BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 6TH FEBRUARY 2012
AT 6.00 P.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors R. J. Deeming (Chairman), Mrs. S. J. Baxter, Mrs. J. M. Boswell, M. A. Bullivant, R. A. Clarke, Mrs. H. J. Jones, 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. Election of Vice-Chairman

2. To receive apologies for absence and notification of substitutes

3. Declarations of Interest

4. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 9th January 2012 (Pages 1 - 6)

5. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

6. Trees in Bromsgrove High Street - Application Ref.: TPO11/0116 (Pages 7 - 20)

7. Tree Preservation Order (No. 7) 2011 - Tree on land at 1 Broad Street, Sidemoor, Bromsgrove, B61 8LW (Pages 21 - 28)

8. 11/0796-DK - Redevelopment of exiting residential institution within Class C2, to provide 58 dementia/memory loss units (Use Class C2) (outline); Demolition of extensions and out-buildings to The Uplands and alterations to original building to provide 5 no. apartments and a dwelling within the coach house (use Class C3) (full) Alterations to the existing accesses and additional car parking - The Uplands, 33 Greenhill, Burcot, Bromsgrove, B60 1BL - Mr. and Mrs. Bales (Pages 29 - 46)

9. 11/1037-DK - New dementia care extension to existing care home including Listed Building alterations and alterations to existing carparking (Application for Planning Permission) - The Lawns Residential Home, School Lane, Alvechurch, B48 7SB - Mr. D. Oliver (Pages 47 - 56)

10. 11/1038-DK - New dementia care extension to existing care home including Listed Building alterations and alterations to existing carparking (Application for Listed Building Consent) - The Lawns Residential Home, School Lane, Alvechurch, B48 7SB - Mr. D. Oliver (Pages 57 - 64)

11. 11/1091-SC - Proposed Bedroom and Bathroom Extension, and Minor Layout Amendments - 420 Birmingham Road, Marlbrook, Bromsgrove, B61 0HL - Mr. M. Sharpe (Pages 65 - 68)

12. 11/1102-DK - Demolition of existing dwelling and erection of 3 no. detached dwellings and associated parking - 1 Blakes Field Drive, Barnt Green, B45 8JT - Mr. S. Hussey (Pages 69 - 72)

13. Appeal Decisions (Pages 73 - 78)

14. 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

26th January 2012

INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can attend all Council, Cabinet and Committee/Board meetings, except for any part of the meeting when the business would disclose confidential or "exempt" information.
- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc. is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees/Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council's Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council's Constitution

at www.bromsgrove.gov.uk

Declaration of Interests - Explained

Definition of Interests

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

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

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

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

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

Declaring Interests

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

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

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

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

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

Tel: 01527 873232 Fax: 01527 881414
Web: www.bromsgrove.gov.uk email: committee@bromsgrove.gov.uk

B R O M S G R O V E D I S T R I C T C O U N C I L

MEETING OF THE PLANNING COMMITTEE

MONDAY, 9TH JANUARY 2012
AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), M. A. Bullivant, Ms. M. T. Buxton (substituting for C. J. K. Wilson), R. A. Clarke, Mrs. H. J. Jones (substituting for Mrs. J. M. Boswell), R. J. Laight, E. J. Murray, J. A. Ruck, C. B. Taylor, C. J. Tidmarsh and L. J. Turner (substituting for Mrs. S. J. Baxter)

Observers: Councillors J. R. Boulter and S. R. Colella

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

97/11 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. S. J. Baxter, Mrs. J. M. Boswell, Mrs. C. M. McDonald and C. J. K. Wilson.

98/11 **DECLARATIONS OF INTEREST**

Councillor Mrs. H. J. Jones declared a personal interest in Agenda Item 9 (Appeal Decisions) with specific reference to Plan Ref.: 11/0182-SC (in respect of land to the side and rear of 52 Chadcote Way, Catshill, Bromsgrove) which related to an appeal located close to her home address.

99/11 **MINUTES**

The minutes of the meeting of the Planning Committee held on 5th December 2011 were submitted.

RESOLVED that the minutes be approved as a correct record.

100/11 **11/0741-DMB - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT, OPEN SPACE, RE-ALIGNMENT OF FIERY HILL ROAD, 38 SPACE CAR PARK, ACCESS FROM FIERY HILL ROAD (WITH APPEARANCE, LANDSCAPING LAYOUT AND SCALE RESERVED) - LAND AT FIERY HILL ROAD, BARNT GREEN, B45 8JX - BANNER HOMES (MIDLANDS) LTD.**

The Head of Planning and Regeneration Services reported that an update to the Cotswold Wildlife Surveys report relating to badgers had been received, together with the views of the Worcestershire County Council Landscape Officer. Furthermore, she stated that 35 additional letters of objection had

been received. A representation submitted by email had also been received, and her response following consultation with the Head of Leisure and Cultural Services, together with the response of the applicant's agent, were reported.

The response of the applicant's agent to additional representations received in relation to the new car park proposals was reported, together with the response of the Case Officer in respect of issues relating to parameter plans. The comments of both the applicant's agent and the Strategic Planning Manager to an additional letter of objection submitted on behalf of a local resident were also reported. Finally, the Head of Planning and Regeneration Services clarified an error on page 38 of the report where a reference to "Catshill" should have referred to "Barnt Green".

Before permitting public speaking on the application, the Chairman stated his reasons for exercising his discretion by extending the time allowed for public speaking to 15 minutes for each category of speaker in respect of this application; namely, that the land is "unzoned" in terms of planning policy and therefore unique within the District of Bromsgrove; that the application could be considered controversial due to the large number of separate responses received to the consultation on the application; and that there had not been a residents' group or organisation taking the lead in co-ordinating the responses.

At the invitation of the Chairman, Mr. D. Allenby, Ms. M. Coe, Ms. A. Shaw, Mr. M. J. Namih and Mrs. S. M. Whitehand addressed the Committee individually and spoke in objection to the application. Mrs. R. Best, the applicant's agent, and Mr. P. McCann, for the applicant, then addressed the Committee and spoke in support of the proposal. Finally, Mr. A. Williams addressed the Committee and spoke against the proposals on behalf of Barnt Green Parish Council.

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) highways improvement works; and
(iii) the securing of 35 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, as summarised on page 42 of the report.

101/11 **11/0864-SC - REMOVAL OF CONDITION 3 AS PER PLANNING APPROVAL 10/0652 - LAND AT CORNER OF BEVERLEY ROAD, NEW ROAD, RUBERY, B45 9JA - MR. C. HARVEY**

The Head of Planning and Regeneration Services reported the receipt of a full planning application in relation to the site at the corner of Beverley Road and

New Road, Rubery, for "The erection of a food store (Class A1) with associated car parking, access and landscaping." In addition, she reported that a Demolition Notice had been received relating to 208-216 New Road, Rubery, commencing on 20th February 2012 and to be completed by 9th March 2012.

RESOLVED that consideration of the application be deferred.

102/11 **11/0880-DK - PROPOSED ERECTION OF ONE NEW DWELLING - LAND BETWEEN 2 BERRY DRIVE AND 1 BLAKESFIELD DRIVE, PLYMOUTH ROAD, BARNT GREEN, B45 8XL - MR. N. ALSOP**

The Head of Planning and Regeneration Services reported the receipt of an additional representation in respect of the application, and the response thereto of the applicant.

At the invitation of the Chairman, Ms. J. Geater addressed the Committee and spoke in objection to the proposals, as did Mr. A. Flynn on behalf of Lickey and Blackwell Parish Council.

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

(a) be out of keeping with the existing form and layout of development in the locality; and
(b) be harmful to the visual amenities of the locality.

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

103/11 **11/0882-DMB - RE-PROFILING AND RE-MODELLING OF SITE LEVELS, DE-CULVERTING OF PART OF THE RIVER ARROW AND ASSOCIATED INFRASTRUCTURE INCLUDING CONSTRUCTION ACCESS - LONGBRIDGE EAST AND RIVER ARROW DEVELOPMENT SITE, GROVELEY LANE, COFTON HACKETT, B45 8AS - ST. MODWEN DEVELOPMENTS LTD. AND ST. MODWEN PROPERTIES LTD. SARL III**

The Head of Planning and Regeneration Services reported the views of the Tree Officer, Worcestershire Wildlife Trust and British Waterways. She also clarified a point in the second paragraph on page 57 of the report referring to the site being located within an Employment Zone, and stated that the site was now allocated primarily for residential development in the adopted Area Action Plan.

At the invitation of the Chairman, the applicant's agent, Mr. J. Tait, addressed the Committee and spoke in support of the proposals, as did Mr. K. Duncan on behalf of Cofton Hackett Parish Council.

RESOLVED that permission be granted subject to:-

(a) conditions nod. 1 to 3, 5, 8 to 11 and 13 to 16 and the notes set out or referred to on pages 64 to 70 of the report;

(b) the following amended conditions nod. 4, 6, 7 and 12 -

4. Following the completion of the measures identified in the approved remediation scheme set out in the document Longbridge Redevelopment Remediation Strategy (July 2008) and the document St. Modwen Developments Limited Remediation Strategy and Outline Method Statement, Longbridge East Phase I Remedial Works (October 2011), a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES7 of the Bromsgrove District Local Plan.

6. The development hereby approved shall be implemented in accordance with the approved Construction Environmental Management Plan (CEMP) without deviation.
Reason: To safeguard nearby residences from undue noise and disturbance in accordance with policy DS13 of the Bromsgrove District Local Plan and policy SD.2 of the Worcestershire County Structure Plan and to ensure sufficient mitigation measures to address the presence of protected species on site in accordance with policy CTC.12 of the Worcestershire County Structure Plan and policy C10a of the Bromsgrove District Local Plan.

7. Notwithstanding Condition No. 6 and the content of the Construction Environmental Management Plan (CEMP), the hours of operation for the re-profiling works and remediation works hereby permitted shall be 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturdays. No operations are to take place whatsoever on Sundays or Bank Holidays. No vehicles whatsoever shall arrive at the site and no operations pertaining to the works hereby permitted shall be carried out on the site outside of these hours.
Reason: To safeguard nearby residences from undue noise and disturbance in accordance with policy DS13 of the Bromsgrove District Local Plan and policy SD.2 of the Worcestershire County Structure Plan.

12. The development shall proceed only in accordance with the programme of archaeological work as set out in the Written Scheme of Investigation produced in June 2011.
Reason: To protect features of archaeological interest in accordance with policy C38 of the Bromsgrove District Local

Plan and policies CTC.17 and CTC.18 of the Worcestershire County Structure Plan.

(c) the following additional conditions -

17. Within seven days of the commencement of the development hereby permitted, written notification of such commencement shall be sent to the Local Planning Authority.
Reason: To enable the Local Planning Authority to monitor the development.

18. The total amount of material imported to the site shall not exceed 60,000 cubic metres.
Reason: To specify the area and to avoid doubt as to the scope of this planning permission.

19. The final ground levels following the completion of the site re-profiling shall be in accordance with the following details -

- Figure PJF066-P006-004 Rev A - Longbridge East Re-profiling contours sheet 1 of 2
- Figure PJF066-P006-005 Rev B - Longbridge East Re-profiling contours sheet 2 of 2
- Figure PJF066-P006-007 Rev A - Longbridge East Re-profiling application Cross Sections sheet 1 of 2
- Figure PJF066-P006-008 Rev A - Longbridge East Re-profiling application Cross Sections sheet 2 of 2

Reason: To enable the Local Planning Authority to monitor the development hereby permitted in the interests of amenity.

20. During the course of re-profiling works at a minimum of three monthly intervals, provide in writing to and, upon request by, the Local Planning Authority, detailed information on the quantity of fill material brought on to the site.
Reason: To enable the Local Planning Authority to monitor the development hereby permitted in the interests of amenity.

21. A copy of the terms of this permission shall be displayed on site and all documents hereby permitted and any documents subsequently approved in accordance with this permission (or amendments approved pursuant to this permission) shall be available at the site office and shall be made known to any person given responsibility for the management or control of operations on the site.
Reason: To enable the Local Planning Authority to monitor the development hereby permitted in the interests of amenity.

22. A topographical survey of the site shall be carried out within six months of the site re-profiling works beginning and shall be provided to the Local Planning Authority within one month of the

survey date. Thereafter the survey shall be updated every four months and provided to the Local Planning Authority. A final topographical survey of the site shall be carried out following completion of the site re-profiling and this shall be provided to the Local Planning Authority within one month of the final survey date.

The survey shall be at a scale of no less than 1:1250 unless otherwise agreed in writing by the Local Planning Authority, with all levels related to Ordnance Datum.

Reason: To enable the Local Planning Authority to monitor the development hereby permitted in the interests of amenity.

23. Materials imported to the site for filling shall not be subsequently removed from the site, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To enable the Local Planning Authority to monitor the development hereby permitted in the interests of amenity.

24. Unless otherwise expressly approved in writing by the Local Planning Authority, all fill materials to be deposited at the site shall originate from Longbridge North and Longbridge West only as shown on Figure ES 7.1 of the Supporting Environmental Information Report September 2011.
Reason: To prevent the long distance travelling of imported materials.

104/11 **APPEAL DECISIONS**

The Committee gave consideration to two appeals decisions which had been received, the details of which were outlined in the appendices to the report.

RESOLVED that the report, and appendices, be noted.

The meeting closed at 7.40 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE **6TH FEBRUARY 2012**

TREES IN BROMSGROVE HIGH STREET - APPLICATION REF.: TPO11/0116

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

1. SUMMARY OF PROPOSALS

1.1 A notification has been received from Bromsgrove District Council of the felling of 32 trees along Bromsgrove High Street between The Strand and Worcester Street.

1.2 As the trees are within the Conservation Area, six weeks notice of the proposed works is required to give the Local Planning Authority the opportunity to either protect the trees and prevent the works by making a Tree Preservation Order or register 'No Objection' to the proposal.

1.3 Such cases are normally determined under Delegated Authority but due to the high profile of these trees, a decision by the Planning Committee is required.

1.4 The proposal is to fell the trees before the end of February to avoid the bird nesting season as the first stage in works to upgrade the public realm of the High Street during 2012.

1.5 It is understood that replacement planting of an equal number of trees to those lost will be carried out within the High Street and immediate town centre area as part of the upgrade works.

2. RECOMMENDATION

2.1 That a decision of 'No Objection' is made to the felling of the trees subject to the planting of an equal or greater number of replacement trees within the High Street and immediate area.

3. KEY ISSUES

Financial Implications

3.1 There are no significant financial implications over and above the time and resources incurred in the drafting, serving and monitoring of the relevant Notice.

Legal Implications

3.2 Liability for legal action or compensation may occur should damage or injury be caused by the trees where this is as a direct result of the Council's decision to refuse consent for the work being applied for.

Service / Operational Implications

3.3 The trees are varieties of Silver Birch, which are understood to have been originally planted during the 1970's part-pedestrianisation of the High Street. The area is a somewhat hostile environment for trees where they are exposed to poor soils, root compaction, damage from services works and winter salting and so over the last 40 years approximately half of those originally planted have been lost.

3.4 A small number of trees have been replaced but with these few exceptions, the remaining trees are nearly all suffering from defects such as wounds to trunk or limbs, decay within the main trunk or general decline in canopy condition indicative of root damage. A small number of trees are in better condition but the combination of vigorous, healthy growth and planting positions close to buildings make their long term retention unsustainable.

3.5 Although the trees are not subject to a specific Tree Preservation Order, they are located within the Bromsgrove Town Centre Conservation Area and so anyone wishing to carry out works to them is required to give the Local Planning Authority six weeks notice of the proposed works. This gives the Authority the opportunity to either protect the trees and prevent the works by making a Tree Preservation Order or register 'No Objection' to the proposal.

The Application

3.6 The proposal is to fell the trees as the first stage in works to upgrade the public realm of the High Street during 2012. Although these upgrade works are expected to commence in mid 2012, the felling of the trees is required before the end of February to avoid the bird nesting season. It is an offence to disturb a wild bird while nesting and so the early felling of the trees will prevent them being occupied by nesting birds and causing significant delay to the High Street upgrade works.

3.7 It is understood that replacement planting of an equal number of trees to those lost will be carried out within the High Street and immediate town centre area as part of the upgrade works. The schedule and plan attached as Appendix B has been included in the design brief for the upgrade works. Although this may be subject to some amendment as the upgrade details are finalised, this is indicative of the replacement scheme that is proposed.

Conclusion

3.8 The felling of the trees is necessary to enable the upgrade of the High Street to proceed as planned and the condition and positions of existing trees make their long term retention unsustainable. The felling is therefore justified provided that an equal or greater number of new trees are planted within the High Street and town centre area to replace the environmental, ecological and amenity effect.

Relevant Policies

3.9 The planning policies relevant to the consideration of this case are as follows:-

WMSS	
WCSP	CTC.1, CTC.5
BDLP	DS13, C5, C17, C19,
DCS2	
Others	

Customer / Equalities and Diversity Implications

3.7 There are no direct customer implication issues arising from this report.

3.8 There are no direct equalities and diversity issues arising from this report.

4. RISK MANAGEMENT

4.1 There are no direct risk management or health and safety issues arising from this report.

5. APPENDICES

Appendix 1 - Copy of Application Ref.: TPO10/090
Appendix 2 - Bromsgrove High Street - Replacement Tree Planting Schedule

6. BACKGROUND PAPERS

None.

AUTHOR OF REPORT

Name: Mr. Andrew Bucklitch
email: a.bucklitch@bromsgroveandredditch.gov.uk
Tel.: 01527 64252 ext. 3075

This page is intentionally left blank

APPENDIX 1

Bromsgrove District Council
www.bromsgrove.gov.uk

Application for tree works: works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in a conservation area.

Town and Country Planning Act 1990

Publication of planning applications on planning authority websites

Please note that with the exception of applicant contact details, the information provided on this application form and in supporting documents may be published on the authority's website.

If you have provided any other information as part of your application which falls within the definition of personal data under the Data Protection Act which you do not wish to be published on the authority's website, please contact the authority's planning department.

Please complete using block capitals and black ink.
You must use this form if you are applying for work to trees protected by a tree preservation order (TPO). (You may also use it to give notice of works to trees in a conservation area).
It is important that you read the accompanying guidance notes before filling in the form. Without the correct information, your application / notice cannot proceed.

1. Applicant Name and Address

Title:	MR	First name:	MARTIN		
Last name:	ASHCROFT				
Company (optional):	BROMSGROVE D.C.				
Unit:		House number:		House suffix:	
House name:	THE COUNCIL HOUSE				
Address 1:	BURCOT LANE				
Address 2:	BKR				
Address 3:					
Town:	BROMSGROVE				
County:	WORCS				
Country:	UK				
Postcode:	B60 1AA.				

2. Agent Name and Address

Title:		First name:			
Last name:					
Company (optional):					
Unit:		House number:		House suffix:	
House name:					
Address 1:					
Address 2:					
Address 3:					
Town:					
County:					
Country:					
Postcode:					

20 DEC 2011
DEVELOPMENT CONTROL

3. Trees Location

If all trees stand at the address shown in Question 1, go to Question 4. Otherwise, please provide the full address/location of the site where the tree(s) stand (including full postcode where available)

Unit: | House number: | House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (if known):

If the location is unclear or there is not a full postal address, either describe as clearly as possible where it is (for example, 'Land to the rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road') or provide an Ordnance Survey grid reference:

Description:

HIGH ST., BROMSGROVE.

4. Trees Ownership

Is the applicant the owner of the tree(s): ☐ Yes ☑ No

If 'No' please provide the address of the owner (if known and if different from the trees location)

Title: | First name:

Last name:

Company (optional): BROMSGROVE D.C.

Unit: | House number: | House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

Telephone numbers

Country code: | National number: | Extension number:

Country code: | Mobile number (optional):

Country code: | Fax number (optional):

Email address (optional):

5. What Are You Applying For?

Are you seeking consent for works to tree(s) subject to a TPO? ☐ Yes ☐ No

Are you wishing to carry out works to tree(s) in a conservation area? ☑ Yes ☐ No

6. Tree Preservation Order Details

If you know which TPO protects the tree(s), enter its title or number below.

7. Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes).

Please provide the following information below : tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

E.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with 1 standard ash in the same place.

PLEASE SEE ATTACHED DOCUMENT.

7. Identification Of Tree(s) And Description Of Works continued ...

8. Trees - Additional Information

Additional information may be attached to electronic communications or provided separately in paper format.

For all trees
A sketch plan clearly showing the position of trees listed in Question 7 must be provided when applying for works to trees covered by a TPO. A sketch plan is also advised when notifying the LPA of works to trees in a conservation area (see guidance notes). It would also be helpful if you provided details of any advice given on site by an LPA officer.

For works to trees covered by a TPO
Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the necessary evidence to support your proposals. (See guidance notes for further details)

1. **Condition of the tree(s)** - e.g. it is diseased or you have fears that it might break or fall: ☐ Yes ☑ No
   If YES, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

2. **Alleged damage to property** - e.g. subsidence or damage to drains or drives. ☐ Yes ☑ No
   If YES, you are required to provide for:

   Subsidence
   A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.

   Other structural damage (e.g. drains, walls and hard surfaces)
   Written technical evidence from an appropriate expert, including description of damage and possible solutions.

Documents and plans (for any tree)
Are you providing separate information (e.g. an additional schedule of work for Question 7)? ☐ Yes ☑ No

If YES, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application. If they are being provided separately from this form, please detail how they are being submitted.

9. Application For Tree Works - Checklist

Only one copy of the application form and additional information (Question 8) is required. Please use the guidance and this checklist to make sure that this form has been completed correctly and that all relevant information is submitted. Please note that failure to supply precise and detailed information may result in your application being rejected or delayed. You do not need to fill out this section, but it may help you to submit a valid form.

Sketch Plan

- A sketch plan showing the location of all trees (see Question 8) ☑ with the Tree Officer

For all trees
(see Question 7)

- Clear identification of the trees concerned ☑
- A full and clear specification of the works to be carried out ☑

For works to trees protected by a TPO
(see Question 8)

Have you:

- stated reasons for the proposed works? ☐
- provided evidence in support of the stated reasons? in particular:
  - if your reasons relate to the condition of the tree(s) - written evidence from an appropriate expert ☐
  - if you are alleging subsidence damage - a report by an appropriate engineer or surveyor and one from an arboriculturist. ☐
  - in respect of other structural damage - written technical evidence ☐
- included all other information listed in Question 8? ☐

10. Declaration - Trees

I/we hereby apply for consent/give notice for tree work as described in this form and the accompanying plans and additional information.

Signed - Applicant: [signature]

Or signed - Agent:

Date (DD/MM/YYYY): 15.12.11

(This date must not be before the date of sending or hand-delivery of the form)

11. Applicant Contact Details

Telephone numbers

Country code:	National number:	Extension number:
01527	881306	

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional): mashcroft@bromsgroveandredditch.gov.uk

12. Agent Contact Details

Telephone numbers

Country code:	National number:	Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

Electronic communication - If you submit this form by fax or e-mail the LPA may communicate with you in the same manner.

(Please see guidance notes)

Appendix R: Bromsgrove Public Realm Trees – Scope

Purpose

The purpose of this Brief is to outline the aims and objectives of replacing the trees as part of the Bromsgrove Public Realm Upgrade.

Aim: Planting of attractive and appropriate trees in and around Bromsgrove High Street sympathetic to the upgraded public realm and Townscape Heritage Initiative (THI) scheme

General concept:

32 existing trees will be removed to facilitate the regeneration of Bromsgrove High Street. In replacement for these, an equal number of new trees will be required within the immediate area of the High Street to comply with Council and National policies and ensure that there is no net loss of trees within the Conservation Area.

While providing a number of benefits such as improved air quality, visual and acoustic screening and aesthetic value, a number of conflicts have resulted around the existing High Street trees – most of which would appear to be as a result of unsuitable siting and species selection. The proposed replacement planting scheme aims to avoid or reduce such future conflicts through a combination of improved site selection, improved species selection and correct planting method.

Parameters:

- A reduction of the number of trees in the High Street itself from 32 to 22 with the remaining 10 trees located in suitable sites immediately adjacent and on the approaches to the High Street where they will still benefit visitors and local residents and enhance the town centre

- Placing the trees in small linear groups to create green 'oases' in suitable locations and an avenue effect for greater aesthetic visual impact

- Siting of groups (as detailed below) in locations to benefit the heritage and aesthetic values of the High Street by exposing and 'framing' Listed Buildings and others which make a positive visual contribution and screening those of negative visual contribution

- Siting of groups in line with each other along the length of the High Street from Housman Square to provide improved line of site for both aesthetic value and improved CCTV coverage

- Siting of groups to avoid underground utility services and so avoid future conflicts and damage to trees from utility works

- Planting of individual trees within root boxes to avoid shallow surface rooting and future damage to both paving and roots

- Spacing between individual trees to allow for future growth without forming a complete screen and also allow siting of other activities and features such as market stalls and street theatre where desirable

- The use of 'tree seats' around each tree to provide seating with minimal street 'clutter' and provide protection to the base and trunk of the trees

- The incorporation of up-lighting beneath trees to enhance visual amenity while not compromising the integrity of root boxes

- Species selection of narrow-crowned (fastigiate) Hornbeam trees with minimum 2m clear stem to reduce future issues of obstruction of CCTV sight-lines and encroachment of adjacent buildings (see appendix one). Hornbeam is also suitable for the site environment being hardy and tolerant of winter salt and less prone to disease or decay with attractive foliage and limited maximum size and spread. Hornbeam usually retains most of its leaves over winter and so provides visual amenity for longer and contributes substantially less to problems of slippery pavements and blocked drains.

Replacement Planting Groups (approximate positions as shown on attached plan – see appendix two):

- Group A – 7x Hornbeam fronting Golden Cross Hotel from Worcester Street to New Road

- Group B – 3x Hornbeam fronting W H Smith to Waterstones

- Group C – 4x Hornbeam fronting Carphone Warehouse to Julian Graves

- Group D – 3x Hornbeam along Mill Lane

- Group E – 4x Hornbeam fronting Card Party to Shipley's Amusement Arcade

- Group F – 4x Hornbeam fronting Fotofactory to Domino Pizza

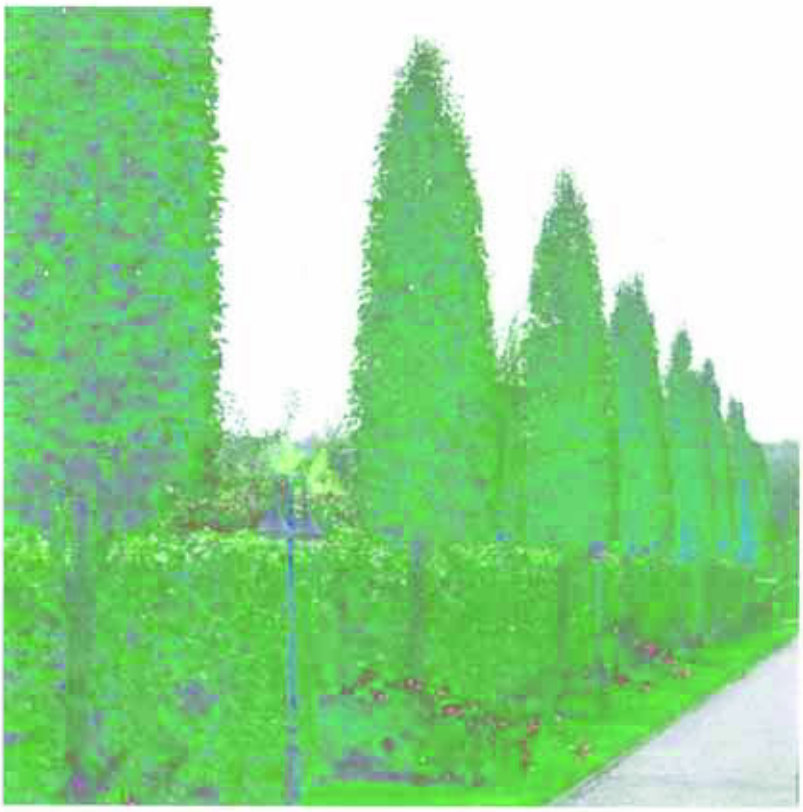
- Group G – 5x Limes at Crown Close between Burma Star Memorial and main road

- Group H – 2x Hornbeam along pedestrianised part of Chapel Street

Project Team

Project Owner	John Staniland, Executive Director
Project Manager	Richard Savory, Bromsgrove TC Regen Manager
Responsible Officer	Andy Bucklitch, Trees Officer
Responsible Officer	Julian Brown, Maintenance Engineer
Responsible Officer	Kevin Hirons, Environmental Business Development Manager
Responsible Officer	Julie Heyes, Marketing / Promotions and Events Officer
Responsible Officer	Martin Ashcroft, Project and Partnerships Manager
Responsible Officer	David Thomas, THI Project Officer
Project Support	Ross Walker, Project Support Officer

Appendix One: Narrow-crowned (fastigiate) Hornbeam trees



Bromsgrove High Street - Replacement Tree Planting Schedule

Bromsgrove High Street – Replacement Tree Planting Schedule December 2011

General concept

32 existing trees will be removed to facilitate the regeneration of Bromsgrove High Street. In replacement for these, an equal number of new trees will be required within the immediate area of the High Street to comply with Council and National policies and ensure that there is no net loss of trees within the Conservation Area.

While providing a number of benefits such as improved air quality, visual and acoustic screening and aesthetic value, a number of conflicts have resulted around the existing High Street trees – most of which would appear to be as a result of unsuitable siting and species selection. The proposed replacement planting scheme aims to avoid or reduce such future conflicts through a combination of improved site selection, improved species selection and correct planting method.

Specific Principles

- A reduction of the number of trees in the High Street itself from 32 to 22 with the remaining 10 trees located in suitable sites immediately adjacent and on the approaches to the High Street where they will still benefit visitors and local residents and enhance the town centre.

- Placing the trees in small linear groups to create green 'oases' in suitable locations and an avenue effect for greater aesthetic visual impact.

- Siting of groups (as detailed below) in locations to benefit the heritage and aesthetic values of the High Street by exposing and 'framing' Listed Buildings and others which make a positive visual contribution and screening those of negative visual contribution.

- Siting of groups in line with each other along the length of the High Street from Housman Square to provide improved line of site for both aesthetic value and improved CCTV coverage.

- Siting of groups to avoid underground utility services and so avoid future conflicts and damage to trees from utility works.

- Planting of individual trees within root boxes to avoid shallow surface rooting and future damage to both paving and roots.

- Spacing between individual trees to allow for future growth without forming a complete screen and also allow siting of other activities and features such as market stalls and street theatre where desirable.

- The use of 'tree seats' around each tree to provide seating with minimal street 'clutter' and provide protection to the base and trunk of the trees.

- The incorporation of up-lighting beneath trees to enhance visual amenity while not compromising the integrity of root boxes.

- Species selection of narrow-crowned (fastigiate) Hornbeam trees with minimum 2m clear stem to reduce future issues of obstruction of CCTV sight-lines and encroachment of adjacent buildings. Hornbeam is also suitable for the site environment being hardy and tolerant of winter salt and less prone to disease or decay with attractive foliage and limited maximum size and spread. Hornbeam usually retains most of it's leaves over Winter and so provides visual amenity for longer and contributes substantially less to problems of slippery pavements and blocked drains.

Mature narrow-crowned Hornbeam (*Carpinus betulinus* 'fastigiata')

Replacement Planting Groups (approximate positions as shown on attached plan)

Group A – 7x Hornbeam fronting Golden Cross Hotel from Worcester Street to New Road –

Group B – 3x Hornbeam fronting WHSmith to Waterstones .

Group C – 4x Hornbeam fronting Carphone Warehouse to Julian Graves

Group D – 3x Hornbeam along Mill Lane

Group E – 4x Hornbeam fronting Card Party to Shipleys Amusement Arcade

Group F – 4x Hornbeam fronting Fotofactory to Domino Pizza

Group G – 5x Limes at Crown Close between Burma Star Memorial and main road.

Group H – 2x Hornbeam along pedestrianised part of Chapel Street

Andy Bucklitch
December 2011

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE **6th February 2012**

TREE PRESERVATION ORDER (NO. 7) 2011

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

1. SUMMARY OF PROPOSALS

1.1 The Committee is asked to consider the confirmation of Tree Preservation Order (No. 7) 2011 relating to a tree on land to the rear of 1 Broad Street, Sidemoor, Bromsgrove, B61 8LW

2. RECOMMENDATIONS

2.1 It is recommended that Tree Preservation Order (No. 7) 2011 relating to a tree on land at the rear of 1 Broad Street, Bromsgrove, B61 8LW, is confirmed without modification.

3. KEY ISSUES

Financial Implications

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

Legal Implications

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

Service / Operational Implications

3.3 The TPO was made to protect the trees as it contributes significantly to the amenity of the area as it is highly visible and a conspicuous feature of a busy road junction. Information was received that there was a risk that the tree may be felled and so a provisional Tree Preservation Order was made to protect the tree.

On the 26th August 2011, a provisional Tree Preservation Order was made in relation to a tree on land at the rear of 1 Broad Street, Sidemoor, Bromsgrove, B61 8LW. The provisional Order will remain in force until the 26th February 2012.

Notification of the provisional 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; a copy of this objection is attached at Appendix 1.

In brief, the objection comprises of the following:-

(1) The manner of making the TPO was misleading and deceitful.

(2) The tree is growing and is close to property.

(3) The neighbours across the road have complained that the tree blocks too much of their light.

(4) The tree blocks a great deal of light and sun from the owner's garden.

(5) The roots have damaged the pavement.

(6) The tree has been pruned twice in the last eight years at a total cost of £650; it is expensive for me to keep paying such sums when the tree grows back so quickly.

(7) I have consulted three tree surgeons for quotes to prune the tree and they have all advised that it will only make it grow faster and it would be better to cut it down.

(8) Many more attractive trees were recently cut down further down the road in the Council Cemetery.

The Senior Tree Officer responds as follows (for full details of the Officer's response, see the Tree Officer's report attached at Appendix 2):-

(1) The original TPO was made as there was a potential imminent risk of work being carried out on a tree worthy of protection. The appropriate procedures and processes were applied.

(2) Although the tree is growing, there is approximately 7 metres between the nearest edge of the canopy and the house thus ample separation to prevent damage to the property.

(3) No objections have been received from neighbouring properties.

(4) The tree is located on the south-west side of the garden and directly to the west of the house with the result that it will cast some shade over the garden from midday onwards and upon the house in the evening. Some of this shading effect can be reduced by suitable pruning.

(5) The cracks caused by the tree can easily be addressed during routine surfacing of the pavement, removing and re-laying the tarmac or by various methods of bridging over the roots. The pavement is owned and maintained by the Highways Section of Worcestershire County Council

who were consulted and notified on the making of the Order. They have raised no objection.

(6) Unable to comment on the need or effect of any works previously carried out or the cost.

(7) The tree is in healthy condition and should be able to withstand substantial pruning to attempt to reduce the shading effect being experienced by the occupants.

(8) Two trees of the same species were recently felled in the nearby cemetery. One was diseased and both possessed defects which made them structurally unstable and could not be remedied by pruning and so felling was carried out for safety reasons. Replacement tree planting has since been carried out.

The Senior Tree Officer considers the tree to be of sufficient value to merit an Order and recommends that the Order is confirmed without amendment.

3.4 Policy implications - None
HR implications - None
Council objective 4 - Environment, Priority CO4 - Planning

3.5 Climate Change / Carbon / Biodiversity - The proposal in relation to confirming the TPO can only be seen as having a positive impact on the environment.

Customer / Equalities and Diversity Implications

3.6 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.

3.7 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 1st October 2011
Appendix 2 - Tree Officer Report

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

APPENDIX 1

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

1 October 2011

Ref: [redacted]/TPO (7) 2011

Dear Sir or Madam

I was most distressed to receive a letter [redacted] on 26 August and to find a Tree Preservation Order stapled to my fence when I returned home that evening. I had spoken to the Tree Officers earlier that week and had received a message from one of the officers the day before to say there was no preservation order on the tree. I cannot understand why, when I was seeking advice about my tree, they told me there was no preservation order only to enforce one the following day. I found this misleading and felt I had been deceived. Why did they make a point of telephoning me to tell me there was no order only to place one on the tree the very next day? At the very least the phone call was a wasted action.

Having had time to consider, I have decided I would like to prune the tree as advised by [redacted] when he visited me on 8 September to discuss the issues. However, I do object to the preservation order and my concerns are as follows:

The tree is growing and is close to my house
The neighbours across the road have complained that the tree blocks too much of their light
The tree blocks a great deal of light and sun from my garden
The roots have damaged the pavement
I have had the tree pruned twice in the last 8 years at a total cost of £650, it is expensive for me to keep paying such sums when the tree grows back so quickly
I have consulted 3 tree surgeons for quotes to prune the tree and they have all advised that it will only make it grow faster and it would be better to cut it down.
Many more attractive trees were recently cut down further down the road in the Council Cemetery.

Personally I would not want to cut it down at this stage but I am deeply concerned that the tree will become more of a nuisance in the future, could be a threat to the house and my enjoyment

of my garden and that if a tree order is in place I will not be able to rectify that in the future. Ideally I would like, in a few years time, to replace the tree with something smaller and more manageable.

I feel the Council have behaved badly in advising me I was free to do what I liked with the tree one day and acting against their own advice the following day.

Yours sincerely

BROMSGROVE DISTRICT COUNCIL – ENVIRONMENT SERVICES – TREES & LANDSCAPE

MEMORANDUM

APPENDIX 2

From:	[redacted] **Tree Officer**	To:	[redacted] **Legal Officer**
My Ref:	**TPO (7) 2011**	Your Ref:	**TPO (7) 2011 Tree on land at 1 Broad Street, Bromsgrove**
Please ask for:	[redacted] Ext [redacted]	Date	29 December 2011

Re Confirmation of Tree Preservation Order

Further to your memo of 26th August and subsequent representations received my comments are as follows:

Background

1 Broad Street is located at the junction of Crabtree Lane, Broad Street and Willow Road. The Order currently in place covers one maple tree located on the Crabtree Lane boundary of the property.

The tree is highly visible in the street scene of Crabtree Lane and a conspicuous feature of the busy road junction in this part of Bromsgrove. Consequently, when information was received that the imminent felling of the tree was proposed, the tree was made subject to a provisional Tree Preservation Order as a matter of expediency.

Representations Received - Objections

One objection has been received. A copy is attached as Appendix C. [redacted] and comprises four main elements as follows:

(1) *The manner of making the TPO was misleading and deceitful*
(2) *The tree is growing and close to the property.*
(3) *The neighbours across the road have complained that the tree blocks too much of their light*
(4) *The tree blocks a great deal of light and sun from my garden*
(5) *The roots have damaged the pavement*
(6) *I have had the tree pruned twice in the last 8 years at a total cost of £650. It is expensive for me to keep paying such sums when the tree grows back so quickly.*
(7) *I have consulted 3 tree surgeons for quotes to prune the tree and they have advised that it will only make it grow faster and it would be better to cut it down.*
(8) *Many more attractive trees were recently cut down further down the road in the Council Cemetary*

My comments on these are as follows:

(1) In cases such as this, the Council's Tree Officers are sometimes faced with something of a dilemma between the desire to respond to customers' requests and enquiries as promptly as possible and the Council's statutory and moral duty to protect trees of value for the benefit of all residents of the local area.

In this case, the initial enquiry received was whether the tree was protected as from the owner of the property wished to have it felled. This led to both a check of records to answer the initial enquiry running parallel to seeing if the tree merited the protection of a provisional TPO now that it appeared to be under threat. The conclusion of this was that while the tree was found not to be protected, it did appear to merit the making of a TPO. This did unfortunately result in both the standard response of the absence of tree protection being initially communicated to the owner at the same time as a TPO was made and shortly served on the property.

Where possible and prudent to do so, the Council's Tree Officers often attempt to avoid the loss of trees by contacting and advising owners of ways to overcome tree-related issues they are experiencing without having to fell the trees concerned. In this case, the information received was that the felling of the tree was already arranged and so the urgent making of the Order was deemed necessary to avoid it's loss.

(2) Although the tree is growing, there is approximately 7 metres between the nearest edge of the canopy and the house and thus ample separation to prevent damage to the property the above-ground influence of the tree (e.g. rubbing or falling branches). Tree roots are only able to directly lift very light structures such as paving slabs or tarmac and so, while it is common to such features within 2-3 metres of the trunk, such damage is usually very limited and easily remedied by relaying of the feature concerned.

At it's current size, the below-ground influence zone of the tree's roots would be unlikely to extend as far as the property and so would be unable to contribute to subsurface damage. As the tree grows larger, this influence zone would extend to reach as far as the building and so could potentially effect soil conditions beneath the property in the future. However, for this effect to have any ability to contribute to damage to the house through subsidence, both a shrinkable clay soil and shallow foundations would also have to be present. No information on the presence of these additional factors has been presented or is known to be present. Given the extreme rarity of clay soils in this area of the District, any risk of such damage from the tree is considered highly unlikely.

(3) No objections have been received from any neighbouring properties. As the tree is located to the north-east of the house across the road, it is unable to block direct sunlight from this property and so will only obscure some reflected skylight during summer months when in leaf. At this same time of year, however, the trees leaves will reflect some direct sunlight back into the property.

(4) The tree is located on the south-west side of the garden and directly to the west of the house with the result that it will cast some shade over the garden from midday onwards and upon the house in the evening. Some of this shading affect can be reduced by suitable pruning as discussed below although some will remain. In view of the increasing effects of a warming climate, such reduced shade may be seen as a desirable effect together with the other benefits such as cooling, sheltering and improved air quality which the tree provides.

(5) The tree is located on the edge of the pavement with the result that tarmac has been laid close upto the trunk of the tree and on top of existing roots. Both the thickening of the trunk and these existing roots plus the likely growth of new fine 'feeder' roots will have exerted gradual pressure on the relatively week tarmac 'crust' and caused the cracking. These cracks can be easily addressed during routine resurfacing of the pavement by carefully removing and re-laying the tarmac or by various methods of bridging over the roots as appropriate. The pavement is 'owned' and maintained by the Highways Section of Worcestershire County Council who were notified and consulted on the making of the order and have raised no objection.

(6) The tree at present shows little sign of earlier pruning and so I am unable to comment specifically on the need or effect of any works or the cost. Pruning of a healthy tree will commonly encourage more rapid re-growth as the tree attempts to restore the balance between leaf cover and the system it needs to biologically support and so it is possible that previous pruning may have contributed to thickening of the lower canopy and worsening of the light loss experienced by the occupant of the property.

(7) The tree is in vigourous healthy condition and so should be able to withstand substantial pruning to attempt the reduce the shading effect being experienced by the occupant. Suitable works to remove lower limbs (Crown lifting) and the removal of a proportion of smaller limbs from overall the remaining canopy (Crown thinning) will allow direct sunlight to pass beneath the canopy of the tree while the thinning should result in a les dense canopy and a more 'dappled' shade. The greater the amount of pruning will generally trigger a higher degree of regrowth but with suitable expertly done Crown lifting and Crown thinning, the majority of regrowth will typically be at the higher extremities of the tree where light levels are highest and so the overall effect should last longer.

(8) 2 trees of the same species were recently felled in the nearby cemetary. One tree was diseased and both possessed defects which made them structurally unstable and could not be remedied by other pruning and so the felling was carried out for safety reasons. Replacement tree planting has since been carried out.

Conclusions & Recommendation

Although [redacted] is justified in the view that the tree may be a nuisance in the future as there will inevitably be occasional future concerns and requirements of maintenance, it is also a valuable asset to the property and neighbouring residents in respect of it's high visibility and amenity value. The tree softens the effect of the urban area and the busy traffic junction and contributes to the street scene of Crabtree Lane and Willow Road with additional substantial positive effects on air quality and wind, noise and dust reduction.

In view of these benefits, I consider that the tree is of sufficient value to merit an Order and recommend it's confirmation without amendment.

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. and Mrs. M. Bales **'A'**	Hybrid application comprising:- Outline application for the redevelopment of exiting residential institution within Class C2; to provide 58 dementia/memory loss units (Use Class C2); and Full application for the Demolition of extensions to The Uplands and out buildings in connection with the former residential institution; alterations of The Uplands (as retained) to provide 5 No. apartments and a dwelling within the coach house (use Class C3) Alterations to the existing access to Burcot Grange and The Uplands; provision of access to new accommodation and additional car parking. The Uplands, 33 Greenhill, Burcot, Bromsgrove, B60 1BL	GB	**11/0796-DK** 17.02.2012

RECOMMENDATION: that permission be **REFUSED**.

Consultations

WH

Consulted: 21.09.2011. Response received: 20.12.2011.
No objection subject to the following conditions:

- HC5A Visibility Splays (Northern Access)
- HC5B Visibility Splays (Southern Access)
- HC8 Vehicle Access Construction
- HC25 Access, Turning and Parking
- HC36 Cycle Parking (Multi Unit)

and the following advisory:

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

Lickey and Blackwell PC

Consulted 21.09.2011. Response received: 18.10.2011.

Lickey and Blackwell Parish Council have some concerns about this application.

1. Green Belt. We recognise that BDC has agreed that developments to Burcot Grange are acceptable in the Green Belt. Therefore we have no objection to the proposed development. However we do not want to see this as setting a precedent.

2. We have concerns about the effects of increased traffic on Greenhill, particularly during the period of construction. We urge that where necessary conditions, such as designated routes, be imposed.

However we are particularly supportive of the improvements to The Uplands. We welcome the demolition of the modern unattractive parts of the former children's home. The proposals for the original building will be a valuable contribution to the enhancement of the proposed Greenhill Conservation Area.

Re-consulted 23.11.2011. Additional comments received 29.12.2011.

Lickey and Blackwell Parish Council have no further comments re the amendments to this application. However we are disappointed that the Highways Report, whilst covering the access splays etc, makes no assessment of the impact of additional traffic particularly during construction. Our Village Design Statement adopted by BDC states in 7.3:

3. When larger developments are proposed, the Highways Partnership should undertake traffic studies on the impact the extra traffic will have on rural roads. This should include the following:
   - possible damage to verges and banks (for example Greenhill),
   - possible loss of trees and hedges, making reference to the Tree and Hedge Guidelines in Section 11.0.

ENG

Consulted 21.09.2011. Response received: 30.09.2011.
No objection subject to conditions.

Re-consulted 23.11.2011. Response received 21.12.2011.
No objection subject to conditions.

Strategic Planning Manager

Consulted 21.09.2011. Response received: 08.12.2011.

The above site is located within the Green Belt and therefore PPG2 and policy DS2 of the adopted Bromsgrove District Local Plan are relevant. There are 2 distinct parts to the proposal, namely the detailed conversion scheme to create 6 residential units and the outline proposal for the construction of 58 dementia units and each will be considered in turn below.

<u>Conversion to form 6 residential units</u>

As the proposal is for a change of use policy C27 applies and this policy sets out a range of criteria against which this application can be assessed. In principle a change of use is acceptable providing there is no additional harm caused to the openness of the Green Belt.

As the proposal results in a net increase of 6 residential units SPG11 is relevant. On the basis of 2 x 1bed and 4 x 2bed properties a total of 390m^2 of play space is generated. SPG11 states that where the amount generated is less than 1000m^2 it is appropriate for the play space to be provided off-site in the form of a commuted sum. Commuted sums are charged at £224 per m^2 meaning a payment of

£87,360 is required. It is acknowledged that a figure of this size may impact upon the viability of the scheme and therefore it may be appropriate to negotiate a different figure where robust evidence has been provided by the applicant.

Outline Development for 58 Dementia Units

The application proposes some demolition and a substantial new building within the Green Belt. PPG2 and DS2 both highlight the forms of development are acceptable in the Green Belt. This proposed scheme does not fall within any of these acceptable forms of development and is therefore considered to be inappropriate. There is a general presumption against inappropriate development in the Green Belt. Planning permission should only be granted where very special circumstances can be demonstrated to clearly outweigh the material harm to Green Belt. The Planning Statement submitted by the applicant suggests 5 potential very special circumstances as follows:

1) The substantial need for increased specialized accommodation for the elderly.

2) The fact the lawful use of the site is that of a Class C2 Residential Institution.

3) The synergy between the proposal and the existing and proposed facilities at Burcot Grange which enable the development to be self contained, with the availability of public transport on Greenhill.

4) The planning advantages of re-instating the stature of The Uplands as a former Gentleman's residence - which is sympathetic to the character of the established built development in the locality.

5) The planning advantage in securing improvement to the existing accesses to Burcot Grange, and The Uplands - and particularly in relocating the residential institution use away from the existing access serving The Uplands.

It will be crucial to determine whether the submitted circumstances can cumulatively be considered as very special circumstances that clearly outweigh the material harm to the Green Belt. If they do not the application should be refused.

Strategic Housing Manager	Consulted 18.01.2012. No response received.
Natural England	Consulted 18.01.2012. Response received 25.01.2011. Please refer to national standing advice for protected species.
West Mercia Police	Consulted 21.09.2011. Response received: 20.12.2011. No objections.

CO	Consulted 21.09.2011. Response received: 19.01.2012. Neither The Uplands nor Burcot Grange are listed and they are not located in a conservation area, however Greenhill has been identified as a prospective conservation area in the Bromsgrove District Local Plan 2004. The Uplands comprises a large Victorian detached house constructed in 1874 with substantial extensions added in the 1880s to designs by John Cotton and further additions were made in 1911 to designs by C. E. Bateman. It was in institutional use for many years and a number of poor extensions and outbuildings were added. I would therefore welcome these proposals to remove the poor extensions, restore the main building and bring it back into use.
WCC (EA)	Consulted 08.12.2011. Response received: 19.12.2011. The catchment schools are Blackwell First, Alvechurch Middle, North Bromsgrove High and South Bromsgrove High. Under the current charges we would be looking at £2,937 for 2- or 3-bed houses and £1,175 for flats with 2 or more bedrooms. If there are to be 5 or more open market dwellings as part of the development then a contribution would be charged at these rates.
WWT	Consulted 21.09.2011. No response received. Re-consulted 27.11.2011. Response received:16.01.2012. Having studied the relevant associated documents online we do not wish to object to the proposed development. We would however recommend that you append conditions to any permission you may be otherwise minded to grant to cover the recommended ecological mitigation.
EDO	Consulted 21.09.2011. No response received. Re-consulted 27.11.2011. No response received.
Tree Officer	Consulted 21.09.2011. Response received 24.01.2011. Tree Officer comments as follows:- I would have no objection to this proposed development under the following conditions: 1. Full protection in accordance to BS5837 Recommendations is afforded all trees to be retained within The Uplands site and all protected trees within the grounds of Burcot Grange within influencing distance of the development. 2. A ground support system is incorporated into the specification for construction of sections of the drive and car park that will influence any BS5837 Recommended Root Protection Area of protected trees in the grounds of Burcot Grange reference items 4 and 5 above. 3. Any excavation works within the Root Protection Areas of trees mentioned in items 4 and 5 above should be carried out manually. A landscape plan is provided for the Council's consideration detailing the full specification for tree and shrub stock to be supplied.

VS	Consulted 21.09.2011. Response received 24.11.2011. The Victorian Society is pleased that The Uplands house is likely to be restored and brought back into residential living. It was built in three tranches for Thomas Scott and Thomas Barclay - firstly in 1874, later having extensions by Bromsgrove architect John Cotton in 1879, builder Brazier & Weaver, and in 1911 had further sympathetic extensions by Bateman and Bateman of Birmingham. During its life as a Birmingham City Council children's home and before that in institutional use the house has become very battered and unsuitably altered, and it should be part of any permission that the exterior should be restored and as much original interior detail kept as is possible (ceiling mouldings, doors, fireplaces, etc.) and appropriately designed new fittings. The many buildings dotted round the gardens should certainly be demolished. The Victorian Society has no problem in principle with the proposal to change the Coach House to become a dwelling. However we are not happy with the proposal to build a large unit in the grounds. The property is in the Green Belt. Also the result of improving the old buildings would require car parking space, and thus car parking for the proposed dementia unit would require another large car parking area. We also wonder how the increased traffic would affect Greenhill itself, which is already rather too full of traffic at certain times.
EDO	Consulted 21.09.2011. No response to date.
WRS (Air Quality)	Consulted 21.09.2011. Response received 29.11.2011. No adverse comments.
WRS (Contaminated Land)	Consulted 21.09.2011. Response received 13.10.2011. No adverse comments.
WCC (Landscape Officer)	Consulted 21.09.2011. No response received.
WCC (CA)	Consulted 21.09.2011. No response received.
Publicity	Neighbour notification: 1 letter sent 21.09.2011. Expired 12.10.2011. 6 letters sent 23.11.2011. Expired 14.12.2011. (Re-consultation) Site notice posted 21.12.2011. Expired 11.01.2012. Press Notice posted 29.09.2011. Expired 20.10.2011. 19 comments received. The issues raised are summarised as follows: ▪ Objection to the large dementia unit proposed since there is traffic chaos at times on Green Hill

- The restoration and conversion of 'The Uplands' is a very worthwhile project but the new dementia unit would raise traffic concerns
- There is an ongoing need for care facilities for the elderly including dementia care and the proposal would fulfil this need
- The standard of care provided at Burcot Grange is excellent
- The sympathetic restoration of The Uplands is welcome and the previous occupants of the site were a cause of trouble in Blackwell
- The traffic issues could be resolved if an adequate bus service could be provided
- The proposal is sympathetic to the architectural style of The Uplands
- The dedicated unit would provide well qualified staff
- The proposed 58 unit dementia unit would be a huge encroachment on the Green Belt. Access to the unit to and from Greenhill would exacerbate the existing traffic problems in the lane
- Having small children, we have significant concerns about the increased traffic to a level which would significantly compromise safety
- The period of construction would add to the traffic chaos on Green Hill
- The proposal would be built in a restricted Green Belt area, where the law, adhering to conservation principles would once again be compromised
- Members of the Planning Committee approved a large extension and 16 Assisted Living Units at Burcot Grange in July 2010, contrary to the advice of Officers. This development would represent a further erosion of the Green Belt
- It appears unfair that modest house extensions have been rejected on Green Hill because of Green Belt and that a development of this scale can be considered acceptable

The site and its surroundings

The application site comprises The Uplands, located in a prominent position on Green Hill. It was built originally as a private dwelling in 1874, later having extensions by Bromsgrove architect John Cotton in 1879, builder Brazier & Weaver, and in 1911 had further sympathetic extensions by Bateman and Bateman of Birmingham. The building was later occupied as the Birmingham City Council Children's Home and closed in 2010. The building has extensive grounds and has commanding views of the surrounding countryside and there are a large number of surviving mature trees on the site.

Proposal

This application is a hybrid planning application comprised of two components:

Firstly, there is a full planning application for the conversion of the existing 'Uplands' into 5 residential apartments and the conversion of the associated coach house into a single dwelling. There will be three 2 bedroom and two 1 bedroom apartments and the coach house will form a two bedroom dwelling. This proposal also involves the demolition of modern outbuildings and extensions to the original Victorian building.

Secondly, there is an outline planning application for the erection of a new 58 bed dementia/memory loss unit falling within a C2 Use Class. The proposed new unit would be located at a lower position than The Uplands and would be located immediately to the north of the existing Burcot Grange. The new building will comprise 58 units with the associated day rooms, nurse rooms, assisted bathrooms, dining and interactive areas, kitchen, laundry and staff accommodation.

The proposal is accompanied by the following documents:
- Transport Statement, incorporating access drawings,
- Ecological Survey (letter)
- Bat Species Method Statements
- Landscape and Visual Assessment
- Arboricultural Summary Report
- Flood Risk Assessment
- Planning Statement

The proposal also involves alterations to the existing accesses to Burcot Grange and The Uplands and the provision of a new access way to the proposed new dementia unit.

Members are encouraged to read all of the documents accompanying the application.

Relevant Policies

WMSS	QE3, PA1
WCSP	SD2, SD3, SD4, SD8, SD9, D28, D38, D39, T1
BDLP	DS1, DS2, DS3, DS11, DS13, S29, C27, ES4, ES5, E9, TR8, TR11
DCS2	CP2, CP3, CP22
Others	PPS1, PPG2, PPS4, PPS7, PPS9, PPG13

Relevant Planning History

Burcot Grange

B/2010/0334	Provision of 13 close care suites and 16 assisted living units to form continuing care retirement community (outline) (as augmented by plans received 25th May 2010). Granted 25.08.2010.
B/2010/0337	Demolition of existing outbuildings and extensions. Erection of extensions to provide new care beds; care suites and a Dementia unit. Granted 18.08.2010.

The Uplands

B/2000/0259	Construction of an access corridor at first floor level to link the existing children's home and the adjacent 3 bedroom house. Granted 15.05.2000.
B/1994/0711	Erection of indoor exercise facililty, size 11.50m x 6.50m floor area and all-weather macadam play area. Size 34.70m x 17.10m. Granted 10.10.1994.
B/3954/1977	Extensions and improvements to childrens' home.

Relevant Planning History (cont'd) - The Uplands

BU/394/1969 Classroom Block. Granted.
BU/621/1969 Superintendent's house. Granted.

Notes:

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

(i) Whether the proposal represents inappropriate development in the Green Belt
(ii) The impact of the proposal on the openness and visual amenity of the Green Belt
(iii) If inappropriate, whether there are any very special circumstances to justify the proposal
(iv) the effect of the proposal on the character of the area
(v) the potential impact of the proposal in terms of Highway Safety and parking
(vi) the impact on trees and ecology
(vii) Infrastructure requirements

In the interests of clarity, the full and outline components of the application shall be considered separately. The site is located within established Green Belt and therefore Planning Policy Guidance Note 2 (PPG2), policies D.28 and D.39 of the Worcestershire County Structure Plan (WCSP) (1996 - 2011) and policy DS2 of the adopted Bromsgrove District Local Plan (BDLP) 2004 apply to the development.

Full Component

(i - iii) Green Belt

This relates to the conversion of The Uplands into residential accommodation and the removal of existing extensions and outbuildings. There is a detailed plan provided for the proposed demolitions. Policies D39 of the WCSP, DS2 and policy C27 of the BDLP are most relevant in determining this component of the application. Policy C27 relates to the re-use or adaptation of existing rural buildings for alternative uses in the Green Belt provided that:

(i) any re-use of an existing rural building must not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;

(ii) extensions to any re-used rural building and associated land surrounding the building will be strictly controlled, where this would conflict with the openness of the Green Belt and the purposes of including land in it;

(iii) the buildings are of permanent and substantial construction and are capable of conversion without major works or complete reconstruction; the Council will require a structural survey to demonstrate this;

(iv) traffic generated by the development can be accommodated and parking facilities should exist or could be provided, without detriment to highway

safety or the visual amenities of the Green Belt; or the character of the local rural environment.

(v) the provision of necessary services does not adversely affect the environmental character or visual amenities of the Green Belt;

(vi) the conversion does not lead to a number of dispersed land uses that would be detrimental to the function and role of nearby settlements.

The proposed conversion will accommodate two substantial two bedroom apartments on the ground floor and three smaller units on the first floor. I note from the proposed elevations to the building that the proposed design is appropriate for the original dwelling and removes many of the later characteristics of the institutional facility. The removal of a large modern extension and extensive outbuildings results in the loss of buildings on the site amounting to some 980sqm. I conclude that the proposed conversion of the original building would not have a materially greater impact on the openness or purpose of the Green Belt. The proposal for residential conversion to six units will result in requirements for vehicle parking but to a lesser extent than would be the case for the existing established C2 use. The proposed parking (9 spaces) would occupy hardstanding in the position of the reception of the former children's home to the front of the main building. It is evident on site and from the previous use that the building is of substantial construction and capable of conversion without significant alteration. Whilst the proposal for the conversion of the units amounts to development in the Green Belt, the fact that there is no greater impact on the openness and the substantial benefit in removing unattractive extensions amount to very special circumstances to justify the development. The proposal complies with policy C27. Thereby, the full application proposal falls into criterion (e) of policy DS2 and amounts to an acceptable form of development in the Green Belt which I would recommend for approval.

(iv) Character

Members should note the support identified in the representations for the sympathetic restoration and conversion of The Uplands. Whilst the building is not listed, it is of significant local merit and the removal of modern alterations would enhance it. The proposal development would benefit from an attractive parkland setting and it is the clear intention of the applicant to retain the trees of value around the site and enhance these through additional tree planting. I would concur with the view expressed in the Landscape and Visual Assessment accompanying the application that the conversion proposal with the removal of extensions and outbuildings would result in the landscape restoration of these spaces.

(v) Highways

As outlined above, the conversion of the main building and coach house would amount to a reduction in traffic movements compared with the previous use of the building. The Transport Statement which supports the application concludes that the impact of the proposal would be a reduction in overall traffic movements

compared with the previous use as a Children's Home. There is no objection raised by WH.

(vi) Trees and Ecology

Members should note that the proposal is accompanied by a detailed Landscape and Visual Assessment and an Arboricultural Summary Report. The latter is in accordance with BS5837:2005 (Trees in relation to Construction). The proposal envisages the loss of a total of 5 trees from the site and the remainder would be protected with tree protection fencing. The views of the Tree Officer are noted.

Members are aware of the statutory duty of the Local Planning Authority to ensure that particular identified species in the Habitats Directive and Wildlife and Countryside Act 1981 are afforded protection in respect of all development proposals. The site contains a large number of trees and there are opportunities for roosting bats within the main Uplands and in the surrounding outbuildings. The site has already been surveyed for Great Crested Newts (GCN)s as part of the previous application at Burcot Grange. (Ref: B/2010/0334) and the ecologists have confirmed that these findings of no GCNs present remain valid. Two roosting locations for pipistrelle bats were identified at Uplands and these are non-maternity summer roosts with the main maternity roost identified at Burcot Grange. The application is accompanied by a detailed Method Statement in respect of the mitigation and compensation strategy required to ensure the survival of these colonies. Members should note that there is no objection from Worcestershire Wildlife Trust and Natural England have been consulted in accordance with their standing advice procedures. Standing advice has been provided by Natural England.

(vii) Infrastructure

In terms of the proposal for the conversion of The Uplands, this will lead to the creation of six residential units. The comments from Strategic Planning should be noted. In accordance with SPG11, a contribution is required towards open space infrastructure locally and this amounts to £87,360. Similarly, the response of WCC Education Services should be noted and a contribution towards education provision amounting to £5287 needs to be provided.

The contributions required need to be:
i) necessary
ii) reasonable in scale and kind to the development which is to be permitted
iii) relevant to planning

Policy DS11 of the BDLP requires developers to contribute towards infrastructure costs.

The applicant was originally of the view that the contributions sought were not reasonable or necessary. It is stated that the Coach House operated as an independent dwelling for the manager and his family. However, Council Tax have confirmed that there are no records for a separate dwelling on the site. I conclude

that the manager's facility was ancillary to the main children's home and thereby the proposal must be considered to amount to the creation of six residential units. Therefore, education and public open space contributions need to be provided. Following negotiations, I understand that the applicant is willing to provide the education contribution and provide on site open space through an appropriate legal mechanism.

Outline Component

The outline application relates to the erection of a new 58 bed dementia/memory loss unit falling within a C2 Use Class. This would be located adjoining the existing Burcot Grange at the north western corner of the application site with the existing 'Uplands' located in an elevated position to the east.

(i) Green Belt

Policies D28 and D39 of the WCSP and DS2 of the BDLP conform with the advice of PPG2 in defining the types of development which are acceptable in Green Belt locations. The proposal under consideration is clearly not essential for agriculture, outdoor sport or recreation nor does it involve the conversion of existing buildings to alternative uses or their replacement such that Green Belt openness would be retained. Policy D28 specifically states that new buildings for business purposes in the Green Belt will only be allowed in those settlements identified in the BDLP as being acceptable for infilling. The application site at Greenhill does not fall within any such settlement.

It is evident that the proposal is inappropriate and the extent of the harm caused must be considered. PPG2 states that the most important attribute of Green Belts are their openness (paragraph 1.4) and it is clear that the proposal would have a significant impact on the openness of the site and would thereby conflict with the fundamental aims of Green Belt policy.

(ii) Impact of Proposal

The extent of the proposed development must be quantified. This information was sought from the applicant on 07.10.2011 under Article 3(2) of the Town and Country Planning (General Development Procedure) Order 1995. Full details were provided of the scale of the proposal at this outline stage. The total floorspace generated amounts to approximately 2,700sqm. Members should note that this figure is a conservative estimate as there is a lower ground floor level proposed for part of the building. To put it into context, it is the equivalent of three times the size of all of the outbuildings and extensions to be removed from The Uplands and nearly twice the size of the existing 'Uplands' with its attendant outbuildings and extensions. The proposed building would have a varied eaves height (with an average of 5.6m) and the building would be afforded substantially high roofs with ridges as high as 10.3m.

Openess

PPG2 states that the most important attribute of Green Belts are their openness. The proposal relates to a substantial building as outlined above and this would have an attendant significant impact on the openness of the site. I note the proximity of Burcot Grange to the south west (with a substantial extension on this side) and consider that there would be a significant cumulative impact on openness arising from the additional bulk. The previously approved substantial extension of Burcot Grange Ref: (B/2010/0337) to this side of the building is noted. The function of Green Belt in paragraph 1.5 of PPG2 is clearly set out including the prevention of encroachment into the countryside. The development proposed would not check the unrestricted sprawl of built up areas and would have the effect of extending urban development into the countryside and would potentially reduce the potential for the recycling of urban land. The proposal conflicts with these purposes of including land within the Green Belt. Therefore, the proposal conflicts with the provisions of the development plan and the advice of PPG2.

Visual Amenity

The site for the proposed dementia unit is within the attractive setting of the land to the west of The Uplands. The impact of the proposal on the visual amenity of the area is assessed as a separate harm to that arising from the impact on openness. The impact on the visual amenity of the area is dependent on the surrounding topography, trees and landscaping and the level of visibility from public vantage points. Members should note the contents of the Design and Access Statement and the Landscape and Visual Assessment (LVA) accompanying the application. I note that there is a substantial existing vegetation structure on the northern, southern and eastern boundaries of the site and the site is in an elevated position with respect to Green Hill such that the views of the proposal and the existing 'Uplands' are obscured. I do not concur with the views of the LVA that the impact of the development from the west is filtered by the existing built form of Burcot Grange, where the additional substantial building would have a negative cumulative impact on visual amenity. I also note that substantial harm arises to the visual amenity and function of the Green Belt arising from the new car park with 30 spaces. The introduction of built development into this rural setting would have a detrimental impact on visual amenity, but the impact is reduced by virtue of topography and landscaping and the harm arising is given moderate weight. It should be noted that this factor in no way mitigates the substantial harm by virtue of inappropriateness arising from the loss of openness to the site as outlined above. In summary, the proposal conflicts directly with the advice of PPG2, policy PA1 of the West Midlands Spatial Strategy, saved Policies SD.2, D.28 and D.38 of the WCSP and policies DS2 and DS13 of the BDLP.

(iii) Whether Very Special Circumstances exist to outweigh the identified harm

The material considerations put forward by the applicant in favour of the outline proposal are the following:

a) The need for specialist housing to meet the needs of the vulnerable suffering from dementia and memory loss
b) The fact that the lawful use of the site is a Class C2 Residential Institution
c) The synergy between the proposal and the existing and proposed facilities at Burcot Grange enabling a self contained development with public transport availability
d) The advantages of returning The Uplands to its original form in keeping with the locality
e) The advantages of securing an improvement to the existing access to Burcot Grange and the removal of the residential institution use of the existing access at The Uplands

The requirement for a case for very special circumstances to be provided by the applicant is stated within paragraph 3.4 of PPG2 as follows:

"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".

Members should note the 'very special circumstances' amount to an entirely special and unique occurrence which could not result in a precedent being set for the proposal or analogous proposals elsewhere in the Green Belt. Whilst there is no specific prescription of the circumstances in the context of PPG2 which amount to very special circumstances, Members should seriously consider whether or not the circumstances of this proposal are entirely unique or special.

The advantages of the proposal must be weighed against the significant harm caused to openness, the most important attribute of Green Belts. Members should note that the correct test to apply is to examine whether or not the *cumulative* effect of the issues put forward amount to very special circumstances to justify the proposal. This is the test set out in the Court of Appeal decision in Wychavon District Council v Secretary of State and Butler [2008]. The material considerations raised by the applicant will be examined to determine the weight that should be afforded to them and to a combination of them.

a) Need for the facility

The applicant has presented estimated prevalence levels for dementia in Worcestershire in the period 2010 - 2020 based on population estimates. These figures are outlined in the 'Living Well with Dementia - A Strategy for Worcestershire 2011 - 2016 report dated July 2011. The report states that there are an estimated 7590 people with the condition and it is estimated to grow to 10,262 persons by 2020, an increase of 3% per annum. The Worcestershire Joint Strategic Needs Assessment for adults published by

Worcestershire County Council identifies depression and dementia as being the main issues facing older people in Worcestershire in the next 20 years. The applicant states that it is imperative that the needs of these vulnerable groups are met through engagement with the planning system.

Policy S6 of the BDLP refers to the need to take account of the changing housing needs of the population, particularly the trend towards smaller households and the special needs of particular groups. The explanatory text refers to proximity to shops and public transport infrastructure. Whilst this policy is rather generic, policy CP8 of the emerging Core Strategy 2 refers more explicitly to the need to provide additional housing (of various type, design and tenure) to meet the needs of older people. The preference will be to provide such housing and facilities within defined settlements.

On the basis of the figures presented, it is evident that there is an ongoing need for additional specialized care facilities within Worcestershire and this is a material consideration which is of moderate weight. However, the matter is complicated that the figures refer to the entire county and any facility would be likely to meet the specialist care needs from within Worcestershire and the Birmingham conurbation. Members should also note the previously approved applications at Burcot Grange (Ref: B/2010/0334 and B2010/0337) comprising a new dementia unit, close care suites and 16 assisted living units which will have met some of the need for the types of accommodation required.

b) Existing Lawful C2 use

The previous use of The Uplands as a children's home is accepted and this falls within the C2 category of the Town and Country Use Classes Order 1987 (as amended). Therefore the proposed use of the site as a care facility is consistent with the previous use. However, the applicant discounts the use of the existing building for the purposes of providing a care facility because the existing 'Uplands' and outbuildings would represent an outdated means of providing the type of care proposed. This form of accommodation would be functionally institutionalized. These points are factual and relate to care provision standards. I conclude that the fact that the subsisting residential institution is in need of extensive updating is not a material consideration of relevance.

c) The synergy between the proposal and the existing and proposed facilities at Burcot Grange enabling self containment and access to public transport

The applicant has been successful in purchasing The Uplands which would facilitate integration with the existing facilities at Burcot Grange and with those facilities already approved under B/2010/0334 and B/2010/0337 as outlined above. This would enable a single management approach for the entire site to be adopted. These matters are an advantage for the applicant in terms of management but have little relationship to general land use planning objectives. It is unclear what relevance the availability of public

transport has in respect of the ownership and management of the site other than the bus stop is located outside Burcot Grange.

As Members are aware, planning permission relates strictly to the land and not the applicant. It may be possible in the future that the joint ownership of these properties ceases to be material and the synergy referred to no longer endures. Thereby, for the reasons outlined, this factor is accorded limited weight.

d) The advantages of returning The Uplands to its original form in keeping with the locality

The part of the application which relates to the sympathetic conversion of The Uplands in a manner which restores its original Victorian character is welcome and this is supported in the representations received above. Furthermore, the removal of the outbuildings which are currently scattered around the site is an advantage.

In terms of the impact on openness, the scheme would result in a reduction of built floorspace around The Uplands amounting to approximately 980sqm. However, the proposed new facility would have a floorpace of the order of 2,700sqm. It is accepted that the proposal would be a single building and the setting of The Uplands would be enhanced. However, the scale of the new facility substantially outweighs the benefits of the conversion element of the scheme. The position of the applicant that the reinstatement of The Uplands could not be achieved other than through an association with Burcot Grange is not accepted because there are several ways in which the development potential of The Uplands could have been harnessed.

e) The advantages of securing an improvement to the existing access to Burcot Grange and the removal of the residential institution use of the existing access at The Uplands

The applicant is placing emphasis on the planning benefits of the enhanced access arrangements, with enhancements to the existing entrance to Burcot Grange which leads onto a new access to the proposed care facility. The transport statement states that only modest widening of the bank on the existing access to Burcot Grange is proposed. The substitution of the use of the access for The Uplands is afforded limited weight in favour of the proposal since this access has been used continuously since the site operated as a children's home, a use which has not been abandoned and could be reinstated. The access to The Uplands would still be in use for the dwellings and the overall benefits to highway safety are, at best, neutral.

Balancing Exercise

It is clearly advised in PPG2 that the government attaches great importance to Green Belts. They are of paramount importance and their continued protection

takes precedence over other land use objectives. As outlined above, the proposal would result in significant harm to the openness of the Green Belt at this location and this is accorded *significant* weight. The proposal also conflicts with the purposes of including land within Green Belt and this also carries significant weight. The harm arising in terms of visual amenity is accorded moderate weight.

In terms of the benefits of the scheme put forward by the applicant, the ongoing need for specialist care facilities has been outlined. This is a material consideration and should be afforded moderate weight. The existing lawful use of The Uplands; enhancements proposed to its character; synergy and self containment; the improvements proposed in terms of access and highway safety are either irrelevant or accorded very limited weight. In accordance with the balancing exercise test set out in Wychavon DC v SoS and Butler [2008](EWCA Civ 692), I conclude that the set of circumstances, viewed objectively are not reasonably capable of being described as 'very special'. Therefore, there are no very special circumstances identified to justify the proposal which results in substantial harm to the Green Belt. Members should note that for the proposal to be acceptable, other considerations must *clearly* outweigh the identified harm to the Green Belt and the test is certainly not met in this case.

(iv) Character

The impact of the proposed now build dementia care unit has largely been addressed under the heading of visual amenity. The application for this building is in outline form at this stage. The impact on the character of the streetscene arising from the proposal is modest, taking the existing landscape features and topography into account.

(v) Highways

Members should note the Transport Statement which accompanies the application outlines the arrangements for access and parking provision. The enhancements to access involve modest changes to the existing bank at the access to Burcot Grange to enhance visibility. There would be a total of 30 additional parking spaces provided to serve the new facility and these would be located within the boundary of The Uplands along the western boundary with Burcot Grange. Trip generation data indicates that the impact on the road network would be modest. There is no objection raised by WH. The proposal complies with policy TR11 from a technical perspective. However, Members should be mindful of the level of existing and approved development at Burcot Grange and the concerns expressed in the representations from local residents and the Parish Council in respect of the traffic impact on Green Hill.

(vi) Trees and Ecology

The location of the proposed new facility enables the retention of the majority of the existing trees on the site. These details are outlined in the Landscape and Visual Assessment and an Arboricultural Summary Report. The latter is in accordance with BS5837:2005 (Trees in relation to Construction). The proposal

envisages the loss of a total of 5 trees from the site and the remainder would be protected with tree protection fencing. The views of the Tree Officer are awaited.

Members are aware of the statutory duty of the Local Planning Authority to ensure that particular identified species in the Habitats Directive and Wildlife and Countryside Act 1981 are afforded protection in respect of all development proposals. The site contains a large number of trees and there are opportunities for roosting bats within the main 'Uplands' and in the surrounding outbuildings. The site has already been surveyed for Great Crested Newts (GCN)s as part of the previous application at Burcot Grange. (Ref: B/2010/0334) and the ecologists have confirmed that these findings of no GCNs present remain valid. In terms of bats, the mitigation proposals have been outlined in the Method Statement provided by the ecologists and largely relate to the existing 'Uplands' and the modern outbuildings. It is not envisaged that the new build element would result in any additional risk to bats.

(vii) Infrastructure Requirements

The proposed new facility relates to the provision of a 58 bed dementia unit and does not amount to residential accommodation. Accordingly, the provisions of SPG11 and the requirements of policy DS11 in terms of contributions towards infrastructure will not apply.

Overall Conclusion

The applicant has presented a hybrid application, one with full and outline components though additional details in relation to the scale of the outline proposal have been sought and received. It is at the discretion of the local authority as to whether a hybrid application can be accepted and the term 'hybrid application' is not defined in statute. Members must consider the application (both full and outline components) as if it were a normal singular application on the basis of the development plan and other material considerations.

The detailed application relates to the conversion of The Uplands and existing coach house into residential use and includes the removal of modern extensions and outbuildings at the site. This proposal is acceptable.

The outline application relates to the provision of a new 58 bed dementia unit at The Uplands. This amounts to inappropriate development in the Green Belt at a substantial scale and from the balancing exercise outlined above, there are no material considerations put forward which would amount to very special circumstances to justify the proposal. Whilst there is a recognized need for additional elderly care facilities, there is still potential to provide these through the conversion of The Uplands or through the removal of existing extensions and outbuildings and their replacement with a purpose built facility of equivalent scale. The main objection to this proposal is the vast scale of the development proposed. Members are reminded of the recent appeal decision at 'The Leys' Residential Home (Ref: B/2010/0849) for the provision of specialist care facilities which was dismissed at appeal on the grounds of inappropriate development in the Green Belt. The scale of the proposal at The Uplands is substantially larger than the

appeal dismissed at 'The Leys'. On the basis of all of the evidence above, I recommend that permission be refused.

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

(a) The proposal is inappropriate development in the Green Belt and would cause significant harm to the openness and visual amenities of the Green Belt in this location and would conflict with four of the five purposes of including land within the Green Belt as set out in Planning Policy Guidance Note 2. No very special circumstances have been put forward or exist that clearly outweigh the harm caused and therefore the proposal is contrary to policies SD.2, D.28, D.38, and D.39 of the Worcestershire County Structure Plan and policies DS2 and DS13 of the Bromsgrove District Local Plan and the provisions of PPG2 (Green Belts).

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. D. Oliver **'A'**	New dementia care extension to existing care home including Listed Building alterations to existing car park - The Lawns Residential Home, School Lane, Alvechurch, B48 7SB	RES CA LB	**11/1037-DK** 31.01.2012

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

RECOMMENDATION: that Planning Permission be **REFUSED**.

Consultations

WH	Consulted: 13.12.2011. Response received: 19.12.2011. No objection.
Alvechurch PC	Consulted: 13.12.2011. Response received: 04.01.2012. Same comments as previous; no objections; however there were concerns over parking facilities, it would seem insufficient for staff and visitors.
WCC(CA)	Consulted: 13.12.2011. Response received: 03.01.2012. No objection subject to a condition requiring a programme of archaeological work to be carried out.
WCC(PROW)	Consulted: 13.12.2011. No response received.
RA	Consulted: 13.12.2011. No response received.
ENG	Consulted: 13.12.2011. Response received 11.01.2012. No objection subject to conditions.
EDO	Consulted: 13.12.2011. No response received.
CO	Consulted: 13.12.2011. Response received: 19.12.2011.

I note that these applications would be appear to be identical to the previously submitted application, 11/0697 to which I objected. I therefore stand by my previous objection which is as follows:

The Lawns comprises a large detached former rectory, now a nursing home, constructed in 1855-6 to designs by William Butterfield and listed Grade II. It is typical of Butterfield's domestic work being constructed in a robust asymmetrical style. When the building was originally constructed it sat within extensive gardens with views across to the Church of St. Lawrence, listed Grade II*, for which it was built. Large areas of the garden have been sold off over a number of years and more modern houses built on various plots, although these later houses

are reasonably well screened from the listed building. The Lawns, although not in the Alvechurch Conservation Area, is located immediately adjacent to it.

The Lawns is considered particularly significant architecturally. Butterfield was influenced by AWN Pugin in expressing the importance of rooms externally. At The Lawns, on the south elevation, the functions of the main rooms were expressed by varying the designs of the vertical bays on the exterior beneath a continuous ridge. The bays increase in massiveness from west to east, from the library, via the drawing room to the dining room, although this is now partially hidden by the uPVC conservatory. Butterfield's 'L'-shaped plan at The Lawns is considered to have influenced later architects and the plan and other details from The Lawns were used by Philip Webb when designing Red House in Kent for William Morris.

In 2005 permission was granted for a large, poor quality, pastiche extension to be constructed, attached to the service wing of the house, despite objections from the then Conservation Officer and English Heritage. Permission was also granted for some detached apartments to the rear (east side) of the building. Both extensions have negatively impacted on the setting and character of the listed building and in particular the service wing extension, has obscured the link the house had with the neighbouring church.

Policy HE 9.1 of PPS5 states that there should be 'a presumption in favour of heritage assets', and then further states that 'significance can be harmed or lost through alterations or destruction of the heritage asset or development within its setting'. In addition HE10.1 states when considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserves those elements of the setting that make a positive contribution to or better reveal the significance of the asset'.

In considering the importance of the setting to the significance of the Heritage asset, guidance is provided by the recently published English Heritage document, 'The Setting of Heritage Assets'.

The setting of this house has already been compromised by the poor extension to the north, severing the old rectory from the church for which it was built, exacerbated by the poor quality of the design. In addition its sizeable gardens have also been lost to later 20th century housing. However in terms of setting The Lawns still benefits from views of the entrance and the 'L'-shaped plan when one approaches along the driveway, which is enhanced by the space at the west end which gives an indication of the original spacious setting of the property. The garden wall also clearly separates the entrance and service wing from the private areas beyond. Equally the views of the south elevation remain largely intact despite the addition of the poor quality uPVC conservatory.

The proposed extension is sited too close to the existing building compromising not only the view of the original building from the drive, but Butterfield's distinctive and influential 'L'-shaped plan which will be altered completely, by the creation of a courtyard arrangement. The proposal would therefore alter the character and significance of the listed building.

In terms of the impact on the south elevation, as mentioned above the building when originally constructed had clearly articulated service and garden frontages. The garden wall running from the south west corner of the house provides a distinctive feature clearly separating these two areas, the public and the private. The proposed extension will bridge this divide, replacing the simple garden wall with a complex mass of building. The result will be to blur the architectural 'lines of separation' between the public and private spaces as well as overwhelming the original domestic scale of the property. Again this will cause harm to the character and significance of the listed building.

In respect of the south elevation, not only will the distinctive garden wall be lost but the views of the south elevation from the garden will also be further compromised.

I would accept that the recent modern extension to the service wing and the conservatory on the south front have damaged the significance and character of the listed building. However sufficient survives of the 'L'-shaped plan form and the elevational composition to make the original design legible in key views from the driveway and the garden to the south side. The latest proposed extensions will damage the surviving character and significance of this listed building's special architectural and historic interest, including its significance contrary to the guidance in PPS 5. Being sited immediately adjacent to the Conservation Area it would also have a negative impact on the character of the Conservation Area, contrary to S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In addition I note from looking at the plans, although I could not see an existing drawing for the ground floor that it would appear that the link from the old building to the new is through the existing fireplace / chimney. This would result in the non reversible unacceptable loss of original historic fabric to which I must also object.

I would therefore have to object to these applications most strongly.

Tree Officer — Consulted: 13.12.2011. Response received 25.01.2012, as follows:

Although the Trees and Hedge line on the boundary with "The Cedars" are not worthy of protection, they do offer valuable screening to this property and the development work is likely to have a detrimental effect on the health of the hedge due to expected excessive root damage caused.

VS Consulted: 13.12.2011. Response received 19.12.2011.

The Lawns (Listed Grade II) was designed by Butterfield at the same time as his rebuilding of St. Laurence's Church (Listed Grade II*) in 1858. They made an important group but The Lawns already has large extensions which detract from the setting of the two buildings. These 2005 extensions are on three sides of the house.

The proposal to build another large unit on the only open side of the house would be unacceptable, being too large and too close, and would damage even more the setting of the two listed buildings. The Victorian Society therefore objects to this application.

EH Consulted 13.12.2011. Response received: 17.01.2012.

The current submission does not appear to differ from that to which we objected in our letter to your council dated 8th November 2011. The response is as follows:

Summary

English Heritage objects to this proposal which will be harmful to the setting of the grade II listed building and cause harm to its significance. It will also be damaging to the character and amenities of the Alvechurch conservation area.

English Heritage Advice

The Lawns dates from circa 1860 and is contemporary or near contemporary with the grade II* listed St. Lawrence's Church to which it was originally the Vicarage. It was built to the designs of the eminent Victorian architect William Butterfield in the robust asymmetrical style he frequently employed for his domestic buildings with impressive red brick elevations, steep multi-gabled roofs, and a small element of half-timbering for contrasting effect. The building sat in a large landscaped garden part of which has now been sold off for housing development; much of the remainder has been overbuilt in recent years with extensions to the nursing home use of the historic house. The building has an imposing presence overlooking the Alvechurch conservation area.

The front forecourt to the listed building still retains something of its original open character unaltered despite the erection of a large extension to the north and its current use as a hard surfaced car park. English Heritage objects to the current proposal to encroach further development into this area which would effectively result in the original and imposing listed house being surrounded by new buildings on three sides further diminishing its original spacious open setting. You will recall English Heritage has objected to previous applications to extend the grade II listed house on the grounds that the proposals would harm

its architectural and townscape significance as a large and distinctive house in open grounds. The current proposal would further compound and exacerbate the harm caused by those earlier developments which cumulatively would result in serious overcrowding of the plot. This would harm not only the setting of the listed house but also its contribution to the character of the conservation area.

Although the very modern design of the new wing attempts to create a separate identity from and deliberate contrast with the listed building we consider that overall its massing is disjointed and that the varied selection of walling fabric (including sheet materials) pays little respect to its setting. The shortcomings of the proposed design emphasise the arguments against developing in this proximity to the listed building.

Recommendation

English Heritage recommends that your Council refuse planning permission and listed building consent for this application on the grounds that it would cause substantial harm to the character and setting of the Alvechurch conservation area (S72(1) test), and also to the significance of the grade II listed building (HE9(ii) of PPS5).

Publicity

7 letters sent: 13.12.2011. Expired 03.01.2012.
Site Notice posted: 21.12.2011. Expired 11.01.2012.
Press Notice posted: 22.12.2011. Expired 12.01.2012.
5 comments received, summarised as appropriate:

- The last time major building work was undertaken at The Lawns, the approach road to the church was badly damaged and the Parochial Church Council had to pay a substantial amount for repairs. We do not think the road is suitable for the use of heavy construction vehicles.

- Since the last building work at The Lawns, use of The Ark at St. Laurence Church has significantly increased. This means that more traffic is using the narrow single-width approach road to the church and Ark. An expansion of activity at The Lawns will lead to more visitors, and presumably more staff vehicles, that the narrow road cannot sustain.

- The proposed new development involves the loss of car parking spaces at The Lawns. This will inevitably increase the number of visitors' cars using the church turning-circle, thus causing major problems for weddings, funerals and for people wishing to visit graves in the churchyard.

- The plans show the proposed new building, a 2-storey development, to be right up to the boundary of 'The Cedars' and this would significantly change the outlook. The roof line of the proposed development does not look in keeping with the original listed building

on the site. The plans also show a first floor window, which would be directly overlooking 'The Cedars'.

- The increase in the size of the property, which is next to a Conservation Area is a cause of concern.

- There would be a loss of parking spaces and increased traffic. We have already observed visitors to The Lawns having to use the gravelled area in front of High House Farm for parking due to insufficient parking on site, which makes the corner at the top of School Lane even more dangerous for pedestrians. This plan would increase the capacity of the care home but reduce the number of parking spaces. It would also increase traffic in School Lane, which has no footpath and limited signage.

- Disruption and noise during the development. Throughout the last development large heavy goods vehicles had difficulty accessing the site down the very narrow lane and tight corner at the top of School Lane, causing disruption to local residents.

- The Lawns has already been extended by 150% and the proposed design is inappropriate.

- The proposal will overlook 'The Close' School Lane.

The site and its surroundings

The application site consists of an attractive, Grade 2 listed Victorian property dated 1856 and was originally the Rectory for St. Lawrence Parish Church. There are extensions of the building to the north east and north recently completed. There is an open arrangement from the access drive and the building is within an attractive setting with some mature trees. The site adjoins the Alvechurch Conservation Area and St Lawrence's Church to the north and the properties 'The Close' and 'The Cedars' lie to the south.

Proposal

The proposal is for a new dementia care extension to existing care home including Listed Building alterations and alterations to existing car park. The proposal will provide 10 new bedrooms, each with en-suite assisted bathrooms in a single block to the west of the existing building. The new wing will be attached to the original with a covered link and there is a single storey dining room/lounge proposed on the south.

Relevant Policies

WMSS	QE3
WCSP	CTC.1, CTC.19, CTC.20
BDLP	DS13, S35A, S38, S39, E4, TR11, ALVE5
DCS2	CP16
Others	PPS1, PPS5, PPG13, SPG1

Relevant Planning History

B/2011/0697	New dementia care extension to existing care home including Listed Building alterations and alterations to existing car park. Withdrawn 11.11.2011.
B/2004/1565	16 bedroom extension with ancillary accommodation to Residential Care Home Granted 09.03.2005.
B/6218/1979	Erection of living accommodation (as amended by plans received 19.07.79). Granted 13.08.1979.
BR/8/1965/A	Extensions Refused: 01.01.1965.

Notes

Members should note that there is a detailed planning history on this site and most notably, application B/2004/1565 considered a 16 bedroom extension to the north side of the building which was recommended for refusal, but approved by Planning Committee. The listing of the building by English Heritage took place at about this time. I consider that this application provides an important context for the determination of the application. The proposed extension would add 445sqm to the building. The application is supported by a Statement from the applicant, a Design and Access Statement and Statement of Significance.

Assessment

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
(ii) Need for additional dementia care facilities
(iii) Impact on residential amenity

In this respect, policies 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. The site is located within the defined urban area so the principle of development is not in doubt.

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. I note that the proposed extension is located to the south of the conservation area and the views of the proposal would largely be obscured by virtue of the previous extension which runs along the conservation area boundary. However, I note the views of English Heritage and the Conservation Officer that it would be visible from the churchyard and thereby detracts from the conservation area.

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

The key issue with this application is the impact on the setting of the listed building. There are significant concerns raised by English Heritage and the Conservation Officer. The view is that the setting of the building has already been damaged by the previous extensions. There were strong objections raised by English Heritage and the Conservation Officer at the time of the consideration of B/2004/1565.

The current proposal will involve a large two storey block in the position of the existing car park. There is a linked single storey corridor proposed to the original house. Perpendicular to this, an additional single storey wing is proposed over an existing terrace. This structure would have similar detailing to the corridor. I note that English Heritage have objected on the basis of listed building and conservation area setting through overcrowding of the plot. There is also criticism of the proposed design which is distinctively modern but that the overall massing is disjointed with varied material treatment paying little attention to the setting of the structure. From my site visit, I consider that the proposal would have the effect of reducing the visibility and prominence of the original building.

In addition to the Design and Access Statement, the applicant has provided additional supporting information in response to the comments of the Conservation Officer. These are summarised as follows:

- It is the duty of the Local Planning Authority to weigh up the harm against the wider benefits of the application (Policy HE10.1 of PPS5).
- In terms of setting, the views to the west are already obscured by mature landscaping.
- From the perspective of the driveway, the L shaped plan will not be lost (shown in computer generated images).
- The existing garden wall has been utilised as a spine to reinforce a separation of the public and private space.
- There is no impact on the south elevation of the listed building (shown in computer generated images).
- The proposed extension would be barely visible from the conservation area.

The Conservation Officer has responded to these points and stated that the applicant has not demonstrated why the facility could not be provided elsewhere in the District where the setting of the listing building would not be compromised. The character and identity of the building are clearly visible from several places and not just the driveway. There is still a negative impact on the south elevation where the new building is slightly subservient in terms of height but is otherwise intrusive on the setting of the original. The proposal would be visible from the conservation area and the building has already been substantially extended.

Members should take on board the views of the Conservation Officer, Victorian Society and English Heritage. The proposed extension would alter the distinctive and influential 'L'-shaped plan of the original architect by the creation of a courtyard arrangement to the detriment of the character and significance of the

listed building and would not enhance the setting of the conservation area. Thereby, it fails to fulfil the policy requirements of development plan namely S35A, S38 and S39 of the BDLP. It would also conflict with the advice of PPS5.

Members should also note the requirement of policy ALVE5 of the BDLP which considers this part of Alvechurch to have a special character with low density development. It is advised that the footprint of any dwelling should not cover more than 20% of the plot area. The previous extensions have increased the footprint of built development on the site to more than 20% of the plot area and this extension would erode the openness of the site even further.

(ii) Need for additional dementia care facilities

The applicant has provided a statement on the level of need for dementia care facilities for Worcestershire covering a period of 10 years from 2010 - 2020. The numbers with dementia in Bromsgrove District are expected to grow to 1795 by 2020 from a figure of 1319 in 2010. It is estimated that the total number of people with dementia will increase to 21,000 in Worcestershire by 2021 and more than 3000 additional residential care places will be required. The proposal will provide 10 new bedrooms.

Members should note that there is an ongoing need for care facilities in the District and this is an important material consideration. It would comply with policy S29 of the BDLP.

However, it is important in planning to take a balanced view on the basis of the development plan, material considerations including the evidence put forward. The shortage of specialist elderly care facilities is an important strategic planning issue which needs to be addressed in the Core Strategy. In this instance, the negative impact of the proposal on the character and setting of the listed building and conservation area takes precedence since these are unique finite resources. The need for the facility does not outweigh the harm that would be caused.

(iii) Impact on residential amenity

I would have concerns about the relationship of the proposal to 'The Close' and 'The Cedars' to the south and both of the adjoining properties have raised concerns. A smaller extension (with one projection) was refused permission in 1965 because of the relationship to these properties (BR8/65). The SW elevation of the proposal is between 2 and 8m from the private garden of 'The Close'. In terms of 'The Cedars', the single storey wing affects this but I do not consider the impact significant, given the boundary treatment. In the case of 'The Close' there is substantial boundary treatment but this is not evergreen and I consider that the garden of 'The Close' would be affected by the first floor windows on the SW elevation serving bedrooms. The rear elevation of 'The Close' is also between 17 and 20 away from the proposal, below the standards of SPG1.

Other Issues

There are a number of protected trees on the application site and the comments of the Tree Officer should be noted.

Conclusion

The setting of the listed building would be substantially harmed by the proposal and these concerns are not outweighed by the need for the facility. The proposal would conflict with national an local policy objectives to secure the protection of heritage assets, especially those that are statutorily protected. I do not consider that the privacy of adjoining occupiers would be maintained. Permission must be refused.

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

1. The proposed development, by virtue of its design, scale and positioning would have a detrimental impact on the setting of the listed building and on the character the adjoining Conservation Area. Thereby, the proposal is contrary to policy CTC19 of the WCSP, polices S35A, S38, S39 and ALVE5 of the BDLP and the advice of PPS5 (Planning for the Historic Environment).

2. The proposal would have a detrimental impact on the residential amenity of adjoining properties contrary to policy DS13 of the BDLP and the advice of SPG1 (Residential Design Guide).

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. D. Oliver **'A'**	New dementia care extension to existing care home including Listed Building alterations and alterations to existing car park - Listed Building Consent - The Lawns Residential Home, School Lane, Alvechurch, B48 7SB	RES CA LB	**11/1038-DK** 31.01.2012

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

RECOMMENDATION: that Listed Building Consent be **REFUSED**.

Consultations

WCC (CA) Consulted: 13.12.2011. Response received: 03.01.2012.

No objection subject to a condition requiring a programme of archaeological work to be carried out.

CO Consulted: 13.12.2011. Response received: 19.12.2011.

I note that these applications would be appear to be identical to the previously submitted application, 11/0697 to which I objected. I therefore stand by my previous objection which is as follows:

The Lawns comprises a large detached former rectory, now a nursing home, constructed in 1855-6 to designs by William Butterfield and listed Grade II. It is typical of Butterfield's domestic work being constructed in a robust asymmetrical style. When the building was originally constructed it sat within extensive gardens with views across to the Church of St. Lawrence, listed Grade II*, for which it was built. Large areas of the garden have been sold off over a number of years and more modern houses built on various plots, although these later houses are reasonably well screened from the listed building. The Lawns, although not in the Alvechurch Conservation Area, is located immediately adjacent to it.

The Lawns is considered particularly significant architecturally. Butterfield was influenced by AWN Pugin in expressing the importance of rooms externally. At The Lawns, on the south elevation, the functions of the main rooms were expressed by varying the designs of the vertical bays on the exterior beneath a continuous ridge. The bays increase in massiveness from west to east, from the library, via the drawing room to the dining room, although this is now partially hidden by the PVCu conservatory. Butterfield's 'L'-shaped plan at The Lawns is considered to have influenced later architects and the plan and other details from The Lawns were used by Philip Webb when designing Red House in Kent for William Morris.

In 2005 permission was granted for a large, poor quality, pastiche extension to be constructed, attached to the service wing of the house, despite objections from the then Conservation Officer and English Heritage. Permission was also granted for some detached apartments to the rear (east side) of the building. Both extensions have negatively impacted on the setting and character of the listed building and in particular the service wing extension, has obscured the link the house had with the neighbouring church.

Policy HE 9.1 of PPS5 states that there should be 'a presumption in favour of heritage assets', and then further states that 'significance can be harmed or lost through alterations or destruction of the heritage asset or development within its setting'. In addition HE10.1 states when considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserves those elements of the setting that make a positive contribution to or better reveal the significance of the asset'.

In considering the importance of the setting to the significance of the Heritage asset, guidance is provided by the recently published English Heritage document 'The Setting of Heritage Assets'.

The setting of this house has already been compromised by the poor extension to the north, severing the old rectory from the church for which it was built, exacerbated by the poor quality of the design. In addition its sizeable gardens have also been lost to later 20th century housing. However in terms of setting The Lawns still benefits from views of the entrance and the 'L'-shaped plan when one approaches along the driveway, which is enhanced by the space at the west end which gives an indication of the original spacious setting of the property. The garden wall also clearly separates the entrance and service wing from the private areas beyond. Equally the views of the south elevation remain largely intact despite the addition of the poor quality uPVC conservatory.

The proposed extension is sited too close to the existing building compromising not only the view of the original building from the drive, but Butterfield's distinctive and influential 'L'-shaped plan which will be altered completely, by the creation of a courtyard arrangement. The proposal would therefore alter the character and significance of the listed building.

In terms of the impact on the south elevation, as mentioned above the building when originally constructed had clearly articulated service and garden frontages. The garden wall running from the south west corner of the house provides a distinctive feature clearly separating these two areas, the public and the private. The proposed extension will bridge this divide, replacing the simple garden wall with a complex mass of building. The result will be to blur the architectural 'lines of separation' between the public and private spaces as well as overwhelming the

original domestic scale of the property. Again this will cause harm to the character and significance of the listed building.

In respect of the south elevation, not only will the distinctive garden wall be lost but the views of the south elevation from the garden will also be further compromised.

I would accept that the recent modern extension to the service wing and the conservatory on the south front have damaged the significance and character of the listed building. However sufficient survives of the 'L'-shaped plan form and the elevational composition to make the original design legible in key views from the driveway and the garden to the south side. The latest proposed extensions will damage the surviving character and significance of this listed building's special architectural and historic interest, including its significance contrary to the guidance in PPS5. Being sited immediately adjacent to the Conservation Area it would also have a negative impact on the character of the Conservation Area, contrary to S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In addition I note from looking at the plans, although I could not see an existing drawing for the ground floor that it would appear that the link from the old building to the new is through the existing fireplace / chimney. This would result in the non reversible unacceptable loss of original historic fabric to which I must also object.

I would therefore have to object to these applications most strongly.

VS Consulted: 13.12.2011. Response received 19.12.2011.

The Lawns (Listed Grade II) was designed by Butterfield at the same time as his rebuilding of St. Laurence's Church (Listed Grade II*) in 1858. They made an important group but The Lawns already has large extensions which detract from the setting of the two buildings. These 2005 extensions are on three sides of the house.

The proposal to build another large unit on the only open side of the house would be unacceptable, being too large and too close, and would damage even more the setting of the two listed buildings. The Victorian Society therefore objects to this application.

EH Consulted 13.12.2011. Response received: 17.01.2012.

The current submission does not appear to differ from that to which we objected in our letter to your council dated 8th November 2011. The response is as follows:

<u>Summary</u>
English Heritage objects to this proposal which will be harmful to the setting of the grade II listed building and cause harm to its significance.

It will also be damaging to the character and amenities of the Alvechurch conservation area.

English Heritage Advice

The Lawns dates from circa 1860 and is contemporary or near contemporary with the grade II* listed St. Lawrence's Church to which it was originally the Vicarage. It was built to the designs of the eminent Victorian architect William Butterfield in the robust asymmetrical style he frequently employed for his domestic buildings with impressive red brick elevations, steep multi-gabled roofs, and a small element of half-timbering for contrasting effect. The building sat in a large landscaped garden part of which has now been sold off for housing development; much of the remainder has been overbuilt in recent years with extensions to the nursing home use of the historic house. The building has an imposing presence overlooking the Alvechurch conservation area.

The front forecourt to the listed building still retains something of its original open character unaltered despite the erection of a large extension to the north and its current use as a hard surfaced car park. English Heritage objects to the current proposal to encroach further development into this area which would effectively result in the original and imposing listed house being surrounded by new buildings on three sides further diminishing its original spacious open setting. You will recall English Heritage has objected to previous applications to extend the grade II listed house on the grounds that the proposals would harm its architectural and townscape significance as a large and distinctive house in open grounds. The current proposal would further compound and exacerbate the harm caused by those earlier developments which cumulatively would result in serious overcrowding of the plot. This would harm not only the setting of the listed house but also its contribution to the character of the conservation area.

Although the very modern design of the new wing attempts to create a separate identity from and deliberate contrast with the listed building we consider that overall its massing is disjointed and that the varied selection of walling fabric (including sheet materials) pays little respect to its setting. The shortcomings of the proposed design emphasise the arguments against developing in this proximity to the listed building.

Recommendation

English Heritage recommends that your Council refuse planning permission and listed building consent for this application on the grounds that it would cause substantial harm to the character and setting of the Alvechurch conservation area (S72(1) test), and also to the significance of the grade II listed building (HE9(ii) of PPS5).

Publicity

Site Notice posted: 21.12.2011. Expired 11.01.2012.
Press Notice posted: 22.12.2011. Expired 12.01.2012
No specific comments received on the Listed Building Consent

application. Members should note the comments received in respect of the planning application and reported on application (B/2011/1037).

The site and its surroundings

The application site consists of an attractive, Grade 2 listed Victorian property dated 1856 and was originally the Rectory for St. Lawrence Parish Church. There are extensions of the building to the north east and north recently completed. There is an open arrangement from the access drive and the building is within an attractive setting with some mature trees. The site adjoins the Alvechurch Conservation Area and St Lawrence's Church to the north and the properties 'The Close' and 'The Cedars' lie to the south.

Proposal

This is a listed building consent application for an extension to the existing care home including internal alterations. The proposal includes a covered link to between the new build and the existing listed building. The alterations to the listed building include:

- Increase in the width of a doorway by 300mm (Ground Floor Bedroom 2)
- Removal of internal door, partition, cupboard and en-suite
- Insertion of hatch into an existing sealed door
- Demolition of existing outbuilding
- New opening in gable wall to bedroom 1 to enable link to new extension

Relevant Policies

WMSS	QE5
WCSP	CTC.19, CTC.20
BDLP	S38, S39
DCS2	CP16
Others	PPS1, PPS5

Relevant Planning History

B/2011/0697	New dementia care extension to existing care home including Listed Building alterations and alterations to existing car park. Withdrawn 11.11.2011.
B/2004/1565	16 bedroom extension with ancillary accommodation to Residential Care Home Granted 09.03.2005.
B/6218/1979	Erection of living accommodation (As amended by plans received 19.07.79). Granted 13.08.1979.
BR/8/1965/A	Extensions Refused: 01.01.1965.

Notes

Members should note that application B/2011/1037 for planning permission for the extension to the care home (also on this agenda) addresses the issues of the impact of

the proposal on the listed building and conservation area setting. The matters brought forward in this regard by the Conservation Officer and English Heritage in addition to the response of the applicant are discussed in detail in the application for planning permission.

Assessment

The main issues in the consideration of the application are the following are impact of the proposal on the setting and special interest of the listed building.

In this respect, policy CTC.19 of the WCSP and policy S39 of the BDLP are most relevant.

Listed Building

Policy S39 states that careful attention will be paid to any development affecting the character or setting of a listed building. Listed status covers a whole building, inside and out. In terms of assessing the Listed Building Consent application, Members must have special regard to the desirability of preserving the building, its setting and those features which make it special.

Listed Building Setting

In terms of the setting of the listed building, there are significant concerns raised by English Heritage and the Conservation Officer. The view is that the setting of the building has already been damaged by the previous extensions. There were strong objections raised by English Heritage and the Conservation Officer at the time of the consideration of B/2004/1565.

The current proposal will involve a large two storey block in the position of the existing car park. There is a linked single storey corridor proposed to the original house. Perpendicular to this, an additional single storey wing is proposed over an existing terrace. This structure would have similar detailing to the corridor. English Heritage have objected on the basis of listed building and conservation area setting through overcrowding of the plot. There is also criticism of the proposed design, which is distinctively modern but that the overall massing is disjointed with varied material treatment paying little attention to the setting of the structure. I consider that the proposal would have the effect of reducing the visibility and prominence of the original building. The proposed extension would alter the distinctive and influential 'L'-shaped plan of the original architect by the creation of a courtyard arrangement to the detriment of the character and significance of the listed building. Thereby, it fails to fulfil the policy requirements of development plan namely S38 and S39 of the BDLP. It would also conflict with the advice of PPS5. The issue of need for additional dementia care facilities is covered extensively in the application for planning permission and must be weighed against the negative impact on the listed building identified.

Listed Building alterations

The proposed internal alterations are outlined above. Some of these changes affect modern structures which are not of historic significance. The outbuilding proposed for

demolition is not historic. However, it is clear that in order to create the link for the new extension an opening must be made through an existing fireplace/chimney. The Conservation Officer has objected to this loss of historic fabric.

Conclusion

The setting of the listed building would be substantially harmed by the proposal and the internal alterations would result in the loss of some of the historic fabric of the building. Listed Building Consent should be refused.

RECOMMENDATION: that Listed Building Consent be **REFUSED** for the following reason:

1. The proposed development, by virtue of its design, scale and positioning would have a detrimental impact on the setting and fabric of the listed building. Thereby, the proposal is contrary to policy CTC.19 of the Worcestershire County Structure Plan, polices S38 and S39 of the Bromsgrove District Local Plan and the advice of PPS5 (Planning for the Historic Environment).

This page is intentionally left blank

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. M. Sharpe **'A'**	Proposed bedroom and bathroom extension and minor layout amendments - 420 Birmingham Road, Marlbrook, Bromsgrove, B61 0HL	Residential	**11/1091-SC** 17.02.2012

RECOMMENDATION:

(a) that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to approve the application following the expiry of the publicity period on 08.02.2012.

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

Consultations

WH	Consulted: 06.01.2012. No response received.
ENG	Consulted: 06.01.2012. No response received.
Publicity	Site Notice posted 18.01.2012 expires 08.02.2012
	6 Neighbour notification letters posted 06.01.2012; expired 27.01.2012
	No letters of objection received.

The site and its surroundings

The site is located on the east side of Birmingham Road, opposite North Bromsgrove Cemetery. The area is designated as residential within the BDLP 2004 and is predominantly characterised by large two-storey detached dwellings benefitting from large front and rear gardens.

420 Birmingham Road has previously been extended with a two-storey, flat roofed side extension on the northern elevation facing 422 Birmingham Road and also a single storey rear extension. 420 Birmingham Road forms part of a staggered building line and has an existing rear elevation that projects to the rear of 422 Birmingham Road. The garden of the application site is bounded by mature hedging and a 1.8m wooden closed boarded fence.

Proposal

This application proposes a two-storey rear extension that extends over the existing single-storey flat roof rear extension. The works include extending the existing hipped roof by a further 2.5m to the rear and creating a new pitched roof from the rear of the existing two storey side extension to accommodate a new dormer window.

Relevant Policies

WMSS	QE3
WCSP	CTC.1
BDLP	DS13, S10, TR11
Draft CS	CP3
Others	SPG1, PPS1

Relevant Planning History

B/1997/0185 Erection of conservatory. Granted 20.05.1997.

Assessment

The main considerations are whether the proposal complies with policies S10 and DS13 of the BDLP 2004 and the Council's Residential Design Guide SPG 1. In particular, the effect the proposal will have on the amenity of the neighbouring properties and also the character and appearance of the surrounding area will be reviewed.

Policy S10 of the BDLP states that in general an application for an extension to a dwelling not located in the Green Belt will be considered favourably provided the proposed materials and detailing implemented are similar to those of the original building. Such extensions must not be over dominant, lead to changes in the basic character of the dwelling or adversely affect the existing amenities of adjoining occupiers or the overall streetscape.

Design/Character

SPG 1 advises that extensions should remain subordinate to the main dwelling house and suggests that extensions should be set down, set back and set off from the side boundary.

Set down: The proposed two-storey rear extension extends the existing front to rear ridgeline by approximately 2.5m in length with no 'set down'. The proposed extension to the rear of the existing two storey flat roof extension remains significantly set down (over 2m) from the main roof.

Set back: The bulk of the proposed development is to the rear of the existing building.

Set off: The proposed works are to the rear of the existing dwelling and do not increase the sideways projection of the existing dwelling.

Given the significant bulk of the proposed extension is to the rear of the property, there is no significant impact on the current street scene. The proposed extension has been sympathetically designed to be in-keeping with the existing building. The applicant has also indicated that similar materials to those on the existing dwelling are to be used. It is therefore considered that the design will not be incongruous or cause harm to the existing street scene.

Residential Amenity

Policy S10 of the BDLP 2004 requires that,

"*the proposed extension should not adversely affect the existing amenities of adjoining occupiers.*"

The Council's Residential Design Guide further advises,

"6.3 In designing a new development or extension to a building, it is important to safeguard the daylight to nearby buildings. It is possible to reduce the quality of light arriving at adjoining land by building too close to the boundary making adjoining gardens gloomy and unattractive, annoying their occupants and even infringing their rights to light."

As noted earlier, 420 Birmingham Road forms part of a staggered building line and the existing two-storey rear elevation of 420 Birmingham Road is already to the rear of the two-storey element of 422 Birmingham Road. It is important that any additional rear projection at two-storey level does not impact on the daylight enjoyed by the adjoining occupiers. With regard to the daylight impact of the proposal, members will note that 422 Birmingham Road is unusual in that it has only a single window at first floor level on the rear elevation. This window is located over 5m from the common boundary with the application site. Given this distance, the proposed extension is found to comply with the 45 degree rule and is viewed as acceptable in terms of daylight impact on the rooms of the adjoining dwellings (No. 422 and No. 418).

Whilst the lack of rear windows at first floor level at No. 422 ensures that there is not an unacceptable loss of daylight to rooms in the adjacent dwelling to the north, it is also important that the scale and proximity of the proposed extensions do not result in an unacceptable visual impact or loss of sunlight in relation to the enjoyment of the garden to the rear of 422 Birmingham Road. In this regard, it is noted that the application proposes a pitched roof and dormer window extension adjacent No. 422 rather than a full two-storey extension. Whilst the use of a dormer window does reduce bulk in comparison to a full to two-storey approach, given that there is only approximately 0.6m separation from the extension to the common boundary with No. 422, it is inevitable that this element of the extension will impact detrimentally on the current garden amenity enjoyed by the adjoining occupiers.

In consideration of the degree of loss of garden amenity that would be experienced by No. 422, I note the following factors:

- The extension would be immediately adjacent a garden shed rather than an active outdoor area.
- The proposed pitched roof and dormer window extension would be located adjacent the larger main roof extension and would only create limited additional loss of daylight.
- The extension is located on the southern boundary of No. 422 and the degree of overshadowing will be limited somewhat by the height of the sun.
- No. 422 was granted planning permission in June 2009 for a single-storey rear and side extension adjacent that, if built, would negate any amenity impact of the current proposal.
- No letters of objection have been received.

It is considered that, given these specific factors, the limited additional bulk of the extension to the rear of the existing side extension will not, on balance, create an additional detrimental amenity impact to such an extent as to warrant refusal.

Conclusion

In conclusion, it is considered that the proposals will not cause harm to the existing street scene and will result in a limited, but acceptable, detrimental amenity impact on the garden amenity of 422 Birmingham Road. As such, I am minded to approve the application.

RECOMMENDATION:

(a) that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to approve the application following the expiry of the publicity period on 08.02.2012, subject to the following conditions:-

C001 (Standard time - three years)
C001A (In accordance with approved plans)
C002 (Matching materials)

(b) 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.

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. S. Hussey **'B'**	Demolition of existing dwelling and erection of 3 no. detached dwellings and associated parking - 1 Blakes Field Drive, Barnt Green, B45 8JT	Residential	**11/1102-DK** 23.02.2012

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

RECOMMENDATION:

(a) that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application following the expiry of the publicity period on 13.02.2012.

(b) 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.

MINDED TO APPROVE

Consultations

WH	Consulted: 06.01.2012. Response received: 11.01.2012. Recommends that the permission be deferred for the following reasons:- The applicant should provide additional information to address the following: The visibility splay onto Plymouth Road should be 2.4m x 43m in both directions. The existing street lighting column on Plymouth Road should be shown to consider if the new access conflicts with it. The visibility splay onto Blakesfield Drive should be 2.4 x 25m in both directions for each access.
Lickey and Blackwell PC	Consulted: 06.01.2012. No response received.
ENG	Consulted: 06.01.2012. No response received.
WRS	Consulted: 06.01.2012. No response received.
WWT	Consulted: 06.01.2012. No response received.
Tree Officer	Consulted: 06.01.2012. Response received: 13.01.2012. I have no objection to this development in view of any tree related issue and recommend the following condition. 1. All trees to be retained within the site and trees within influencing distance of the development in neighbouring properties should be

afforded full protection in accordance with BS5837 Recommendations: 2005 during the development of the site.

Publicity — Neighbour notification: 3 letters sent 06.01.2012;expired 27.01.2012. Site Notice posted 23.01.2012; expires 13.02.2012. No responses received to date.

The site and its surroundings

The application site comprises an existing bungalow elevated above the level of Blakes Field Drive and Plymouth Road. Whilst there is some landscaping, there is still a relatively open aspect to these streets from the front of No. 1 Blakes Field Drive. There is a mature boundary to Plymouth Road. The area is characterized by large detached properties in spacious gardens such as in the adjoining 2, and 4 Berry Drive and 2 Blakes Field Drive. The design of the existing bungalow is characteristic of the properties on Blakes Field Drive and there are a mix of properties on Plymouth Road.

Proposal

The proposal is for the demolition of an existing dwelling and the erection of 3 no. detached dwellings and associated parking.

Relevant Policies

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

Relevant Planning History

P11/0107 — Demolition of existing dwelling and erection of 3 detached dwellings with associated parking. Pre application advice.

Notes

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

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

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

Principle

I note the amendments to PPS3 in respect of the exclusion of gardens from the definition of previously developed land. This does not mean that all proposals for residential development on gardens is unacceptable and each application must be considered on its own merit. I consider that the principle of the development is acceptable provided that the proposal fulfils the requirements of the extant development plan. Therefore, I will examine the proposal on the basis of policies S7, S8 and BG4 of the BDLP and the advice of SPG1.

Design Density and Layout

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

Policy S8 seeks to prohibit plot sub-division and housing on backland sites where such development would be detrimental to the character of the wider area. I do not consider that the proposal amounts to backland development since it relates appropriately to the corner of Blakes Field Drive and Plymouth Road. I note that there are a number of mature trees close to the corner and this have the effect of integrating the higher gable. I do not consider that the plot sub-division is of particular detriment such that permission can be refused on that basis. I note that permission was granted in B/1993/0142 for the erection of five dwellings at 27 Plymouth Road referred to as 'The Hollies' which similarly amounts to plot sub-division. I do not consider that the development would be contrary to the layout of the area.

The design of the proposal would consist of large detached houses in a one and a half storey format. The applicant has also reduced the ridge heights of the dwellings to reduce the vertical emphasis noted at pre application stage. I note the mix of designs in the area and I do not consider that the proposed design is inappropriate. The applicant has appraised local architectural styles and the proposal is designed to reflect these. Overall, I consider that the proposal is acceptable in terms of its design, density and layout.

Residential Amenity

In terms of the amenity and privacy of adjoining occupiers, the advice of paragraphs 8.0 - 8.4 of SPG1 are most relevant. A minimum separation distance of 21m is required to achieve a degree of privacy between conventional two storey dwellings. The orientation of the plots is such that there is no conflict in terms of the requirements of Figure 14 of SPG1 between the proposed units. Plots 2 and 3 are positioned more than 40 and 50m from No. 26a Plymouth Road and 5 Blakes Field Drive. Similarly plot 1 is more than 40m from No. 23 Plymouth Road opposite. The side elevation of this dwelling would be more than 40m from No. 2 Berry Drive.

I note that all of the windows to the sides of the proposed dwellings (besides Plot 2 which faces Plymouth Road) are serving bathrooms / ensuites and that all main living rooms are set off from the boundaries of adjoining gardens by more than 5m per storey.

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

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

Other Issues

This proposal would result in the removal of No. 1 Blakes Field Drive. Article 12(1) of the EC Habitats Directive requires Member States to take requisite measures to establish a strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites or resting places. This directive is implemented by the Conservation (Natural Habitats etc) Regulations 1994. Paragraph 116 of Circular 06/2005 requires the LPA to have regard to the Habitats Directive when dealing with planning applications where a European Protected species may be affected. The application is accompanied by an Ecological Survey Report. No evidence was uncovered either in a daytime survey or in an overnight emergence survey in the case of the building. Therefore, the removal of the building will not result in the loss of protected species and some voluntary mitigation measures for bats and birds are recommended.

Members should note the views of the Tree Officer as outlined above and the application is seeking to retain most of the existing trees on the site as outlined in the survey and proposed plans. The proposal complies with policies S7 and C17 in this regard.

The site is below the threshold for the provision of an open space contribution in the context of SPG11. The views of WRS and the Drainage Engineer are awaited.

Conclusion

In terms of the existing characteristics of the area and the prevailing policies of the development plan, the proposal is acceptable. I do not consider that there is any harm which would impact negatively on the character of the area, the amenity of residents or on any environmental assets of acknowledged importance. Permission should be granted.

RECOMMENDATION:

(a) that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application following the expiry of the publicity period on 13.02.2012.

(b) 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.

MINDED TO APPROVE

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

6th February 2012

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	Woodvale
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

1.1 To note a planning appeal decision which has been received.

2. RECOMMENDATION

2.1 Members are requested to note the report and accompanying appendix detailing the issues and conclusions relevant to the appeal.

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. P. Fantom	11/0367-SC - Proposed change of use to storage of cars for sale - Elmhurst, Sandy Lane, Wildmoor, Bromsgrove, B61 0QU - See **APPENDIX 1** Refused: 16th June 2011 Appeal decision: **allowed** - 30th November 2011

Customer / Equalities and Diversity Implications

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

4. RISK MANAGEMENT

4.1 N/A

5. APPENDICES

Appendix 1 - Appeal decision report for 11/0367-SC - Elmhurst, Sandy Lane, Wildmoor, Bromsgrove, B61 0QU

6. BACKGROUND PAPERS

Appeal decision letter received from the Planning Inspectorate dated 30th November 2011.

AUTHOR OF REPORT

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

Report for Information **APPENDIX 1**

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/11/2157061
Planning Application	11/0367-SC
Proposal	Change of use to storage of cars for sale
Location	Elmhurst, Sandy Lane, Wildmoor, Bromsgrove, B61 0QU
Ward	Woodvale
Decision	Refused (Delegated Decision) - 16th June 2011

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

Notes

The proposal was for the change of use of the application site to allow for the storage of cars for sale.

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

1. The change of use proposed represents inappropriate development in the Green Belt and inappropriate development is, by definition, harmful. The intensification of commercial activity at a residential property and the potential for increased vehicular parking at the site is a form of urban encroachment, harmful to the visual amenity and openness of an area designated as Green Belt and therefore conflicts with the purposes of including land in the Green Belt. The proposal is therefore considered contrary to policy DS2 and DS13 of the Bromsgrove District Local Plan 2004, policies D.29, D.38 and D.39 of the Worcestershire County Structure Plan 2001 and the provisions of Planning Policy Guidance 2: Green Belts. No very special circumstances exist that would outweigh the harm that would be caused.

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

- Whether the proposal constitutes inappropriate development in the Green Belt;
- 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 site comprises part of the residential curtilage of "Elmhurst", a detached dwelling. It is proposed to use part of the curtilage of the house for the storage of prestige cars pending their sale through the internet, whereupon they would be taken from the site for delivery to the customer. No sales would take place from the site, and thus the use

would be solely for the storage of up to 6 cars and the use of the existing office building in connection with the business.

Discussion

The Inspector considers the site where the cars would be kept to be well screened from public view by a roadside fence and gate.

Policy DS2 of the Bromsgrove District Local Plan (BDLP) states that permission for development in the Green Belt will not be given, other than in very special circumstances, for the construction of new buildings or for the change of use of existing buildings. When assessing the proposal against this policy, the Inspector considers that, whilst a building within the site is to be retained as an office, the primary development is the use of the land, which the policy does not address.

The use of land, however, is addressed in national Planning Policy Guidance Note 2: Green Belts (PPG2) where it is indicated that the making of a material change in the use of the land is inappropriate development unless it maintains openness and does not conflict with the purposes of including land in the Green Belt.

The Inspector notes that a material consideration in this case is the grant of planning permission in 2000 for the operation of a private hire company and overnight parking for up to 5 vehicles. The permission had been implemented, however, the use is no longer carried out. On this basis, even though the appellant has indicated that he has no intention of restarting the use, the private hire use remains lawful, and as it has a commercial value, it is a relevant fallback position.

It is taken into consideration that the existing use (granted permission in 2000) allows for long, bulky mini-buses, which are higher than cars and would be more noticeable during the longer, lighter days and the weekends, than the 6 cars which would also likely be away from the site during much of the working day. On balance, it is considered that the proposal would not have a materially more harmful impact on the openness or on the visual amenity of the Green Belt than would the existing use. In addition, the proposal would also benefit from the reduction of traffic movements onto a busy road. The Inspector therefore concludes that that the proposal would maintain openness, and it would not therefore amount to inappropriate development. It is therefore unnecessary to demonstrate very special circumstances to justify the proposal.

Policy EC12 of PPS4 Planning for Sustainable Economic Growth offers support to small-scale economic development where it provides the most sustainable option in villages or other locations that are remote from local services centres. The site is located in a remote location, but the number of travel movements associated with the intended use is likely to be very low. Having regard to this policy, the economic benefits, although not substantial, nevertheless add some support to the proposal.

The LPA expressed concerns that the proposed use could be implemented in combination with the approved use, resulting in intensification. However, the Inspector

considers it possible to impose a condition which could be worded so as to ensure that the cumulative impact could be controlled by restricting total numbers.

The Inspector also addresses the concerns of the LPA regarding the possibility of the business being operated differently in the future to what was originally stated in the appellant's statement, by explaining that the permission sought would only relate to the storage of cars for sale, rather than the use of the site for car sales, which is a different use.

In conclusion

In conclusion the proposal was allowed on the basis that the proposal maintains the openness of the Green Belt, and would be better in terms of appearance. It would also involve fewer vehicular movements and would promote enterprise.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **ALLOWED**, subject to conditions (30th November 2011):

1) The development hereby permitted shall begin not later than three yearsfrom the date of this decision.

2) The development hereby permitted shall be carried out in accordancewith the following approved plans: FANTOM 01-1250 and FANTOM 02-500.

3) No more than 6 cars shall be stored on the application site at any onetime. If, at any time, vehicles are parked within the curtilage of Elmhurstin connection with a private hire business permitted by planningpermission B/2000/0428, the total number of vehicles used in connectionwith the private hire business and those used for the occupiers' ownpersonal use together with those stored on the site in connection withthis permission shall not exceed 6, of which no more than 5 shall be usedin connection with the private hire business and those used for the occupiers' own personal use.

Recommendation

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

This page is intentionally left blank