



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 12TH SEPTEMBER 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 15th August 2011 (Pages 1 - 6)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

5. 10/1189-DK - Replacement of an existing dwelling with 2 No. 5 bed detached houses - 7A Plymouth Road, Barnt Green, B45 8JE - Mr. J. Smart (Pages 7 - 12)
6. 11/0507-DK - Demolition of a Dutch barn; change of use of offices, laboratories and bull pens to provide 12 flats; alterations to the existing access; and other associated works - Avoncroft Cattle Breeders Ltd., Buntsford Hill, Bromsgrove, B60 3AS - Avoncroft Cattle Breeders Ltd. (Pages 13 - 20)
7. 11/0610-DK - Proposed Demolition of Existing Dwelling and Erection of Three New Dwellings (resubmission of application ref. 10/1011-DK) - 2 Berry Drive, Barnt Green, B45 8XL - Mr. N. Alsop (Pages 21 - 28)
8. 11/0631-DK - Installation of Silicon Photovoltaic Cells - Bromsgrove District Council Depot, Aston Road, Bromsgrove, B60 3EX - Redditch Borough Council and Bromsgrove District Council (Pages 29 - 32)
9. 11/0698-SG - Demolition of unsafe half brick gable wall and reconstruction to Wharf Cottage (Listed Building Consent) - Wharf Cottage, Alcester Road, Tardebigge, Bromsgrove, B60 1NF - Mr. S. Dudley (Pages 33 - 36)
10. 11/0709-SG - Amendment to application 11/0266-SG to include demolition of half brick gable wall for reconstruction to Wharf Cottage - Wharf Cottage, Alcester Road, Tardebigge, Bromsgrove, B60 1NF - Mr. S. Dudley (Pages 37 - 42)
11. Tree Preservation Order (No. 3) 2011 - Trees on land at 53 and 55 Wellington Road, Bromsgrove, B60 2AX (Pages 43 - 54)
12. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

1st September 2011



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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, 15TH AUGUST 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, R. J. Laight, Mrs. C. M. McDonald, P. M. McDonald (substituting for C. J. K. Wilson), E. J. Murray and C. J. Tidmarsh

Observers: Councillor Dr. D. W. P. Booth JP

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

42/11 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J. A. Ruck, C. B. Taylor and C. J. K. Wilson.

43/11 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	11/0567-HR	Personal. The premises the subject of the application house the Bromsgrove Conservative Association office, of which Councillor Mrs. Boswell is a Member.
Councillor M. A. Bullivant	11/0567-HR	Personal. The premises the subject of the application house the Bromsgrove Conservative Association office, of which Councillor Bullivant is a Member.
Councillor R. A. Clarke	11/0567-HR	Personal. The premises the subject of the application house the Bromsgrove Conservative Association office, of which Councillor Clarke is a Member.
Councillor R. J. Deeming	11/0567-HR	Personal. The premises the subject of the application house the Bromsgrove Conservative Association office, of which Councillor Deeming is a Member.

<u>Member</u>	<u>Application(s)</u>	<u>Nature of Interest</u>
Councillor R. J. Laight	11/0567-HR	Personal. The premises the subject of the application house the Bromsgrove Conservative Association office, of which Councillor Laight is a Member.
Councillor C. J. Tidmarsh	11/0567-HR	Personal. The premises the subject of the application house the Bromsgrove Conservative Association office, of which Councillor Tidmarsh is a Member.
Councillor P. J. Whittaker	11/0567-HR	Personal. The premises the subject of the application house the Bromsgrove Conservative Association office, of which Councillor Whittaker is a Member.

44/11 **MINUTES**

The minutes of the meeting of the Planning Committee held on 18th July 2011 were submitted.

RESOLVED that, with the inclusion of the following declarations of interest received from Councillor P. J. Whittaker, the minutes be approved as a correct record:-

<u>Member</u>	<u>Applications</u>	<u>Nature of Interest</u>
Councillor P. J. Whittaker	11/0266-SG and 11/0268-SG	Personal. Applicant is also a Conservative Group Member of the Council.

45/11 **UPDATE: DRAFT NATIONAL PLANNING FRAMEWORK (JULY 2011)**

The Head of Planning and Regeneration Services reported that the Government had issued a Draft Planning Framework (July 2011) which was intended to replace all of the Planning Policy Guidance and Planning Policy Statements (PPGs and PPSs); and that this Framework was currently going through a consultation process.

She added that Members would have to be specifically mindful of the contents of the Framework insofar as it related to housing applications, and quoted paragraph 110 of the document. By way of explanation, Members were informed that when a proposal was being considered against the provisions of the development plan and accords with it, then there would be a presumption in favour of granting permission and that significant and demonstrable harm would need to be demonstrated to warrant refusal.

In conclusion, the Head of Planning and Regeneration Services stated that, as the Framework was at the consultation stage, it would not replace the policies of the current development plan and would not currently carry significant

weight. However, she was of the opinion that the draft Framework should be a consideration when determining planning applications.

46/11 **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**

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

At the invitation of the Chairman, Mr. A. Smith addressed the Committee and spoke to register the opposition of the Hopwood Residents' Association to the proposals.

RESOLVED

- (a) that, subject to the receipt of no further representations during the remainder of the consultation period, authority to refuse outline planning permission be delegated to the Head of Planning and Regeneration Services upon the expiry of the consultation period on 25th August 2011; or
- (b) that, in the event of further representations being received before the expiry of the consultation period, authority to determine the application be delegated to the Head of Planning and Regeneration Services in consultation with the Chairman of the Planning Committee to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity accordingly.

47/11 **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.**

The Head of Planning and Regeneration Services reported the receipt of comments from an adjoining occupier.

At the invitation of the Chairman, Mr. G. Darby addressed the Committee and spoke in opposition to the proposed development. Furthermore, Councillor Dr. D. W. P. Booth JP spoke in his capacity as one of the Ward Members for the area in which the 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) be out of keeping with the existing form and layout of the locality; and
- (b) be harmful to existing residential amenity through poor design due to inadequate separation distances, leading to loss of privacy and outlook (with particular reference to proposed 'Building C').

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

48/11 **11/0410-DK - TWO STABLE BARNs, HORSEWALKER AND ALL WEATHER GALLOP - THE BARN, ICKNIELD STREET, BEOLEY, B48 7EW - MR. J. BOLAND**

The Head of Planning and Regeneration Services reported that the application had been withdrawn.

49/11 **11/0502-SC - ONE DETACHED DWELLING - LAND ADJ. 19 SUMMERFIELD ROAD, HOLY CROSS, CLENT, DY9 9RG - MR. A. ADAMS**

The Head of Planning and Regeneration Services confirmed that the application had been 'called-in' to be considered by the Committee at the request of Councillor Mrs. J. M. Boswell, and that the recent application relating to the same site (11/0329) was determined at the Committee's meeting on 23rd May 2011, not June 2011 as stated in the main body of the report.

Clarification was also provided to contrast the two applications whereby the dwelling proposed by application ref. 11/0329 was set-off from the adjacent dwelling at 19 Summerfield Road by 1.5 metres whilst the current proposal is set-off from the adjacent building by 3 metres at ground floor level and 5.8 metres at first floor level.

The comments of Worcestershire Highways were also reported.

At the invitation of the Chairman, Mr. N. Robb addressed the Committee and, on behalf of Clent Parish Council, spoke in support of the application. Both Mrs. E. Mitchell (applicant's agent) and Mr. A. Adams (applicant) also spoke in favour of the proposals.

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

- (a) the location of the dwelling would be within the Village Envelope;
- (b) the retention and maintenance of the gap in the streetscene; and
- (c) that there would be a clear separation of the dwelling from 19 Summerfield Road,

therefore constituted, in the opinion of the Committee, very special circumstances to outweigh the harm that would be caused to the openness of the Green Belt and the purposes of including land within the Green Belt.

RESOLVED that permission be granted subject to any reasonable conditions and notes considered necessary by the Head of Planning and Regeneration Services, to specifically include appropriately-worded conditions attached to the Decision Notice in respect of:

1. the removal of permitted development rights in relation to extensions to the dwelling and outbuildings under Class E; and
2. a suitable landscaping scheme to maintain the openness of the site.

50/11 **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**

The Head of Planning and Regeneration Services confirmed that the application only required Listed Building Consent, and not planning permission.

As part of the presentation to Members of the Committee, other examples of CCTV cameras on Worcester Road were displayed, and the submitted plans for this application were clarified.

RESOLVED

- (a) that, subject to the receipt of no further representations during the remainder of the consultation period, authority to approve the grant of Listed Building Consent be delegated to the Head of Planning and Regeneration Services upon the expiry of the consultation period on 15th August 2011; or
- (b) that, in the event of further representations being received before the expiry of the consultation period, authority to determine the application be delegated to the Head of Planning and Regeneration Services in consultation with the Chairman of the Planning Committee to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity accordingly.

51/11 **PLANNING APPLICATION VALIDATION CRITERIA**

The Committee considered a report which informed Members of the Proposed Application Validation Criteria to be used by planning staff, applicants and agents to ensure that planning applications submitted to the Council contain all of the information necessary for applications to be validated.

RESOLVED that the Planning Application Validation Criteria, together with the validation checklist attached to the report at Appendix 1, be approved for the purposes of consultation with the list of external consultees listed at Appendix 2.

52/11 **TREE PRESERVATION ORDER (NO. 2) 2011 - LAND AT SIDE AND REAR OF BARNT GREEN INN, KENDAL END ROAD, BARNT GREEN**

Members gave consideration to a report relating to Bromsgrove District Council Tree Preservation Order (No. 2) 2011 which had been made in respect of trees on land at the side and rear of the Barnt Green Inn, Kendal End Road, Barnt Green.

RESOLVED that Bromsgrove District Council Tree Preservation Order (No. 2) 2011 be confirmed, as amended in accordance with the plan shown at Appendix 3 of the report.

53/11 **APPEAL DECISIONS**

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

Councillor E. J. Murray raised a question about the decision reached in respect of Appendix 5 (paragraph 3.4.5) to the report. At the suggestion of the Chairman, Councillor Murray agreed to raise the matter after the meeting with the Head of Legal, Equalities and Democratic Services.

RESOLVED that the report be noted.

54/11 **PLANNING COMMITTEE MINUTES 39/11 AND 40/11 - MEETING HELD ON 18TH JULY 2011**

(The Chairman agreed to the consideration of this item of business as a matter of urgency in order to respond to a question raised earlier in the meeting relating to the minutes of the last meeting of the Committee.)

Councillor Mrs. C. M. McDonald questioned the accuracy of minute nos. 39/11 and 40/11 (relating to application references 11/0426 and 11/0444) which stated that the applications had been refused when, in fact, they had subsequently been withdrawn after the Committee had made its decision on the applications.

The Head of Planning and Regeneration Services clarified the situation by stating that an applicant may withdraw their application at any stage up until the issue of the formal Decision Notice. She added that, although the two applications were withdrawn after the Committee's meeting, the decision of the Committee is correctly recorded in the minutes and the applicant was fully entitled to withdraw the applications before the Decision Notice was issued.

The meeting closed at 3.15 p.m.

Chairman

Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. J. Smart 'A'	Replacement of an existing dwelling with 2No. 5 bed detached houses - 7A Plymouth Road, Barnt Green, B45 8JE	Res CA	10/1189-DK 15.09.2011

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

RECOMMENDATION: that, subject to the receipt of amendments to the design of the front of the proposed dwellings, permission be **GRANTED**.

Consultations

Lickey and
Blackwell PC

Consulted: 26.07.2011. Response received: 05.08.2011.

Lickey and Blackwell Parish Council objects to this application, especially when taken into consideration with other recent and current applications.

1. All of the 4 applications we are considering currently in this small area of our parish (10/1189, 11/0610, 11/0621, 11/0626) are subdivisions of already sub-divided original gardens. The density of dwellings in the area is increasing and is in danger of changing the character of the area. In particular we think that applications should be considered in the light of BDC's Strategic Housing Land Availability Assessment where on page 9, under Appropriate Densities for Potential Sites, it states "Some of the smaller settlements in the district such as Barnt Green and Blackwell are characterised by large properties with large gardens. In such settlements densities of 30 dwellings per hectare or above would cause significant harm to the character and appearance of the area." Our Village Design Statement (VDS), adopted by BDC as a SPG, states that the parish should be protected from becoming part of the urban sprawl by preserving "the openness in residential areas by avoiding subdivision of plots and infill development" Therefore we would like these applications to be seen together for their impact, and would urge that they be put before the Planning Committee.

2. New Government guidelines no longer consider gardens as brown field sites, and that they should be valued.

3. The size and density of the proposal also contradicts building guidelines in the VDS which states that "New houses should generally reflect the character, setting and style of the housing in the immediate vicinity." Berry Drive consists of houses in spacious lawned plots.

4. Over the last decade or so BDC has seen a great increase in the building of large 4 and 5 bedroom houses to the point where we have a surfeit of them. So to rebalance the district's housing supply, what is needed now is smaller 2 and 3 bedroom type.

5. We are, also, aware that the properties in Plymouth Road, the cul de sacs off and Brookhouse Road have had a history of problems with flooding, which could be exacerbated by this development. It is reported to us that a watercourse actually runs under this property.

6. We would like to see that the hedge that bounds Plymouth Road is protected as it is the original hedge boundary. Our VDS states that we should "preserve our roadside trees and hedges" and where lost "should be replaced whenever possible. At key locations, replacements should be of sufficient size to give instant visual impact. Native species will normally be required."

Finally, we have concerns that the continued destruction of good, well maintained housing stock such as this is contrary to a sustainable housing policy.

WH Consulted 26.07.2011. Response received 24.08.2011. No objection.
ENG Consulted: 26.07.2011. Response received: 19.08.2011.
No objection subject to conditions.
Conservation Officer Consulted: 26.07.2011. No response to date.
EHO Consulted: 26.07.2011. No response to date.
Tree Officer Consulted 12.08.2011. No response to date.
Publicity: Neighbour notification:
3 letters sent 26.07.2011, expired 16.08.2011.
Site Notice posted 11.08.2011, expires 02.09.2011.

1 comment received, summarised as follows:

No objection in principle apart from the fact that the houses are sited far too closely together. There would be an invasion of privacy for the occupants of both houses. The proposal would not be a marketable prospect.

The site and its surroundings

The application site comprises an elongated bungalow on the west side of Plymouth Road with a large extension at the rear oriented towards the south. A large vernacular revival style dwelling (No.7) is located to the south east. On the opposite side, there is a modern property adjoining (No. 9). There is a very large garden to the rear with a specimen mature cedar, which is likely to have originally been in the garden of the adjoining property (No. 7). There are mature trees and hedges on all of the boundaries. The site adjoins Barnt Green conservation area to the east.

Proposal

The proposal is for the replacement of the existing dwelling at No. 7A Plymouth Road with 2 No. 5 bed detached houses. The application is accompanied by a Bat Survey and a Design and Access Statement.

Relevant Planning History

B/17000/1988 Extension forming swimming pool and changing room. Granted 10.10.1988.
BU/163/1963 House Granted.

Relevant Policies

WMSS	QE1, QE2, QE3.
WCSP	CTC.1, D.5, SD.2, SD.3, SD.4, SD.5, T.1
BDLP	DS4, DS13, S7, S8, S35A, S36, C4, C17, BG4, TR1, TR11.
Others	PPS1, PPS3, PPS9, PPG13, SPG1.
DCS2	CP18

Notes

The application site is located within the low density housing area and adjoins a conservation area.

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

- (i) The principle of development on this site.
- (ii) The impact of the proposal on the layout and character of the site and adjoining conservation area.
- (iii) The impact of the proposal on the amenity of neighbouring residents.

In this respect, policies BG4, S7, S8 and S35A of the Bromsgrove District Local Plan and the advice of PPS3 (Housing) and SPG1 (Residential Design Guide) are most relevant in determining the application.

(i) Principle

Members should be aware of the amendments to PPS3 in respect of the exclusion of gardens from the definition of previously developed land. This does not mean that all proposals for residential development on gardens is unacceptable and each application must be considered on its own merit. The comments in this respect from Lickey and Blackwell Parish Council are noted.

I consider that the principle of the development is acceptable provided that the proposal fulfils the requirements of the development plan.

(ii) Design Density and Layout

The site forms part of an identified area for low density housing in respect of policy BG4. Policy BG4 states that the special character of the area should be maintained. The area consists of low density housing in a semi rural setting. The erection of the dwellings in the current proposal on a site of 0.35Ha would result in a site density of 6 dwellings per hectare. I note that the explanatory text of policy BG4 provides for an indicative density of 1 - 4 units per acre (approximately 3 - 10 units per hectare). I consider that the proposal falls within the parameters of policy BG4 and is therefore acceptable in policy terms.

Policy S8 seeks to prohibit plot sub-division and housing on backland sites where such development would be detrimental to the character of the wider area. I do not consider that the proposal amounts to backland development since it follows the street pattern of Plymouth Road and would not result in a tandem arrangement. I note that the dwelling is

set off the adjoining boundaries by 1m and the same distance from their common boundary. This is slightly less than the set off of the existing dwelling.

I have concerns about the set forward wings on both of the proposed dwellings to the front and I do not consider that this is acceptable in terms of the character of the streetscene. Amendments have been sought.

Policy S35 states that development 'in and adjoining conservation areas' needs to be sympathetic to the character of buildings in the area. This is complex on Plymouth Road, by virtue of the eclectic mix of properties therein. Whilst the proposals are not architecturally unique or outstanding, neither is the property being replaced. I would have some concerns about the set forward ranges facing Plymouth Road but I note that these are not set forward of the existing building line. The dwellings would reflect the scale and proportions of the adjoining No. 7 more appropriately than the current dwelling. The views of the Conservation Officer are awaited.

(iii) Residential Amenity

In terms of the amenity and privacy of adjoining occupiers, the advice of paragraphs 8.0 - 8.4 of SPG1 are most relevant. A minimum separation distance of 21m is required to achieve a degree of privacy between conventional two storey dwellings.

There is a 65m gap between the rear elevations of both plots 1 and 2 from the rear garden of No. 5 Woodside Close. Therefore, I do not consider that there would be any loss of privacy or amenity to this property and the extensive boundary treatment is noted. There is a separation distance of 79m to Nos. 6 - 8 opposite because of the substantial set back of these properties from Plymouth Road.

I note that the sides of the proposed dwellings are close to the boundaries of No. 7 and No. 9 Plymouth Road and the proposal is for 2 storey properties compared with the present bungalow. I note that there is a first floor dormer style window on No. 9 and a second floor window on No. 7. In the case of the latter it is set in by approximately 9m from the boundary of the application site. The window on No. 7 faces NW and therefore, I do not consider that the proposal would result in a significant loss of light. The first floor windows on this property have a view of the proposal which is obscured by the existing garage. The first floor side windows on plots 1 and 2 serve ensembles and I do not consider that there would be a loss of privacy subject to conditions.

In terms of amenity space for the dwellings, the proposal would exceed the requirements of paragraph 9.0 of SPG1 for both of the plots.

Overall, the proposal conforms with the advice of SPG1 and with the requirements of policy S7 (e).

Other Issues

The application is accompanied by a Bat Survey and no evidence of bats was uncovered in the existing property. I consider that the proposal would not be in conflict with the advice of PPS9, or the Natural Environment and Rural Communities Act 2006.

The site is below the threshold for the provision of an open space contribution in the context of SPG11. There are a number of mature trees of merit in the garden and the views of the Tree Officer are awaited. Members should note the points raised in the representation received. Although, the properties are located close to one another, the existing bungalow is also located close to the boundary with adjoining properties and the set off is sufficient to comply with SPG1. In terms of the marketability of the dwellings, this is a matter for the applicant and not a material planning consideration.

Conclusion

Members should note the Draft National Planning Framework which needs to be considered in assessing the application. Paragraph 110 states:

'The presumption in favour of sustainable development means that Local Plans should be prepared on the basis that objectively assessed development needs should be met, unless the impacts of doing so *would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.* Applications should be considered in accordance with the presumption.'

Taking all matters into consideration, permission should be granted.

RECOMMENDATION: that, subject to the receipt of amendments to the design of the front of the proposed dwellings, permission be **GRANTED**, subject to the following conditions:

1. C1
2. C1A
3. C3
4. C5 (modified)
5. C7
6. C10
7. C13

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Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Avoncroft Cattle Breeders Ltd. 'A'	Demolition of a Dutch barn; change of use of offices, laboratories and bull pens to provide 12 flats; alterations to the existing access; and other associated works - Avoncroft Cattle Breeders Ltd., Buntsford Hill, Bromsgrove, B60 3AS	GB	11/0507-DK 04.10.2011

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application following the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:

- (i) education provision; and
- (ii) arrangements for the management of the public open space.

Consultations

WH	Consulted 11.07.2011. Response received: 17.08.2011. No objection subject to conditions.
Stoke PC	Consulted 11.07.2011. Response received 16.08.2011. Objection: The development is situated in the Green Belt. It is only suitable for agricultural purposes. The proposal does not comply with policy. It is not in keeping with the existing area, there is no infrastructure to support high density residential development. The proposed residential units are of an unsuitable size. The proposed play area is unsuitable and would detract from resident's amenity. There is a risk of flooding and the wildlife on the site has not been adequately considered.
LP (Open Space)	Consulted 11.07.2011. Response received 02.08.2011. These comments focus solely on play space as the proposal does not appear to raise any other major policy issues. This residential development exceeds the minimum of 6 units and therefore SPG11 should apply. A development of 2 x 1bed and 8 x 2bed properties generates 828m ² of play space. As the amount of play space generated is less than 1000m ² it would usually be provided off-site. However, I note that the applicant has chosen to provide an area of play space on site of 1200m ² which therefore accords with SPG11. Maintenance costs would usually be payable however it should be noted that the applicant is proposing to use a management company ensuring that no financial burden is placed on the Council. The relationship between the open space and the proposed residential units would not appear to be ideal, particularly in relation to a lack of natural surveillance.

WCC Education Services	Consulted 11.07.2011. Response received 15.07.2011. The schools in the area which would be affected by the proposal are: Charford First (Feeding Aston Fields Middle) and South Bromsgrove High. The total requirement is £13,140.
ENG	Consulted 11.07.2011. Response received 12.08.2011. No objection subject to conditions.
EA	Consulted 18.08.2011. No response to date.
20 Cent	Consulted 11.07.2011. No response to date.
Tree Officer	Consulted 11.07.2011. Response received 24.08.2011. No objection subject to conditions.
WWT	Consulted 11.07.2011. No response to date.
Strategic Housing	Consulted 11.07.2011. No response to date.
WMERC	Consulted 11.07.2011. No response to date.
EHO (Contaminated Land)	Consulted 11.07.2011. Response 02.08.2011. No objection subject to conditions.
EDO	Consulted 11.07.2011. No response to date.
Publicity	Site Notice posted: 08.08.2011. Expires 29.08.2011. Press Notice posted: 21.07.2011. Expires 11.08.2011. 5 letters sent 12.07.2011. Expire 02.08.2011.

13 comments received summarized as appropriate:

- The site is unsuitable site for this kind of development and it would not be in keeping with the area
- The proposal would result in increased traffic flow when the commercial uses opposite are taken into account and the road infrastructure is inadequate
- Buntsford Hill is a very dangerous road for both pedestrians and traffic
- There is no Public transport available
- The proposed Open Space/Playground would be located to the rear of Dawn Cottage, Mourne Cottage and Elmwood
- The proposed access point to the open space is totally unacceptable and is only for the private use of the residents of Mourne Cottage

- The open space would result in a loss of privacy, noise nuisance and could also lead to problems with youths using it as a meeting place and subsequent vandalism
- A development like this reduce the value of all neighbouring properties
- This development as a whole would have an adverse effect on the neighbourhoods intrinsic qualities and character
- Many of the units have small room sizes
- There is no obligation to have an on site play area and the area selected for this is unsuitable
- There is limited local employment
- The sewerage system will not cope
- Additional hardstanding has been added to the site in recent years and this will increase flood risk
- The buildings should be retained for agricultural purposes
- Buildings for rural conversion schemes should have some architectural merit

The site and its surroundings

The application site comprises former site of Avoncroft Cattle Breeders on the west side of Buntsford Hill, Stoke Prior. There are a range of buildings of various ages and forms. The majority are conventional agricultural buildings including fodder storage and bull pens. The main buildings to the front of the site fronting onto Buntsford Hill contain the original offices and laboratories of the company and have not been in use since 2002. The site operated as an Artificial Insemination Centre between 1944 and 2002.

Proposal

The proposal is for the conversion of the buildings at the front of the site to residential use. These buildings are the former offices/laboratories and bull pens. There is a Dutch Barn adjoining the existing office/laboratory building which is proposed for demolition. The proposal will be for the conversion of these buildings into 12 residential units, comprising 10 No. 2 Bedroom units and 2 No. 1 bedroom units. There are 15 parking spaces proposed. The application is accompanied by Phase 1 Habitat Survey, Structural Survey and Planning, Design and Access Statement.

Relevant Planning History

B/1991/0785	Proposed first floor office extension for administration purposes. Granted 04.11.91
B/2003/1018	Residential Development - Outline consent (as amended by plans received 20.11.03). Refused 25.06.04.
B/2003/1169	Conversion of existing farm, building into changing rooms, construction of two football pitches and associated car parking (as amended by plans received 20.11.03). Refused 25.06.04.
B/2006/1380	Agricultural gateway to land and buildings to continue into access way. As amended and augmented by plans received 21.02.07. Granted 14.03.07

11/0507-DK - Demolition of a Dutch barn; change of use of offices, laboratories and bull pens to provide 12 flats; alterations to the existing access; and other associated works - Avoncroft Cattle Breeders Ltd., Buntsford Hill, Bromsgrove, B60 3AS - Avoncroft Cattle Breeders Ltd.

- B/2007/1081 Change of use application for vacant building (previously used for housing of livestock) into general commercial storage with no building works required. Refused 06.12.2007.
- B/2009/0513 Proposed use of building for purposes falling within B1/B2 and B8 uses - (Certificate of Lawfulness), Refused 20.08.2009. Appeal dismissed 23.09.2010.

Relevant policies

WMRSS	QE1, QE3
WCSP	T1, CTC1, CTC7, CTC13, CTC21, RST3, D16, D38, D39
BDLP	DS2, DS13, C4, C27, C11, TR11
Others	SPG1, SPG4, PPS9, PPG2, Circular 06/2005
Draft CP2	CP22

Assessment

The main issues to be considered in this application are the following:

- (i) whether the proposal would amount to appropriate development in the Green Belt;
- (ii) overall impact of the scheme and suitability of the buildings for conversion;
- (iii) the highway and sustainability issues associated with the proposal;
- (iv) the impact of the proposal on protected species;
- (v) Residential Amenity.

(i) Green Belt

The site is located in the Green Belt and therefore I consider that policies DS2 and C27 of the Bromsgrove District Local Plan (BDLP) and the advice of Supplementary Planning Guidance Note 4 (SPG4) and Planning Policy Guidance Note 2 (PPG2) are most relevant in determining the application.

The development is for the conversion of rural buildings and falls to be considered as acceptable in the context of policy DS2, provided that it meets the requirements of policy C27. It may be appropriate development in the Green Belt provided that the criteria for the conversion of rural buildings are fulfilled.

(ii) Suitability of the buildings for the proposed use and overall impact

Policy C27 states that any re-use of an existing rural building must not have a materially greater impact on the openness of the Green Belt and that the building is of substantial construction, capable of conversion without major works or complete reconstruction. The form, bulk and general design of the scheme must be in keeping with its surroundings.

The proposal seeks the conversion the former main operational buildings at the front of the site to residential use comprising 12 flats. The former two storey office/laboratory range is classified as Building 1 for the purposes of the application and the former single storey offices and attached bull pens are identified as Building 2. A substantial Dutch barn and loading area will be removed and replaced by communal gardens. The

proposed 15 parking spaces will be provided on the existing hardstanding which is largely enclosed by the existing boundary of the site, the agricultural buildings to the SW and the building proposed for conversion to the NE. The removal of the Dutch Barn is welcome but I note that the improvement to the overall openness of the site is limited by the enclosed position of this building in respect of adjoining buildings. I am satisfied that the parking will occupy existing hardstanding areas and that no new build or extensions are proposed. I note that the previous use of the site as an Artificial Insemination (AI) site has not been abandoned in planning terms and could technically be reactivated. On the basis of all of the objective facts, I conclude that the proposal would not have a materially greater impact on the openness or purpose of the Green Belt.

Members must consider whether the buildings are capable of conversion *without major works or complete reconstruction* (emphasis added) as required in policy C27 (c). There is a structural report to support the application. The office buildings are of traditional brick and mortar construction with tiled roofs. The former bull pens are smaller in scale but the survey concludes that the buildings are capable of conversion with substantial works or complete rebuilding.

One of the clear objectives of SPG4 is to maintain the character and integrity of the original rural building. I would refer to paragraph 3.0 which states that a '*building should be capable of conversion to its new use, without the loss of those characteristics which make it worth keeping and conversions are least likely to be successful where:*

- Excessive original fabric is lost by the introduction of new openings;
- Unbroken walls are disrupted with new doors and windows
- Interior walls are sub-divided by the introduction of floors and partition walls.'

It is noted that the buildings are not of particular architectural merit and the offices have a modern appearance in a rural context. The former bull pens have a more traditional vernacular form. In the case of Building 1, there are very limited elevational changes proposed between the existing and proposed with the exception of the insertion of a window on the NE elevation of the building. Many of the internal walls are also retained. This is also the case for Building 2 (former offices and bull pens). I note that all elevations facing towards public views remain almost identical to the present situation. I consider that the proposal accords with policy C27. I note the representation received to the effect that the buildings are not of sufficient merit to be considered for conversion but the policy does not expressly state that and PPG2 states that the conversion of a rural building may be acceptable subject to a number of criteria and the merit or otherwise of the building is not a decisive factor.

In terms of criterion (d) of policy C27, I consider that the design, bulk and form of the conversion are generally in keeping with their surroundings which are a mix of residential and commercial uses. Overall, I consider that the proposal complies with policy C27 of the BDLP.

(iii) Highway and Sustainability Issues

Members should note the concerns of residents in terms of road safety and sustainability. Whilst, I do not consider that the site is the most sustainable location for residential development, the applicant has addressed this in the Planning, Design and Access Statement (para 2.34-2.39). The site is relatively close to Bromsgrove compared with other rural sites and the applicant has addressed the concerns of WH in respect of the requirement of proximity to bus stops in the WCC Local Transport Plan 3. There is no objection from WH, subject to conditions and I conclude that the proposal would conform to policies T1 of the WCSP and TR11 of the BDLP.

(iv) Ecological Issues

Policy C11 of the BDLP and the advice of PPS9 seek to ensure that protected species are adequately considered in all development proposals. The application is accompanied by a Phase 1 Habitat Survey. There was no evidence uncovered of protected species and recommendations were made should buildings be demolished/altered in respect of additional work. On the basis that the proposal amounts to a conversion, I do not consider that the proposal conflicts with policy C11 or with the advice of Circular 06/2005, subject to appropriate conditions.

(v) Residential Amenity

Members should note the comments of local residents and the Parish Council in terms of residential amenity. This largely focuses on the controversial proposal to provide on site open space to the rear of the existing residential properties which adjoin the site to the NW and the proposed access to this area. In terms of the access adjoining Mourné Cottage, immediately to the north, this is a legal and not a planning matter. I do not consider that the proposed on-site Public Open Space is so detrimental to the amenity of adjoining properties to justify a refusal.

There are residential properties to the north west and south east of the application site. Building 2 is located approximately 6m from the side elevation of Mourné Cottage but I note that there is a hipped roof to the side of this property and no windows on the side elevation. Sugarbrook Cottages to the south are located at least 25m away from the proposal and there is substantial boundary treatment. I note that there is a 13m separation distance between the windows on the NW and SE sides of buildings 1 and 2 respectively. There is also a close relationship between the NE elevation and SW elevation of buildings 1 and 2. I note that any affected windows have been identified for obscure glazing and this avoids a loss of privacy to future occupants. I consider that the provision of amenity space is sufficient for the proposal.

Other issues

Members should note that the scheme requires contributions to be provided for education and public open space in accordance with Circular 05/05. At this point, the applicant has agreed to provide a Unilateral Undertaking to provide the education contribution as outlined in the consultations above. Following negotiations with Strategic Planning, the applicant has chosen to proceed on the basis of the provision of the POS on site to be managed independently of the LPA and thereby a contribution is not required. The issues

of drainage and flooding have been raised by Third Parties. However, there is no objection from the Drainage Engineer and the EA have been consulted and a response is awaited.

Conclusion

The proposed development will provide twelve dwellings through the conversion of existing buildings. It will result in the removal of an existing Dutch barn and loading bay. The proposal has been thoroughly assessed against the provisions of the development plan especially policy C27 and the proposal complies overall. Members should be mindful of the Draft National Planning Framework insofar as it relates to applications for residential development:

The presumption in favour of sustainable development means that Local Plans should be prepared on the basis that objectively assessed development needs should be met, unless the impacts of doing so *would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole. Applications should be considered in accordance with the presumption*'.

This means that where a proposal is considered against the provisions of the development plan and accords with it, then there is a presumption in favour of granting permission and *significant and demonstrable harm* needs to be demonstrated to warrant refusal.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application following the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:

- (iii) education provision; and
- (iv) arrangements for the management of the public open space.

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Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr Neil Alsop 'A'	Proposed Demolition of Existing Dwelling and Erection of Three New Dwellings - (resubmission of application 10/1011-DK) - 2 Berry Drive, Barnt Green, B45 8XL	Res	11/0610-DK 07.09.2011

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

RECOMMENDATION: that permission be **GRANTED**.

Consultations

Lickey and
Blackwell PC

Consulted: 19.07.2011. Response received: 05.08.2011.

Lickey and Blackwell Parish Council objects to this application, especially when taken into consideration with other recent and current applications.

1. All of the 4 applications we are considering currently in this small area of our parish (10/1189, 11/0610, 11/0621, 11/06260) are subdivisions of already sub-divided original gardens. The density of dwellings in the area is increasing and is in danger of changing the character of the area. In particular we think that applications should be considered in the light of BDC's Strategic Housing Land Availability Assessment where on page 9, under Appropriate Densities for Potential Sites, it states "Some of the smaller settlements in the district such as Barnt Green and Blackwell are characterised by large properties with large gardens. In such settlements densities of 30 dwellings per hectare or above would cause significant harm to the character and appearance of the area." Our Village Design Statement (VDS), adopted by BDC as a SPG, states that the parish should be protected from becoming part of the urban sprawl by preserving "the openness in residential areas by avoiding subdivision of plots and infill development" Therefore we would like these applications to be seen together for their impact, and would urge that they be put before the Planning Committee.

2. New Government guidelines no longer consider gardens as brown field sites, and that they should be valued.

3. The size and density of the proposal also contradicts building guidelines in the VDS which states that "New houses should generally reflect the character, setting and style of the housing in the immediate vicinity." Berry Drive consists of houses in spacious lawned plots.

4. Over the last decade or so BDC has seen a great increase in the building of large 4 and 5 bedroom houses to the point where we have a surfeit of them. So to rebalance the district's housing supply, what is needed now is smaller 2 and 3 bedroom type.

5. We are, also, aware that the properties in Plymouth Road, the cul de sacs off and Brookhouse Road have had a history of problems with flooding, which could be exacerbated by this development. It is reported to us that a watercourse actually runs under this property.

6. We would like to see that the hedge that bounds Plymouth Road is protected as it is the original hedge boundary. Our VDS states that we should "preserve our roadside trees and hedges" and where lost "should be replaced whenever possible. At key locations replacements should be of sufficient size to give instant visual impact. Native species will normally be required."

Finally, we have concerns that the continued destruction of good, well maintained housing stock such as this is contrary to a sustainable housing policy.

WH Consulted 19.07.2011. Response received 29.07.2011.
No objection subject to the following conditions:
HC4 Single Access New Footway
HC5 Visibility Splays
HC8 Vehicle Access Construction + HC14 Driveway Gradient
Advisories HN1, HN4, HN5, HN9 and HN24.

ENG Consulted: 19.07.2011. Response received 22.08.2011.
No objection subject to conditions.

EHO Consulted: 19.07.2011. Response received 02.08.2011
No objection.

Tree Officer Consulted 22.08.2011. Response received 25.08.2011
No objection subject to conditions.

Worcestershire Wildlife Trust Consulted 19.07.2011. No response to date.

Publicity Neighbour notification:
3 letters sent 19.07.2011, expired 09.08.2011.
Site Notice posted 12.08.2011, expires 02.09.2011.

Objection letter with 221 signatories and 4 additional letters of objection received. The principal issues raised are summarised as follows:

- The form and layout of the development is out of keeping with the surroundings and would have a harmful effect on the special character of the area
- The density of the proposal is the equivalent of 6 houses per acre (or 15 per hectare) which is out of keeping with other local properties
- The demolition of the existing property poses risks
- The revised Design and Access Statement is misleading
- Existing trees and hedges will be lost
- The proposal is contrary to policies DS13, BG4, S7, and S8 of the BDLP
- The proposal will cause traffic congestion and there are also complications in respect of access because of the position of a lamppost on Plymouth Road
- Berry Drive is an unadopted private road. There are also legal, title and party wall issues
- The information on the application form is misleading

- There would be a loss of residential amenity due to light, noise and overlooking and a loss of amenity for the residents of No. 4 Berry Drive arising from the position of the windows of the proposed plot 3.
- The unjustifiable demolition of a distinctive home is an unnecessary act of vandalism and would destroy the distinctive and distinctive character of the estate and its environs
- An unacceptable precedent would be set
- The proposal would directly cause the loss of amenity, privacy and environmental quality for local and adjoining residents
- The area cannot support any further density of housing
- There would be an adverse impact on the biodiversity of local flora and wildlife species and the extensive loss of mature natural hedgerow and trees.
- There is a government intent to stop garden grabbing and plot sub-division for speculative gain
- The development conflicts with the Council's sustainability/green objectives
- The proposal is contrary to local plan policies
- The proposal does not maintain the open aspect of the area
- It will exacerbate the difficulties which residents already face with traffic, public amenities, drainage and flooding, etc.
- The area is frequented by muncjacs, fallow deer, foxes and badgers, toads and bats and recently a smooth newt

Members are encouraged to read the Third Party representations, which are summarised above, in full on the planning file.

The site and its surroundings

The application site is a large detached house on the corner of Berry Drive and Plymouth Road. There are good levels of screening on all boundaries. The site is bordered to the east by Blakes Field Drive and faces Plymouth Road to the south. It is bordered by 4 Berry Drive to the north and 34 Plymouth Road to the east. The existing house is a two storey detached property with a link detached garage to the north. There is an open plan arrangement to the front of the properties facing onto Berry Drive. The properties on the opposite side of Plymouth are slightly set down in respect of the site.

Proposal

The proposal is a full planning application for the demolition of an existing dwelling and the erection of three dwellings. Plots 1 and 2 are proposed in the position of the existing property and plot 3 is proposed in the rear garden of this property and will face Plymouth Road. Members should note that the previous application was withdrawn as there was insufficient information in respect of the impact of the proposals on protected species. The current application is accompanied by a Bat Survey. The application is also supported by a Design and Access Statement and Water Management Statement.

Relevant Planning History

B1634	Erection of six dwellings on part of the grounds of 'Woodbury', Plymouth Road/Mearse Lane Granted 06.10.1975.
B/2010/1011	Proposed Demolition of Existing Dwelling and Erection of Three New Dwellings. Withdrawn 07.01.2011.

Relevant Policies

WMSS	QE1, QE2, QE3
WCSP	CTC.1, D.5, SD.2, SD.3, SD.4, SD.5, T.1
BDLP	DS4, DS13, S7, S8, C4, C17, BG4, TR1, TR11
Others	PPS1, PPS3, PPS9, PPG13, SPG1
DCS2	CP18

Notes

Members should note the large number of representations received in respect of the application. These issues will be considered in detail in the report below. The key test in assessing the application is whether the objections are well founded in planning policy terms such that there would be an identified harm to the character and amenity of the area.

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

- (i) The principle of development on this site;
- (ii) The impact of the plot sub-division and the resulting density and layout in respect of the character of the area;
- (iii) The impact of the proposal on the amenity of neighbouring residents.

In this respect, policies BG4, S7 and S8 of the Bromsgrove District Local Plan and the advice of PPS3 (Housing) and SPG1 (Residential Design Guide) are most relevant in determining the application.

Principle

Members should be aware of the amendments to PPS3 in respect of the exclusion of gardens from the definition of previously developed land. This does not mean that all proposals for residential development on gardens is unacceptable and each application must be considered on its own merit.

I consider that the principle of the development is acceptable provided that the proposal fulfils the requirements of the development plan.

I note that the representations appear to challenge the principle of development at this location. However, the site is located within the defined urban area and as such, I do not consider that current national and local planning policy establishes a presumption against development at this location. I examine the proposal on the basis of policies S7, S8 and BG4 of the BDLP and the advice of SPG1. Members should note that the application is

identical to the previous proposal apart from the reduction of the proposed garage on plot 2.

Design Density and Layout

The site forms part of an identified area for low density housing in respect of policy BG4. Policy BG4 states that the special character of the area should be maintained. The area consists of low density housing in a semi rural setting. The erection of the dwellings in the current proposal on a site of 0.32Ha would result in a site density of 9 dwellings per hectare. I note that the explanatory text of policy BG4 provides for an indicative density of 1 - 4 units per acre (approximately 3 - 10 units per hectare). Members should note the representations received in terms of increased density. I note that the site density would be higher than adjoining plots but there are areas of higher density along Plymouth Road and in the wider area. I consider that the proposal falls within the parameters of policy BG4 and is therefore acceptable in policy terms.

There have been many comments received in opposition to plot sub-division. Policy S8 seeks to prohibit plot sub-division and housing on backland sites where such development would be detrimental to the character of the wider area. I do not consider that the proposal amounts to backland development since it follows the street pattern of Plymouth Road and Berry Drive as a result of its corner plot position. I do not consider that the plot sub-division is of particular detriment such that permission can be refused on that basis. I note that permission was granted in B/1993/0142 for the erection of five dwellings at 27 Plymouth Road referred to as 'The Hollies' which similarly amounts to plot sub-division. I note that the application is a spacious corner plot but this is not the case for all of the dwellings on Plymouth Road and the retention of the set back from Berry Drive will enable the retention of the uniquely open aspect to this street.

In terms of the layout of the proposal, plots 1 and 2 are positioned on the footprint of the existing dwelling, allowing the retention of the open plan arrangement to the front of the properties on Berry Drive. There is no established building line along this section of Plymouth Road with No.34 set back, No. 40 set forward and the site adjoins the corner plot of 1 Blakes Field Drive. Members should note the level of screening on the Plymouth Road frontage which is largely being retained along with the trees to the front of proposed plot 3.

The design of the proposal would consist of three large detached houses with design similarities between plots 1 and 2 which are both hip roofed with similar elevation details. Plot 3 is a narrower profile and more elongated structure with a two storey set forward central range. I note the mix of designs in the area and I do not consider that the proposed designs are inappropriate. In terms of the revised scheme, plot 2 now contains a single garage set forward by approximately 2.5m which is a considerable reduction from the previous scheme. In the overall context of the scheme, I consider this acceptable.

I note the concerns of residents in respect of the character of the existing property. The house is not listed or in a conservation area, so therefore I do not consider that its removal breaches fundamental planning principles. I note the comments about the sustainability of demolition but this is a matter for the government and would require legislative changes. I have examined the original consent for the site (B1634) and there are no conditions which would preclude this proposal. I do not consider that the original

property, whilst an attractive house, is architecturally unique such that it warrants retention and protection. Overall, I consider that the proposal is acceptable in terms of its design, density and layout.

Residential Amenity

In terms of the amenity and privacy of adjoining occupiers, the advice of paragraphs 8.0 - 8.4 of SPG1 are most relevant. A minimum separation distance of 21m is required to achieve a degree of privacy between conventional two storey dwellings. The orientation of the plots is such that there is no conflict in terms of the requirements of Figure 14 of SPG1 between the proposed units. There is 25m separation distance to No. 25c Plymouth Road opposite Plot 2 and at least 50m to No 25 at a more oblique angle. Plot 3 is positioned to the front of a long driveway leading to No. 25b. In any event, the retention of the hedge on Plymouth Road mitigates any impact.

Members should note the comments received from the residents of 4 Berry Drive. However, any windows on Plot 3 are located between 46m and 52m from windows on No.4. This is twice the standard distance of SPG1 and the angle is oblique. I note that there are no windows main living room windows facing in the direction of No. 4 and in any event, there is screening and only oblique views would be afforded.

There is a separation distance of 35m between plots 1 and 2 and the property 34 Plymouth Road opposite. This property is oriented towards Plymouth Road and there is significant screening.

In terms of amenity space for the dwellings, the proposal would exceed the requirements of paragraph 9.0 of SPG1 for all of the plots.

Overall, the proposal conforms with the advice of SPG1 and or with the requirements of policy S7 (e).

Ecological Issues

The issue of harm to biodiversity has been raised in the representations received. The previous application was accompanied by a Baseline Ecological Survey and evidence of a small number of Pipistrelle bats was uncovered. Additional survey work was required. Daylight and dusk emergence surveys have been conducted and common pipistrelle bats have been discovered. Therefore, a European Protected Species License must be obtained. I consider that the survey has been conducted appropriately by a consultant ecologist and the species uncovered can be adequately catered for through the licensing process and appropriate conditions.

Members should note the representations received in respect of trees and hedges. I note that most of the trees on the site are being retained and the part of the hedge removed on Plymouth Road amounts to 2m out of a total length of 63m.

Other Issues

The site is below the threshold for the provision of an open space contribution in the context of SPG11. The history of the site indicates little likelihood of contamination and there is no objection from Environmental Health. The representations raised concerns

about drainage. Members should note that a Water Management Statement has been presented with the application which recommends a Sustainable Urban Drainage System (SUDS). The Drainage Engineer has commented that this arrangement can only be beneficial to the finished site. The objections in respect of increased traffic and the impact of construction traffic are noted. There is no objection from Worcestershire Highways. The issue of private ownership of Berry Drive has been raised and any rights and covenants are a legal matter and not a material planning consideration.

Conclusion

Members should note the number of representations received opposed to the application. However on the basis of the characteristics of the area and on the prevailing policies of the development plan, the proposal is acceptable. I do not consider that there is any harm which would impact negatively on the character of the area, the amenity of residents or on any environmental assets of acknowledged importance. Members should note the Draft National Planning Framework. Paragraph 110 states:

'The presumption in favour of sustainable development means that Local Plans should be prepared on the basis that objectively assessed development needs should be met, unless the impacts of doing so *would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.* Applications should be considered in accordance with the presumption'

Taking all matters into consideration and the emerging guidance of the National Planning Framework which requires a more responsive approach to the delivery of development, permission should be granted.

RECOMMENDATION: that permission be **GRANTED** subject to the following conditions:

1. C1
2. C1A
3. C3
4. C5 (modified)
5. C7
6. C10
7. C13
8. C14
9. C15
10. C16
11. C17
12. C18
13. C19
14. HC4
15. HC5
16. HC8
17. Ecological conditions.

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Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Redditch Borough Council and Bromsgrove District Council 'A'	Installation of Silicon Photovoltaic Cells - Bromsgrove District Council Depot, Aston Road, Bromsgrove, B60 3EX	EMP	11/0631-DK 15.09.2011

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

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WH	Consulted 27.07.2011. No response to date.
CLIMHCG	Consulted 27.07.2011. No response to date.
Publicity	1 letter sent 12.08.2011, expires 02.09.2011. Site Notice posted 11.08.2011, expires 01.09.2011. No responses received.

The site and its surroundings

The application site is the Bromsgrove District Council Depot at Aston Road. The site forms part of an industrial estate with the railway to the south east. The building is composed of brick and corrugated metal, which is typical of the industrial buildings in the locality.

Proposal

The proposal is for the installation of Silicon Photovoltaic Cells on the roof of the depot building and these will be visible on the north west and south east elevations.

Relevant Policies

WMSS	QE1, EN1, EN2
WCSP	CTC.1, CTC.2, CTC.7, EN.2, SD.2
BDLP	DS13
DCS2	CP19
Others	PPS1, PPS22

Relevant Planning History

There is no relevant planning history.

Notes

The application proposes the installation of solar photovoltaic panels on the roof of the existing depot at Aston Road. The proposal will fulfil the Council's objective of reducing carbon dioxide and other greenhouse gas emissions arising from day to day operations.

The electricity generated will be used on the site and any surplus generated, which is not used (such as at weekends) will be exported back to the National Grid.

The main considerations in determining this application are:

- (i) the policy position which seeks to reduce carbon dioxide emissions and switch to renewable sources
- (ii) the impact of the proposal on the character of the building and the surrounding area

(i) Policy

There is a recurrent theme within the RSS, WCSP, BDLP and national guidance to encourage the provision of infrastructure for renewable energy generation. PPS 22 also advises against the rejection planning applications for small scale renewable energy projects simply because the level of output, or number of buildings supplied, is small.

Members should Core Policy 19 of the emerging Core Strategy is strongly supportive of the provision of *zero or low carbon energy generation technologies*. These proposals must be appropriate to the landscape character and townscape of an area.

Therefore, the need to increase energy efficiency and to derive a greater proportion of the energy used from renewable, sustainable sources, and to reduce carbon emissions, is well enshrined in national and local policies.

(ii) Character

The impact of the proposal on the character of the building and surrounding area must be considered. The depot is well set back from Aston Road and has a utilitarian, functional appearance with a structure which is part brick/part corrugated metal. The solar photovoltaic cells will have the appearance of rooflights. I do not consider that the alteration would be detrimental to the character of the existing building or that of the surrounding area, which consists of a variety of modern industrial units. I note that most of the cells will be located on the south west elevation which is not visible from Aston Road. There are no residential properties in proximity to the site.

Conclusion

The proposal is strongly supported by existing and emerging policies and there are no identified adverse impacts on amenity. Permission should be granted.

RECOMMENDATION: that planning permission is **GRANTED**, subject to the following conditions:

1. C1
2. C1A

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Agenda Item 9

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. S. Dudley 'A'	Amendment to application 11/0268 (LBC) to include demolition of half brick gable wall for reconstruction to Wharf Cottage, Alcester Road, Tardebigge, Bromsgrove, B60 1NF	LB	11/0698-SG 30.09.2011

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application following the expiration of the publicity period on **16th September 2011**.

In the event that further representations are received, **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services in consultation with the Chairman of Planning Committee to assess whether new material considerations have been raised and to issue a decision after the expiry of the statutory publicity period accordingly.

Consultations

CO 10.08.11 expire 24.08.11 - no objection subject to conditions

Tutnall and Cobley PC 10.08.11 expire 31.08.11 - no objection subject to conditions

GG 26.08.11 expire 16.09.11 - no comments received

SPAB 26.08.11 expire 16.09.11 - no comments received

Publicity: Site notice posted 24.08.11 expire 14.09.11
Press notice 24.08.11 expire 15.09.11

The site and its surroundings

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

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

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

Proposal

Members will note that application 11/0268 was granted Listed Building Consent on 21st July 2011 for the extension and restoration of the existing 2 bed cottage and conversion of the Warehouse into two 3 bed dwellings. The previous approval included a 1st floor extension to the rear of the cottage and a new roof.

When the applicant attempted to implement the permission granted, by virtue of removing the defective render on the gable end wall of the cottage, the wall became unstable and was permitted for removal by the Conservation Officer for safety reasons. This application is seeking the reconstruction of this gable wall and represents an amendment to the 11/0268 consent.

Relevant policies

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

Relevant History

11/0268 LBC. Refurbishment and extension of Wharf Cottage and Conversion of Warehouse into 2 dwellings with removal of modern lean-to and internal staircase (As amended by plans received 19.04.2011, 17.05.2011 and 25.05.2011. As augmented by plans received 19.04.2011, 17.05.2011, 27.05.2011 and 27.06.2011, external material samples received April and May 2011, Photographic Record dated 26.05.2011, Structural Report and calculations received 26.04.2011, Nullifire Fire Protection Document and Primers & Top Seals Document and email received 27.05.2011, email received 23.06.2011 (timber treatment)). Granted 21.07.2011.

Notes

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

Listed Building and Conservation Area

The building has individual special interest as a surviving early industrial building that contributes to the character of the wider Canal Conservation Area. Under the approved LBC (11/0268), it was considered that the active use of the building would benefit the Listed Building since the structural works would deal with extant issues of structural movement and decaying fabric. Removal of the unattractive lean-to extension to the front

of the warehouse was also considered to be advantageous because it would improve the appearance of the building. Retention of the historic brick privy was also welcomed.

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

On this matter, works were started to remove the defective render from the end gable wall of the Cottage. During this process the wall was found to be of ½ brick thickness with no solid foundations and as such the bricks were friable and loose to the extent that they could be easily removed by hand.

Under section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is an offense to execute any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised. As such, Under Section 9 (3) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the applicant needed to serve a notice on the Local Planning Authority, to justify in detail why the works are being or were carried out, and in particular needed to explain:

- 1 that they were urgently necessary in the interests of safety or health or for the preservation of the building;
- 2 that the same result could not be achieved by repair works or temporary support or shelter; and
- 3 that the works were limited to the minimum measures immediately necessary.

Following receipt of this notice and a site visit from the Conservation Officer on 4th August, the gable wall was confirmed to be in a dangerous condition with a view to being taken down as soon as possible. As such, the Conservation Officer considered demolition of the gable end wall to be urgently necessary and does not raised any objections to its reconstruction.

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

Conclusion

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

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application following the expiration of the publicity period on **16th September 2011**.

In the event that further representations are received, **DELEGATED POWERS** be granted to the Head of Planning and Regeneration in consultation with the Chair of Planning Committee to assess whether new material considerations have been raised and to issue a decision after the expiry of the statutory publicity period accordingly.

Agenda Item 10

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. S. Dudley 'A'	Amendment to application 11/0266 to include demolition of half brick gable wall for reconstruction to Wharf Cottage, Alcester Road, Tardebigge, Bromsgrove, B60 1NF	GB CA LB2 LPA	11/0709-SG 05.10.2011

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application following the expiration of the publicity period on **16th September 2011**.

In the event that further representations are received, **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services in consultation with the Chairman of Planning Committee to assess whether new material considerations have been raised and to issue a decision after the expiry of the statutory publicity period accordingly.

Consultations

WH	16.08.2011 expire 30.08.2011 - no comments received to date
Tutnall and Cobley PC	16.08.2011 expire 06.09.2011 - no comments received to date
EHM	16.08.2011 expire 30.08.2011 - no comments received to date
SPM	16.08.2011 expire 30.08.2011 - no comments received to date
TO	16.08.2011 expire 30.08.2011 - no comments received to date
CO	16.08.2011 expire 30.08.2011 - no objection subject to conditions
ENG	16.08.2011 expire 30.08.2011 - no comments received to date
BW	16.08.2011 expire 06.09.2011 - no comments received to date
WWT	16.08.2011 expire 06.09.2011 - no comments received to date

Publicity: Neighbour notification
2 letters sent 16.08.2011 & 26.08.2011 expires 06.09.2011 & 16.09.2011
Site notice posted 24.08.2011 expire 14.09.2011
Press notice 25.08.2011 expire 15.09.2011

1 comment received - please note that the majority of the gable wall has already been demolished, I believe by the contractor using a mechanical digger.

The site and its surroundings

This application relates to Wharf Cottage and Warehouse which are Grade II Listed. Wharf Cottage and Warehouse are located within New Wharf which consists of a hamlet of cottages and wharf buildings. The site is located north of the Worcester and

Birmingham Canal in Tardebigge. The site is access via a communal driveway off Alcester Road which is shared by the other cottages and wharf buildings in the complex.

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

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

Proposal

Members will note that application 11/0266 was approved on 21st July 2011 for the extension and restoration of the existing 2 bed cottage and conversion of the Warehouse into two 3 bed dwellings with hard and soft landscaping and integrated car parking. The previous approval included a 1st floor extension to the rear of the cottage and a new roof.

When the applicant attempted to implement the permission granted, by virtue of removing the defective render on the gable end wall of the cottage, the wall became unstable and was permitted for removal by the Conservation Officer for safety reasons. This application is seeking the reconstruction of this gable wall and represents an amendment to the 11/0266 consent.

Relevant Policies

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

Relevant Planning History

11/0266 Refurbishment and extension of Wharf Cottage and Conversion of Warehouse into 2 dwellings with removal of modern lean-to and internal staircase (as amended by plans received 19.04.2011, 17.05.2011, 25.05.2011, 01.07.2011. As augmented by plan received 17.05.2011, Structural Report and calculations received 26.04.2011, Bat Survey and Mitigation Strategy received 06.04.2011, Bat Emergence Survey received 10.05.2011, Third Bat Survey received 12.07.2011, external material samples received April and May 2011, email received 03.06.2011 and letter received 23.06.2011 (drainage details)). Granted 21.07.2011

11/0268 LBC. Refurbishment and extension of Wharf Cottage & Conversion of Warehouse into 2 dwellings with removal of modern lean-to and internal staircase (As amended by plans received 19.04.2011, 17.05.2011 and 25.05.2011. As augmented by plans received 19.04.2011, 17.05.2011, 27.05.2011 and 27.06.2011, external material samples received April and May 2011, Photographic Record dated 26.05.2011, Structural Report and calculations received 26.04.2011, Nullifire Fire Protection Document and Primers & Top Seals Document and email received 27.05.2011, email received 23.06.2011 (timber treatment)). Granted 21.07.2011.

Notes

The main issues in the consideration of this application are whether the reconstruction of the gable wall is appropriate development in the Green Belt and whether it would constitute major works. Consideration must also be given to the impact of the new wall on the special interest of the Listed Building.

The principle of the development was established in the previous approval (11/0266) and the proposal was considered acceptable in terms of residential amenity, highways, landscaping, design, ecological matters and its impact on the Listed Building and Tardebigge Conservation Area.

Green Belt issues

Policy DS2 of the Bromsgrove District Local Plan 2004 is in general accordance with the provisions of PPG2: Green Belts in setting out the instances where development may be considered appropriate in the Green Belt. One such instance is proposals for the re-use of rural buildings in accordance with Policy C27. Policy C27 sets out a number of criteria against which proposals for the re-use of rural buildings are assessed. Criterion a states that proposals must not have a materially greater impact than the present use on the openness of the Green belt and the purposes of including land in it. Criterion b states that extensions to any re-used rural building and associated land surrounding the building will be strictly controlled, where this would conflict with the openness of the Green Belt and the purposes of including land in it.

Under the previous approval (11/0266), conversion of the warehouse and cottage included a small first floor extension to the cottage to create an additional 9.3m² of floor space. Demolition of the lean-to extension to the front of the warehouse (with an area of 44.6m²) was accepted under the previous approval to compensate for the first floor addition to the cottage.

The proposed replacement gable wall will be built on exactly the same footprint as the wall which has been removed. However the replacement wall will use blockwork that is thicker than the previous single skin gable end wall to the cottage. In spite of this, the replacement wall will not create any addition floor space to the cottage since the wider blockwork will be built inwards thereby making the internal floorspace smaller than that previously approved.

Criterion C of Policy C27 requires rural buildings for conversion to be of a permanent and substantial construction and capable of conversion without major works or complete

reconstruction. Policy D.16 of the WCSP has a similar requirement. The previous approval allowed for the rear wall of the cottage to be removed to facilitate a first floor extension and a new roof to the cottage. No rebuilding works were required to the principle warehouse which is substantially larger than the adjoining cottage.

The works required in this application include the reconstruction of the end gable wall to the cottage following its demolition for safety purposes. As a result of these works, taken together with those previously approved under 11/0266; the gable end, rear wall and roof of the cottage will need to be re-built to allow for the re-use of the cottage. However; having regard to the wider scheme which includes re-use of the larger warehouse, to which no part of the warehouse requires reconstruction. On balance I do not consider the reconstruction of the gable end wall, together with the previously approved structural works would amount to major structural works or complete reconstruction. I therefore consider the proposal accords with criterion c of Policy C27.

For the reasons above, I consider the proposal constitutes appropriate development in the Green Belt. I do not consider the new use of the building would have any greater harm on the openness of the Green Belt than its present redundant use.

Listed Building

The building has individual special interest as a surviving early industrial building that contributes to the character of the wider Canal Conservation Area. Under the approved LBC (11/0268), it was considered that the active use of the building would benefit the Listed Building since the structural works would deal with extant issues of structural movement and decaying fabric. Removal of the unattractive lean-to extension to the front of the warehouse was also considered to be advantageous because it would improve the appearance of the building. Retention of the historic brick privy was also welcomed.

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

On this matter, works were started to remove the defective render from the end gable wall of the Cottage. During this process the wall was found to be of ½ brick thickness with no solid foundations and as such the bricks were friable and loose to the extent that they could be easily removed by hand.

Under section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is an offense to execute any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised. As such, Under Section 9 (3) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the applicant needed to serve a notice on the Local Planning Authority, to justify in detail why the works are being or were carried out, and in particular needed to explain:

- 1 that they were urgently necessary in the interests of safety or health or for the preservation of the building;

- 2 that the same result could not be achieved by repair works or temporary support or shelter; and
- 3 that the works were limited to the minimum measures immediately necessary.

Following receipt of this notice and a site visit from the Conservation Officer on 4th August, the gable wall was confirmed to be in a dangerous condition with a view to being taken down as soon as possible. As such, the Conservation Officer considered demolition of the gable end wall to be urgently necessary and does not raised any objections to its reconstruction.

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

Conclusion

Re-use of the building is considered acceptable in terms of impact on the Green Belt and reconstruction of the gable wall is not considered to be major works or complete reconstruction. Demolition of the wall was considered urgently necessary and re-use of the Wharf Buildings would benefit the Listed Building.

As per he previous approval, the re-use of the buildings involves sympathetic alterations and an extension that would maintain the historic interest of the buildings, and enhance the character and appearance of the Conservation Area. Re-use of the building is considered acceptable in terms of impact on the Green Belt, and mitigation measures will be provided to compensate for the reduction in available bat roosting sites. I therefore find the proposed development to be acceptable in accordance with Policies DS2, C27, C10A, S35A and S39 of the BDLP, Policy D.16, CTC.20, CTC.21 of the WCSP, PPG2, PPS5, SPG4, PPS9 and Circular 06/2005.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application following the expiration of the publicity period on **16th September 2011**.

In the event that further representations are received, **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services in consultation with the Chairman of Planning Committee to assess whether new material considerations have been raised and to issue a decision after the expiry of the statutory publicity period accordingly.

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PLANNING COMMITTEE

12th September 2011

TREE PRESERVATION ORDER (NO. 3) 2011

Relevant Portfolio Holder	Councillor C. B. Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Regeneration Services
Ward(s) Affected	Slideslow
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Committee is asked to consider the confirmation of Tree Preservation Order (No. 3) 2011 relating to trees on land at 53 and 55 Wellington Road, Bromsgrove, B60 2AX.

2. RECOMMENDATION

- 2.1 **It is recommended that Tree Preservation Order (No. 3) 2011 is confirmed without amendment.**

3. KEY ISSUES

Financial Implications

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

Legal Implications

- 3.2 The Town and Country Planning (Trees) Regulations 1999 covers this procedure.

Service / Operational Implications

- 3.3 On the 16th May 2011 a provisional Tree Preservation Order was made in relation to trees on land at 53 and 55 Wellington Road, Bromsgrove, B60 2AX.
- 3.4 The Order was made to protect the trees as they contributed significantly to the amenity in the area.
- 3.5 Notification of the making of the Order was given to all persons in the surrounding area and all who could be affected by the making of the Order.
- 3.6 The Tree Preservation Order was made on a temporary basis on the 16th May 2011 and remains in force until the 16th November 2011.

**PLANNING
COMMITTEE**

12th September 2011

- 3.7 One letter of objection and one letter of support of the Tree Preservation Order have been received.
- 3.8 The letter of objection has been submitted by one of the landowners affected by the Tree Preservation Order (a copy of the letter is attached at Appendix 1). The letter is summarised as follows:-
- (1) The potential of the Cedar tree to have an influence on the structural integrity of the property at 55 Wellington Road.
 - (2) The direct influence the canopy of the Cedar tree is currently having on the guttering of this property.
- 3.9 The Tree Officer's comments are summarised as follows (Tree Officer's report is attached at Appendix 3):-
- (1) I feel the tree is an acceptable distance from the building line of this property. The tree and all local building have co-existed for a substantial time. The geology of the area is generally recognised to be of sandstone bedrock. All of which would lead me to a conclusion that any major influence on any local property is unlikely. Investigatory and substantiating evidence would need to be produced to validate any claim of a structural influence of the tree on the property. Any evidence to this effect would be taken into consideration in any future request for works under the Tree Preservation Order on the tree.
 - (2) It would be acceptable for a neighbour affected by the canopy of a tree touching and directly damaging their property to request it to be pruned to give relief. Permission would almost certainly be granted on trees under protection in such cases.
- 3.10 The letter of support has been received from one of the landowners affected by the Tree Preservation Order (a copy of that letter is attached at Appendix 2). In brief, the landowner expresses overall support of the Tree Preservation Order in that it protects an important tree which is due to its age, prominence in its setting and historical value.

Customer / Equalities and Diversity Implications

- 3.11 The customers have been provided with the relevant notification and the responses received are attached. The customers will receive notification of the decision of the Committee.
- 3.12 There are no equalities and diversity implications.

**PLANNING
COMMITTEE**

12th September 2011

4. RISK MANAGEMENT

- 4.1 There are no significant risks associated with the details included within this Report.

5. APPENDICES

Appendix 1 - Letter of objection from landowner, dated 23rd June 2011.
Appendix 2 - Letter of objection from landowner, dated 23rd June 2011.
Appendix 3 - Tree Officer report, dated 7th July 2011, and attached plan.

6. BACKGROUND PAPERS

N/A

AUTHOR OF REPORT

Name: Kam Sodhi
email: k.sodhi@bromsgrove.gov.uk
Tel.: 01527 881721

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27/6/11

APPENDIX 1



Bromsgrove
Worcestershire
B60 2AY

23rd June 2011

Legal, Equalities and Democratic Services
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

Dear 

In response to your letter dated 16th May 2011 regarding Bromsgrove tree preservation order (No.3) on land at 53 and 55 Wellington Road Bromsgrove. We are writing to object and make you aware of our current situation.

T1. Description Cedar situated in front 53 Wellington Road.

The above tree is under (surveyance) through our house insurance as it is suspected to be the cause of foundation movement at the front left elevation. The branches are growing towards the roof of our house and causing damage to our guttering.

T2. Description Lime in front garden 55 Wellington Road.

We have asked our tree surgeon to seek permission for the tree to be pollarded and are just keeping aware.

Please advise any action we need to take regarding the above information.

Yours faithfully,



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APPENDIX 2

27/6/11

23rd June 2011

Bamsgrove
B60 2AX

Dear Sirs

I am writing with regard to the temporary tree preservation order (N.O.3) 2011 relating to a tree at 53 Wellington Road Bamsgrove B60 2AX, which we received on 16th May 2011

The tree is positioned in our garden and we would like to support the order of preservation due to the trees age and presence within Wellington Road. We feel that the tree forms part of the history of the road and our house in particular and therefore the trees preservation is important to us.

I hope this helps to ensure the continuation of the order past the 6 month temporary period

Yours Sincerely

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MEMORANDUM

APPENDIX 3



From:	[REDACTED] Senior Tree Officer	To:	[REDACTED] Legal Officer
My Ref:	TPO (3) 2011 53 -55 Wellington Road	Your Ref:	TPO (3) 53 -55 Wellington Road
Please ask for:	[REDACTED] Ext [REDACTED]	Date	7 th July 2011

Re: Confirmation Of Tree Preservation Order

Back Ground:

The provisional order was raised on the 16th May 2011 in reaction to an enquiry report / enquiry received indicating that there was a potential consideration being made to fell the Cedar tree on the grounds of 33 Wellington Road and heavily and inappropriately prune the Lime Tree on the grounds of 55 Wellington Road. Both trees are highly prominent within the street scene of the area offering a high level of visual amenity value being visible from the outlook of a number of local properties and to road users and pedestrian passers by. They are of good health and form adding greatly to the character of this well established area.

Representations Received – Objections Appendices 1.

[REDACTED]

Letter received dated 23rd June 2011 highlighting the following concerns.

1. The potential of the Cedar tree to have an influence on the structural integrity of the property at 55 Wellington Road
2. The direct influence the canopy of the Cedar is currently having on the guttering of this property.

My Comments:

1. I feel the tree is an acceptable distance from the building line of this property. The tree and all local building have co-existed for a substantial time. The geology of the area is generally recognised to be of sand stone bed rock. All of which would lead me to a conclusion that any major influence on any local property is unlikely. Investigatory and substantiating evidence would need to be produced to validate any claim of a structural influence of the tree on the property. Any evidence to this affect would be taken into consideration in any future request for works under the Tree Preservation Order on the tree.
2. It would be acceptable for a neighbour affected by the canopy of a tree touching and directly damaging a there property to request it pruned to give relief. Permission would almost certainly be granted on trees under protection in such cases.

Representations Received – Supportive ; Appendices 2.

[REDACTED]

Letter received dated 23 June 2011 expressing his overall support for the order in that it protects the Cedar tree in his front garden. He highlights this is an important tree due to its age prominence in its setting and historical value.

My Comments: Support for a new order is always very welcome but especially so when it comes from an owner of a tree. I strongly agree with all comments made by [REDACTED]

Conclusion & Recommendation

Both trees are highly prominent within the street scene of the area offering a high level of visual amenity value being visible from the outlook of a number of local properties and to passers by. They are of good health and form adding greatly to the character of this well established and mature area. It is common practice for insurance companies to comment on trees near properties in a covering paragraph within policies but generally with no evidence to support if the tree is or will ever affect the building as may be the case in this instance. I believe that both trees can be retained and easily lived with accepting that some reasonable crown management is perhaps carried out periodically. The tree preservation order will give us a regulator control on the level and style of management carried out.

Therefore I propose that Bromsgrove Tree Preservation Order (N.o.3) is confirmed in line with the schedule below.

SCHEDULE 1

Specification of Trees

Trees Specified Individually(encircled in black on the map)

Reference on map	Description	Situation
T1	Cedar	NGR 396518 / 269764 In The Front Garden Of 53 Wellington Road
T2	Lime	NGR 396513 / 269754 In The Front Garden Of 55 Wellington Road

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

None

I recommend that the provisional Tree Preservation order (3) 2011 is now confirmed to include all the above trees.



Bromsgrove
District Council
www.bromsgrove.gov.uk



Department Environmental & Planning

Title: Tree Preservation Order

Scale: 1:500

Address: 53-55 WELLINGTON ROAD
Aston Fields, Bromsgrove

T1=Cedar Tree T2=Lime Tree.

16/05/2011

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