



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 5TH DECEMBER 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 7th November 2011 (Pages 1 - 4)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

5. 11/0686-HR - Proposed gazebo to ground of Nursing Home - Glenfield House Nursing Home, Middle Lane, Headley Heath, Birmingham, B38 0DG - Mr. C. Grant (Pages 5 - 10)
6. 11/0887-DK - Proposed New Workshops and Classroom - Avoncroft Arts Centre, Hanbury Road, Bromsgrove, B60 4JS - Avoncroft Arts Society (Pages 11 - 14)
7. 11/0862-DK - Phased Demolition of existing accommodation wings, link to Housman Hall and construction of replacement student boarding accommodation. Reconfigured parking and landscaping including strengthening of boundary treatment. Rebuilding existing dilapidated stone feature. Full Planning Application - Housman House, Kidderminster Road, Bromsgrove, B61 7JN - Bromsgrove School (Pages 15 - 20)
8. 11/0863-DK - Phased Demolition of existing accommodation wings, link to Housman Hall and construction of replacement student boarding accommodation. Reconfigured parking and landscaping including strengthening of boundary treatment. Rebuilding existing dilapidated stone feature. Conservation Area Consent - Housman House, Kidderminster Road, Bromsgrove, B61 7JN - Bromsgrove School (Pages 21 - 24)
9. 11/0974-DK - Phased Demolition of existing accommodation wings, link to Housman Hall and construction of replacement student boarding accommodation. Reconfigured parking and landscaping including strengthening of boundary treatment. Rebuilding existing dilapidated stone feature. Listed Building Consent - Housman House, Bromsgrove School, Kidderminster Road, Bromsgrove, B61 7JN - Bromsgrove School (Pages 25 - 28)
10. Tree Preservation Order (No. 4) 2011 - Trees on land at Lickey Square / Cleveland Drive / Mearse Lane, Barnt Green (Pages 29 - 52)
11. Appeal Decisions (Pages 53 - 102)
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

24th November 2011



Bromsgrove
District Council
www.bromsgrove.gov.uk

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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

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 7TH NOVEMBER 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 E. J. Murray), J. A. Ruck, C. B. Taylor, C. J. Tidmarsh and C. J. K. Wilson

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

78/11 **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor E. J. Murray.

79/11 **DECLARATIONS OF INTEREST**

Councillor C. B. Taylor declared a personal interest in application ref.: 11/0661-DMB (Land at Slideslow Drive, Bromsgrove) as he was a Member of the Hereford and Worcester Fire and Rescue Authority.

80/11 **MINUTES**

The minutes of the meeting of the Planning Committee held on 10th October 2011 were submitted.

RESOLVED that the minutes be approved as a correct record.

81/11 **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**

At the invitation of the Chairman, Mr. D. Jones addressed the Committee and spoke in support of the application whilst Mr. T. Flynn spoke against the proposals on behalf of Lickey and Blackwell Parish Council.

RESOLVED that permission be granted subject to the conditions set out on pages 12 and 13 of the report.

82/11 **11/0672-DK - DEMOLITION OF 129 BIRMINGHAM ROAD, AND CONSTRUCTION OF 27 NO. DWELLINGS WITH ASSOCIATED CAR PARKING, ACCESS AND INFRASTRUCTURE PROVISION - 129 BIRMINGHAM ROAD, ALVECHURCH, B48 7TD - PIPER HOMES**

The Head of Planning and Regeneration Services reported the views of Severn Trent Water, together with additional comments received from the Strategic Housing Manager, and stated that two further letters of objection had been received.

She informed the Committee that the terms of an agreement, under Section 106 of the Town and Country Planning Act 1990, had been agreed with the developer and requested Members to note that Worcestershire County Council's Education Services were no longer seeking an educational contribution in respect of the proposals. Furthermore, she stated that design amendments to the scheme had been agreed with the applicant.

At the invitation of the Chairman, Mr. J. Cypher addressed the Committee and spoke in opposition to the proposals on behalf of Alvechurch Parish Council, whilst Mr. D. Stentiford spoke in favour of the development.

RESOLVED

- (a) that authority be delegated to the Head of Planning and Regeneration Services to determine the application upon the completion of an agreement under Section 106 of the Town and Country Planning Act 1990, as amended, in respect of financial contributions relating to:
 - (i) play space provision;
 - (ii) the securing of 10 affordable housing units;
- (b) that upon the completion of the agreement referred to in (a) above, permission be granted subject to any reasonable conditions and notes considered necessary by the Head of Planning and Regeneration Services.

83/11 **11/0682-SG - ERECTION OF NEW CONSERVATORY - GORSEY LANE FARM, SCARFIELD HILL, ALVECHURCH, B48 7DB - MR. G. CROFTS**

As requested at the Committee's site visit to the dwelling the subject of the application, the Head of Planning and Regeneration Services reported the details of a previous application (B/2005/0670) relating to similar issues. She outlined the circumstances in respect of the Committee's decision and the subsequent appeal, but stated that the case in point was not necessarily directly comparable to this current application.

At the invitation of the Chairman, Mr. R. Temple-Cox spoke in support of the application.

RESOLVED that permission be refused for the reason set out on pages 39 and 40 of the report.

84/11 **11/0723-DMB - SUBMISSION OF RESERVED MATTERS (INTERNAL ACCESS, APPEARANCE, LAYOUT, SCALE AND LANDSCAPING) FOR THE ERECTION OF 76 DWELLINGS - LAND AT SELSDON CLOSE, WYTHALL - TAYLOR WIMPEY WEST MIDLANDS**

The Head of Planning and Regeneration Services reported the views of West Mercia Constabulary's Crime Risk Manager, and stated that two further letters of objection had been received. In addition, she reported the receipt of further information from the applicant's agent in respect of sustainability issues.

At the invitation of the Chairman, Ms. K. Ventham addressed the Committee and spoke in support of the proposals.

RESOLVED that the Reserved Matters be approved subject to the conditions and notes set out or referred to on pages 49 and 50 of the report.

85/11 **11/0661-DMB - PROPOSED DEMOLITION OF EXISTING REDUNDANT SCHOOL BUILDING AND ADJOINING SPORTS HALL AND THE CONSTRUCTION OF A NEW JOINT VENTURE POLICE AND FIRE STATION WITH ASSOCIATED PARKING, TRAINING YARD AND SECONDARY EGRESS ROUTE - BROMSGROVE POLICE AND FIRE CENTRE, SLIDESLOW DRIVE, BROMSGROVE, B60 1PQ - WEST MERCIA CONSTABULARY**

(NOTE: The Chairman agreed to the consideration of this item of business as a matter of urgency because the application was an integral part of a complex transaction involving various parties and the vacation of the land in the town centre to assist with the town centre regeneration. The Council had been advised by the applicant that any further delay of the decision on the application could jeopardise the delivery of the wider project proposals. Therefore, a decision was required on the application before the next meeting of the Committee.)

The Head of Planning and Regeneration Services reported the receipt of additional information from the applicant in support of the application in respect of sleeping accommodation and staffing levels, together with further details on the use of sirens by vehicles leaving the proposed Police/Fire Station.

At the invitation of the Chairman, Mr. J. Stobie, Head of Estates Services for West Mercia Constabulary, addressed the Committee and spoke in support of the application.

RESOLVED:

- (a) that authority be delegated to the Head of Planning and Regeneration Services to determine the application upon the completion of an agreement under Section 106 of the Town and Country Planning Act 1990, as amended, in respect of financial contributions relating to public realm improvement works to School Drive, Bromsgrove; and

- (b) that upon the completion of the agreement referred to in (a) above, permission be granted subject to any reasonable conditions and notes considered necessary by the Head of Planning and Regeneration Services.

86/11 **APPEAL DECISIONS**

Consideration was given to a report which outlined the decisions reached in two planning appeals, details of which had been received since the last meeting of the Committee.

RESOLVED that the contents of the report be noted.

The meeting closed at 3.30 p.m.

Chairman

Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
MR. C. GRANT, 'A'	Retention of Gazebo - Glenfield House Nursing Home, Middle Lane, Headley Heath, Birmingham, B38 0DG (as augmented by information received 25.10.2011 and 23.11.2011)	GB	11/0686-HR 25.10.2011

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

RECOMMENDATION: that permission be **REFUSED**.

Consultations

WH	Consulted - views received 08.09.2011: No objection subject to conditions relating to: <ul style="list-style-type: none"> ▪ Access, turning and parking ▪ Site operative parking ▪ Travel plan
Drainage Engineer	Consulted - views received 24.08.2011: No objection subject to conditions relating to: <ul style="list-style-type: none"> ▪ Surface water drainage
STW	Consulted - views received 30.08.2011: No objection subject to conditions relating to: <ul style="list-style-type: none"> ▪ Surface water drainage ▪ Foul drainage
Tree Officer	Consulted - views received 02.09.2011: No objection subject to conditions relating to: <ul style="list-style-type: none"> ▪ Planting schedule
Wythall PC	Consulted - views received 02.09.2011: No objection
Publicity	5 letters sent 29.09.2011 (expired 21.10.2011) 1 site notice posted 15.09.2011 (expired 06.10.2011) 1 press notice published 29.09.2011 (expired 21.10.2011)

One objection received:

- Application previously refused under 09/0821: nothing has changed in any form between the two submissions.
- Located in dangerous position on edge of busy car park with access via a downward slope.
- No separate safe thoroughfare for these elderly slow moving residents some of whom are wheelchair bound, only a busy road leading to the car park.
- Impact on the openness of the Green Belt.
- Screening is not a reason to grant the application.
- Loss of privacy and well being.

The site and its surroundings

The application relates to a detached building currently used as a nursing home. The property lies to the north east of Middle Lane on the edge of a small group of buildings which includes residential dwellings, a church and commercial uses. The building is predominantly two and three storeys in height and is open to Middle Lane. To the rear and side of the building are designated parking areas and a garden.

The application site is located in a recognised area of Green Belt.

Proposal

This application seeks consent for the retention of an open sided gazebo which has been constructed on land at the rear of the site.

Relevant Policies

WMSS	QE1, QE3, QE6
WCSP	SD.2, CTC.1, D.28, D.38, D.39
BDLP	DS1, DS2, DS13, S21, RUB2, TR11
DCS2	CP3, CP10, C4, E4
Others	PPS1, PPG2, PPS4

Relevant Planning History

09/0821	Retrospective application for retention of gazebo. Refused 28.01.2010
09/0509	Extension to existing nursing home - basement, ground and first floor extension and rear car (amendment to planning approval B/2008/0615) (as amended and augmented by information received 10.07.2009 and amended by plan received 04.08.2009). Granted 18.09.2009.
B/2008/0615	Two storey rear extension to provide additional bedroom accommodation and changes to car park provision. Granted 06.11.2011.
B/2006/1114	Conservatory to nursing home. Granted 07.12.2008.
B/1998/0260	Brick sign - Advertisement consent. Approved 10.08.1998.
B/1993/0381	Extension of basement area under whole of new wing and internal alterations. Approved 21.06.1993.
B/1991/0642	Repair, alterations and extensions to form residential nursing home for the elderly. Approved 07.10.1991.
B20027	Change of use and extensions to form residential nursing home. Refused 11.03.1991.
B19691	Extensions and change of use to form residential care home for the elderly (as amended by letter received 19.09.1990).
B16843	Extension of building and use as residential nursing home. Withdrawn.
B16843	Provision of 7 no. luxury 2 bedroom apartments with swimming pool and garage block (as augmented by plans received 11.07.1988 and amended by plans received 12.09.1988). Approved 14.03.1988.

- B16009 Erection of side and rear extension to nursing home (as amended by plan received 01.03.1988). Approved 14.03.1988.
- B14667 Change of use to residential nursing home. Approved 19.01.1987.

Notes

The main issue in the consideration of this application is whether the proposed gazebo is an appropriate form of development in the Green Belt and, if not, whether any very special circumstances exist which clearly outweigh the harm caused. The proposal must also be considered in terms of the impact on the visual amenities of the locality and the residential amenities of adjoining properties.

Green Belt

Policy D.39 of the Worcestershire County Structure Plan 2001 and policy DS2 of the Bromsgrove District Local Plan 2004 are in general accordance with advice given in Planning Policy Guidance Note 2: Green Belts in stating that inappropriate development in the Green Belt will not be allowed unless very special circumstances exist to outweigh the harm caused. Policy DS2 reflects PPG2 in setting out the instances where development may be considered acceptable. No provision is made under this policy for the development associated with residential care homes. Policy D.28 of the Worcestershire County Structure Plan 2001 states that the expansion of existing businesses in the Green Belt will only be permitted in those settlements identified in the Local Plan where infilling is acceptable. The application site does fall within an identified settlement.

It is therefore considered that the proposed gazebo is an inappropriate form of development in the Green Belt. Inappropriate development is, definition, harmful to the Green Belt.

PPG2 states that the most important attribute of Green Belts is their openness. Standing away from the existing nursing home, the gazebo extends the built form of the application site and the tight cluster of buildings which the site belongs to into a previously undeveloped area. It has a footprint of 38 square metres and a height of 3.55 metres. Although open sided it is of a robust construction with timber posts and a felt tiled gabled roof. I therefore consider that the gazebo is harmful to the openness of the Green Belt and to some extent constitutes encroachment.

It now follows me to consider whether any very special circumstances exist which outweigh the harm caused.

In considering whether very special circumstances exist, the harm caused to the Green Belt, its aims and purposes as set out in PPG2 need to be considered with any other harm and assessed against any advantages to the proposed development. In considering proposals for inappropriate development in the Green Belt, paragraph 3.2 of PPG2 is relevant:

"Inappropriate development is, by definition, harmful to the Green Belt. *It is for the applicant to show why permission should be granted.* Very special circumstances to justify inappropriate development will not exist unless the harm by reason of

inappropriateness, and any other harm, is *clearly outweighed* by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach *substantial weight* to the harm to the Green Belt when considering any planning application or appeal concerning such development." (*Council emphasis*).

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

The applicant has put forward the following points:

(a) Landscaping and Screening

- A new line of semi-mature trees will be planted along the north west of the gazebo to link with existing mature tree line to obscure the facility from the house and neighbours and will reduce the starkness of the building. It will also screen the gazebo from the road and reduce distraction.
- Landscaping and introduction of small beds and bushes to the eastern element will reduce the bare impact in the Green Belt.

(b) Health Benefits

- This proposal will be of great benefit to the residents who at present do not have access to any outside facilities. They are restricted to their rooms or the conservatory previously approved. This facility will give residents the ability to sit outside in the fresh air and to meet visitors in an attractive open air environment which is important in elderly facilities. It will contribute to the resident's well being and general health and support these objectives as set out in the Draft Emerging Core Strategy. It is anticipated this facility will be available for many months from Spring to Autumn.
- The addition of this facility will greatly enhance the day-to-day living experience at Glenfield and will improve general well being in addition to all the health benefits that arise from being able to venture out into the fresh air.
- The gazebo will be of great benefit to the residents and families of residents of Glenfield who can enjoy the benefits of sunshine and fresh air. It will be well separated from the main buildings and will provide further enhancement to resident's wellbeing and facilities on top of the conservatory facilities approved by Council members.
- The gazebo will provide a sheltered area to the rear of the site, for the enjoyment of residents and their families during visiting and enjoy the benefits of sunshine and fresh air, while under a shaded roof.

(c) Safety

- A clear route from the house to the gazebo will be clearly marked to ensure no complications with the car park which has to be crossed.
- Clear lines along the tarmac will reduce any concerns about residents and Car Park traffic meeting accidentally.

I have considered these points.

Whilst I accept that the gazebo will offer health and social benefits to the residents and their families, it is considered that a justification for the proposal based on these specific grounds does not overcome the permanent harm caused to the Green Belt. This argument could be repeated time and time again and I do not consider such a stance to be "very special" when using the test Members must pay regard to as set out in PPG2. The creation of a clear route being marked from the house to the gazebo would appear logical and not unusual given residents must cross the existing car-park. As such this is a consequence of the development and certainly does not overcome the harm caused to the Green Belt by virtue of the built form of the development. Furthermore, although I note the planting schedule, development that cannot be seen does not make it appropriate and this argument could be used time and time again. Lack of harm, in itself, does not amount to very special circumstances. I thus hold no weight to the proposed screening regime to screen the structure.

I therefore do not consider the points put forward by the applicant amount to very special circumstances. For the reference of Members, the issues relating to the wellbeing of residents (albeit in a less expansive manner) and the creation of screening were not accepted as constituting very special circumstances in the appraisal of 09/0821 (refused under delegated powers in January 2010).

Residential Amenity

The gazebo lies over 20 metres from the boundary with the adjoining residential property, Glenfield Farm. Due to the slope of the land, views of Glenfield Farm are possible across the application site, including the gazebo. However, given the separation distance, it is considered that any impact on neighbouring amenities of the adjoining occupiers in terms of overlooking and disturbance as a result of people congregating beneath the gazebo will not be significant.

Response to Objection

I note the views arising from the consultation process. Whilst I note the concern that the route the elderly residents of the home would take to reach the gazebo (down a slope and across the driveway and busy car park) is not safe, I consider resident's safety is primarily the responsibility of the applicant. The other points raised are dealt with elsewhere in this report.

Conclusion

The gazebo is inappropriate development in the Green Belt and is damaging to the openness of the Green Belt. No very special circumstances have been identified which outweigh the harm caused.

RECOMMENDATION: that permission be **REFUSED**.

The gazebo represents an inappropriate form of development in the Green Belt and inappropriate development is, by definition, harmful to the Green Belt. The proposal is therefore considered contrary to the provisions of policies D.28 and D.39 of the Worcestershire County Structure Plan 2001, policy DS2 of the Bromsgrove District Local Plan 2004 and the provisions of Planning Policy Guidance Note 2: Green Belts. The

development is damaging to the openness of the Green Belt and challenges the purposes of including land within the Green Belt. No very special circumstances have been put forward or exist that would outweigh the harm caused.

Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
AVONCROFT ARTS SOCIETY 'B'	Proposed new workshops and classroom - Avoncroft Arts Centre, Hanbury Road, Bromsgrove, B60 4JS	GB	11/0887-DK 21.11.2011

RECOMMENDATION: that permission be **REFUSED**.

Consultations

WH	Consulted 19.10.2011. Response received: 31.10.2011. No objection.
Stoke PC	Consulted 19.10.2011. Response received: 15.11.2011. No objections - a worthwhile addition to what is already a valued community resource.
ENG	Consulted 19.10.2011. Response received: 04.11.2011. No objections subject to conditions.
CO	Consulted 19.10.2011. No response received.
EDO	Consulted 19.10.2011. Response received 18.11.2011, from Economic Development and Regeneration (North Worcestershire).

Although the development does not represent a major economic opportunity, it offers interesting scope for craft and creative small scale workshops and education which offers some scope for economic benefit.

It seems to fit very well with localism and the big society. It seems there is a strong local membership, whilst I also heard how the various groups operating from the centre attract visitors to Bromsgrove from further afield.

It is clear that the room bookings are extensive with a full schedule. The Society has a funding opportunity to invest in the new extension.

In Green Belt terms, I understand the normal presumption against inappropriate development, although I note that the proposed development site was modest and largely hidden by existing premises.

From an Economic Development perspective, I would generally be supportive of the principle of this type of development, although I recognise the Green Belt setting.

WRS	Consulted 19.10.2011. No response received.
Publicity	4 letters sent 19.09.2011; expired 09.11.2011 1 letter sent 31.10.2011; expired 21.11.2011 Site Notice posted: 26.10.2011; expired 17.11.2011. No responses received.

The site and its surroundings

The building to which the application relates is a single storey brick building with a timber tower structure. There are existing corrugated iron structures to the rear and a timber clad extension to the side. The building is currently contains a number of workshops / studios and the building is used for evening classes and public arts performances. The centre has an existing car park. The site adjoins Avoncroft Pre School Nursery and Bromsgrove Pre Preparatory School but it stands as a detached structure in an isolated position within the Green Belt.

Proposal

The proposal is for the erection of a new extension comprising new workshops and a classroom.

Relevant Policies

WMSS	QE3
WCSP	D.28, D.38, D.39
BDLP	DS1, DS2, DS13, S28, S31
DCS2	CP22
Others	PPG2, PPS4

Relevant Planning History

P11/0081	Extension of an existing pottery workshop to provide two further artist's workshops and a classroom. Pre Application advice.
08/0691	Works to existing workshop and building to facilitate sub-division into four individual workshops and creation of new wheelchair accessible WC. Granted 18.09.2011.

Notes

The main issues in the determination of this application are the following:

- (i) whether the proposal amounts to inappropriate development in the Green Belt; and
- (ii) if inappropriate, whether there are any very special circumstances to justify the proposal

Green Belt

The application site lies within the Green Belt, the extent of which is defined in the BDLP Proposals map and policy DS1. I consider that the main policies which apply to the application are policies D.38 and D.39 of the WCSP, and policies DS2 and S31 of the BDLP which control development in the Green Belt and considers development at educational establishments.

The development, as proposed, would not fulfil any of the criteria for development in the Green Belt as outlined in policy DS2. It is by definition inappropriate in the context of PPG2.

The existing building amounts to 144.5m² and the proposal will add 75 m², which is a 51% increase above the original. I note that there is hardstanding in the position of the proposal which will adjoin the wall of Avoncroft Pre-School. I consider that the proposal would cause harm to the openness of the site particularly when viewed from the car park area to the east. My conclusions are that the proposal is inappropriate development which would harm the openness and visual amenity of the Green Belt at this location. It is for the applicant to demonstrate that there are very special circumstances in this case which override Green Belt harm.

Very Special Circumstances

The applicant has provided a letter and floorplans Ref: B470/1, dated 18.08.1982, which show that buildings have been demolished in the position of the proposal. The plans do not appear to relate to a planning application; it is likely that permission would not have been required for the demolition.

Whilst the existence of the buildings in 1982 is accepted, they are demolished, the site is open and I do not consider that this is a very special circumstance which would justify the proposal. Whilst the facility is a valuable community resource and is operating successfully, this is not a unique circumstance and would not outweigh the harm to openness. No additional issues are raised in the Planning Statement to override this conclusion.

Members should note the representation received above which is from an economic development perspective. Whilst I note policy S28 of the BDLP states that the provision of new or enhanced community facilities and the retention of existing ones will be supported providing there is no conflict with other policies in the Local Plan, I do not consider that the benefits of the proposal outweigh the harm to the Green Belt. In terms of policy, there is no significant change to this position in respect of Green Belt development either in Draft Core Strategy 2 or the Draft National Planning Policy Framework (NPPF). This position is consistent with the advice given at Pre Application stage.

Whilst the proposal would not give rise to any issues in terms of highways, drainage or residential amenity, it amounts to inappropriate development in the Green Belt without very special circumstances and permission should be refused.

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

1. The proposed extension amounts to inappropriate development in the Green Belt and would cause harm to the openness and visual amenities of the Green Belt in this location. No very special circumstances have been put forward or exist that clearly outweigh the harm caused and therefore the proposal is contrary to policies SD.2, D.28, D.38 and D.39 of the Worcestershire County Structure Plan (2001) and policies DS2 and DS13 of the Bromsgrove District Local Plan (2004) and the provisions of PPG2 (Green Belts).

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Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
BROMSGROVE SCHOOL 'A'	Phased Demolition of existing accommodation wings, link to Housman Hall and construction of replacement student boarding accommodation. Reconfigured parking and landscaping including strengthening of boundary treatment. Rebuilding existing dilapidated stone feature (Application for planning permission) - Housman House, Kidderminster Road, Bromsgrove, B61 7JN	Residential CA	11/0862-DK 21.11.2011

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WH Consulted: 18.10.2011. Response received: 31.10.2011.
No objection.

ENG Consulted: 18.10.2011. Response received: 04.11.2011.

No objection subject to a condition relating to storm drainage.

EDO Consulted: 18.10.2011. No response received.

SPM Consulted: 18.10.2011. No response received.

CO Consulted: 18.10.2011. Response received: 17.11.2011.

I have no objection to the demolition of the existing 20th century buildings, and would agree that they currently detract from the setting of the listed building and the character of the conservation area.

I have no objection to the proposed new accommodation blocks, which although larger particularly in terms of height, should not detract from the setting of the listed building due to the more thoughtful architecture and more appropriate materials. The new buildings will also sit well with the Knaresborough Building to the north which is also constructed in red brick beneath a pitched slate roof. I note that the land falls away to the south west, so the increase in the height of the building at this end of the site will be partially negated.

I considered that we should condition all materials and joinery details, to be approved by the local planning authority prior to works commencing on site.

WCC(CA) Consulted: 18.10.2011. Response received 09.11.2011.

No objection subject to a condition that a programme of archaeological work be conducted in accordance with an approved Written Scheme of Investigation.

VS Consulted: 18.10.2011. No response received.

GG Consulted: 18.10.2011. No response received.

CCO Consulted: 18.10.2011. No response received.

WRS (Noise)	<p>Consulted: 18.10.2011. Response received: 03.11.2011:</p> <p>The following restrictive condition on hours of working should be applied to the site:</p> <p>'No demolition / construction works to take place outside hours of 0800 hours to 1800 hours Monday to Friday and 0800 hours to 1300 hours Saturday. No works at any time on Sundays or Bank Holidays.</p>
WRS (Contaminated Land)	<p>Consulted: 18.10.2011. Response received 08.11.2011.</p> <p>No objection subject to the following condition:</p> <p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.</p>
Tree Officer	<p>Consulted: 18.10.2011. Response received: 15.11.2011.</p> <p>All of the mature trees within influencing distance of the development works will require full protection in line with BS5837 Recommendations. There needs to be careful consideration when landscaping or altering hard surfaces within the RPAs around valuable trees. I would request a detailed landscape plan and further information on potential tree pruning for access is supplied. All of the mature tree stock is to be retained and can be worked around taking into account the above points so generally this is an acceptable application.</p>
Publicity	<p>4 letters sent 18.10.2011; expired 08.11.2011.</p> <p>1 letter sent 31.10.2011; expired 21.11.2011.</p> <p>Site Notice posted 26.10.2011; expired 17.11.2011.</p> <p>Press Notice published 27.10.2011; expired 17.11.2011.</p>

No responses received.

The site and its surroundings

The application site comprises a listed building (Housman House) and a number of modern extensions to the west linked by a single storey corridor. There is an attractive folly in the garden which is medieval in appearance. The existing accommodation blocks are essentially 2 storey structures which date to the 1960's and are located to the rear of the site. There are a number of attractive trees on the site mainly on the periphery. The site was previously Perry Hall Hotel and was converted to educational use in 2005. The site is adjoined by St Johns Middle School to the west, Perry Lane to the south and No. 15 Kidderminster Road to the north. The site is located within the Bromsgrove Town Centre Conservation Area and Perry Hall is Grade 2 listed.

Proposal

This is the full application for planning permission for the phased demolition of the existing accommodation wings, link to Housman Hall and the construction of replacement student boarding accommodation. The proposal also includes reconfigured parking and landscaping and the rebuilding of an existing dilapidated stone feature. The application is accompanied by an Archaeological Assessment, Ground Investigation Report, Design and Access Statement and PPS5 Assessment. Members should note that the applications for Conservation Area Consent (Ref: 11/0863-DK) and Listed Building Consent (Ref: 11/0974-DK) also appear within this Agenda.

Relevant Policies

WMSS	QE3
WCSP	CTC.1, CTC.19, CTC.20, CTC.21
BDLP	DS13, S35A, S38, S39, E4, TR11
DCS2	CP16
Others	PPS1, PPS5, PPG13, SPG1

Relevant Planning History

P11/0048	Phased replacement Boarding Accommodation and later demolition of existing. Covered path and link to adjacent boarding accommodation. Pre-application advice.
B/2005/0225	Change of Use, alteration and refurbishment of the existing first floor and part ground floor. Granted 27.04.2005.
BU/367/1965	Bedroom Block - Granted.
BU/683/1970	Bedroom Block - Granted.
BU/164/1949	Proposed alterations and additions - Granted.

Notes

The main issues in the consideration of the application are the following:

- (i) The impact of the proposal on the setting of the listed building and conservation area; and
- (ii) Impact on residential amenity.

In this respect, policy CTC.20 of the WCSP, policies S35A, S39, and DS13 of the BDLP and the advice of SPG1 are most relevant in the determination of the application. I consider that the BDLP policies are most relevant in this instance.

Listed Building and Conservation Area

Policy S39 states that careful attention will be paid to any development affecting the character or setting of a listed building. Policy S35A requires new development, in or adjacent to conservation areas to be sympathetic to the character of buildings in the

detailed treatment of matters of design, including form, scale and materials.

Development proposals should seek to retain and enhance open spaces, important views and trees.

Members should note that the architectural and historical significance of the site have been thoroughly examined in the PPS5 Assessment accompanying the application. Policy HE 9.5 of PPS5 states that not all elements of a Conservation Area necessarily contribute to its significance. The relative significance of the element affected should be considered. I would concur with the views of paragraph 2.15 of above assessment which concludes that the accommodation blocks and the various link corridors are of no significance and arguably detract from the setting of the listed building and the conservation area.

The proposal seeks the demolition of each of the accommodation blocks in two separate phases. The replacement student accommodation will consist of a single 'L'-shaped building to a classical design with traditional materials. The front of the proposed block would be located 18m to the SW of the front of the existing building improving the setting of the listed building and curtilage. I consider that the design and use of traditional materials would represent an enhancement to the wider conservation area and listed building setting. The views of the Conservation Officer are noted and the proposal conforms with policy S35A of the BDLP. The views of the County Archaeologist are noted and conditions recommended.

Residential Amenity

In terms of residential amenity, there are properties on Perry Lane located to the SE of the proposed development site. It is noted that the properties are approximately 26m from the side of the proposed Block A and that this is slightly closer than in the case of the existing accommodation block. I note that there are no windows in this elevation and from the perspective and the properties opposite have a northerly front aspect. Therefore, I do not consider, given the design of the proposal, the separation distance across a street and the presence of existing student accommodation that there is any significant change in terms of residential amenity for these properties.

The proposed Block A would be closer to the boundary with St John's Middle School than the existing accommodation. I note that there are a number of existing trees on the boundary being retained, additional ones planted and 2.5m acoustic fencing installed. I consider that these measures are sufficient to outweigh any amenity issues arising during school breaks. I note that there are substantial evergreen trees on the boundary with Sanders Park and along the boundary with ('Hayward' - 15 Kidderminster Road. I note that the proposed Block B is located at least 7m further from the boundary than the present structure. The proposal generally accords with the advice of Supplementary Planning Guidance Note 1 (Residential Design Guide).

Other Issues

Members should note that there are no highway objections to the proposal and the increase of the floorspace over the present building is 95sqm out of a total build of 1692sqm. 26 additional bedrooms are being provided making a total provision of 72

bedrooms. It is proposed to carry out the development in phases with Block A being completed first followed by the demolition of existing wing closest to Housman Hall. When Block B is completed on this part of the site, then the remaining existing accommodation block will be demolished. I consider that a phased approach is appropriate for operational reasons and it also mitigates the impact on residential amenity during construction.

Members should note that a full ecological survey is not available at this time. However, there is one in preparation at present and the initial findings have been reported in an email received from Worcestershire Wildlife Consultancy on 16.11.2011. The buildings to be removed are flat roofed and the ecologist confirms that there would be no harm to bats. No works are proposed to the existing roof of Housman Hall as part of these proposals. Therefore the proposal accords with the requirements of PPS9 and Circular 06/2005. The trees on the site are protected as part of the Conservation Area. The scheme retains most of the trees on site and there is no objection from the Tree Officer subject to conditions.

Conclusion

The proposed development would represent an enhancement of the character of the Conservation Area and would also improve the setting of the listed Housman Hall. The applicant has conducted consultation with local residents and provided a detailed PPS5 Assessment. The impact on residential amenity is acceptable and policy S31 of the BDLP confirms that, subject to compliance with other development plan policies, the Council will consider favourably development required to facilitate the provision of education or for purposes ancillary to such provision. I consider that this includes the provision of student accommodation. Permission should be granted.

RECOMMENDATION: that permission be **GRANTED** stc:

1. C1 (Time Limit)

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

2. C1A (Plans / Drawings)

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

3. C3 (Materials)

Reason: To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001.

4. C7 (Drainage)

Reason: In order to secure the satisfactory drainage conditions in accordance with policy ES5 of the Bromsgrove District Local Plan 2004.

5. C10 (Landscaping Scheme)

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

6. C13 (Retention of Existing Trees)

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

7. Prior to the commencement of the development hereby approved, details of the acoustic fencing referred to in plan ref.: 2683-111 Rev E shall be provided to and approved in writing by the Local Planning Authority.

Reason: In order to protect the amenity of adjoining occupiers in accordance with policy DS13 of the Bromsgrove District Local Plan 2004.

8. The development hereby approved shall not be commenced until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing.

Reason: In order to protect the archaeological resources of the site in accordance with policy C36 of the Bromsgrove District Local Plan 2004.

Notes

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

WMSS	QE3
WCSP	CTC.1, CTC.19, CTC.20, CTC.21
BDLP	DS13, S35A, S38, S39, E4, TR11
DCS2	CP16
Others	PPS1, PPS5, PPG13, SPG1

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

Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
BROMSGROVE SCHOOL 'A'	Phased Demolition of existing accommodation wings, link to Housman Hall and construction of replacement student boarding accommodation. Reconfigured parking and landscaping including strengthening of boundary treatment. Rebuilding existing dilapidated stone feature (Application for Conservation Area Consent) - Housman House, Kidderminster Road, Bromsgrove, B61 7JN	Residential CA	11/0863-DK 08.12.2011

RECOMMENDATION: that Conservation Area Consent be **GRANTED**.

Consultations

CO	<p>Consulted: 18.10.2011. Response received: 17.11.2011.</p> <p>I have no objection to the demolition of the existing 20th century buildings, and would agree that they currently detract from the setting of the listed building and the character of the conservation area.</p> <p>I have no objection to the proposed new accommodation blocks, which although larger particularly in terms of height, should not detract from the setting of the listed building due to the more thoughtful architecture and more appropriate materials. The new buildings will also sit well with the Knaresborough Building to the north which is also constructed in red brick beneath a pitched slate roof. I note that the land falls away to the south west, so the increase in the height of the building at this end of the site will be partially negated.</p> <p>I considered that we should condition all materials and joinery details, to be approved by the local planning authority prior to works commencing on site.</p>
WCC(CA)	<p>Consulted: 18.10.2011. Response received 09.11.2011.</p> <p>No objection subject to a condition that a programme of archaeological work be conducted in accordance with an approved Written Scheme of Investigation.</p>
VS	Consulted: 18.10.2011. No response received.
GG	Consulted: 18.10.2011. No response received.
CCO	Consulted: 18.10.2011. No response received.
Tree Officer	<p>Consulted: 18.10.2011. Response received: 15.11.2011.</p> <p>All of the mature trees within influencing distance of the development works will require full protection in line with BS5837 Recommendations. There needs to be careful consideration when landscaping or altering hard surfaces within the RPAs around valuable trees. I would request a detailed landscape plan and further information on potential tree pruning for access is supplied. All of the mature tree stock is to be retained and can be worked around taking into account the above points so generally this is an acceptable application.</p>

11/0863-DK - Phased Demolition of existing accommodation wings, link to Housman Hall and construction of replacement student boarding accommodation. Reconfigured parking and landscaping including strengthening of boundary treatment. Rebuilding existing dilapidated stone feature. Conservation Area Consent - Housman House, Kidderminster Road, Bromsgrove, B61 7JN - Bromsgrove School

Publicity Site Notice posted 26.10.2011; expired 16.11.2011.
Press Notice published 27.10.2011; expired 17.11.2011.
No responses received.

The site and its surroundings

The application site comprises a Grade 2 listed building (Housman House) and a number of modern extensions to the west linked by a single storey corridor. There is an attractive folly in the garden which is medieval in appearance. The existing accommodation blocks are essentially 2 storey structures which date to the 1960's and are located to the rear of the site. There are a number of attractive trees on the site mainly on the periphery. The site was previously Perry Hall Hotel and was converted to educational use in 2005. The site is adjoined by St. Johns Middle School to the west, Perry Lane to the south and No. 15 Kidderminster Road to the north. The site is located within the Bromsgrove Town Centre Conservation Area and Perry Hall is Grade 2 listed.

Proposal

This is the Conservation Area Consent application for the phased demolition of the existing accommodation wings, link to the link to Housman Hall and the construction of replacement student boarding accommodation. The proposal also includes reconfigured parking and landscaping and the rebuilding of an existing dilapidated stone feature. The application is accompanied by an Archaeological Assessment, Ground Investigation Report, Design and Access Statement and PPS5 Assessment. Members should note that the applications for Planning Permission (Ref: 11/0862-DK) and Listed Building Consent (Ref: 11/0974-DK) also appear within this Agenda.

Relevant Policies

WMSS	QE3
WCSP	CTC.1, CTC.19, CTC.20, CTC.21
BDLP	DS13, S35A, S38, S39, E4, TR11
DCS2	CP16
Others	PPS1, PPS5, PPG13, SPG1

Relevant Planning History

P11/0048	Phased replacement Boarding Accommodation and later demolition of existing. Covered path and link to adjacent boarding accommodation. Pre application advice.
B/2005/0225	Change of Use, alteration and refurbishment of the existing first floor and part ground floor. Granted 27.04.2005.
BU/367/1965	Bedroom Block - Granted.
BU/683/1970	Bedroom Block - Granted.
BU/164/1949	Proposed alterations and additions - Granted.

Notes

The main issue in the consideration of the application is as follows:

- (i) The impact of the proposal on the setting of the listed building and conservation area.

In this respect, policy CTC.20 of the WCSP, policies S35A, S39, and DS13 of the BDLP are most relevant in the determination of the application.

Listed Building and Conservation Area

Policy S39 states that careful attention will be paid to any development affecting the character or setting of a listed building. Policy S35A requires new development, in or adjacent to conservation areas to be sympathetic to the character of buildings in the detailed treatment of matters of design, including form, scale and materials. Development proposals should seek to retain and enhance open spaces, important views and trees.

Members should note that the architectural and historical significance of the site have been thoroughly examined in the PPS5 Assessment accompanying the application. Policy HE 9.5 of PPS5 states that not all elements of a Conservation Area necessarily contribute to its significance. The relative significance of the element affected should be considered. I would concur with the views of paragraph 2.15 of above assessment which concludes that the accommodation blocks and the various link corridors are of no significance and arguably detract from the setting of the listed building and the conservation area.

The proposal seeks the demolition of each of the accommodation blocks in two separate phases.

The replacement student accommodation will consist of a single 'L'-shaped building to a classical design with traditional materials. The front of the proposed block would be located 18m to the SW of the front of the existing building improving the setting of the listed building and curtilage. I consider that the design and use of traditional materials would represent an enhancement to the wider conservation area and listed building setting. The views of the Conservation Officer are noted and the proposal conforms with policy S35A of the BDLP. The views of the County Archaeologist are noted and conditions recommended.

Conclusion

The buildings to be demolished do not contribute to the character of the Conservation Area. The proposed development would represent an enhancement of the character of the area and would also improve the setting of the listed Housman Hall. Conservation Area Consent should be granted.

11/0863-DK - Phased Demolition of existing accommodation wings, link to Housman Hall and construction of replacement student boarding accommodation. Reconfigured parking and landscaping including strengthening of boundary treatment. Rebuilding existing dilapidated stone feature. Conservation Area Consent - Housman House, Kidderminster Road, Bromsgrove, B61 7JN - Bromsgrove School

RECOMMENDATION: that Conservation Area Consent be GRANTED sftc:

1. C1 (Time Limit)

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

2. C1A (Plans / Drawings)

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

3. C3 - Materials (Modified)

Reason: To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001.

Agenda Item 9

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
BROMSGROVE SCHOOL 'A'	Phased Demolition of existing accommodation wings, link to Housman Hall and construction of replacement student boarding accommodation. Reconfigured parking and landscaping including strengthening of boundary treatment. Rebuilding existing dilapidated stone feature (Application for Listed Building Consent) - Housman House, Bromsgrove School, Kidderminster Road, Bromsgrove, B61 7JN	Residential CA	11/0974-DK 22.12.2011

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application for Listed Building Consent following the expiry of the publicity period on 22.12.2011.

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	<p>Consulted: 21.11.2011. Response received: 21.11.2011.</p> <p>I have no objection to the demolition of the existing 20th century buildings, and would agree that they currently detract from the setting of the listed building and the character of the conservation area.</p> <p>I have no objection to the proposed new accommodation blocks, which although larger particularly in terms of height, should not detract from the setting of the listed building due to the more thoughtful architecture and more appropriate materials. The new buildings will also sit well with the Knaresborough Building to the north which is also constructed in red brick beneath a pitched slate roof. I note that the land falls away to the south west, so the increase in the height of the building at this end of the site will be partially negated.</p> <p>I considered that we should condition all materials and joinery details, to be approved by the local planning authority prior to works commencing on site.</p>
WCC(CA)	<p>Consulted: 21.11.2011. Response received 23.11.2011.</p> <p>No objection subject to a condition that a programme of archaeological work be conducted in accordance with an approved Written Scheme of Investigation.</p>
VS	Consulted: 21.11.2011. No response received.
GG	Consulted: 21.11.2011. No response received.

11/0974-DK - Phased Demolition of existing accommodation wings, link to Housman Hall and construction of replacement student boarding accommodation. Reconfigured parking and landscaping including strengthening of boundary treatment. Rebuilding existing dilapidated stone feature. Listed Building Consent - Housman House, Bromsgrove School, Kidderminster Road, Bromsgrove, B61 7JN - Bromsgrove School

CCO Consulted: 21.11.2011. No response received.
Publicity Site Notice posted 28.11.2011; expired 19.12.2011.
 Press Notice published 01.12.2011; expired 22.12.2011.

No responses received.

The site and its surroundings

The application site comprises a Grade 2 listed building (Housman House) and a number of modern extensions to the west linked by a single storey corridor. There is an attractive folly in the garden which is medieval in appearance. The existing accommodation blocks are essentially 2 storey structures which date to the 1960's and are located to the rear of the site. There are a number of attractive trees on the site mainly on the periphery. The site was previously Perry Hall Hotel and was converted to educational use in 2005. The site is adjoined by St. Johns Middle School to the west, Perry Lane to the south and No. 15 Kidderminster Road to the north. The site is located within the Bromsgrove Town Centre Conservation Area and Perry Hall is Grade 2 listed.

Proposal

This is the Listed Building Consent (LBC) application for the phased demolition of the existing accommodation wings, link to the link to Housman Hall and the construction of replacement student boarding accommodation. The proposal also includes reconfigured parking and landscaping and the rebuilding of an existing dilapidated stone feature. The LBC is required because the link from the existing accommodation blocks to Housman Hall will be demolished in the proposal. There are no alterations proposed to the listed building. The application is accompanied by an Archaeological Assessment, Ground Investigation Report, Design and Access Statement and PPS5 Assessment. Members should note that the applications for Planning Permission (Ref: 11/0862-DK) and Conservation Area Consent (Ref: 11/0863-DK) also appear within this Agenda.

Relevant Policies

WMSS	QE3
WCSP	CTC.1, CTC.19, CTC.20, CTC.21
BDLP	DS13, S35A, S38, S39, E4, TR11
DCS2	PPS1, PPS5, PPG13, SPG1
Others	CP16

Relevant Planning History

P11/0048	Phased replacement Boarding Accommodation and later demolition of existing. Covered path and link to adjacent boarding accommodation. Pre application advice
B/2005/0225	Change of Use, alteration and refurbishment of the existing first floor and part ground floor. Granted 27.04.2005.
BU/367/1965	Bedroom Block - Granted.

11/0974-DK - Phased Demolition of existing accommodation wings, link to Housman Hall and construction of replacement student boarding accommodation. Reconfigured parking and landscaping including strengthening of boundary treatment. Rebuilding existing dilapidated stone feature. Listed Building Consent - Housman House, Bromsgrove School, Kidderminster Road, Bromsgrove, B61 7JN - Bromsgrove School

BU/683/1970 Bedroom Block - Granted.

BU/164/1949 Proposed alterations and additions - Granted.

Notes

The main issue in the consideration of the application is as follows:

- (i) The impact of the proposal on the character of the listed building.

In this respect, policy S39 and DS13 of the BDLP are most relevant in the determination of the application.

Listed Building

Policy S39 states that careful attention will be paid to any development affecting the character or setting of a listed building.

Members should note that the architectural and historical significance of the site have been thoroughly examined in the PPS5 Assessment accompanying the application.

The proposal seeks the demolition of each of the accommodation blocks in two separate phases.

The replacement student accommodation will consist of a single 'L'-shaped building to a classical design with traditional materials. The front of the proposed block would be located 18m to the SW of the front of the existing building improving the setting of the listed building and curtilage. I consider that the design and use of traditional materials would represent an enhancement to the wider conservation area and listed building setting.

Conclusion

There is no objection from the Conservation Officer in respect of the demolition of the covered link to the accommodation blocks and no impact on the listed building. I consider that it complies with policy S39 of the BDLP.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application for Listed Building Consent following the expiry of the publicity period on 22.12.2011.

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

5th December 2011

REPORT TITLE

Relevant Portfolio Holder	Councillor C. B. Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Regeneration Services
Ward Affected	Hillside
Ward Councillors Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Committee is asked to consider the confirmation of Tree Preservation Order (No. 4) 2011 relating to trees on land at 32, 34 and 36 Lickey Square, 1 - 4 Cleveland Drive, 3 - 9 Stretton Drive and 63 Mearse Lane, Barnt Green.

2. RECOMMENDATION

- 2.1 It is recommended that the Tree Preservation Order (No. 4) 2011 relating to trees on land at 32, 34 and 36 Lickey Square, 1 - 4 Cleveland Drive, 3 - 9 Stretton Drive and 63 Mearse Lane, Barnt Green, is confirmed with modification.

3. KEY ISSUES

Financial Implications

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

Legal Implications

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

Service / Operational Implications

- 3.4 The TPO was made to protect trees as they contribute significantly to the amenity of the area. An enquiry was received indicating that there was a potential risk to fell or mismanage selected trees within the area of the TPO. On visiting the site a Tree Surgeon was found dismantling a good health specimen Beech tree which confirmed the need for the TPO.

On the 5th July 2011 a provisional Tree Preservation Order was made in relation to trees on land at 32, 34 and 36 Lickey Square, 1 - 4 Cleveland Drive, 3 - 9 Stretton Drive and 63 Mearse Lane, Barnt Green. It will remain in force until the 5th January 2012.

PLANNING COMMITTEE

5th December 2011

Notification of the Order was given to all persons in the surrounding area and to all those who could be affected by the making of the TPO.

One objection has been received in respect of the TPO from an Arboriculture Consultancy on behalf of one of the land owners in relation to trees specified in the TPO at 32, 34 and 36 Lickey Square (attached at Appendix 1).

The objection comprises of the following:-

- (1) The owners initiated the removal of some trees, following concern over a number of branches falling and to allow more light into the gardens.
- (2) Imposing a TPO to include these trees would mean the residents would be unable to manage their own private garden space.
- (3) According to the Tree Preservation Orders 'A Guide to the Law and Good Practice', a TPO should be made to protect those trees which have a public amenity, taking into account their visibility, individual impact, and wider impact. The trees do not fulfil the criteria.

The Senior Tree Officer responds as follows (a copy of the Tree Officer's Report is attached at Appendix 2):-

- (1) The original TPO was made as an area order due to the urgent requirement to protect the trees as there was a potential imminent risk of work being carried out on trees worthy of protection. This provided time for the Council to survey the site in detail.
- (2) Having carried out the survey it is now proposed to confirm the TPO to protect specified trees. The trees selected fulfil the criteria required in line with the Tree Preservation guidance to qualify for protection. They are all in good form and health and either individually or collectively as groups add greatly to the visual amenity and character of the area being visible from a number of local properties and roads.

One representation in support of the TPO has been received from a local resident (attached at Appendix 3) and briefly states that there are trees covered by the TPO that overhang their fence and need regular trimming back to allow light into their house and they would like to know that they can continue to trim back these trees, as and when required. However they are in favour of the TPO because trees are being cut down indiscriminately.

The Senior Tree Officer's response states that it will be possible to apply for permission to carry out works on trees covered by the TPO and every application will be considered as sympathetically as possible. Although it may not be possible to agree work requested in all cases. A number of residents have been advised of this by phone.

PLANNING COMMITTEE

5th December 2011

- 3.5 Policy Implications - None
HR Implications - None
Council Objective 4 - Environment, Priority C04 Planning
- 3.6 Climate Change / Carbon / Biodiversity - The Proposal in relation to confirming the TPO can only be seen as a positive impact on the environment.

Customer / Equalities and Diversity Implications

- 3.7 The customers have been provided with the relevant notification and the responses received are attached in the appendices. The customers will receive notification by post of the decision of the Committee.
- 3.8 Equalities and Diversity implications - None

4. RISK MANAGEMENT

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

5. APPENDICES

Appendix 1 - Objection letter, dated 4th August 2011
Appendix 2 - Tree Officer Report
Appendix 3 - Letter of Support, dated 21st July 2011

6. BACKGROUND PAPERS

None.

7. KEY

TPO - Tree Preservation Order

AUTHOR OF REPORT

Name: Kam Sodhi
Email: k.sodhi@bromsgroveandredditch.gov.uk
Tel: (01527) 881721

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APPENDIX 1

[REDACTED]
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

4th August 2011
Your ref: KS/ 1048
Our ref: PRI17421

Dear Madam

TREE PRESERVATION ORDER NO. 4 2011

Land at 32, 34, 36 Lickey Square, 1 - 4 Cleveland Drive, 3 - 9 Stretton Drive and
63 Mearse Lane Barnt Green

Under Regulation 4(1) of the Town & Country Planning (Trees) Regulations 1999, I
hereby **object**, on behalf of my clients, [REDACTED]
[REDACTED] to the imposition of the above Tree Preservation Order.

With reference to those trees identified within the TPO as being located at 32, 34 & 36
Lickey Square.

ACD Arboriculture were instructed [REDACTED] carry out a tree survey
at 32, 34 & 36 Lickey Square, and provide advice on tree management. The survey
results are (ACD reference): PRI17421sch and PRI17421-04.

The owners initiated the removal of some trees, following concern over a number of
branches falling from a number of trees, and to allow more light into the gardens, and
provide better views of the Malvern Hills. These were 939, 944, 946, 992, 993, 994,
995, 998 & 1000 on the survey schedule. Only trees within the interior of the site were
selected for removal, so as to have little impact on the surrounding area. Imposing a
TPO to include these trees would mean the residents would be unable to manage their
own private garden space as they wish.

According to Tree Preservation Orders 'A Guide to the Law and Good Practice', a TPO
should be made to protect those trees which have a public amenity, taking into account
their visibility, individual impact, and wider impact. Given the location of the trees
selected for removal within the interior site, their visibility is severely restricted from
surrounding public vantage points, and therefore do not fulfill these criteria.

I therefore believe that the proposed Tree Preservation Order is both flawed and
unnecessary, and request that the TPO is **not** confirmed in its current form.

Yours faithfully

[REDACTED]

[REDACTED]



32-36
LICKY SQUARE
LICKY

TREE SCHEDULE

Prepared by
ACD
ARBORICULTURE

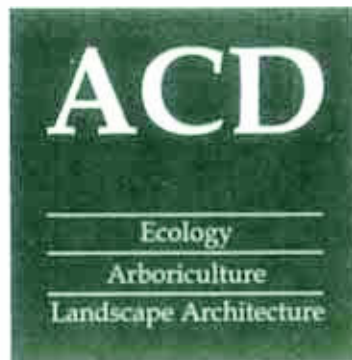
for



Written By:	
Checked By:	
Date:	09/08/2010
Revision:	
Ref:	PRI17421sch

1. SCOPE AND METHOD OF SURVEY

- 1.1. The survey must not be substituted for a tree risk assessment. Detailed tree inspection including decay mapping, aerial inspection, soil analysis, etc. was not undertaken. If further detailed inspection is deemed necessary then it will be made clear within this report.
- 1.2. No discussions took place between the surveyor and any other party whilst the survey was being undertaken.
- 1.3. The reference numbers of surveyed trees and groups of trees are shown on the Tree Plan. The prefix G has been used to indicate a group of trees. Stem locations within groups may be estimated, and indicative of canopy only.
- 1.4. All trees surveyed were tagged with an aluminium number tag, using aluminium nails.
- 1.5. The tree survey was carried out from ground level only.
- 1.6. Where trees are located on neighbouring land an estimated appraisal has been made of their quality and dimensions.
- 1.7. Where stems or branches are obscured by ivy or other materials a full assessment of those parts will not be possible.
- 1.8. Tree heights were measured with a clinometer, or estimated in relation to those measured with the clinometer. If individual tree heights are of particular concern, for example in shading calculations, then they are measured using a clinometer.
- 1.9. Trunk diameters were measured or, where inaccessible, estimated. Single stemmed trees are measured at 1.5m from ground level. Multiple stemmed trees are measured above the root flare.
- 1.10. Tree canopies, where markedly asymmetrical, were measured (or estimated by pacing) in four directions using a laser measure. Symmetrical canopies are measured in one direction only, with dimensions in the remaining directions assumed to be similar. The canopy of tree groups will be indicated by measuring the maximum canopy radius for each compass point (more complicated groups will have further notes taken and an accurate representation will be shown on the plan).
- 1.11. Tree 940 was not plotted on the survey and therefore its position was determined by distance from T937 and the fence.



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ECOLOGY * ARBORICULTURE * ARBORICULTURAL SITE MONITORING AND
SUPERVISION * LANDSCAPE & VISUAL IMPACT ASSESSMENT * LANDSCAPE DESIGN &
PLANNING * LANDSCAPE MANAGEMENT * LANDSCAPE AUDIT * PROJECT
MANAGEMENT * EXPERT WITNESS

SITE: 32 - 38 Lickey Square, Lickey
 CLIENT: Current Land Owners
 DATE: 2nd August 2010

SURVEYOR: T Grayshaw
 TAGGED? Yes

TREE SURVEY SCHEDULE

Tree Group	Common Name	Height (m)	Dia. (mm)	Age	Health	Form	Notes
901	Horse Chestnut	10	360	1	3.5	3.5	Value on boundary. Some exudents from main stem.
902	Scots Pine	15	570	1	4	4	Street scene \ boundary value
903	Douglas Fir	16	670	1	5	5	High individual and landscape value
904	Yew	10	300	1	2	3	Suppressed. Co dominant stem removed.
905	Leyland Cypress	9	290	1	1	1	Topped and regrown from 5m
906	Yew	4	<150	1	1	1	Young tree with stem dia <150mm
907	Leyland Cypress	8	200	1	1	1	Sparse crown.
908	Lawson Cypress	7	<150	1	1	1	Sparse lower crown
909	Scots Pine	12	550	1	4	4	Topped at 11m
910	Laurel	6	<150	1	3	3	Ornamental garden shrub.
911	Purple-leaved Plum	5	270	1	2.5	1.5	Frontage tree.
912	Purple-leaved Plum	6	340	1	2.5	2.5	Frontage tree. A little suppressed
913	Copper Beech	18	780	1	5	5	Tight triple stem structure at 1 - 2m. Otherwise good form
914	Leyland Cypress	15	500	1	1.5	1.5	Fast growing non native conifer. Some landscape value.
915	Leyland Cypress	13	230+230	2	1.5	1.5	Fast growing non native conifer acting as screening. Roots constrained by tarmac
916	Leyland Cypress	13	300	1	1.5	1.5	Fast growing non native conifer acting as screening. Roots constrained by tarmac
917	Leyland Cypress	13	340	1	1.5	1.5	Fast growing non native conifer acting as screening. Roots constrained by tarmac
918	Leyland Cypress	13	540	1	1.5	1.5	Fast growing non native conifer acting as screening. Roots constrained by tarmac

Notes:

e: Estimated measurements m: Maximum (when referring to groups) av: Average oi: measured over ivy

Dia: trunk diameter at 1.5m above ground level. Diameter taken immediately above the root flare of multi-stemmed trees

Crown clearance: Height of lowest outer crown above adjacent ground level

Age Class: Y: Young (less than 1/3 through normal life expectancy). MA: Middle aged (1/3 to 2/3 through normal life expectancy). M: Mature (over 2/3 through normal life expectancy).

OM: Over mature (in decline). V: Veteran (of biological, cultural or aesthetic value, usually characteristic of an individual surviving beyond the typical age range for its species).

Branch Spread: Shown as compass points or as a single radius. Physiological Condition & Structural Condition- G: GOOD, M: MODERATE, P: POOR or D: DEAD

Observations and comments: description of general form, including presence of physical defects, disease or decay and other appropriate details.

SITE: 32 - 36 Lickey Square, Lickey
 CLIENT: Current Land Owners
 DATE: 2nd August 2010

SURVEYOR: T Grayshaw
 TAGGED? Yes

Tree ID	Species	Height (m)	DBH (cm)	Age Class	Branch Spread (m)	Trunk Decay (cm)	Stem Decay (cm)	Physiological Condition	Structural Condition	Notes			
938	English Oak	20	630	1	2	6	8e	6	2	M	G	M	Asymmetrical crown
939	English Oak	22	910	1	9.5	9.5	9.5	9.5	4	M	G	G	High individual value.
940	Norway Maple	18	590	1	6	6	6	6	5	M	G	G	High individual value and landscape value as boundary tree.
941	Common Beech	18	230	1	2	2	2	2	2	M	M	M	Weak and competing. Topped and regrown from 2m
942	Common Beech	18	150	1	2	2	2	2	2	M	M	M	As above
943	Common Beech	20	330	1	3	2	2	3	4	M	M	M	Topped and regrown from 2m. Poor crown architecture. Stems congested and rubbing.
944	Common Beech	20	610	1	5	5	2	2	4	M	M	P	As above. Also weak union at 2m.
945	Norway Spruce	18	360	1	3	3	3	3	3	M	G	G	Forestry tree planted as boundary \ ornamental.
946	Douglas Fir	22	750	1	6	6	6	6	4	M	G	G	High individual value.
947	Sycamore	10	230	1	3	3	3	3	2	MA	M	M	Self-set tree.
948	Yew	10	570	m	2	2	4.5	4.5	2	M	G	M	Twin stem from base. Uneven crown
949	Leyland Cypress	15	630	2	2	2	2	2	2	M	M	M	Sparse crown. Twin stem from base.
950	Common Lime	5	450e	1	1.5	1.5	1.5	1.5	2	M	M	M	Pollarded at 4m
951	Leyland Cypress	15	330	1	1.5	1.5	1.5	1.5	1	M	M	M	Fast growing non native conifer
G952	Wild Cherry x 2	5	300e	m	1	2	2	1	2	M	P	P	Very sparse.
953	Holly	3	300e	m	2	2	2	2	2	MA	M	M	Heavily reduced.
954	Western Red Cedar	15	870	2	3	3	3	3	1	M	G	G	Twin stem from 1m
955	Norway Spruce	14	310	1	4	4	4	4	4	MA	M	G	Forestry tree planted as ornamental
956	Lawson Cypress	6	300av	m	1	2	2	1	0	MA	M	M	Poor stem formations at base
957	Norway Cypress	12	340	1	3	3	3	3	2	MA	G	G	As above

Notes:
 e: Estimated measurements m: Maximum (when referring to groups) av: Average oi: measured over ivy
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 Age Class: Y: Young (less than 1/3 through normal life expectancy) MA: Middle aged (1/3 to 2/3 through normal life expectancy) M: Mature (over 2/3 through normal life expectancy).
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 Branch Spread: Shown as compass points or as a single radius. Physiological Condition & Structural Condition- G: GOOD. M: MODERATE. P: POOR or D: DEAD
 Observations and comments: description of general form, including presence of physical defects, disease or decay and other appropriate details.

SITE: 32 - 36 Lickey Square, Lickey
 CLIENT: Current Land Owners
 DATE: 2nd August 2010

SURVEYOR: T Grayshaw
 TAGGED? Yes

Tree group No.	Species Common Tree	Height m	DBH cm	Age yr	Branch Number	1st order branch cm	2nd order branch cm	3rd order branch cm	4th order branch cm	5th order branch cm	6th order branch cm	7th order branch cm	8th order branch cm	9th order branch cm	10th order branch cm	Comments
958	Spruce Ornamental	3	290	1	3	3	3	3	3	2	M	M	M			
959	Cherry Ornamental	6	490	1	6.5	6.5	6.5	6.5	6.5	2	M	M	M			Exudents from main stem. Recently crown reduced.
960	Cherry Yew x 2	3	<150	1	1.5	1.5	1.5	1.5	1.5	0	Y	G	G			Young trees with stem dia <150mm
961	Yew	4	320	m	2	2	2	2	2	0	MA	G	G			
962	Fruit tree	4	<150	1	1	1	1	1	1	2	MA	P	M			Very sparse.
963	Alder	5	290	1	4	4	4	4	4	2	M	M	M			Competing
964	Fruit tree	4	<150	1	2	2	1	1	1	2	MA	P	M			Uneven sparse crown. Low vigor.
965	Silver Birch	10	<150	1	1	1	1	1	1	3	Y	M	M			Young tree with stem dia <150mm
966	Silver Birch	8	<150	1	1	1	1	1	1	4	Y	M	M			Young tree with stem dia <150mm
967	Horse Chestnut	6	<150	1	3	3	3	3	3	1	Y	M	M			Young tree with stem dia <150mm
968	Hornbeam	5	<150	1	4	4	4	4	4	1	Y	G	M			Young tree with stem dia <150mm
969	Hazel	5	<150	m	3	3	3	3	3	1	Y	G	G			Young tree with stem dia <150mm
970	Lawson Cypress	10	260	1	1.5	1.5	1.5	1.5	1.5	1	MA	M	M			Topped at 10m. Competition between group.
971	Lawson Cypress	10	200	1	1.5	1.5	1.5	1.5	1.5	1	MA	M	M			Topped at 10m. Competition between group.
972	Lawson Cypress	10	520	m	1.5	1.5	1.5	1.5	1.5	1	MA	M	M			Topped at 10m. Competition between group.
973	Lawson Cypress	10	250	1	1.5	1.5	1.5	1.5	1.5	1	MA	M	M			Topped at 10m. Competition between group.
974	Lawson Cypress	10	300	1	1.5	1.5	1.5	1.5	1.5	1	MA	M	M			Topped at 10m. Competition between group.
975	Unidentified	4	<150	1	2	2	2	2	2	1	Y	D	P			Dead tree held upright by climbers
976	Lawson Cypress	10	290	1	1.5	1.5	1.5	1.5	1.5	1	MA	M	M			Topped at 10m. Competition between group.
977	Lawson	10	240	1	1.5	1.5	1.5	1.5	1.5	1	MA	M	M			Topped at 10m. Competition between group.

Notes:

e: Estimated measurements m: Maximum (when referring to groups) av: Average oi: measured over ivy
 Dia: trunk diameter at 1.5m above ground level. Diameter taken immediately above the root flare of multi-stemmed trees

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Observations and comments: description of general form, including presence of physical defects, disease or decay and other appropriate details.

SITE: 32 - 36 Lickey Square, Lickey
 CLIENT: Current Land Owners
 DATE: 2nd August 2010

SURVEYOR: T Grayshaw
 TAGGED? Yes

Tree ID	Common Name	Height (m)	DBH (cm)	Age Class	Branches	Condition	Notes
976	Cypress	5	<150	1	2	2	Y
979	Holly	12	290	1	3	3	M
G980	Silver Birch	8	300max	1	As shown	On plan	G
981	Laurel	4	<150	1	2	2	Y
982	Yew	12	370	1	1.5	1.5	M
983	Douglas Fir	12	410	1	2	2	M
984	Douglas Fir	12	530	1	2	2	M
985	Douglas Fir	12	510	1	1	2.5	M
986	Sycamore	12	580	1	3	3	M
987	Douglas Fir	12	310	1	0	2	M
988	Douglas Fir	12	280	1	1	1.5	M
989	Norway Spruce	12	610	1	4	4	M
990	Yew	12	510	1	4	4	M
991	Douglas Fir	8	200	1	3	3	M
992	Holly	18	420	1	4	4	M
993	Norway Spruce	17	480	1	2	3	M
994	Norway Spruce	18	520	1	3	2	M
995	Norway Spruce	16	590	1	4	4	M
996	Yew	8	400e	m	2	2	M
997	Norway Spruce	14	440	1	2	2	M

Young tree with stem dia <150mm
 Sparse crown. Low vigor.
 Dense boundary screening
 Trees 81 - 90 are located on the boundary and as such provide boundary screening. The trees have been topped to a height of 12m, and this has reduced their vigour, and compromised their structure and crown shapes.

Sparse crown

Shared canopy with T93

Sparse

Notes:
 e: Estimated measurements m: Maximum (when referring to groups) av: Average ol: measured over ivy
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 Branch Spread: Shown as compass points or as a single radius. Physiological Condition & Structural Condition- G: GOOD, M: MODERATE, P: POOR or D: DEAD
 Observations and comments: description of general form, including presence of physical defects, disease or decay and other appropriate details.

SITE: 32 - 36 Lickey Square, Lickey
 CLIENT: Current Land Owners
 DATE: 2nd August 2010

SURVEYOR: T Grayshaw
 TAGGED? Yes

Tree ID	Species	Height (m)	DBH (cm)	Form	Age Class	Health	Notes
998	Whitebeam	12	340	1	4	3	One-sided crown
999	Yew	6	400e	m	3	3	Multiple leaders from ground level.
1000	Common Beech	18	810	1	9	9	Congested lower crown. Rubbing limbs. Otherwise feature tree.
201	Norway Spruce	18	410	1	0	3	Competing with T1000
202	Norway Spruce	18	390	1	3	3	
203	Copper Beech	16	600	1	9.5	9.5	High individual value.
204	Leyland Cypress	10	350	1	3	3	Ornamental garden tree
205	Douglas Fir	12	580	1	4	4	
206	Yew	5	300e	m	2	2	Multiple leaders
207	Lawson Cypress	11	400m	m	2	2	Trees 107 - 111 are fast growing non native conifers acting as boundary screening.
208	Lawson Cypress	11	400e	1	2	2	
209	Lawson Cypress	11	400e	1	2	2	
210	Lawson Cypress	11	400e	1	2	2	
211	Lawson Cypress	11	400e	1	2	2	
212	Holly	11	230	1	2	2	Sparse crown
213	Holly	11	260	1	2	2	Sparse crown
214	Hazel	6	500e m	m	5	5	Suppressed multi stem clump
215	Lawson Cypress	12	900e	m	4	4	Slightly recumbent at base. Tree house platform in lower crown. Triple stem from base.
216	Corsican Pine	18	630	0	4	4	Landscape value as boundary tree.
217	Corsican Pine	18	620	1	4	4	Landscape value as boundary tree.

Notes:

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Branch Spread: Shown as compass points or as a single radius. Physiological Condition & Structural Condition- G: GOOD, M: MODERATE, P: POOR or D: DEAD

Observations and comments: description of general form, including presence of physical defects, disease or decay and other appropriate details.

SITE: 32 - 36 Lickey Square, Lickey
 CLIENT: Current Land Owners
 DATE: 27th August 2010

SURVEYOR: T Grayshaw
 TAGGED? Yes

Tree ID	Common Name	Height (m)	DBH (cm)	Age Class	Branch Spread	Flare	Condition	Structure	Notes
218	Sycamore	10	250e	1	3	3	3	2	MA M M Landscape value as boundary tree.
219	Corsican Pine	10	600e	1	3	3	3	2	MA G G Landscape value as boundary tree.
220	Corsican Pine	18	500e m	m	4	4	4	6	M G G Landscape value as boundary tree. Triple stem from 5m.
221	Corsican Pine	18	650e	1	4	4	4	6	M G G Landscape value as boundary tree. Triple stem from 5m.
222	Corsican Pine	18	630	1	4	4	4	6	M G G Landscape value as boundary tree. Ivy clad stem
223	Holly	8	240	1	3	3	3	0	MA G G Boundary tree.
224	Corsican Pine	18	680	1	4	4	4	6	M P P Poor condition overall. Ivy clad stem
225	Corsican Pine	18	850	1	4	4	4	6	M G G Landscape value as boundary tree.
226	Yew	5	260	1	3	3	3	1	Y G G Young tree on boundary
227	Turkish Hazel	8	250	1	3	3	3	2	MA G G Ornamental tree
228	Laburnum	8	300	1	3	3	3	2	MA G G Ornamental tree

Notes:

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 Observations and comments: description of general form, including presence of physical defects, disease or decay and other appropriate details.

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MEMORANDUM**APPENDIX 2**

From:	██████████ Senior Tree Officer	To:	██████████ Legal Officer
My Ref:	TPO (4) 2011 32,34,36 Lickey Square, 1-4 Cleveland Drive,3-9 Stretton Drive, Barnt Green	Your Ref:	TPO (4) 2011 32,34,36 Lickey Square, 1-4 Cleveland Drive,3-9 Stretton Drive, Barnt Green
Please ask for:	██████████	Ext	3094
Date	7 th January 2011		

Re: Confirmation Of Tree Preservation Order**Back Ground:**

The provisional order was raised on the 5th July 2011 as shown as **A1** on the plan attached in reaction to a report / enquiry received indicating that there was a potential consideration being made to fell or mismanage selected trees within the area of the order. On visiting the site in reaction to this report a tree surgeon was found dismantling a good health specimen Beech tree which confirmed the need for the order. There are a high number of quality trees within this area all in good condition, health and of good form. They add greatly to the nature and character of the area offering a high level of both visual amenity and habitat value.

Representations Received – Objections

██████████ Raising an objection that by imposing the Tree Preservation Order on the area it would mean the residents would be unable to manage their own private garden space. That the visibility of some trees is restricted from the wider area therefore not fulfilling the guidance requirements in the Tree Preservation Orders Guidance 'A Guide to the Law and Good Practice' which states a TPO should be made to protect trees which have a public amenity, taking into account their wider visibility, individual impact and wider impact.

Comments: The original order was raised as an area order due to the urgent requirement to protect trees as there was a potential imminent risk of work been carried out on trees worthy of protection and to provide time for the Council to survey the site in detail. Having carried out the survey it is now proposed to confirm the order to protect specifically specified trees. I feel the tree selected fulfil the criteria required in line with the Tree Preservation Guidance to qualify for protection. They are all of good form and health and either individually or collectively as groups add greatly to the visual amenity and character of the area being visible from a number of local properties and roads. There is a high volume of lower grade tree stock within the boundary of the order these tree will not be protected as they would not qualify for TPO status. Tree Preservation Orders provide Councils the opportunity to administer a control over the management of valuable tree stock in an area. However applications for permission to manage protected trees can be made to the Council and although it is not always possible to agree all levels of work requested any application will be considered as sympathetically as possible in relation to the issues raised.

Representations Received – Supportive. Appendix 1.

██████████ Having received the documentation regarding the provisional order they wished to highlight their concerns that protection of trees and shrubs on the area may be too restrictive and lead to the development of natural light to properties. However they were generally in favour of the preservation order being raised.

Comments: Within the confirmed order protection will be applied to selected of suitable quality. It will be possible to apply for permission to carryout works on trees covered and every application would always be considered as sympathetically as possible. Although it may not be possible to agree work requested in all cases. No shrubs or

minor lower quality trees will be included within the order. I number of resident have been advised of this by phone.

Conclusion & Recommendation

The green infrastructure is highly important to the nature and character of the Barnt Green area. There are a high volume of quality trees that add greatly to the character of the area that will be covered and protected within this order. They contribute greatly to the visual amenity and habitat value of the area most being visible from a number of properties and surrounding roads. I believe there is a potential risk that valuable trees could be either mismanaged or lost if they are not protected. Therefore I would recommend that this order is confirmed to protect the tree as per the schedule below.

SCHEDULE 1

Specification of Trees

Trees Specified Individually(encircled in black on the map)

Reference on map	Description	Situation
T1	Lime	NGR 399288 / 274660
T2	Lime	NGR 399287 / 274655
T3	Oak	NGR 399277 / 274640
T4	Sycamore	NGR 399271 / 274629
T5	Pine	NGR 399270 / 274629
T6	Oak	NGR 399257 / 274608
T7	Oak	NGR 399236 / 274575
T8	Pine	NGR 399183 / 274621
T9	Pine	NGR 399185 / 274624
T10	Pine	NGR 399188 / 274629
T11	Pine	NGR 399192 / 274637
T12	Pine	NGR 399196 / 274642
T13	Pine	NGR 399200 / 274649
T14	Yew	NGR 399263 / 274641

Specification of Trees

Trees Specified Individually(encircled in black on the map)

Reference on map	Description	Situation
T15	Pine	NGR 399262 / 274652
T16	Pine	NGR 399257 / 274656
T17	Pine	NGR 399252 / 274662
T18	Cherry	NGR 399261 / 274692
T19	Horse Chestnut	NGR 399240 / 274710
T20	Chamaecyparis Conifer	NGR 399207 / 274658
T21	Pine	NGR 399175 / 274620
T22	Hemlock	NGR 399168 / 274627
T23	Holly	NGR 399168 / 274632
T24	Picea	NGR 399166 / 274636
T25	Picea	NGR 399168 / 274640
T26	Picea	NGR 399169 / 274642
T27	Picea	NGR 399174 / 274647
T28	Yew	NGR 399179 / 274654
T29	Picea	NGR 399180 / 274657
T30	Yew	NGR 399181 / 274660
T31	Picea	NGR 399185 / 274665
T32	Yew	NGR 399188 / 274668
T33	Picea	NGR 399192 / 274679
T34	Laburnum	NGR 399197 / 274680
T35	Beech	NGR 399200 / 274684
T36	Abies / Pine	NGR 399209 / 274704
T37	Pine	NGR 399209 / 274704
T38	Pine	NGR 399227 / 274717
T39	Picea	NGR 399213 / 274720
T40	Yew	NGR 399208 / 274719

T42	Yew	NGR 399157 / 274630
T43	Hemlock	NGR 399151 / 274635
T44	Sycamore	NGR 399146 / 274639
T45	Hemlock	NGR 399144 / 274640
T46	Oak	NGR 399138 / 274647
T47	Oak	NGR 399129 / 274650
T48	Oak	NGR 399142 / 274655
T49	Beech	NGR 399143 / 274661
T50	Beech	NGR 399145 / 274664
T51	Picea	NGR 399143 / 274670
T52	Hemlock	NGR 399148 / 274676
T53	Picea	NGR 399152 / 274652
T54	Cherry	NGR 399153 / 274645
T55	Cherry	NGR 399157 / 274660
T56	Yew	NGR 399159 / 274638

Specification of Trees

Trees Specified Individually(encircled in black on the map)

Reference on map	Description	Situation
T57	Lawsons Conifer	NGR 399167 / 274683
T58	Picea	NGR 399169 / 274682
T59	Lime	NGR 399165 / 274697
T60	Sycamore	NGR 399118 / 274663
T61	Horse Chestnut	NGR 399160 / 274738
T62	Horse Chestnut	NGR 399164 / 274742
T63	Yew	NGR 399207 / 274727

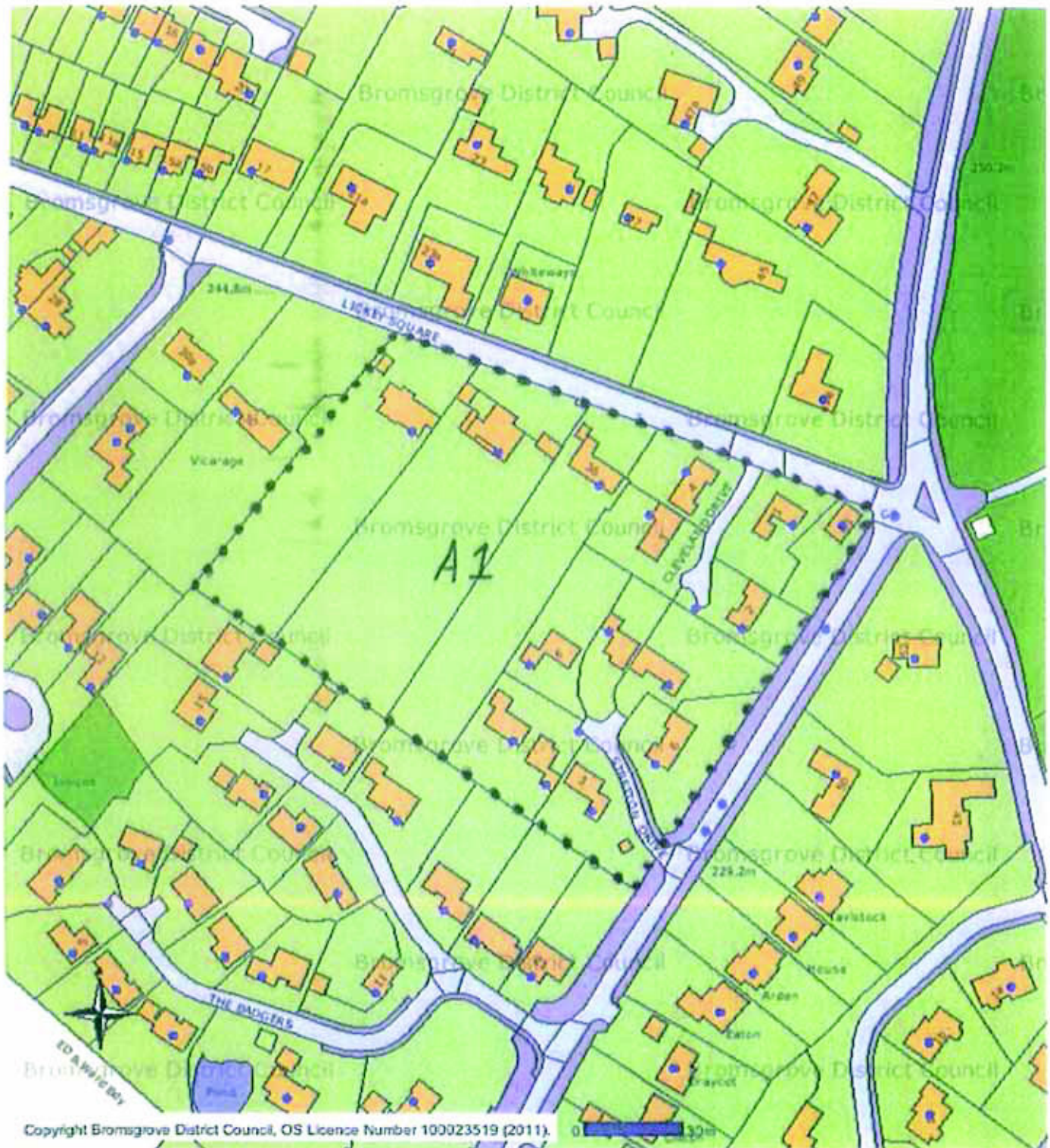
Trees specified by reference within a group (within a broken black line on map)

G1	3 x Silver Birch	NGR 399277 / 274697
G2	3 x Yew	NGR 399153 / 274644

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

None

I recommend that the provisional Tree Preservation order (4) 2011 is now confirmed to include all the above trees.



Bromsgrove
District Council
www.bromsgrove.gov.uk



Department **Planning**

Title: **TPO (4) 2011, Lickey Square, Cleveland Drive, Stoughton Drive, Barnf Green**

Scale: 1:1650

The common seal of the
District Council of Bromsgrove
was affixed hereto
this 5th DAY of ~~July~~ 2011.
July

04/07/2011

Scale 1:1184

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04/11/2011

Tel: 01527 873232

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APPENDIX 3

21st July, 2011
Your Ref KS/

BROMSGROVE District Council,
Legal, Equalities and Democratic Services
The Council House
Burcot Lane
BROMSGROVE
B60 1AA



Dear Sir/Madam,

Trees on land at 32, 34 & 36 Lickey Square

We have received your letter and enclosures regarding the Tree Preservation Order including the above addresses.

Our rear boundary fence backs onto the rear of No. 34 Lickey Square. The trees at the bottom of their garden (which include a sycamore, several firs and laurel) all overhang our fence and need regular trimming back.

If we are not allowed to do this, it makes the rooms at the rear of our house, very dark and we would need our lights on in the house all day.

In summary, we are in favour of a Tree Preservation Order because we think people are cutting trees down indiscriminately, however, we would like to know we can continue to trim these trees back, as and when required, so that they do not continue to grow and overhang our garden, thus reducing the amount of natural daylight to our house.

Yours faithfully,

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PLANNING COMMITTEE

5th December 2011

APPEAL DECISIONS

Relevant Portfolio Holder	Councillor C. B. Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Regeneration Services
Ward(s) Affected	Alvechurch; Catshill; Furlongs; Hagley; Hillside; Marlbrook; Slideslow; Tardebigge; Woodvale
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To note several planning appeal decisions which have recently been received.

2. RECOMMENDATION

- 2.1 Members are requested to note the report and accompanying appendices detailing the issues and conclusions in each case.

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications arising from this report

Legal Implications

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

Service / Operational Implications

- 3.3 The appeal decisions are as follows:-

	Name of Appellant	Plan Ref. / Proposal / Decision
3.3.1	Mr. G. Vale	11/0198-SG - Proposed alterations to existing roof to facilitate new first floor shower room - Badgers Sett, 248b Old Birmingham Road, Marlbrook, Bromsgrove, B60 1NU - See APPENDIX 1 Refused: 9th May 2011 Appeal decision: allowed - 1st August 2011

**PLANNING
COMMITTEE**

5th December 2011

	Name of Appellant	Plan Ref. / Proposal / Decision
3.3.2	Mr. C. Chadwick	11/0117-SG - Proposed first floor extension above existing single storey living room, and demolition of the existing adjacent garages and outbuilding - Ingestre, Carpenters Hill, Beoley, B98 9BS - See APPENDIX 2 Refused: 5th April 2011 Appeal decision: dismissed - 3rd August 2011
3.3.3	Mr. T. Chattin	11/0063-SC - Proposed first floor bedroom extension and enlarged rear conservatory - Chadwich Mill Cottage, Wildmoor Lane, Bromsgrove, B61 0RE - See APPENDIX 3 Refused: 30th March 2011 Appeal decision: dismissed - 22nd August 2011
3.3.4	Ms. F. Hulme	11/0193-SG - Proposed side extension to existing double garage and side storage room to form recreation room, workshop and storage space - Dolphin Barn, Weatheroak Hill, Alvechurch, B48 7EA - See APPENDIX 4 Refused: 28th April 2011 Appeal decision: dismissed - 22nd August 2011
3.3.5	Mr. and Mrs. Powell	10/0828-MT - Proposed change of use of redundant rural building to 2 dwellings (re-submission of 10/0389-MT) - Building at Pool House Farm, Hockley Brook Lane, Belbroughton, DY9 0AG - See APPENDIX 5 Refused: 9th November 2010 Appeal decision: dismissed - 15th September 2011
3.3.6	Mr. M. and Mrs. K. Parsons	11/0504-HR - Proposed extension - 70 Kidderminster Road, Hagley, DY9 0QL - See APPENDIX 6 Refused: 9th November 2010 Appeal decision: allowed - 29th September 2011
3.3.7	Mr. and Mrs. D. Whitehouse	11/0157-SC - Proposed creation of a private drive and landscaping - White Lodge Barn, Holy Cross Lane, Belbroughton, DY9 9UB - See APPENDIX 7 Refused: 20th April 2011 Appeal decision: dismissed - 17th October 2011

**PLANNING
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5th December 2011

	Name of Appellant	Plan Ref. / Proposal / Decision
3.3.8	Mr. and Mrs. Wilby and Mr. and Mrs. Maddox	10/0888-MT - Proposed erection of two new bungalows - 10 and 14 Cottage Lane, Marlbrook, Bromsgrove, B60 1DW - See APPENDIX 8 Refused: 10th November 2010 Appeal decision: allowed - 18th October 2011
3.3.9	Mrs. J. Shelley	11/0347-SG - Proposed removal of existing 8 ft hedgerow and fence along the boundary line, and installation of a 7 ft (2.1m) high timber close-boarded fence complete with gravel board and concrete post along boundary line following the inside edge of the kerb (nosing) line - 8 Coniston Close, Bromsgrove, B60 2HR - See APPENDIX 9 Refused: 7th April 2011 Appeal decision: dismissed - 27th October 2011
3.3.10	Mr. R. Williams	11/0355-SG - Proposed erection of an oak framed single storey car port and garden equipment store - Haybarn, Lower Gambolds Lane, Finstall, Bromsgrove, B60 3BP - See APPENDIX 10 Refused: 14th April 2011 Appeal decision: dismissed - 27th October 2011
3.3.11	Mr. A. C. Irvine	10/0896-SC - Proposed conversion of garage/storeroom into separate dwelling to accommodate disabled persons needs - 281 Stourbridge Road, Catshill, Bromsgrove, B61 0BL - See APPENDIX 11 Refused: 26th November 2010 Appeal decision: dismissed - 2nd November 2011
3.3.12	Mr. S. M. Homes	10/1226-SC - Proposed erection of one new dwellinghouse - Land off Rose Hill, Lickey, Rednal, B45 8RT - See APPENDIX 12 Refused: 4th February 2011 Appeal decision: dismissed - 2nd November 2011

Customer / Equalities and Diversity Implications

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

PLANNING COMMITTEE

5th December 2011

4. RISK MANAGEMENT

4.1 N/A

5. APPENDICES

- Appendix 1 - Appeal report for 11/0198-SG - Badgers Sett, 248b Old Birmingham Road, Marlbrook, Bromsgrove, B60 1NU
- Appendix 2 - Appeal report for 11/0117-SG - Ingestre, Carpenters Hill, Beoley, B98 9BS
- Appendix 3 - Appeal report for 11/0063-SC - Chadwich Mill Cottage, Wildmoor Lane, Bromsgrove, B61 0RE
- Appendix 4 - Appeal report for 11/0193-SG - Dolphin Barn, Weatheroak Hill, Alvechurch, B48 7EA
- Appendix 5 - Appeal report for 10/0828-HR - Building at Pool House Farm, Hockley Brook Lane, Belbroughton, DY9 0AG
- Appendix 6 - Appeal report for 11/0504-HR - 70 Kidderminster Road, Hagley, DY9 0QL
- Appendix 7 - Appeal report for 11/0157-SC - White Lodge Barn, Holy Cross Lane, Belbroughton, DY9 9UB
- Appendix 8 - Appeal report for 10/0888-SC/MT - 10 and 14 Cottage Lane, Marlbrook, Bromsgrove, B60 1DW
- Appendix 9 - Appeal report for 11/0347-SG - 8 Coniston Close, Bromsgrove, B60 2HR
- Appendix 10 - Appeal report for 11/0355-SG - Haybarn, Lower Gambolds Lane, Finstall, Bromsgrove, B60 3BP
- Appendix 11 - Appeal report for 10/0896-SC - 281 Stourbridge Road, Catshill, Bromsgrove, B61 0BL
- Appendix 12 - Appeal report for 10/1226-SC - Land off Rose Hill, Lickey, Rednal, B45 8RT

6. BACKGROUND PAPERS

Appeal decision letters received from the Planning Inspectorate dated 1st, 3rd and 22nd August, 15th and 29th September, 5th, 17th, 18th and 27th October, and 2nd November 2011.

AUTHOR OF REPORT

Name: Andy Stephens
email: a.stephens@bromsgroveandredditch.gov.uk
Tel.: 01527 881410

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/11/2155191
Planning Application	11/0198-SG
Proposal	Proposed alterations to existing roof to facilitate new first floor shower room
Location	Badgers Sett, 248B Old Birmingham Road, Marlbrook, Bromsgrove, B60 1NU
Ward	Marlbrook
Decision	Refused (Delegated decision) - 9th May 2011

The author of this report is Stacey Green who can be contacted on 01527 881342 (e-mail: s.green@bromsgrove.gov.uk) for more information.

Discussion

The proposal was for alterations to the existing roof to facilitate a first floor shower room.

The application was determined under delegated powers and refused on the basis that it would detrimentally erode the simple form and utilitarian character and appearance of the original building. The reason for refusal is noted below:

1. The siting, form and design of the proposed extension would detrimentally erode the simple form and utilitarian character and appearance of the original building contrary to policy DS2 and C27C of the Bromsgrove District Local Plan; the Council's Supplementary Planning Guidance Note 4 'The Conversion of Rural Buildings' and policy D.16 of the Worcestershire County Structure Plan.

Firstly, the Inspector considers the effect of the proposal on the openness of the Green Belt and the purposes of including land in the Green Belt. The Inspector agreed with the Council that the proposed extension would be small enough to ensure that it would not amount to inappropriate development for the purposes of PPG2: Green Belts and development plan policy. This is due to the extension being within the roof of the building which would not increase the footprint of the building. The Inspector considered that the projection of the extension at about 0.6m from the rear elevation would not have a significant harmful effect on the openness of the Green Belt or the purposes of including land in the Green Belt.

Secondly, the Inspector considered the effect of the proposal on the character and appearance of the existing building and the surrounding area. The Inspector notes that the dwelling is part of a former rural building within a farm complex and

is mainly brick with a pitched tiled roof that has dormer windows within it, and a gable about half way along its north elevation. He also notes that the building is significantly lower than a former barn that has been converted into a dwelling that is attached to its side. The Inspector acknowledges that the rural building has retained many of its original features but considers the building gives the appearance of being in residential use, particularly in relation to its fenestration.

The Council considered the addition of a gable fronted extension to the rear elevation would disrupt the section of unbroken roof slope that is an important aspect of the original form of the building. Taken together with the existing dormer windows, it was considered that the gable fronted extension would disrupt the plain and simple part of the building. Contrary to this the Inspector was satisfied that the proposal would be in keeping with the form and appearance of the original building. This was on the basis that the proposal would add a second gable to the roof on the north elevation. The gable would be a similar scale to the existing gable, albeit slightly wider, and would be sited within a plain stretch of the tiled roof between 2 of the dormer windows. It would be above a door and a small window, and would have a blocked window within it that would reflect the shape of the window within the existing gable. The gable would be small enough to ensure that it would not unacceptably disrupt that part of the roof, which is already broken up by the dormer windows and existing gable. It would not cause any imbalance, as there is a building attached to the one end and the dormer windows and ground floor windows are not evenly spaced throughout that elevation. The slight variation in the width of the gable from that of the existing would not be particularly noticeable.

Therefore, taking the above into account, the Inspector was satisfied that the proposal would not have a harmful effect on the character and appearance of the existing building. The proposal was found to comply with the advice given in the Council's Supplementary Planning Guidance Note 4: Conversion of Rural Buildings, as it would not detract from the appearance of the former rural building.

It was therefore determined that the appeal should succeed.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **ALLOWED** (1st August 2011).

Recommendation

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

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/11/2154824
Planning Application	11/0117-SG
Proposal	First floor extension above the existing single storey living room and demolition of the existing adjacent garages and outbuilding
Location	Ingestre, Carpenters Hill, Beoley, Redditch, B98 9BS
Ward	Alvechurch
Decision	Refused (Delegated decision) - 5th April 2011

The author of this report is Stacey Green who can be contacted on 01527 881342 (e-mail: s.green@bromsgrove.gov.uk) for more information.

Discussion

The proposal was for a first floor extension above the existing single storey living room and demolition of the existing adjacent garages and outbuilding.

The application was determined under delegated powers and refused on the basis of harm to the openness of the Green Belt. The reason for refusal is noted below:

1. The proposal represents an inappropriate form of development in the Green Belt which would be harmful to the openness of the Green Belt. No very special circumstances exist or have been put forward which outweigh the harm caused. As such, the development is contrary to policies D.38 and D.39 of the Worcestershire County Structure Plan, policy S11 of the Bromsgrove District Local Plan, Supplementary Planning Guidance Note 7: Extensions to dwellings in the Green Belt, and the advice of PPG2.

The Inspector considered the main issues to consider for the appeal were: whether the proposal would constitute inappropriate development for the purposes of Planning Policy Guidance: Green Belts (PPG2) and development plan policy; its effect on the openness of the Green Belt and the purposes of including land in the Green Belt; and, if it is inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

The Inspector refers to the 36.78sqm of floor space to be created by the proposal, which has not been contested by the appellant. The Inspector notes

that the floor space of the existing building has been increased by previous extensions to almost double that of the original dwelling, even taking account of the appellant's claim that a single storey part of the original structure had been incorporated into one of the extensions. On this basis, the increase in floor space has already exceeded the 40% limit given in the Council's Supplementary Planning Guidance: Extensions to dwellings in the Green Belt (SPG7) with regard to what is considered to be a disproportionate addition. As such, the proposal would amount to disproportionate additions over and above the size of the original building. Therefore, it would constitute inappropriate development for the purposes of PPG2 and development plan policy.

The Inspector notes that inappropriate development is, by definition, harmful to the Green Belt and that the proposal would result in an increase in the scale of the building which would reduce the openness of the Green Belt and would result in encroachment into the countryside, contrary to one of the purposes of including land in the Green Belt given in paragraph 1.5 of PPG2.

The appellant put forward a number of material considerations which were argued to amount to very special circumstances. The material considerations put forward by the appellant included demolition of 2 garages and an outbuilding that are located away from the dwelling, that are suggested to have a combined floor area that is 14.5sqm greater than that of the proposed extension. The appellant also argued that a structure could be erected away from the dwelling under existing permitted development rights as a fall back position. With regard to these matters, the appellant indicated that these satisfy 2 of the examples given in SPG7 under 'Very Special Circumstances'. The Inspector noted, however, that SPG7 indicates that it is for the local planning authority to assess the weight to be attributed to each of the considerations.

The Inspector comments on the appearance of the buildings to be demolished as being in poor condition with the view that these may require removing regardless of whether planning permission is granted for the proposed extension. While the appellant stated that he is prepared to accept a condition to prevent additional floor space being constructed on the rear or side elevations of the original dwelling, nothing was been put forward that would prevent other buildings being erected away from the dwelling under the existing permitted development rights, even if the Inspector were to grant planning permission for the extension. Therefore, the Inspector attached very little weight to the proposed removal of outbuildings or to the ability to construct a similar sized building under permitted development rights.

The appellant also argued that the proposal would unify the original dwelling with its extensions, overcome dysfunctional issues and allow for sustainable improvements, such as solar water heating and rainwater harvesting. Little evidence was presented to the Inspector to show that the sustainable improvements could not be carried out, and the dysfunctional issues could not be

addressed, without the proposed extension. Accordingly, the Inspector did not give these matters any significant weight.

The Inspector noted that there were no objections from neighbours, but did not consider this to represent a benefit that would weigh in favour of the proposal. The inspector also observed that the extension would be more prominent in views from the nearby public footpath and the road than the outbuildings that would be removed. As such, its effect on the character and appearance of the area would not offer a benefit to which any significant weight could be attached.

In conclusion, the Inspector did not find the appellant's considerations sufficient to clearly outweigh the harm to the Green Belt, and it was considered that the very special circumstances necessary to justify the development do not exist. For the reasons above, the Inspector found that the proposal would be inappropriate development, would reduce the openness of the Green Belt, and would have an adverse effect on the purposes of including land in the Green Belt and the character and appearance of the surrounding area.

It was therefore determined that the appeal should be dismissed.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (3rd August 2011).

Recommendation

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

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Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/11/2154285
Planning Application	11/0063-SC
Proposal	First floor bedroom extension and enlarged rear conservatory
Location	Chadwich Mill Cottage, Wildmoor Lane, Bromsgrove, B61 0RE
Ward	Woodvale
Decision	Refused (Delegated decision) - 30th March 2011

The author of this report is Stuart Castle who can be contacted on 01527 881342 (e-mail: s.castle@bromsgrove.gov.uk) for more information.

Discussion

The proposal is for a first floor bedroom extension and enlarged rear conservatory.

The application was determined under delegated powers and refused due to the following reasons as detailed below:

1. It is considered that the extension to the dwelling is inappropriate development in the Green Belt because the impact of the proposal would constitute a disproportionate addition over and above the size of the original dwelling. The proposal would unacceptably harm the openness of the Green Belt, contrary to policies DS2 and S11 of the Bromsgrove District Local Plan, policy D.39 of the Worcestershire County Structure Plan, the provisions of SPG7 and the guidance contained in PPG2. No arguments have been put forward to support the development that amount to very special circumstances that would outweigh the harm that would be caused to the Green Belt.

The Inspector found the main issue to be:

Whether the proposed extensions represent appropriate development in the Green Belt and, if not, are there any very special circumstances which outweigh the harm, or any other harm, and would justify granting permission.

Discussion

The application site lies in the West Midlands Green Belt, where there is a presumption against inappropriate development.

The proposed extensions would bring the overall figure to 188.59 sq m, or 140% above the size of the original. The proposed scheme is, therefore, contrary to the relevant policies of the development plan where a maximum enlargement of 40% the original dwelling (as it existed at 1st July 1948), would be permissible. Therefore the development must be regarded as inappropriate development in the Green Belt.

Whilst the Inspector found the proposed extensions would be, in themselves, relatively modest, if implemented, what was once a small rural cottage will have become, through the cumulative effect of successive enlargements, a substantial house with a distinctly different character. Although at least partially screened by hedges and by the main house from some viewpoints, the enlargements would be noticeable. Albeit to a small degree, this would erode the openness of the Green Belt.

Very special circumstances

In short the Inspector deems there are no very special circumstances which would justify granting permission, after carefully considering the appellants case for such circumstances. These include; the applicant's argument that the proposed development is "very, very close" to the acceptable limits for house extensions allowed under the Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, no details were then provided to explain how close the proposed scheme is to the permitted development allowance. It was also argued by the appellant that the extensions are required to accommodate the appellant's growing family. The wish for a larger house does not represent very special circumstances. Finally attention was drawn to visually intrusive or unsympathetic buildings in the vicinity which are claimed by the appellant to be incongruous in the Green Belt. The Inspector noted, it is not clear whether these were permitted in accordance with the operative development plan policies or not. Nevertheless, they were not regarded as desirable examples to follow in this appeal.

In conclusion

The Inspector found the proposal to not represent appropriate development in the Green Belt and, from the evidence submitted with the appeal, there are no very special circumstances which would justify granting permission. Accordingly, the proposed scheme conflicts with the objectives of the development plan policies.

Therefore, the Inspector dismissed the appeal.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (22nd August 2011).

Recommendation

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

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Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/11/2156732
Planning Application	11/0193-SG
Proposal	Side extension to existing double garage and side storage to form recreation room, workshop and storage space
Location	Dolphin Barn, Weatheroak Hill, Alvechurch, B48 7EA
Ward	Alvechurch
Decision	Refused (Delegated decision) - 28th April 2011

The author of this report is Stacey Green who can be contacted on 01527 881342 (e-mail: s.green@bromsgrove.gov.uk) for more information.

Discussion

The proposal was for a side extension to the existing double garage and side storage to form recreation room, workshop and storage space.

The application was determined under delegated powers and refused on the basis of harm to the Green Belt and impact on the character and setting of the converted rural building. The reasons for refusal are noted below:

1. The proposed extension to the outbuilding represents an inappropriate form of development in the Green Belt which would harm the openness of the Green Belt. No very special circumstances exist or have been put forward which outweigh the harm caused. As such, the development is contrary to policy DS2 of the Bromsgrove District Local Plan 2004, policies D.38 and D.39 of the Worcestershire County Structure Plan 2001 and the provisions of Planning Policy Guidance 2: Green Belts.
2. The form and design of the proposed extension to the outbuilding would have a detrimental impact on the character and setting of the converted rural building contrary to policy DS13 of the Bromsgrove District Local Plan; the Council's Supplementary Planning Guidance Note 4 'The Conversion of Rural Buildings' and PPS3: Housing.

It is noted that the appeal property lies in the Green Belt, part of a loose-knit ribbon of development on Weatheroak Hill. Planning permission was granted for the conversion of the barn (formerly used as a farm shop) to a dwelling in 1989. The converted barn stands near the eastern side of the property. It has a simple linear form and its conversion has largely preserved its character as a rural building, in accordance with policies for the reuse of rural buildings in the

countryside. There is also a double garage with a lean-to storage shed adjacent to the western edge of the property.

Firstly, the Inspector considers whether the proposal constitutes permitted development under Part 1, Class E of schedule 2 of the GPDO 1995 as amended. The Inspector agreed with the Council that the proposal could not be built under permitted development due to its siting on land forward of a wall forming the principal elevation of the original dwellinghouse, and given its height at 4.3metres.

The Inspector noted that the construction of new buildings inside a Green Belt is inappropriate unless it is for one of a number of defined purposes, including the limited extension, alteration or replacement of existing dwellings. However, the exceptions do not include the enlargement of outbuildings. The proposed enlargement and extension of the garage does not fall within any of the exceptions set out in paragraph 3.4 of PPG 2, and therefore must be considered to be inappropriate development in the Green Belt.

In addition to being inappropriate development, the Inspector agreed that the proposal would be harmful to the openness of the Green Belt and to the rural character of the area. This was because proposal would involve a substantial enlargement of the existing building, which would project significantly beyond the footprint and envelope of the present structure and result in harm to openness. While some of the design details would help to give the extended building a somewhat rustic character it would still alter its character from a simple garage and store to that of a building designed primarily for ancillary domestic use. This would be emphasised by the extent of glazing, including roof-lights, and the introduction of domestic accommodation, albeit ancillary, in a different part of the property. While the Appellant states that it would not compete with the main dwelling, it would introduce an additional focus of domestic use on the property which would be harmful to the existing rural character of the area. It would conflict with the advice set out in paragraph 3.7 of the Council's Supplementary Planning Guidance Note 4: Conversion of Rural Buildings, which provides that extensions will not normally be permitted as they would detract from the plain, simple and utilitarian appearance of most rural buildings.

The appellant put forward a number of material considerations which were argued to amount to very special circumstances. The material considerations put forward by the appellant included a requirement for additional living space, the establishment of screening along the western boundary to reduce visibility, the design and appearance of the building, and the lack of harm that would be caused to the amenities of neighbours. With regard to these matters, the Inspector made the following observations. Little weight is attached to personal requirements which rarely outweigh the more general considerations arising from policies designed to protect the countryside and the Green Belt from inappropriate forms of development. Little weight is attributed to the matter of

screening or lack of harm to the living conditions of neighbours as this could be apply to many proposals in the Green Belt, and does not overcome the harm by reason of inappropriateness, nor the harm to openness. The Inspector noted that careful consideration had been given to the design and appearance of the building but did not agree that it would be an improvement in Green Belt terms over the existing simple building.

For the reasons above, the Inspector did not consider that the material considerations put forward by the appellant amounted to very special circumstances necessary to clearly outweigh the harm by reason of inappropriateness and the harm to the openness and to the character of the countryside. In addition the Inspector did not consider that there was a realistic fall-back position in terms of permitted development rights. In conclusion the appeal was found to conflict with national and local policies which aim to resist inappropriate development in the Green Belt.

It was therefore determined that the appeal should be dismissed.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (22nd August 2011).

Recommendation

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

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Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/11/2152290
Planning Application	10/0828-MT
Proposal	Change of use of redundant rural building to 2 dwellings (resubmission of 10/0389-MT)
Location	Building at Poolhouse Farm, Hockley Brook Lane, Belbroughton, DY9 0AG
Ward	Furlongs
Decision	Refused by Planning Committee - 1st November 2010

The author of this report is Matt Tyas; in his absence, please contact Laura Buckton on 01527 881336 (e-mail: l.buckton@bromsgrove.gov.uk) for more information.

Discussion

The proposal was for the change of use of redundant rural building to 2 dwellings (resubmission of 10/0389-MT)

The application was determined under delegated powers and refused due to the following reason as detailed below:

1. The proposal would involve major new building works and a significant amount of domestic features contrary to policy C27 of the Bromsgrove District Local Plan 2004 and the advice contained in SPG4: Conversion of Rural Buildings. The proposal would therefore constitute inappropriate development in the Green Belt contrary to policy D.39 of the Worcestershire County Structure Plan 2001, policy DS2 of the Bromsgrove District Local Plan 2004 and the advice contained within PPG2: Green Belts. It is considered that the inappropriate domestic appearance of the proposal would harm the rural character of this Green Belt area. No very special circumstances have been demonstrated by the applicant to outweigh this harm.

The Inspector found the main issues to be:

- Whether the proposed conversion would amount to inappropriate development in the Green Belt;
- The effect of the proposed conversion on the openness of the Green Belt and on the character and appearance of the rural area, including the visual amenity of the Green Belt; and

- If the proposal would amount to inappropriate development whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, such as to amount to the very special circumstances necessary to justify the development.

The proposal

The appeal building is a large, modern agricultural building which has been redundant for many years. It lies close to the dwelling known as Poolhouse Farm and adjacent to open countryside. It has been used in a low-key way for a variety of purposes ancillary to the domestic use for some 15 years.

The building lies within the Green Belt.

Details

In accordance with *Planning Policy Guidance: Green Belts* (PPG2) the re-use of buildings within a Green Belt is not inappropriate development providing certain criteria are met. Criterion (c) of policy C27 requires buildings to be of permanent and substantial construction and to be capable of conversion without major works or complete reconstruction. A structural report of the appeal building, taken together with other evidence suggests that, although the frame of the building would remain and the floor is robust many other elements would need to be substantially reconstructed. New internal load bearing walls would be required to support the new roof and would also improve the lateral and vertical stability of the frame. The appellant suggests that the Council should indicate what would amount to major works and draws attention to a standard that has been used elsewhere of 33%. However, even without such an indicator it appears from the evidence that the necessary works would be extensive and would amount to major reconstruction. In consequence the Inspector concludes on the first main issue that the re-use of the building would amount to inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The Inspector notes; the proposal includes the removal of two buildings which abut the appeal building. This would cut the footprint of built development by about half and would reduce the effect on the openness of the Green Belt. Conversely, the gardens of the proposed dwellings would be created over the footprint of the larger building and although it is not clear from the submitted plans where the four proposed car parking spaces would be located it appears inevitable that they would be in the vicinity of the lean-to building to be removed. Nevertheless, overall there would be a noticeable reduction in built development and hence no harm to the openness of the Green Belt.

With regard to the character and appearance of the area, the building lies adjacent to open countryside to its south-east and north-east. Both the Council

and the Inspector feel that the conversion would result in the incongruous domestication of the building and the surrounding area of land which is currently agricultural in appearance. The location of the building, adjacent to open fields and a rural access track, would exacerbate the detrimental effect on the countryside. In particular, the significant amount of glazing in the south-east elevation, which would materially alter the character of the original barn, and the parking of domestic vehicles between this elevation and the open countryside. Therefore it is concluded that the proposal would be materially detrimental to the character and appearance of the rural area and to the visual amenity of the Green Belt.

Very Special Circumstances

Firstly the applicant states the proposal would reduce built development and hence reduction in loss of openness is cited. However, the Inspector deems agricultural buildings are an integral part of the rural landscape and not inappropriate in the Green Belt. The improvement to the openness of the Green Belt, whilst positive, would therefore carry moderate weight in favour of the proposal. Secondly, it is suggested that some other use of the building could have a greater effect on the area through the introduction of HGV traffic and additional hard standings. However, any use other than an agricultural use would require planning permission and would be judged according to Green Belt and other policy. No specific uses have been suggested and in the absence of any evidence of a likely return to an intensive agricultural. Thirdly, it is suggested that the proposed dwellings would help to meet the need for new homes. However, they would be located in a remote, rural location, away from shops and services. Therefore whilst they would make a small contribution to the housing stock, they would be in an unsustainable location.

Finally, a number of other local conversions to dwellings have been cited. There are limited details for most of these and conversions are not necessarily inappropriate in the Green Belt. Whilst some are conversions of large agricultural buildings the circumstances surrounding them are mostly unknown and therefore the Inspector feels they carry little weight.

The Inspector concludes that the very special circumstances necessary to justify the development do not exist.

In conclusion

For the reasons set out above and having regard to all other matters raised, including the recent publication of the consultation draft National Planning Policy Framework, which carries little weight in this case, the Inspector concludes that the appeal should be dismissed.

Therefore the Inspector dismissed the appeal

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (15th September 2011).

Recommendation

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

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/11/2159287
Planning Application	11/0504-HR
Proposal	Proposed new extension
Location	70 Kidderminster Road, Hagley, DY9 0QL
Ward	Hagley
Decision	Refused (Delegated decision) - 4th August 2011

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

Discussion

The proposal is for a two storey side extension.

The application was determined under delegated powers and refused due to the following reasons as detailed below:

1. Due to the resulting built up appearance and loss of gap that would be caused by the proposed extension, the proposal would detrimentally affect the streetscene and character of the area. This is contrary to policy CTC.1 of the Worcestershire County Structure Plan, policies DS13 and S10 of the Bromsgrove District Local Plan 2004 and the guidance contained in SPG1, the Council's Residential Design Guidance.

The Inspector found the main issue of the appeal to be:

The effect of the development on the character and appearance of the area.

The detached house fronts onto a busy dual carriageway. It is in a short row of properties comprising another detached dwelling and 2 pairs of semi-detached houses. Although there are broad similarities in their scale and their relationship to the highway, the Inspector notes there are 6 properties which have been built to differing designs and they have each been altered over time. Consequently there is a notable variation in their appearance.

The Inspector acknowledges the extension would be set back from the front elevation of the dwelling, with a ridge height of that on the existing building. In terms of design it would relate well to the character of the house. Therefore, the Inspector felt if built using matching materials it would constitute as a subservient addition of a suitable and sympathetic appearance. Moreover, given the variety of housing in this row the resultant building would not be visually incongruous.

As the proposed extension would substantially fill the space between the side of the dwelling and the fence line with 72 Kidderminster Road, the Council raised this as an issue. They stated the gaps separating the houses in the row, fulfill a strategic function. However, this row is quite short, and beyond the break in the built frontage that is next to 74 Kidderminster Road the arrangement of the houses changes and their boundaries are of varying sizes. After consideration the Inspector noted that some properties have single storey side extensions, which maintain a sense of openness above. Moreover, what can be seen between the houses does not make a significant positive contribution to the character of the area, and the appreciation of the gaps is limited when travelling along the road due to the nature and siting of the buildings. Consequently for these reasons the gaps separating these houses do not create an established pattern or an important feature in the street scene and, on the evidence submitted, the Inspector deemed the gaps to not have a strategic function.

The extension would be some distance from the carriageway, thereby reducing its dominance. The space to the side of no. 72 would also remain, and so a separation between the buildings would be maintained. Finally the set back of 1m from the boundary at first floor level would accord with the advice in Supplementary Planning Guidance Note 1 *Residential Design Guide* (SPG) concerning the avoidance of terracing.

Conclusion

The Inspector concluded that the loss of this gap would not cause unacceptable harm to the streetscape or the character of the area. As such the extension would not conflict with policies DS13 and S10 in the Bromsgrove District Local Plan or advice in the Council's SPG1.

Therefore the Inspector allowed the appeal.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **ALLOWED** (29th September 2011), subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision;
- 2) The development hereby permitted shall be carried out in accordance with approved drawings SHDC/11/21/02 and 03A, together with the Block Plan (1:500) and the Location Plan (1:1250);

- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building;
- 4) The window on the north-east elevation shall at all times be fitted with obscured glazing and any opening lights shall, at all times, be at high level and top-hinged only.

Recommendation

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

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Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/11/2154806
Planning Application	11/0157-SC
Proposal	Proposed creation of a private driveway and landscaping
Location	White Lodge Barn, Holy Cross Lane, Belbroughton, DY9 9UB
Ward	Furlongs
Decision	Refused (Delegated decision) - 20th April 2011

The author of this report is Stuart Castle who can be contacted on 01527 881342 (e-mail: s.castle@bromsgrove.gov.uk) for more information.

Discussion

The proposal was for the creation of a private drive by utilising an approved field access, and landscaping.

The application was determined under delegated powers and refused due to the following reason as detailed below:

1. The proposed driveway would represent an inappropriate form of development in the Green Belt contrary to policies D.38 and D.39 of the Worcestershire County Structure Plan 2001, policy DS2 of the Bromsgrove District Local Plan 2004 and the advice contained within PPG2: Green Belts. The proposal would cause clear harm to the visual amenity and rural character of the Green Belt and no very special circumstances have been put forward that would outweigh this harm.

The Inspector found the main issues to be its Green Belt location and:

- Whether the proposal constitutes inappropriate development in the Green Belt;
- Whether the proposal would injure the visual amenities of the Green Belt or jeopardise highway safety; and
- Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

The Proposal

The proposed driveway runs from a recently approved farm access on Holy Cross Lane straight across a field to White Lodge Barn. It would be about 140m long and it would be bounded by fencing and hedges. Its primary purpose would be to serve that dwelling, though it would also provide access to the 2 fields to either side.

The Inspector confirms the proposal would involve no changes to the junction with Holy Cross Lane over and above those already permitted in connection with the farm access. Consequently, the merits of the scheme rest on the impact of the new drive itself, together with the fencing and hedges to either side.

Details

Primarily the Inspector refers to Planning Policy Guidance 2 *Green Belts* (PPG2) which says inappropriate development is by definition harmful to the Green Belt, and great weight is to be given to the harm arising from inappropriateness when considering such development. The guidance states that engineering and other operations, which would include the proposal, would be inappropriate development unless it was able to maintain openness and did not conflict with the purposes of including land in the Green Belt.

The Inspector noted whilst the proposed new drive would follow the surface of the field and would have a stone finish it would still constitute hard development within this rural landscape. Furthermore, its effect would be emphasised by its straight alignment, by its length, by the fences to either side and by the manner in which it would rise up the slope to its crest some 3 to 4m above the lane. Consequently the Inspector felt it would not maintain the current sense of openness that is created by this undeveloped field. Moreover, because of its nature and form the new drive would constitute an encroachment of development into this area of countryside, and so would conflict with the purposes of including land in the Green Belt given in PPG2.

In terms of the visual amenity and character, the Inspector had concerns over the intrusive element of the proposed driveway. It was felt that it would erode the character and appearance of the locality. The current the field is described as contributing positively to this pleasing rural landscape. The appellant intended to install fencing and hedges in order to conceal the driveway; however the Inspector noted this would take time to become established and their long-term retention cannot be guaranteed. Therefore it was deemed that the proposal would injure the visual amenities of the Green Belt.

With regard to highway safety, the Inspector noted the sight lines would allow adequate indivisibility between drivers emerging from the access and those travelling along the road. The access would also be a significant distance from

the existing drive to the south and vehicle movements would not be sufficient to cause a conflict with traffic entering or leaving the drives of the houses opposite. Consequently the scheme would not cause harm as a result of its effect on highway safety.

The appellant claims very special circumstances exist which justify the inappropriate development. These include the reduced traffic outside the existing driveway, the reduction of conflict with other vehicles and an improved landscape with hedging. Consequently, whilst the new drive and the hedges may bring certain benefits, the Inspector agreed with the Council that limited weight should be afforded to these and that very special circumstances do not exist to justify this inappropriate development.

In conclusion

Both the Inspector and the council agree that this proposal is to be considered as inappropriate development in the Green Belt that would injure the visual amenities of the Green Belt. Whether taken individually or together other considerations do not clearly outweigh the harm arising from such inappropriateness. Consequently very special circumstances do not exist to justify this inappropriate development.

Therefore Inspector dismissed the appeal.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (17th October 2011).

Recommendation

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

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Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/11/2152255
Planning Application	10/0888-MT
Proposal	Erection of two new bungalows
Location	10 and 14 Cottage Lane, Marlbrook, Bromsgrove B60 1DW
Ward	Marlbrook
Decision	Refused by Planning Committee - 1st November 2010

The author of this report is Matt Tyas; in his absence, please contact Laura Buckton on 01527 881336 (e-mail: l.buckton@bromsgrove.gov.uk) for more information.

Discussion

The proposal was to erect of 2 new bungalows

The application was determined under delegated powers and refused for the following reason as detailed below:

1. The proposal would result in the overdevelopment of the site and an adverse impact on the amenity of the surrounding occupiers contrary to policies S7 and S8 of the Bromsgrove District Local Plan 2004 and the guidance contained in the Council's Residential Design Guide (SPG1).

The Inspector found the main issues to be:

1. The proposal's impact on the character and appearance of the area
2. Its effect on the living conditions of neighbours

The Proposal

The land the subject of this appeal lies in an established mature residential area. Although the built form in the vicinity generally comprises 2-storey dwellings, bungalows and blocks of maisonettes are also found. Moreover, there is significant variety in the design of properties as well as in their plot sizes and their relationship to the highway. As a result the surroundings do not display a strong rhythm or pattern in the type or arrangement of buildings. The appeal site mainly comprises about half of the large rear gardens of 10 and 14 Cottage

Lane. To the south and east are houses that front onto Firs Close, while to the north are the garages that serve the maisonette blocks beyond.

Details

The proposal would be introducing dwellings behind No 10 and No 14 and in principle the additional housing is acceptable.

The Inspector concluded the development would not constitute inappropriate infill, owing to the following reasons:

- To the north the layout of the maisonettes results in a second line of built form set back from Cottage Lane (albeit facing onto a smaller cul-de-sac), and in any event there is significant variety in the arrangement of buildings on the surrounding roads. Therefore, such a siting would not be at odds with the layout of housing in the area.
- As the proposed dwellings would each be only a storey in height they would not be dominant features and their intrusion into the sense of openness provided by the site would be limited.
- They would both have gardens in excess of 250sqm while No. 10 and over, 14 would retain gardens of over 300sqm. In such circumstances, whether considered in absolute terms or relative to the other plots around, the proposed bungalows would not appear to be a cramped over-development of the site, and the scheme would not conflict harmfully with any spacious quality currently experienced in the vicinity.

In terms of the landscape, one tree would be removed in the rear garden of No. 10, and there would also be a loss of planting along the line of the drive and at the site access. However, none of this is subject to protection and its contribution to the amenity of the area is not sufficient to offer a ground to resist the proposal, and it would not detract unacceptably from the character or appearance of the area.

Living conditions

When looking from inside the 2 neighbouring houses both plots would not appear dominant and have an unreasonable effect on living conditions that are currently enjoyed. The seating areas at the end of these gardens would not be overshadowed as Plot 2 would be broadly to the north, while the separation between the new gable and this boundary, together with the associated planting, would mean the bungalows would not have an unduly overbearing effect, ensuring that there are appropriate living conditions in the neighbouring properties.

Despite a drive running between No. 10 and No. 14 the number of vehicle movements associated with the development would not be sufficient to give rise to harmful noise or disturbance. There would be a certain level of disruption for surrounding residents during the construction period but this would be of a temporary nature and in itself does not offer a basis to resist the scheme. However, in a residential area of this type this would not be unacceptably harmful. Accordingly the Inspector concluded that the proposal would not unreasonably detract from the living conditions of neighbouring residents.

Other matters

The Inspector considers that on-site parking would be adequate for the new houses and for No. 10 and No. 14. The additional traffic associated with these 2 dwellings would not be sufficient to have a material or harmful effect on flows along Cottage Lane or at its junction with Old Birmingham Road.

While previous applications have been dismissed on the site, the Inspector had limited knowledge of the circumstances of the cases. They were also not tested at appeal. In the light of the submitted evidence it has not been shown that the effect of the scheme on drainage, wildlife or housing supply would be unacceptable. This decision does not prejudice any ownership issues that may exist.

In conclusion

The comments and the quantity made by local residents against the proposal were taken into consideration by both the Inspector and the Council. However, local opposition in itself is not a reasonable ground for resisting development. After the Inspector made an objective appraisal of the relevant issues, the matters raised in these representations it does not offer a basis to dismiss the appeal.

Therefore the Inspector allowed the appeal.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **ALLOWED** (18th October 2011) subject to the following conditions:

1. In the interests of the appearance of the area details of materials and landscaping (including boundary treatments and the protection of retained planting) should be agreed.

2. No windows should be formed at roof level and the north-east facing lounge windows in Plot 1 should be fitted with obscured glazing.

Recommendation

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

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/11/2158551
Planning Application	11/0347-SG
Proposal	Removal of existing 2.4m hedgerow and fence along boundary line of No. 8 and replace with 2.1m fence
Location	8 Coniston Close, Bromsgrove, B60 2HR
Ward	Slideslow
Decision	Refused (Delegated decision) - 9th June 2011

The author of this report is Stacey Green who can be contacted on 01527 881342 (e-mail: s.green@bromsgrove.gov.uk) for more information.

Discussion

The development proposed was for the removal of an existing 8ft hedgerow and fence along the boundary line of no. 8 Coniston Close, and the installation of a 7ft (2.1m) high timber close-boarded fence complete with gravel board and concrete post along the boundary line of 8 Coniston Close.

The application was determined under delegated powers and refused on the basis of harm it would cause to the visual appearance and character of the street scene. The reason for refusal is noted below:

1. By virtue of its scale, materials and position, the proposal would unduly harm the visual appearance and character of the existing street scene which would be contrary to policies DS13 and S10 of the Bromsgrove District Local Plan January 2004 and to the advice contained within Supplementary Planning Guidance Note 1 - Residential Design Guide.

The Inspector noted that part of the character of Coniston Close was formed by the presence of mature trees in the street and in private garden, grassed verges and amenity areas, and from domestic planting in the front gardens of many of the dwellings, which contribute to the quality of the estate. It is noted that in Coniston Close in particular there is little in the way of roadside landscaping and that the hedge along no. 8 makes a positive contribution to the sylvan character of the area.

The Inspector agreed with the Council that the replacement of the hedge with a tall fence would appear as stark and would make this part of the close less green and attractive. The Inspector did not consider that the planting proposed behind the fence would adequately mitigate the serious harm that would be caused by the development.

Whilst the Inspector observed a few examples of fences which abutted the road or footway that tended to have an severe appearance in the street scene, that were considered to be out of keeping with the softer mix of fences and greenery which typify the area. As such, the Inspector did not consider that these were good examples to follow.

Overall, the Inspector found that the proposal would result in serious harm to the character and appearance of the surrounding residential area and would conflict with policy DS13 of the BDLP.

It was therefore determined that the appeal should be dismissed.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (27th October 2011).

Recommendation

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

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/11/2158029
Planning Application	11/0355-SG
Proposal	Erection of an oak framed single storey car port and garden equipment store
Location	Hay Barn, Lower Gambolds Lane, Finstall, Bromsgrove, B60 3BP
Ward	Tardebigge
Decision	Refused (Delegated decision) - 13th June 2011

The author of this report is Stacey Green who can be contacted on 01527 881342 (e-mail: s.green@bromsgrove.gov.uk) for more information.

Discussion

The development proposed has already been carried out. The development proposed is the erection of an oak framed single storey car port and garden equipment store.

The application was determined under delegated powers and refused on the basis of harm to the Green Belt and impact on the character and setting of the converted rural building. The reasons for refusal are noted below:

1. The outbuilding represents an inappropriate form of development in the Green Belt which is harm the openness of the Green Belt. No very special circumstances exist or have been put forward which outweigh the harm caused. As such, the development is contrary to policy DS2 of the Bromsgrove District Local Plan 2004, policies D.38 and D.39 of the Worcestershire County Structure Plan 2001 and the provisions of Planning Policy Guidance 2: Green Belts.
2. The form and design of the outbuilding has a detrimental impact on the character and setting of the converted rural building contrary to Policy DS13 of the Bromsgrove District Local Plan; the Council's Supplementary Planning Guidance Note 4 'The Conversion of Rural Buildings' and PPS3: Housing.

It is noted that Hay Barn is a dwelling converted from a barn, located in the countryside. The car port lies to the south of the dwelling, some 50-60m away, separated by a garden, a shared access and other outbuildings which do not form part of this proposal.

With regard to the effect of the proposal on the openness of the Green Belt: the Inspector notes that the structure is a substantial one, measuring about 17m by 6m; although it is open at the front and rear, the long roof at about 4 - 4.2m high, and the enclosed ends give the building an impression of solidity. It is located adjacent two much smaller outbuildings, but otherwise stands in a largely open area. Due to its size and position, the Inspector found that the development resulted in a significant loss of openness of the Green Belt. As Planning Policy Guidance Note 2: Green Belts (PPG2) says that openness is the most important attribute of the Green Belt, the harm that this causes is weighty.

With regard to character and appearance, the Inspector notes the appellant's claim that the car port cannot be seen from the road. Contrary to this, the Inspector considered the extent of screening provided by the hedgerow to be variable and that the car port can be seen clearly in some places and glimpsed in others through gaps in the foliage. When the deciduous parts of the hedgerow are not in leaf, the Inspector notes that the car port would be even more evident.

The Inspector considers the building stands out because of its size and position within an otherwise sparsely development countryside location, and is therefore an incongruous feature in the rural landscape, poorly related to the converted dwelling. The proposal was considered to result in the marked consolidation of existing buildings and the cumulative effect would be to compete with the parent building. Thus, the Inspector agreed that the development is harmful to the character and appearance of the countryside and to the setting of Hay Barn.

The appellant argued that the car port was erected under the belief that it was permitted development. The Inspector attached little weight to this misunderstanding. While the development does not pose any harm to the living conditions of neighbours, the Inspector considers that such a lack of harm does not result in any benefit that might outweigh the other harm identified.

Overall, the Inspector found that the development causes significant harm through loss of openness and to the character and appearance of the area and setting of Hay Barn. The other considerations argued in favour of the proposal were found to carry modest weight, but did not clearly outweigh the harm found to exist. Accordingly the very special circumstances necessary to justify the development do not exist in this case.

It was therefore determined that the appeal should be dismissed.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (27th October 2011).

Recommendation

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

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Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/11/2152825
Planning Application	10/0896-SC
Proposal	convert garage/storeroom into a separated dwelling to accommodate disabled wife's needs.
Location	281 Stourbridge Road, Catshill, Bromsgrove, B61 0BL
Ward	Catshill
Decision	Refused (Delegated decision) - 26th November 2010

The author of this report is Stuart Castle who can be contacted on 01527 881342 (e-mail: s.castle@bromsgrove.gov.uk) for more information.

Discussion

The proposal was to convert garage / storeroom into a separated dwelling to accommodate disabled wife's needs.

The application was determined under delegated powers and refused due to the following reasons as detailed below:

1. The subdivision of the plot would detract from the established development pattern of the area and cause harm to the amenity and character of the location contrary to policy S8 of the Bromsgrove District Local Plan 2004.
2. The proposed development would result in a loss of privacy of the occupier of the existing dwelling contrary to policy DS13 of the Bromsgrove District Local Plan 2004 and the guidance contained within the Council's Residential Design Guide (SPG1).
3. The proposed development would provide an insufficient level of amenity for its future occupiers contrary to policy DS13 of the Bromsgrove District Local Plan 2004 and the guidance contained within the Council's Residential Design Guide (SPG1).

The Inspector found the main issues to be:

- Whether the proposal amounts to inappropriate development in the Green Belt for the purposes of Planning Policy Guidance Note 2 (PPG2) - Green Belts and development plan policy.

- The effect of the proposal on the openness of the Green Belt and the character and appearance of the surrounding area.
- The effect of the scheme on the living conditions of the occupiers of the existing dwelling at 281 Stourbridge Road, with particular regard to privacy.
- Whether the scheme would provide adequate private garden space for the occupiers of the existing and proposed dwellings.
- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

The Proposal

In the Green Belt there is a presumption against inappropriate development, which should not be approved except in very special circumstances. In addition paragraph 3.8 of PPG2 and policies DS2 and C27 of the Local Plan advise that the re-use of buildings is not necessarily inappropriate in the Green Belt, provided any scheme complies with various criteria. This includes that the reuse should 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. That strict control is exercised over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it. Extensive areas of hard-standing, car parking and boundary fencing are cited as examples. In addition, the form, bulk and general design of the building should be in keeping with its surroundings.

Details

As existing, the single garage and ancillary domestic store to serve the existing dwelling at 281 Stourbridge Road are described by the Inspector to generate comparatively little activity and no additional traffic / parking. Physically there would be no need to separate the building from the existing dwelling through the erection of fences. Also the use of the existing garage would reduce the need for cars to be parked in the front or rear gardens of the Appeal property.

If the Appeal building were to be converted to a totally independent dwelling there would be a number of issues as raised by the Inspector:

- The need to provide a fence, wall or hedge between the curtilages of the two properties and without some form of screen, the privacy of the occupants of both dwellings would be compromised.

- The existing dwelling would be left without a garage, which would result in the need for more vehicles to park within the front garden area. The use of the additional dwelling would generate more traffic and parking and possibly further hard-standing to accommodate it.
- The proposed use would also result in the provision of additional residential paraphernalia within the garden area of the new property including washing lines and garden furniture.
- The existing dwelling would be left with no covered and secure storage for garden equipment and tools and the garage serving the proposed dwelling would have limited space to accommodate both a car and a typical range of domestic tools and garden equipment, etc. As a result the proposal would likely result in the erection of garden sheds within the curtilages of the properties. Whilst permitted development rights for the erection of garden sheds could be removed via the imposition of a condition, this would not remove the need for them.

The Inspector considers the proposal to have a materially greater impact on the openness of the Green Belt, thus amounting to inappropriate development within the Green Belt. Despite this reason not forming part of the Council's original reasons for refusal it was thought the:

- Increase in the intensity of the development on the site resulting from additional boundary fencing / walls, residential paraphernalia, parking and the likely erection of garden sheds. They would increase the prominence of the built development when viewed from the lane and open countryside to the south and would diminish and cause unacceptable harm to the openness of this part of the Green Belt. Accordingly the proposal would cause material and unacceptable harm to the openness of the Green Belt.

The Appeal site is located within a small row of dwellings, which have similar front building lines, front directly onto Stourbridge Road and their rear gardens back onto a small copse with farmland. Together their consistent front building lines, modest height, fully hipped roofs and good sized front and rear gardens result in them having a spacious and uniform character and appearance. Having paid regard to the size of the existing dwelling and its curtilage the Inspector considered the appeal building to be unduly large for an ancillary domestic building. It encroaches into the rear garden environment and interrupts the gentle transition between the open rear gardens and the copse to the west. As a consequence the building has a negative impact on the open and spacious character and appearance of the row of dwellings.

The conversion of the building to a separate dwelling would result in both the proposed and existing dwelling at No. 281 occupying uncharacteristically small plots, which would fail to respect the prevailing pattern of development within the

row. The erection of a tall fence between the two properties, as suggested by the Appellant, would exacerbate the situation resulting in a strong sense of enclosure. As a result the scheme would seriously and unacceptably detract from the traditional pattern of this enclave of development and the rural character and appearance of its surroundings. Therefore the Inspector concluded on this issue that the proposal would cause unacceptable harm to the openness of the Green Belt and the character and appearance of the surrounding area. Substantial additional weight needs to be given to that harm.

Amenity

The dwelling at No. 281 would be left with a rear garden of approximately 7 metres in depth and would adjoin the main garden area to the proposed dwelling. In addition, the distance between the living room window at No. 281 and the proposed carer's bedroom would be less than 14 metres. The pedestrian and vehicular access to the proposed dwelling runs along the side of the southern boundary to No.281, which currently comprises low level planting. The use of this access would result in the direct over-looking of the garden area and views directly into the living room at No. 281. As a result, unless a tall fence or wall was erected between the two properties and along the southern boundary of No.281, the development would result in unacceptably poor levels of privacy for the occupiers of both dwellings. Such fencing would have an adverse impact on the character of the area and the openness of the Green Belt.

Highways

The Inspector felt there would not be sufficient space to park vehicles at the front of the dwelling without either overhanging the adjacent private lane or involving several manoeuvres. It was also noted that if the occupiers of the proposed dwelling were to park in the front garden of No. 281 it would result in a material loss of privacy within the front rooms and front garden of that property. Any extension of the garden area into the woodland would have an adverse impact on the character of the surrounding countryside and the amenity of the Green Belt and the proposal would have a materially harmful impact on the living conditions of the occupiers of the existing dwelling at 281 Stourbridge Road.

The proposal would result in the provision of satisfactory private garden areas to meet the needs of the occupants of both dwellings. Although the resultant garden area for both properties would be modest in size; it would comply with the Council's minimum standards. At the same time the gardens to both dwellings would have an open outlook over the countryside to the south.

Very Special Circumstances

The Appellant put forward a number of factors in support of the development and in this instance due to the nature of the welfare needs of the Appellant's wife they

carry considerable weight. The existing dwelling has already been extended to the side and a new bedroom and a wet room were erected at the rear of the house specifically for disabled use. However, it is now stated that further modifications are required to meet Mrs. Irvine's future needs which would require major extensive and costly structural changes. No details have been provided for the required room changes and opening sizes / designs, or of the costs of the associated structural and other works. Similarly no details of the costs associated with changing the outbuilding to a separate dwelling have been provided. This reduces the weight that can be given to the viability factors put forward by the Appellant.

The Council has indicated that it would raise no objections to the use of the Appeal building to provide ancillary accommodation for Mrs Irvine. Whilst the Appellant has stated that this would not be viable, again few details have been provided and it reduces further the weight that can be given to the Appellant's viability points.

The Appellant commented that prior to the construction of the M42 motorway there was a fifth dwelling within the row in which the Appeal site is located. No details of its siting are given, although it is probable that was located next to No. 287 to the north and followed the same building line as the existing dwellings. Irrespective of this, the fact that a dwelling once existed in the vicinity of the Appeal site some years ago does not justify the formation of a new dwelling on the Appeal site now and little weight is accorded to it.

The Appellant stated that the proposed dwelling has been designed to respect the existing dwellings in the group and that few external alterations are required to convert it to a dwelling. However due to its rear garden position, the need for boundary screening, additional residential paraphernalia, hard surfacing and the resultant intensity of housing, it would fail to respect the prevailing pattern of residential development in the immediate area and would materially detract from the open rural character of the surrounding area. As such minimal weight is given to this point.

In conclusion

The Inspector found no reasons to outweigh the general presumption against inappropriate development in the Green Belt; and applied substantial weight to the harm caused by the inappropriateness of the development; the harm to the openness of the Green Belt and the character and appearance of the surrounding area; the harm that would be caused to the living conditions of the occupiers of 281 Stourbridge Road. In addition no very special circumstances to justify the proposal exist.

Therefore the Inspector dismissed the appeal.

Costs application

No application for costs was made.

Appeal outcome

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

Recommendation

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

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/11/2155268
Planning Application	10/1226-SC
Proposal	Proposed erection of a new dwellinghouse
Location	Land off Rose Hill, Lickey, Rednal, B45 8RT
Ward	Hillside
Decision	Refused (Delegated decision) - 4th February 2011

The author of this report is Stuart Castle who can be contacted on 01527 881342 (e-mail: s.castle@bromsgrove.gov.uk) for more information.

Discussion

The proposal is for the construction of a two-storey, four bedroom detached dwelling with garaging for two cars. The existing vehicular access is proposed to be used.

The application was determined under delegated powers and refused due to the following reasons as detailed below:

- It is considered that the new dwelling is inappropriate development materially harmful to the openness of the Green Belt by virtue of its increased bulk. The proposal is therefore considered contrary to policies DS2 and S9 of the Bromsgrove District Local Plan, policy D.39 of the Worcestershire County Structure Plan and the provisions of PPG2: Green Belts. No very special circumstances exist that would outweigh the harm that would be caused.
- It is viewed that the development would have a detrimental impact on the privacy of the neighbouring property at No. 2 Barnt Green Road, contrary to the Council's Residential Design Guide SPG 1 and policy DS13 of the Bromsgrove District Local Plan 2004.
- The proposed detached building, by reason of its size, design and siting would be detrimental to the character and amenities of the locality and would have a negative impact on the Landscape Protection Area. The proposal is therefore found to be contrary to policies DS9, DS13 and C4 of the Bromsgrove District Local Plan 2004 and policy CTC.1 of the Worcestershire Local Plan.

The inspector considered the main issues of the appeal to be: whether the proposal would constitute inappropriate development for the purposes of Planning Policy Guidance: *Green Belts* (PPG2) and development plan policy; its

effect on the openness of the Green Belt and the purposes of including land in the Green Belt; its effect on the character and appearance of the surrounding area; its effect on the living conditions of the occupiers of 2 Barnt Green Road, with particular regard to privacy; its effect on highway safety; and, if it is inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

The appellant indicated that the proposal site should be considered to be outside the Green Belt; however both the Inspector and the Council could not provide any evidence to support this. In addition it was suggested that the proposal would represent infill development within a village. BDLP policy S9 gives one of the criteria for considering the acceptability of new dwellings in the Green Belt as being where it would be limited infill within the present boundary of the settlements where a 'village envelope' has been defined. Again it was confirmed that the appeal site is not within such a boundary. Both the Inspector and the planning officer found the proposal would cause inappropriate development and, by definition, to be harmful to the Green Belt. In addition, it would result in an increase in built development which would reduce the openness of the Green Belt and would result in encroachment into the countryside, contrary to one of the purposes of including land in the Green Belt given in paragraph 1.5 of PPG2. 5.

With regard to the effect on character and appearance, the site is in a locally designated 'Landscape Protection Area'. It is relatively open and at the foot of a well planted hill. The appellant indicated that the proposal would retain and supplement existing woodland features, trees and hedgerows, but those on the site are generally near to the boundaries and offer limited screening from the road. The detailing of the building was found to be acceptable and the building line to tie in with the existing buildings either side. However, the planting on the site would be insufficient to prevent the building from being clearly visible in the street scene. As such, its scale and urban form would cause serious harm to the green and open character and appearance of this part of the Landscape Protection Area.

The Inspector found the proposal to have an adverse effect on the living conditions and privacy of 2 Barnt Green Road, due to the first floor bedroom window being 3m away from the boundary. The appeal site is on higher ground than this adjacent house. As such, any boundary treatment would be insufficient to prevent a significant loss of privacy in the private rear garden of that house.

With respect to highway safety, the Inspector found that the proposed access from Rose Hill would not be significantly greater than its previous use to access 2 Barnt Green Road. Therefore providing insufficient evidence to show, the proposal would cause any significant harm to highway safety, either as a result of additional parking on the highway or through the use of the access from Rose Hill.

The Inspector found no very special considerations put forward by the appellant that clearly outweigh the harm identified and able to justify the proposal.

In conclusion

The Inspector found the proposal to be inappropriate development, thus reducing the openness of the Green Belt. It and would have an adverse effect on the purposes of including land in the Green Belt and the character and appearance of the surrounding area and would harm the living conditions of the occupiers of 2 Barnt Green Road.

He did not agree with the appellant and found no other considerations to clearly outweigh the harm identified. The very special circumstances necessary to justify the development do not exist.

Therefore the Inspector dismissed the appeal.

Costs application

No application for costs was made.

Appeal outcome

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

Recommendation

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

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