purpose of "agriculture"); or
- (3) it is within the definition of "development" in section 55, but is exempted from the need for planning permission by the provisions of section 57; or

- (4)** it benefits from an extant grant of planning permission under Part III of the 1990 Act (or the equivalent Parts of preceding Acts); or
- (5)** it benefits from a general planning permission granted by the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418), or by a simplified planning zone or enterprise zone scheme; or
- (6)** it benefits from deemed planning permission, whether under section 90 or by virtue of compliance with the requirements of an effective enforcement notice; or
- (7)** it took place before 1 July 1948 (the "appointed day" Country Planning Act 1947); or
- (8)** it is development by or on behalf of the Crown; or
- (9)** the time for taking enforcement action has expired.

APPENDIX 2

List of External Consultees (Planning Application Requirements)

Worcestershire County Council

- Planning
- Waste
- Highways
- Archaeology
- Public Rights of Way
- Education

Adjoining County Councils

- Warwickshire
- Staffordshire

Adjoining Local Planning Authorities

- Birmingham City Council
- Solihull Metropolitan Borough Council
- Stratford-on-Avon District Council
- Redditch Borough Council
- Wychavon District Council
- Wyre Forest District Council
- South Staffordshire Council
- Dudley Metropolitan Borough Council

Consultees

Town and Parish Councils

Adjoining Parish Councils

Environment Agency

English Heritage

Natural England

Network Rail

Telecommunication Companies (3, O2, Orange, T-Mobile, Vodaphone)

represented by Monoconsultants

Relevant electricity and gas companies

Relevant sewerage and water undertakers (Severn Trent and South Staffordshire Water)

Health and Safety Executive

PCT

Secretary of State for Transport

The Coal Authority

The Theatres Trust

ADAS

Bromsgrove District Housing Trust

DEFRA
British Waterways
The Commission for Architecture and the Built Environment (CABE)
Council for British Archaeology
Council for British Archaeology (West Midlands)
Council for Protection of Rural England (CPRE) Bromsgrove District for Council
for Protection of Rural England (CPRE) Worcestershire Branch
Forestry Commission
Highways Agency
Open Spaces Society
Planning Aid England
Ramblers Association
Sport England
West Mercia Constabulary
Worcestershire Wildlife Trust
Worcestershire Rural Housing Enabler
Worcestershire Biodiversity Partnership
Worcestershire and Birmingham Canal Society

Residents Groups/Amenity Societies:

Bromsgrove Society
Lickey Hills Society
The Abbeyfield, Rubery & District Society
The Lickey Community Group
Wythall Community Association
Wythall Ratepayers & Residents Association
Rubery Village Business Association
Stoke Prior Business Association

Local Agents:

- David Edwards Partnership
- Active Permissions
- HCD Architecture
- Malcolm Judd & Partners
- Pegasus Planning Group
- Simon N Hartstone
- Weaver Plc Construction

Housing Associations

- West Midlands RSL Planning Consortium
- Bromford Housing Group
- Bromsgrove United Charities
- Focus Housing
- Hanover Housing Association
- Housing 21
- Nexus Housing Association

- Rural Housing Trust
- Servite Houses
- Touchstone Housing Association
- West Mercia Housing Group

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BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date 15th August 2011

Tree Preservation Order (No. 2) 2011

| | |
|---------------------------|--|
| 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 The Committee is asked to consider the confirmation of Tree Preservation Order (No. 2) 2011 relating to trees on land at Barnt Green to side and rear of Barnt Green Inn, Kendal End Road.

2. RECOMMENDATIONS

- 2.1 **It is recommended that Tree Preservation Order (No. 2) 2011 is confirmed with amendment.**

3. BACKGROUND

- 3.1 On the 23rd March 2011 a provisional Tree Preservation Order was made in relation to trees on land at Barnt Green to side and rear of Barnt Green Inn, Kendal End Road.
- 3.2 The Order was made to protect the trees as they contributed significantly to the amenity in the area.
- 3.3 Notification of the Order was given to all persons in the surrounding area and all who could be affected by the making of the order.
- 3.4 The Tree Preservation order was made on a temporary basis on the 23rd March 2011 and remains in force until the 23rd September 2011.
- 3.5 1 letter of objection has been received (copy is attached as Appendix 1) from a Planning Consultant on behalf of the land owner and comprises of the following elements:
1. It is inappropriate for a TPO to be made with reference to an area, as only specific trees or groups of trees worthy of protection should be included. A tree survey commissioned by the owner will be made available for use as a basis for making a detailed tree assessment to refine the TPO.
 2. The reason for making the TPO does not indicate that a proper amenity assessment of the trees has been made. Evidence of this assessment is required to demonstrate that a TPO is appropriate.

3. Understorey shrubs should not be included within the TPO, and an area designation does not specify what understorey shrubs are included.
4. The Order has been hastily made as a result of interest in potential development of the site, however despite the land having been promoted for development over many years, no attempt has been made to remove any trees. Therefore this order should be refined following a detailed assessment of the trees.
5. The Order needs clarification in terms of location address. The correct address is Kendal End Road.
6. The Order needs clarification in the Specification of Trees section. It should be referred to as Schedule 1.

3.6 The Tree Officer's comments are as follows:

1. In line with the Secretary of State's guidance, the area designation was used in the provisional Order to provide initial temporary protection for all trees on the site until a detailed assessment of the trees could be carried out, prior to requesting confirmation of the Order. This assessment was carried out on 14th and 19th July 2011, and as a result the Order has been reclassified to include only individual trees and groups of trees that provide a high degree of public amenity. The tree survey commissioned by the owner was made available and used as a basis for assessing the trees on the site.
2. A detailed assessment of amenity value using a nationally recognised method for TPO suitability was used, and is evidenced in Appendix 2. This method includes the key criteria that Government guidance highlights as being important to show that amenity value is being assessed in a structured and consistent way. As a result of the assessment, the individual trees and groups identified in Schedule 1 are deemed to provide a high level of public amenity due to their location as established trees around the perimeter of the site or as significant mature specimens within the site.
3. In order to provide immediate blanket protection and for simplicity and efficiency, the provisional Order covered all trees and understorey shrubs to ensure that no clearance of woody vegetation could occur prior to a detailed assessment being made. It was always intended that the area order would be reclassified prior to confirmation to ensure that only trees that provide a high degree of public amenity were included.
4. Due to the fact that the site supports some important mature trees of high public amenity, landscape and wildlife value, it was considered appropriate to make an immediate TPO following reports of renewed interest in

development of this site. This indicated that the trees were potentially at risk from development pressure, and so to minimise this risk a provisional Order was raised to provide blanket protection.

5. The reclassified Order now identifies the trees by stating their location using the National Grid Reference number, and all references to the address of the site specify Kendal End Road.

6. The reclassified Order shows the list of trees titled as Schedule 1.

4. KEY ISSUES

4.1 To protect trees which provide an amenity value.

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications relating to the confirmation of the TPO.

6. LEGAL IMPLICATIONS

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

7. POLICY IMPLICATIONS

7.1 None

8. COUNCIL OBJECTIVES

8.1 Council objective 4- Environment, Priority C04 Planning

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

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

10. CUSTOMER IMPLICATIONS

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

PLANNING COMMITTEE

Date 15th August 2011

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 None

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 None

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

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

14. HUMAN RESOURCES IMPLICATIONS

14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 None

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

16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS
None

18. LESSONS LEARNT

18.1 None

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 The provisional Tree Preservation Order was made in March 2011 and remains in force for 6 months, it was served upon all those affected by the Order. The documentation provides details of how and when objections and representations should be made. In this case the deadline for objections was the 4th May 2011.

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date 15th August 2011

20. OTHERS CONSULTED ON THE REPORT

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

21. WARDS AFFECTED:

Hillside

22. APPENDICES

- Appendix 1 Letter of Objection and Location Plan from Planning Consultant on behalf of Land Owner dated 4 May 2011
- Appendix 2 Tree Officer Report (including amended schedule and Tree Evaluation Sheet) dated 25th July 2011
- Appendix 3 Amended Plan to be attached to confirmed Order.

23. BACKGROUND PAPERS

None

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date 15th August 2011

24. **KEY**

N/A

AUTHOR OF REPORT

Name: Kam Sodhi
E Mail: k.sodhi@bromsgrove.gov.uk
Tel: (01527) 881721

Our Ref: [REDACTED]K/2330

4 May 2011

Head of Legal, Equalities and Democratic services
Bromsgrove District Council
The Council House
Burcot Lane
BROMSGROVE
B60 1AA

Dear Sir

**TREE PRESERVATION ORDER (NO.2) 2011
TREES ON LAND AT BARNT GREEN TO SIDE AND REAR OF BARNT GREEN INN,
KENDAL END ROAD**

I act on behalf of [REDACTED] in respect of Tree Preservation Order (NO.2) 2011 as above. [REDACTED] is the owner of the area of land as shown outlined red on the attached plan (Location Plan 2330-100). The land is under option to Banner Homes Limited.

Having considered the Order [REDACTED] wishes to object for the following reasons:

1. It is inappropriate for the Order to protect trees specified by reference to an area. The Order needs to be refined to apply to the specific trees or groups of trees that are identified through a tree survey as being worthy of protection rather than relate to an area shown on a map wherein all trees, coppice and understorey shrubs are protected. A tree survey of the land outlined red on the location plan has been commissioned and should be available shortly. My client is happy to make available the results of the survey as a base for a detailed assessment of the individual trees which can be used to refine the order.

This approach is in accordance with guidance is offered in the document titled Tree Preservation Orders – A Guide to Law and Good Practice. This document is stated to be the same as a government circular and it should therefore be attributed the same weight as such (paragraph 1.3 refers). This states that area orders should only be used in emergencies and then only as a temporary measure until the trees can be assessed properly and reclassified (paragraph 3.18).

2. The notice states the reason for making the order is that *'the trees provide special amenity value'*. There is no enlargement on this statement or evidence that an assessment has been made. It would appear as this is order is made by reference to an area that no proper assessment has actually been made to demonstrate the contribution the trees make to the amenity of the area. Therefore, to demonstrate the need for a tree preservation order such assessment should be made and the order refined to refer to specific trees that provide the special amenity value referred to.

Whilst there is no definition of 'amenity' in part VIII of the Town and Country Planning Act 1990 which sets out the law on TPOs, guidance is offered on this in the document Tree Preservation Orders – A Guide to Law and Good Practice. It states *'In the Secretary of State's view, TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. LPAs should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed'* (paragraph 3.2).

No evidence is presented to show this test has been met and before the order is confirmed this evidence needs to be available to support the case. In fact the document goes on to state that councils need to be able to explain to landowners why their trees and woodlands have been protected and provides three key criteria to take into account to allow a structured and consistent assessment of 'amenity value'. These focus on visibility, individual impact and wider impact (paragraph 3.3).

3. Understorey shrubs should not be included. Guidance is available in the document Tree Preservation Orders – A Guide to Law and Good Practice. This states a TPO may only be used to protect trees and cannot be applied to bushes or shrubs (paragraph 2.3). As this is an area order with no specific reference to any individual or group elements it is unclear what understorey shrubs are included in any event. This lack of detail is clearly a disadvantage of an area order as it only refers to elements within the area defined by the dotted line and cannot identify the specific items. In this broad brush approach, it would be difficult for the Council to enforce the Order as it would be difficult to prove what understorey shrubs it refers to. As shrubs cannot be protected by a TPO this needs clarification.
4. The Order would appear to have been hastily made in the light of the identification of the land as a development site in Bromsgrove Draft Core Strategy 2 on the basis the trees are now under threat of removal. My client wishes to point out however that both she and the developer partner are keen to work within the constraints of the landscape and her responsible attitude is evidenced by the fact that the site outlined red on the attached plan has been promoted for development over many years and no attempt has been made to remove trees or clear the site. The land was promoted through local plan inquiry, where it was recommended for removal from Green Belt to meet housing needs, it was subsequently considered in the High Court when the recommendation of the independent Inspector was not accepted, it has been promoted through the Strategic Housing Land Availability Assessment and it has been promoted through consultation on the Core Strategy. This work spans a decade and no trees have been removed.

Therefore it is difficult to see why the Order has been hastily made when a better approach would be to carry out a proper investigation. For the Order to have any credibility a detailed assessment of the value of the trees should now be carried out and in the event the case is demonstrated a refined order relating to specific trees or groups of trees can be confirmed. My client is happy to cooperate in this process and as set out above is happy to make available the findings of the tree survey that is currently being prepared on her behalf.

5. The Order requires clarification as to the address of the location which is sometimes stated as Kendal Road and sometimes Kendal End Road. This creates uncertainty. The correct address is Kendal End Road. The Specification of Trees page should be amended accordingly.

6. The Specification of Trees page is I assume Schedule 1 although this is not stated on the page. If this is Schedule 1 this should be stated so as to avoid uncertainty.

We would be pleased if these objections are taken into account and would be happy to discuss the details with you.

Yours faithfully

[Redacted signature]

[Redacted name]

Principal Planner

Email: [Redacted email address]

Enc Location Plan 2330-100

cc [Redacted name]

MEMORANDUM**APPENDIX 2**

| | | | |
|-----------------|---|-----------|---|
| From: | [REDACTED] Tree Officer | To: | [REDACTED] Legal Officer |
| My Ref: | TPO (2) 2011 Trees on land at Barnt Green to side and rear of Barnt Green Inn, Kendal End Road | Your Ref: | TPO (2) 2011 Trees on land at Barnt Green to side and rear of Barnt Green Inn, Kendal End Road |
| Please ask for: | [REDACTED] Ext 3075 | Date | 25 th July 2011 |

Re: Confirmation of Tree Preservation Order (TPO)**Background:**

The provisional order was raised on 23rd March 2011 in response to interest being shown in development of the site for residential purposes. The site supports a number of mature and highly prominent trees that provide a high level of public amenity as they are visible from the public highways bordering the site. Many of the trees also have a high nature conservation value due to their maturity and species type. The provisional order included the adjacent land at Barnt Green Cricket Club and Barnt Green Inn, as both sites also support trees of high public amenity value that were not protected by any other legislation.

Representations Received – Objections Appendix 1.

[REDACTED] (**owner of the land subject to development interest**).

Letter and map received from [REDACTED], acting on behalf of [REDACTED], dated 4th May 2011 highlighting the following concerns.

1. It is inappropriate for a TPO to be made with reference to an area, as only specific trees or groups of trees worthy of protection should be included. A tree survey commissioned by the owner will be made available for use as a basis for making a detailed tree assessment to refine the TPO.
2. The reason for making the TPO does not indicate that a proper amenity assessment of the trees has been made. Evidence of this assessment is required to demonstrate that a TPO is appropriate.
3. Understorey shrubs should not be included within the TPO, and an area designation does not specify what understorey shrubs are included.
4. The Order has been hastily made as a result of interest in potential development of the site, however despite the land having being promoted for development over many years, no attempt has been made to remove any trees. Therefore this order should be refined following a detailed assessment of the trees.
5. The Order needs clarification in terms of location address. The correct address is Kendal End Road.
6. The Order needs clarification in the Specification of Trees section. It should be referred to as Schedule 1.

My Comments:

1. In line with the Secretary of State's guidance, the area designation was used in the provisional Order to provide initial temporary protection for all trees on the site until a detailed assessment of the trees could be carried out, prior to requesting confirmation of the Order. This assessment was carried out on 14th and 19th July 2011, and as a result the Order has been reclassified to include only individual trees and groups of trees that provide a high degree of public amenity. The tree survey commissioned by the owner was made available and used as a basis for assessment of trees on the site.

2. A detailed assessment of amenity value using a nationally recognised method for TPO suitability was used, and is evidenced in Appendix 2. This method includes the key criteria that Government guidance highlights as being important to show that amenity value is being assessed in a structured and consistent way. As a result of the assessment, the individual trees and groups identified in Schedule 1 are deemed to provide a high level of public amenity due to their location as established trees around the perimeter of the site or as significant mature specimens within the site.
3. In order to provide immediate blanket protection and for simplicity and efficiency, the provisional Order covered all trees and understorey shrubs to ensure that no clearance of woody vegetation could occur prior to a detailed assessment being made. It was always intended that the area order would be reclassified prior to confirmation to ensure that only trees that provide a high degree of public amenity were included.
4. Due to the fact that the site supports some important mature trees of high public amenity, landscape and wildlife value, it was considered appropriate to make an immediate TPO following reports of renewed interest in development of this site. This indicated that the trees were potentially at risk from development pressure, and so to minimise this risk a provisional Order was raised to provide blanket protection.
5. The reclassified Order now identifies the trees by stating their location using the National Grid Reference number, and all references to the address of the site specify Kendal End Road.
6. The reclassified Order shows the list of trees titled as Schedule 1.

Conclusion & Recommendation

The individual trees and groups of trees identified in Schedule 1 provide a high level of public amenity due to their prominent locations around the boundary of the possible development site, or as large mature specimens located within the site. Many of the smaller trees and linear groups along the external site boundary are established plantings and would therefore also act as effective screening and provide a softening effect on the landscape should development take place in the future. As the majority of the trees are mature native species, they are also of great importance for wildlife, providing habitats for a range of fauna including protected species.

Therefore, to ensure that these valuable trees are retained and managed appropriately in the future, I propose that Bromsgrove Tree Preservation Order (No.2) 2011 is confirmed in line with the schedule below.

SCHEDULE 1

Trees Specified Individually (encircled in black on the map)

| Reference on map | Description | Situation |
|-------------------------|--------------------|-------------------|
| T1 | Lime | NGR 400711 274100 |
| T2 | Oak | NGR 400752 274072 |
| T3 | Oak | NGR 400775 274043 |
| T4 | Wild pear | NGR 400771 274036 |
| T5 | Oak | NGR 400761 274016 |
| T6 | Hawthorn | NGR 400759 274011 |
| T7 | Holly | NGR 400756 274005 |
| T8 | Oak | NGR 400645 274009 |
| T9 | Oak | NGR 400679 273946 |
| T10 | Hawthorn | NGR 400719 273934 |
| T11 | Hawthorn | NGR 400713 273922 |
| T12 | Oak | NGR 400699 273896 |
| T13 | Hawthorn | NGR 400680 273858 |

| | | |
|-----|----------|-------------------|
| T14 | Oak | NGR 400572 273978 |
| T15 | Oak | NGR 400451 274014 |
| T16 | Lime | NGR 400471 274038 |
| T17 | Lime | NGR 400479 274044 |
| T18 | Oak | NGR 400492 274044 |
| T19 | Holm oak | NGR 400666 274078 |

Trees specified by reference to an area
(within a dotted black line on map)

None

Groups of trees
(within a broken black line on the map)

| | | |
|----|---------------|-------------------|
| G1 | 11 x hawthorn | NGR 400773 274053 |
| G2 | 15 x hawthorn | NGR 400758 274065 |
| G3 | 60 x hawthorn | NGR 400725 274091 |
| G4 | 2 x oak | NGR 400764 274023 |
| G5 | 2 x oak | NGR 400431 274002 |
| G6 | 4 x sycamore | NGR 400508 274015 |

Woodlands
(within a continuous black line on the map)

None

I recommend that the provisional Tree Preservation order (2) 2011 is now confirmed to include all the above trees.

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T.E.M.P.O Tree Evaluation Sheet

Sheet No. 1 of 2

Evaluation by: AS/AB

Date: 14/7/11 & 19/7/11

Address/Site Details: Fievy Hill Road, Bant Green

| Tree Ref | Species | DBH (mm) | Amenity Assessment | | | Sub | d - other factors | Expediency Assessment | Score | TPO Y/N |
|----------|-------------|----------|--------------------|---------------|----------------|-----|-------------------|-----------------------|-------|---------|
| | | | a - Condition | b - Longevity | c - Visibility | | | | | |
| T1 | lime | 1500 | 3 | 5 | 4 | 120 | 2 | 4 | 180 | Y |
| T2 | oak | 1300 | 4 | 5 | 5 | 140 | 2 | 3 | 190 | Y |
| G1 | 11 x H'horn | 150 | 3 | 4 | 3 | 100 | 4 | 3 | 170 | Y |
| G2 | 15 x H'horn | 75 | 3 | 4 | 3 | 100 | 4 | 3 | 170 | Y |
| G3 | 60 x H'horn | 75 | 3 | 4 | 3 | 100 | 4 | 3 | 170 | Y |
| T3 | Oak | 340 | 3 | 4 | 4 | 110 | 1 | 3 | 150 | Y |
| T4 | Pear | 300 | 2 | 2 | 4 | 80 | 2 | 3 | 130 | Y |
| G4 | 2 x oak | 300 | 2 | 4 | 4 | 100 | 1 | 3 | 140 | Y |
| T5 | Oak | 400 | 3 | 4 | 4 | 110 | 1 | 3 | 150 | Y |
| T6 | H'horn | 200 | 3 | 4 | 3 | 100 | 1 | 3 | 140 | Y |
| T7 | Holly | 75 | 3 | 4 | 3 | 100 | 1 | 3 | 140 | Y |
| T8 | Oak | 1400 | 4 | 5 | 3 | 120 | 2 | 4 | 180 | Y |
| T9 | oak | 1200 | 4 | 5 | 4 | 130 | 2 | 4 | 190 | Y |
| T10 | H'horn | 200 | 3 | 4 | 3 | 100 | 1 | 3 | 140 | Y |

Trees must have accrued 7+ points (& no zeros) to qualify

Part 1: Amenity assessment

- a) Condition
 - 5) Good
 - 4) Fair
 - 3) Poor
 - 2) Unsafe
 - 1) Dead
- b) Longevity
 - 5) 100+
 - 4) 40 - 100
 - 3) 20 - 40
 - 2) 10 - 20
 - 1) <10
- c) Relative public visibility
 - 5) Very large trees, or large trees that are prominent landscape features
 - 4) Large trees, or medium trees clearly visible to the public
 - 3) Medium trees, or larger trees with limited view only
 - 2) Small trees, or larger trees visible only with difficulty
 - 1) Young, v.small, or trees not visible to the public, regardless of size
- d) Other factors
 - 5) Principal components of arboricultural features, or veteran trees
 - 4) Members of groups of trees that are important for their cohesion
 - 3) Trees with significant historical or commemorative importance
 - 2) Trees of particularly good form, especially if rare or unusual
 - 1) Trees with none of the above additional redeeming features

Part 2: Expediency assessment

- 5) Known threat to tree
 - 3) Foreseeable threat to tree
 - 2) Perceived threat to tree
 - 1) Precautionary only
 - 0) Tree known to be an actionable nuisance
- Part 3: Decision guide**
- Any 0 Do not apply TPO
 - 1 - 6 TPO indefensible
 - 7 - 10 Does not merit TPO
 - 11 - 13 Possibly merits TPO
 - 14+ Definitely merits TPO

T.E.M.P.O Tree Evaluation Sheet

Sheet No. 2 of 2

Evaluation by: AS/AB Date: 14/7/11 & 19/7/11

Address/Site Details: land at Floy Hill Road, Bant Green.

| Tree Ref | Species | DBH (mm) | Amenity Assessment | | | Sub | d - other factors | Expediency Assessment | Score | TPO Y/N |
|----------|-------------|----------|--------------------|---------------|----------------|-----|-------------------|-----------------------|-------|---------|
| | | | a - Condition | b - Longevity | c - Visibility | | | | | |
| T11 | Hornbeam | 120 | 3 | 4 | 3 | 10 | 1 | 3 | 14 | Y |
| T12 | Oak | 300 | 2 | 4 | 4 | 10 | 1 | 3 | 14 | Y |
| T13 | Hornbeam | 200 | 3 | 4 | 3 | 10 | 1 | 3 | 14 | Y |
| T14 | Oak | 1200 | 3 | 2 | 3 | 8 | 2 | 4 | 14 | Y |
| G5 | 2x oak | 600 | 3 | 4 | 3 | 10 | 1 | 2 | 13 | Y |
| T15 | Oak | 1000 | 3 | 4 | 3 | 10 | 2 | 2 | 14 | Y |
| T16 | Lime | 800 | 3 | 4 | 4 | 11 | 2 | 2 | 15 | Y |
| T17 | Lime | 800 | 4 | 4 | 4 | 12 | 2 | 2 | 16 | Y |
| T18 | Oak | 400 | 3 | 4 | 3 | 10 | 1 | 3 | 14 | Y |
| G6 | 4x Sycamore | 400 | 2 | 2 | 3 | 7 | 4 | 3 | 14 | Y |
| T19 | Horn oak | 600 | 3 | 4 | 4 | 11 | 1 | 2 | 14 | Y |
| | | | | | | 0 | | | 0 | |
| | | | | | | 0 | | | 0 | |
| | | | | | | 0 | | | 0 | |

Trees must have accrued 7+ points (& no zeros) to qualify

Part 1: Amenity assessment

- a) Condition
 - 5) Good
 - 4) Fair
 - 3) Poor
 - 2) Unsafe
 - 1) Dead
- b) Longevity
 - 5) 100+
 - 4) 40 - 100
 - 3) 20 - 40
 - 2) 10 - 20
 - 1) <10
- c) Relative public visibility
 - 5) Very large trees, or large trees that are prominent landscape features
 - 4) Large trees, or medium trees clearly visible to the public
 - 3) Medium trees, or larger trees with limited view only
 - 2) Small trees, or larger trees visible only with difficulty
 - 1) Young, v.small, or trees not visible to the public, regardless of size
- d) Other factors
 - 5) Principal components of arboricultural features, or veteran trees
 - 4) Members of groups of trees that are important for their cohesion
 - 3) Trees with significant historical or commemorative importance
 - 2) Trees of particularly good form, especially if rare or unusual
 - 1) Trees with none of the above additional redeeming features

Part 2: Expediency assessment

- 5) Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Tree known to be an actionable nuisance

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1 - 6 TPO indefensible
- 7 - 10 Does not merit TPO
- 11 - 13 Possibly merits TPO
- 14+ Definitely merits TPO



Bromsgrove District Council Tree Preservation Order TPO (2) 2011

| | |
|------------|-----------------------|
| SLA | Not Set |
| Scale | 1:1400 |
| Map Centre | 400656.99 , 273982.18 |



Place Seal HERE

THE COMMON SEAL of the DISTRICT COUNCIL OF BROMSGROVE was affixed hereto this day of 20, in the presence of :-

Legal, Equalities and Democratic Services

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PLANNING COMMITTEE

15th August 2011

REPORT TITLE

| | |
|------------------------------|--|
| Relevant Portfolio Holder | Councillor C. B. Taylor |
| Portfolio Holder Consulted | No |
| Relevant Head of Service | Head of Planning and Regeneration Services |
| Ward(s) Affected | Drakes Cross and Walkers Heath, Hagley, Linthurst, Marlbrook, Sidemoor, St. Johns, Woodvale, Wythall South |
| Ward Councillor(s) Consulted | No |
| 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 detailing the issues and conclusions in each case.

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications arising from this report except in respect of 3.4.5 below where costs were awarded to the appellants by the Inspector. The amount of costs will depend on what unnecessary or wasted expense incurred by the appellant in relation to the appeal.
- 3.2 The appellants will submit details of their costs to the Local Planning Authority, with a view to reaching agreement on the amount. If agreement cannot be reached, the appellants can refer the case to a costs officer or costs judge of the Supreme Court Costs Office for a separate decision.

Legal Implications

- 3.3 There are no legal implications arising from this report.

Service / Operational Implications

- 3.4 The appeal decisions are as follows:-

**PLANNING
COMMITTEE**

15th August 2011

| Name of Appellant | Plan Ref. / Proposal / Decision |
|--|--|
| 3.4.1 Mr. P. Taylor | 10/0944-DK - Proposed change of use of land to provide additional dog play area and stockyard; retention of waste disposal unit and oil tank; proposed portacabin and container; retention of parking area and entrance improvements - Hylton Hound Hotel, Middle Lane, Headley Heath, B47 6LD - See APPENDIX 1 Refused: 1st December 2010 Appeal decision: dismissed - 6th May 2011 |
| 3.4.2 Mr. R. Lewis | 10/0326-CE - Proposed demolition of an existing dwelling and erection of two detached dwellings - Touchstones, 19 Plymouth Road, Barnt Green, B45 8JF - See APPENDIX 2 Refused: 19th July 2010 Appeal decision: dismissed - 2nd June 2011 |
| 3.4.3 Mr. N. Wood | 10/1181-HR - Proposed two-storey rear extension - Yew Tree Farm, Money Lane, Chadwich, Bromsgrove, B61 0QY - See APPENDIX 3 Refused: 18th February 2011 Appeal decision: dismissed - 30th June 2011 |
| 3.4.4 Mrs. K. Joshua | 10/1097-SC - Proposed two-storey detached house with integral garage, parking/turning area - 1 Ashgrove Close, Marlbrook, Bromsgrove, B60 1HW - See APPENDIX 4 Refused: 14th February 2011 Appeal decision: dismissed - 5th July 2011 |
| 3.4.5 Mr. R. H. Pope / Miss J. S. Lilley | PI/2009/00022-NH - Appeals against the service of an enforcement notice alleging that 'without planning permission, the change of use of the site from residential use to a mixed use for residential and and the carrying on of a business concerned with firearms.' - 11 Holly Grove, Bromsgrove, B61 8LH - See APPENDIX 5 Appeal decision: Appeals allowed and enforcement notice quashed (6th July 2011) Costs application awarded to appellants |

**PLANNING
COMMITTEE**

15th August 2011

| Name of Appellant | Plan Ref. / Proposal / Decision |
|--------------------------|---|
| 3.4.6 Mr. T. Dayman | 10/1034-DK - Proposed development of four two-storey 1-bedroom houses on open land that is at the rear of and within the curtilage of Oakley House, East Road, Bromsgrove, B60 2NN - See APPENDIX 6 Refused: 9th February 2011 Appeal decision: dismissed - 7th July 2011 |
| 3.4.7 Mr. S. Uddin | 10/0928-SC - Proposed change of use from existing office usage to A3 (restaurant) with ancillary A5 (hot food takeaway) - 74 Worcester Road, Hagley, DY9 0NJ - See APPENDIX 7 Refused: 24th December 2010 Appeal decision: dismissed - 15th July 2011 |

Customer / Equalities and Diversity Implications

- 3.4 There are no customer / equalities and diversity implications arising from this report

4. RISK MANAGEMENT

- 4.1 N/A

5. APPENDICES

- Appendix 1 - Appeal report for 10/0944-DK - Hylton Hound Hotel, Middle Lane, Headley Heath, B47 6LD
- Appendix 2 - Appeal report for 10/0326-CE - Touchstones, 19 Plymouth Road, Barnt Green, B45 8JF
- Appendix 3 - Appeal report for 10/1181-HR - Yew Tree Farm, Money Lane, Chadwich, Bromsgrove, B61 0QY
- Appendix 4 - Appeal report for 10/1097-SC - 1 Ashgrove Close, Marlbrook, Bromsgrove, B60 1HW
- Appendix 5 - Appeal report for PI/2009/00022-NH - 11 Holly Grove, Bromsgrove, B61 8LH
- Appendix 6 - Appeal report for 10/1034-DK - Land at Oakley House, East Road, Bromsgrove, B60 2NN
- Appendix 7 - Appeal report for 10/0928-SC - 74 Worcester Road, Hagley, DY9 0NJ

**PLANNING
COMMITTEE**

15th August 2011

6. BACKGROUND PAPERS

Appeal decision letters received from the Planning Inspectorate dated 6th May; 2nd and 30th June; and 5th, 6th, 7th and 15th July 2011

AUTHOR OF REPORT

Name: Andy Stephens

email: a.stephens@bromsgroveandredditch.gov.uk

Tel.: 01527 881410

Appeal made against the refusal of planning permission

| | |
|-----------------------------|--|
| Appeal reference | APP/P1805/A/11/2145520 |
| Planning Application | 10/0944-DK |
| Proposal | Proposed change of use of land to provide additional dog play area and stockyard. Retention of waste disposal unit and oil tank. Proposed portacabin and container, retention of parking area and entrance improvements (re submission of B/2009/0282) |
| Location | Hylton Hound Hotel, Middle Lane, Headley Heath, Wythall, B47 6LD |
| Ward | Drakes Cross and Walkers Heath / Wythall South |
| Decision | Refused (delegated decision) 1st December 2010 |

The author of this report is David Kelly who can be contacted on 01527 881345 (e-mail: d.kelly@bromsgrove.gov.uk) for more information.

Discussion

The main issue in this case is whether the proposals constitute inappropriate development within the Green Belt, and a loss of openness, and if so, whether there are other very special circumstances which would out-weigh this harm and the general presumption against inappropriate development in the Green Belt.

Whilst the Inspector reasoned that the Solid Waste disposal unit, oil tank, dog play area and portacabin may be necessary facilities to a greater or lesser extent, they do not justify setting aside the strong presumption against such inappropriate development and that the appeal should be dismissed.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (6th May 2011)

Recommendation

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

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Appeal made against the refusal of planning permission

| | |
|-----------------------------|---|
| Appeal reference | APP/P1805/A/11/2144522 |
| Planning Application | 10/0326-DK |
| Proposal | Proposed demolition of existing dwelling and erection of two detached dwellings (As augmented by Ecological Assessment received 24.05.2010, Phase 1 Habitat Survey and Protected Species Survey Assessment received 21.06.2010 and Arboricultural Report received 02.06.2010 and amended by plans received 02.06.2010, 06.06.2010 and 07.06.2010) |
| Location | 19 Plymouth Road, Barnt Green, B45 8JF |
| Ward | Linthurst |
| Decision | Refused by Planning Committee (12th July 2010; refusal notice issued 19th July 2011) |

The author of this report is David Kelly who can be contacted on 01527 881345 (e-mail: d.kelly@bromsgrove.gov.uk) for more information.

Discussion

The first main issue is the effect of the development on living conditions at neighbouring properties and whether living conditions at the proposed dwellings would be satisfactory.

The layout of the proposed development would result in part of the driveway, the garage and turning area for Plot 2 being located close to this part of the rear garden of 19A. Consequently, this valued area would be particularly affected by the scheme. While there would only be one additional dwelling, the relevant part of the appeal site is currently a quiet rear garden. Thus, the introduction of vehicles to this area would result in a very marked change in its character which would be very noticeable and intrusive in relation to 19A. Although the existing substantial evergreen hedge along the boundary would provide a very effective visual screen, it would have only a limited effect in reducing noise in my view.

For this reason the proposal would have a significant, harmful effect on living conditions at that property.

The second main issue is the effect of the development on the character and appearance of the area.

It was noted the differences that have been highlighted between this proposed 'tandem' development and the other types of plot subdivision in the area. However, the forms of development and driveway arrangements in the area are so varied that no specific harm to the character or appearance of the area would arise from this.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (2nd June 2011).

Recommendation

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

Appeal made against the refusal of planning permission

| | |
|-----------------------------|---|
| Appeal reference | APP/P1805/D/11/2152822 |
| Planning Application | 10/1181-HR |
| Proposal | Rear two storey extension |
| Location | Yew Tree Farm, Money Lane, Chadwich, Bromsgrove, B61 0QY |
| Ward | Woodvale |
| Decision | Refused (delegated decision) 18th February 2011 |

The author of this report is Harjap Rajwanshi who can be contacted on 01527 881399 (e-mail: harjap.rajwanshi@bromsgrove.gov.uk) for more information.

Discussion

The appeal site comprises a part single storey and part two-storey dwelling and garage with its own curtilage, known as 'The Old Granary'. The appellant has accepted that the dwelling consists of a former agricultural building that has been converted and that it is located within the Green Belt and Landscape Protection Area (where it is considered that the character of the countryside and quality of the landscape merit special protection). The proposal was to erect a rear two storey extension.

The application was refused on the following grounds:

- The proposal would constitute inappropriate development for the purposes of PPG2. It would result in a large addition to the built development within the Green Belt and the cumulative effect of such extensions would reduce and harm the openness of the Green Belt.
- The proposal would look like a separate building added on to the existing building, due to its overall scale and additional gable with pitched roof. As such, when viewed from the north, the proposal would harm the character and appearance of the original building, which has generally retained its shape during the conversion. It would result in a large addition to the built development within the Green Belt.
- No very special circumstances exist to justify the inappropriate development. As such, the appellant has not put forward other considerations that are sufficient to clearly outweigh the harm the proposal would fail to accord with PPG2 and Bromsgrove District Local Plan policies DS2, C4 and DS13.

- The proposal would add to the density of buildings when viewed across the surrounding countryside, and its roof would be visible from the road through the entrance to Fivewood Barn. As such, it would fail to protect the character and appearance of the surrounding countryside.

Therefore, having regard to all matters raised, the Inspector concluded that the appeal should not succeed.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (30th June 2011).

Recommendation

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

Appeal made against the refusal of planning permission

| | |
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| Appeal reference | APP/P1805/A/11/2149453 |
| Planning Application | 10/1097-SC |
| Proposal | Outline application for a two storey detached house with integral garage, parking/turning area |
| Location | 1 Ashgrove Close, Marlbrook, Bromsgrove, B60 1HW |
| Ward | Marlbrook |
| Decision | Refused (delegated decision) - 14th 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 dwelling on the character and appearance of the street scene of Marlbrook Lane.

The proposed dwelling was viewed to be prominent in the street scene of Marlbrook Lane, projecting well beyond the established building line, which is observed by the existing house at 1 Ashgrove Close.

When seen from the south, the proposed dwelling would intrude into the currently open frontage and the enclosure of the site would detract from the spacious character of the street. When seen from the north, the proposed development and enclosure would have less effect owing to the curve in the street and the presence of existing vegetation around 20 Marlbrook Lane. However, this vegetation does not appear to be in the control of the appellant and, if removed or cut back, would result in the proposed development appearing prominent and out of place in the street scene. Finally, when seen from the footway and dwellings opposite, the effect of the dwelling on the street scene would be particularly intrusive since from this location the side elevation of the dwelling would dominate the outlook, appearing incongruous in the context of the characteristic open frontages.

The Inspector concluded that the proposed dwelling as a result of its unsympathetic siting would have a materially harmful effect on the character and appearance and appearance of Marlbrook Lane. This would conflict with policies DS13, S7 and S8 of the Bromsgrove District Local Plan which, taken together, expect new dwellings to protect the areas essential character through a form and layout that is appropriate in its setting and not detrimental to the traditional pattern of development in the area. It also conflicts with the Council's adopted

Residential Design Guide which emphasises the importance of layout respecting the character of the surrounding area.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (5th July 2011).

Recommendation

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

Appeal made against the decision of the Council to issue an enforcement notice

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|---|---|
| Appeal references | APP/P1805/C/10/2138964 APP/P1805/C/10/2138965 |
| Nature of the allegation | Without planning permission, the change of use of the site from residential use to a mixed use for residential and the carrying on of a business concerned with firearms |
| The requirements of the enforcement notice | (a) Cease the use of the site for the purposes of carrying on the firearms business which is described in paragraphs 3 and 4 of the notice; and (b) Remove from 11 Holly Grove the three phase power transformer, lathe, mechanical drill and blasting machine |
| Location | 11 Holly Grove, Bromsgrove, Worcestershire, B61 8LH |
| Ward | Sidemoor |

The author of this report is Iain Mackay, Senior Enforcement Officer, who can be contacted on 01527 881301 (e-mail: iain.mackay@bromsgroveandredditch.gov.uk) for more information.

Discussion

The main ground of appeal in this matter was that there had not been a breach of planning control.

The main issue of consideration related to the fact that the appellant was a skilled firearms maker and operated a business from the garage of his property. The Inspector noted that the garage of the property was fitted out with a range of equipment in line with that of a small, but well equipped, light engineering workshop.

The Inspector conceded that, in the absence of any planning history, the evidence was strongly supportive of a material change of use to a mixed use as alleged by the Council.

Having said that, the Inspector then referred to the matter of a Certificate of Lawful Use for an Existing Use or Development (CLEUD) as issued by the Council in 2005. That application was received following complaints from residents concerning noise and disturbance.

As a result of that application, the Council issued a certificate which included the wording '*No enforcement action may be taken in respect of the use, because the use is incidental to the enjoyment of the dwelling house as such and does not constitute or involve development.*'

The Inspector went on to consider the issues of noise and listened to the machinery, and also looked at issues of vehicle movements and deliveries to the property, and also the legal implications relating to the existence of the historical CLEUD and its effect on his ability to determine the appeal.

Ultimately however, he concluded that the CLEUD was of paramount importance.

Decision

The Inspector concluded that, above all issues before him, the fact that the Council had previously issued a CLEUD effectively rendered the use of the premises lawful. He considered that, due to its existence, any use described in it must be considered immune from enforcement.

Costs application

An application for costs was made by both the appellant and the Council. In considering this, the Inspector concluded that the Council had, in his opinion, acted unreasonably in its decision to issue the enforcement notice given the existence of the CLEUD and awarded costs in favour of the appellant.

Appeal outcome

The appeal succeeded and the enforcement notice was quashed (6th July 2011)

Recommendation

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

Appeal made against the refusal of planning permission

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| Appeal reference | APP/P1805/A/11/2145520/NWF |
| Planning Application | 10/1034-DK |
| Proposal | Four 1 bedroom two storey houses (As augmented by plan received 30.12.2010, as amended by plans received 04.01.2011 and 25.01.2011) |
| Location | Oakley House, East Road, Bromsgrove, B60 2NN |
| Ward | St. Johns |
| Decision | Refused by Planning Committee (7th February 2011; refusal notice issued 9th February 2011) |

The author of this report is David Kelly who can be contacted on 01527 881345 (e-mail: d.kelly@bromsgrove.gov.uk) for more information.

Discussion

There were two main issues. Firstly, the effect of the proposed dwellings on the living conditions of residents of Oakley House with respect to light, privacy and outlook; and secondly, the effect of the dwellings on the character and appearance of Central Road and the surrounding area.

It was concluded that the proposed dwellings would have a materially harmful effect on the living conditions of occupiers of flats in Oakley House with respect to an overbearing effect on outlook, loss of light and potential loss of privacy. This would conflict with policy S7 of the Bromsgrove District Local Plan (BDLP), which resists new dwellings that would, amongst other things, adversely affect the existing amenities of adjoining occupiers, and with advice in SPG1.

On the second main issue that, owing to their siting and design, the proposed dwellings would have a materially detrimental effect on the character and appearance of Central Road and the surrounding area. This would conflict with policy S7 of the BDLP, *Planning Policy Statement 3: Housing* (PPS3), and guidance in SPG1 which, taken together, expect new housing to be well designed such that its form and layout integrate well with neighbouring buildings and the local area to provide a visually attractive and functional development that maintains local character.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (7th July 2011).

Recommendation

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

Appeal made against the refusal of planning permission.

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| Appeal reference | APP/P1805/A/11/2147548 |
| Planning Application | 10/0928-SC |
| Proposal | Change of Use from existing Office usage to A3 (restaurant) with ancillary A5 (hot food take away) |
| Location | 74 Worcester Road, Hagley, DY9 0NJ |
| Ward | Hagley |
| Decision | Refused (delegated decision) 24th December 2010 |

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 on the living conditions of the occupiers of neighbouring residential properties.

There is a common boundary with a dwelling, No. 1 Kidderminster Road. There is a high wall on the boundary. Nevertheless, it was considered that the potential intensity of use of the car park with regular comings and goings, opening and closing of car doors, voices and car audio equipment would create additional noise close to the garden and dwelling. This would have an undesirable effect on living conditions in that property, especially in the summer months when windows may be open and the garden used in the evenings. This is the only property that would be harmed by noise because there is background noise from traffic on the adjacent roads and so the effect on dwellings opposite would not be significant.

Details of air conditioning, ventilation and fume extraction and refuse disposal could all be controlled by conditions to ensure that these created no additional noise disturbance or odours. Litter and illuminated advertisements are controlled by separate legislation.

The Inspector concluded that although the premises are vacant and that there may be demand for the use, they are not located within a defined commercial area. Concerns about noise from vehicular and pedestrian movement in the car park conclude that the development would be contrary to Local Plan policy S19.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (15th July 2011).

Recommendation

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