



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 11TH FEBRUARY 2013
AT 6.00 P.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), Mrs. S. J. Baxter, J. S. Brogan, R. A. Clarke, Mrs. H. J. Jones, R. J. Laight, P. Lammas, Mrs. C. M. McDonald, E. J. Murray, J. A. Ruck, C. J. Tidmarsh and C. J. K. Wilson

Updates to the Reports of the Head of Planning and Regeneration Services will be available in the Council Chamber one hour prior to Meeting. You are advised to arrive in advance of the start of the Meeting to allow yourself sufficient time to read the updates.

Members of the Committee are requested to arrive at least fifteen minutes before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting.

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 7th January 2013 (Pages 1 - 6)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

5. Tree Preservation Order (No.15) - Trees on land at The Sugarbrook, Charford Road, Bromsgrove, Worcestershire B60 3NJ (Pages 7 - 18)
6. 2012/0708 - Reserved Matters approval for 187 new dwellings, including an element of on-site affordable housing and open space (Outline Planning approval 2010/0953) - Land at St. Godwalds Road, Bromsgrove, Worcestershire - Mr D Skidmore, Redrow Homes (Midlands) (Pages 19 - 32)
7. 2012/0885 - Extension of time to Planning Permission 2010/0334 (Provision of 13 close care suites and 16 assisted living units to form continuing care retirement community) - Burcot Grange Residential Home, 23 Greenhill, Burcot, Bromsgrove, Worcestershire B60 1BJ - Mr and Mrs M Bales (Pages 33 - 42)
8. 2012/0976 - Erection of agricultural building - Stoney Lane Farm, Stoney Lane, Tardebigge, Bromsgrove B60 1LZ - Mr P J Whittaker (Pages 43 - 48)
9. 2012/0979 - Infill work to create closed area in existing walk through - 10, Tutnall Grange, Tutnall, Bromsgrove B60 1NN - Mr S Singh (Pages 49 - 52)
10. 2012/0987 - Variation of Condition (Breakfast Sandwiches to Takeaway - 131 Worcester Road, Hagley, Stourbridge, Worcestershire DY9 0NW - Mr G Howard (Pages 53 - 58)
11. 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

31st January 2013



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

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Members of the Committee

Chairman: Councillor R. J. Deeming
Vice-Chairman: Councillor P. J. Whittaker

Councillor Mrs. S. J. Baxter	Councillor Mrs. C.M. McDonald
Councillor J. S. Brogan	Councillor E.J. Murray
Councillor R. A. Clarke	Councillor J. A. Ruck
Councillor Mrs. H. J. Jones	Councillor C. J. Tidmarsh
Councillor R. J. Laight	Councillor C.J.K. Wilson
Councillor P. Lammas	

Information for Members of the Public

The Planning Committee currently comprises 13 Councillors. Meetings are held once a month on Mondays **at 6.00 p.m.** in the Council Chamber at The Council House, Burcot Lane, Bromsgrove.

The Chairman of the Committee, who is responsible for the conduct of the meeting, sits at the head of the table. The other Councillors sit around the inner-tables in their party groupings. To the immediate right of the Chairman are a combination of the Head of Planning and Regeneration Services, the Development Control Manager and the Acting Principal Planning Officer. To the left of the Chairman is the Solicitor who provides legal advice, and then the next on the left is the Committee Services Officer who takes the Minutes of the Meeting. The Officers are paid employees of the Council who attend the Meeting to advise the Committee. They can make recommendations, and give advice (both in terms of procedures which must be followed by the Committee, and on planning legislation / policy / guidance), but they are not permitted to take part in the decision making.

All items on the Agenda are (usually) for discussion in public. You have the right to request to inspect copies of previous Minutes, reports on this agenda, together with the background documents used in the preparation of these reports. An Update Report is available one hour before the start of the meeting, and extra copies of the Agenda and Reports, together with the Update Report, are left in the public gallery. The Chairman will normally take each item of the Agenda in turn although, in particular circumstances, these may be taken out of sequence.

The Agenda is divided into the following sections:-

- **Procedural Items**

Procedural matters usually take just a few minutes and include: apologies for absence, approval of the Minutes of the previous meeting(s) and, where

necessary, election of a Chairman and / or Vice-Chairman. In addition, Councillors are asked to declare whether they have a personal and/or prejudicial interest in any items to be discussed. If a Councillor declares a prejudicial interest, he/she will withdraw from the meeting during the discussion and voting on that item. However, it is up to the individual Councillor concerned to decide whether or not to declare any interest.

- Reports of the Head of Planning and Regeneration

- (i) **Plans and Applications to Develop, or Change of Use** - Reports on all applications will include a response from consultees, a summary of any observations received and a recommendation. Recent consultation responses will be reported at the meeting within the Update Report.

Each application will be considered in turn. When the Chairman considers that there has been sufficient discussion, a decision will be called for. Councillors may decide that, in order to make a fully informed decision, they need to visit the site. If this is the case, then a decision on the application will be deferred until the next meeting of the Committee. Alternatively, a decision may be deferred in order that more information can be presented / reported. If the Councillors consider that they can proceed to making a decision, they can either accept the recommendation(s) made in the report (suggesting any additional conditions and / or reasons for their decision), or they can propose an amendment, whereby Councillors may make their own recommendation. A decision will then be taken, usually by way of a show of hands, and the Chairman will announce the result of the vote. Officers are not permitted to vote on applications.

Note: **Delegation** - All items are presumed to be matters which the Planning Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply, an appropriate indication will be given at the meeting.

Any members of the public wishing to make late additional representations should do so in writing, or by contacting their Ward Councillor(s) well in advance of the Meeting. You can find out who your Ward Councillor(s) is/are at www.writetothem.com.

Members of the public should note that any application can be determined in any manner, notwithstanding any (or no) recommendation being made to the Planning Committee.

- (ii) **Development Control (Planning Enforcement) / Building Control** - These matters include such items as to whether or not enforcement action should be taken, applications to carry out work on trees that are the subject of a Tree Preservation Order, etc.. 'Public Speaking' policy does not apply to this type of report, and enforcement matters are normally dealt with as confidential items (see 'Confidential / Exempt Business' below).

- Reports of the Head of Legal and Democratic Services

These reports relate to, for example, planning appeal decisions and cases where authority is sought to commence legal proceedings for non-compliance with a variety of formal planning notices. They are generally mainly concerned with administrative and legal aspects of planning matters. 'Public Speaking' policy does not apply to this type of report, and legal issues are normally dealt with as confidential items (see 'Confidential / Exempt Business' below).

- Urgent Business

In exceptional circumstances, and at the discretion of the Chairman, certain items may be raised at the meeting which are not on the Agenda. The Agenda is published a week in advance of the meeting and an urgent matter may require a decision. However, the Chairman must give a reason for accepting any "urgent business". 'Public Speaking' policy would not necessarily apply to this type of report.

- Confidential / Exempt Business

Certain items on the Agenda may be marked "confidential" or "exempt"; any papers relating to such items will not be available to the press and public. The Committee has the right to ask the press and public to leave the room while these reports are considered. Brief details of the matters to be discussed will be given, but the Committee has to give specific reasons for excluding the press and public.

Public Speaking

Where members of the public have registered to speak on planning applications, the item will be dealt with in the following order (subject to the discretion of the Chairman):-

- § Introduction of item by the Chairman;
- § Officer's presentation;
- § Representations by objector;
- § Representations by applicant (or representative) or supporter;
- § Parish Council speaker (if applicable) and / or Ward Councillor;
- § Consideration of application by Councillors, including questions to officers.

All public speakers will be called to the designated area by the Chairman and will have a maximum of 3 minutes to address the Committee.

Feedback forms will be available within the Council Chamber for the duration of the meeting in order that members of the public may comment on the facilities for speaking at Planning Committee meetings.

NOTES

Councillors who have not been appointed to the Planning Committee but who wish to attend and to make comments on any application on the attached agenda are required to inform the Chairman and the relevant Committee Services Officer before 12:00 noon on the day of the meeting. They will also be subject to three minute time limit.

Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officer(s) in order to avoid unnecessary debate on such detail at the meeting. Members of the Committee are requested to arrive at least one hour 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. Councillors should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.

Councillors are respectfully reminded that applications deferred for more information should be kept to a minimum and only brought back to Committee for determination where the matter cannot be authorised to be determined by the Head of Planning and Regeneration Services.

In certain circumstances, items may be taken out of the order than that shown on the agenda and, therefore, no certain advice can be provided about the time at which any item may be considered. However, it is recommended that any person attending a meeting of the Committee, whether to speak or to just observe proceedings and listen to the debate, be present for the commencement of the meeting at 6.00 p.m.

Letters of representation referred to in the reports, together with any other background papers, may be inspected at any time in advance of the meeting, and these papers will also be available at the meeting.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - SECTION 100D

1. All applications for planning permission include, as background papers, the following documents:-
 - a. The application - the forms and any other written documents submitted by the applicant, the applicant's architect or agent, or both, whichever the case may be, together with any submitted plans, drawings or diagrams.
 - b. Letters of objection, observations, comments or other representations received about the proposals.
 - c. Any written notes by officers relating to the application and contained within the file relating to the particular application.
 - d. Invitations to the Council to comment or make observations on matters which are primarily the concern of another Authority, Statutory Body or Government Department.

2. In relation to any matters referred to in the reports, the following are regarded as the standard background papers:-

Policies contained within the County Structure Plan and Local Plan below, and Planning Policy Statements, specifically referred to as follows:-

WCSP	-	Worcester County Structure Plan 2001
BDLP	-	Bromsgrove District Local Plan 2004
DCS2	-	Draft Core Strategy 2
PPG's	-	Planning Policy Guidance Notes
PPS's	-	Planning Policy Statements
SPG District)	-	Supplementary Policy Guidance (Bromsgrove

3. Any other items listed, or referred to, in the report.

Note: For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, "background papers" in accordance with Section 100D will always include the Case Officer's written report and any letters or memoranda of representation received (including correspondence from Parish Councils, the Highway Authority, statutory consultees, other 'statutory undertakers' and all internal District Council Departments).

Further information

If you require any further information on the Planning Committee, or wish to register to speak on any application for planning permission to be considered by the Committee, in the first instance, please contact Jan Smyth, Democratic Services Officer, at jan.smyth@bromsgroveandredditch.gov.uk, or telephone (01527) 881410.

ABBREVIATIONS

ADR	Area of Development Restraint
AGLV	Area of Great Landscape Value (Structure Plan)
CA	Conservation Area
DS	Development Site
EMP	Employment
GB	Green Belt
LB	Listed Building
LPA	Landscape Protection Area
OPS	Open Space
PSS	Primary Shopping Street
RES	Residential
RETAIL	Retail
SAM	Scheduled Ancient Monument
SSS	Secondary Shopping Street
SSSI	Site of Special Scientific Interest
SWS	Special Wildlife Site
TCZ	Town Centre Zone
TPO	Tree Preservation Order
VE	Village Envelope
WH	Worcestershire Highways
WCC(CA)	County Archaeology
WCC(EA)	County Education Authority
WCC(PROW)	Public Rights of Way
WCC(SS)	County Council Social Services
WCC(Landscape)	County Landscape Officer
BCO	Building Control Officer
CCO	Climate Change Officer
CLO	Contaminated Land Officer
CO	Conservation Officer
EDO	Economic Development Officer
ENG	Drainage Engineer
LS	Legal Services
SHM	Strategic Housing Manager
SPM	Strategic Planning Manager
TO	Tree Officer
WRS	Worcestershire Regulatory Services
AC	Agricultural Consultant
AMS	Ancient Monuments Society
AWM	Advantage West Midlands
BW	British Waterways
CAA	Civil Aviation Authority
CABE	Commission for Architecture and the Built Environment
CBA	Council for British Archaeology
CE	Centro
CN	Central Networks
CPRE	Campaign for the Protection of Rural England

ABBREVIATIONS (cont'd)

CSO	Community Safety Officer
EA	Environment Agency
EH	English Heritage
FC	Forestry Commission
GHSoc	Garden History Society
GG	Georgian Group
HA	Highways Agency
H&WGT	Hereford and Worcester Garden Trust
HLS	Head of Leisure and Cultural Services
HSE	Health and Safety Executive
ICNIRP	International Commission on Non-Ionizing Radiation Protection
IWA	Inland Waterways Association
JRC	The Joint Radio Company Limited
NE	Natural England
NG	National Grid
NR	Network Rail
NT	National Trust
RA	Ramblers Association
SE	Sport England
SPAB	Society for the Protection of Ancient Buildings
STW	Severn Trent Water
TCo	Transco
TCS	Twentieth Century Society
UD	Urban Designer
VS	Victorian Society
WMC	West Mercia Police
WMP	West Midlands Police
WWT	Worcestershire Wildlife Trust

This page is intentionally left blank

Agenda Item 3

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 7TH JANUARY 2013 AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), Mrs. S. J. Baxter, J. S. Brogan, R. A. Clarke, Mrs. H. J. Jones, R. J. Laight, P. Lammas, Mrs. C. M. McDonald, E. J. Murray, J. A. Ruck, C. J. Tidmarsh and C. J. K. Wilson

Observers: Councillor Mrs. R. L. Dent and Councillor R. Hollingworth

Officers: Ms. R. Bamford, Mr. D. M. Birch, Mr. G. Boyes, Mr. M. Dunphy, Mrs. C. Felton, Mr. D. Kelly, Ms. T. Lovejoy, Mrs. S. Sellers, Mr. S. Hawley (Highways Authority), Mr. C. Poole (Worcestershire Regulatory Services), Mr. R. Williams (Worcestershire Regulatory Services) and Mrs. J. Smyth

81/12 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

There were no apologies for absence.

82/12 **DECLARATIONS OF INTEREST**

The following declarations of interest were made:

Cllr. R.A.Clarke	12/0755	Pre-determination in the matter. Cllr. Clarke withdrew from the meeting and was not present and took no part in its consideration and voting thereon.
Cllr. R.J.Laight	12/0455	Other disclosable interest - acquainted with the Applicant. Cllr. Laight withdrew from the meeting and was not present and took no part in its condition and voting thereon.

83/12 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON 3RD DECEMBER 2012**

The minutes of the meeting of the Planning Committee held on 3rd December 2012 were submitted.

RESOLVED that the minutes be approved as a correct record.

84/12 **2012/0593 - OUTLINE APPLICATION FOR UP TO 175 RESIDENTIAL UNITS AND 700 SQUARE METRES OF CLASS B1 FLOORSPACE (ACCESS SUBMITTED FOR DETERMINATION), ACCESS, AMENITY SPACE AND ASSOCIATED WORKS - LAND AT KIDDERMINSTER ROAD, HAGLEY - CALA HOMES**

The Head of Planning and Regeneration Services reported on additional representations received from third parties and Councillor Colella (Hagley Ward Councillor), as detailed in the Update provided for Members prior to the meeting.

Also highlighted were various Counsel submissions received on behalf of Hagley Parish Council, Cala Homes and the District Council, full copies of which had been provided with the Update Report for Committee Members and made available in the public gallery prior to commencement of the meeting.

A late submission of additional public transportation information received from the Applicant's agent, relating to bus services, was also reported.

Officers from Worcestershire Regulatory Services and the Highways Authority were also present and provided clarification on various matters relating to Air Quality and Highway in response to Committee members queries.

At the invitation of the Chairman, Ms Rachel Jenkins, addressed the Committee on behalf of Hagley Action Group, objecting to the Application. Mr Michael Robson, Mr Phil Jones and Mr Simon Emson, the Applicant's representatives, also addressed the Committee. Ms Sian Griffiths, addressed the Committee on behalf of Hagley Parish Council. Councillors C.R. Scurrall and S.R. Colella also spoke to the Committee in their capacity as Ward Members for the area in which the application site was located.

RESOLVED that

- 1) authority be delegated to the Head of Planning and Regeneration Services to determine the Outline Planning following receipt of a suitable and satisfactory legal mechanism in relation to:
 - (i) Enhanced education facilities at Hagley Primary School;
 - (ii) Enhanced medical facilities at Hagley Surgery, Victoria Passage, Hagley;
 - (iii) Public transport enhancement measures (new gold standard bus shelter on Park Road near the A456 junction and additional cycle shelters at Hagley Railway Station);
 - (iv) Pedestrian and cycle signage from the application site to Hagley Village Centre and Hagley Railway Station;
 - (v) The future maintenance of the SuDs facilities (including the balancing ponds);

and

- (vi) The transfer of the SuDs facilities (including the balancing ponds) and the provision of a right of access if deemed appropriate;
 - (vii) The provision and subsequent maintenance in perpetuity of the on-site open space provision;
 - (viii) The securing of 71 affordable dwellings; and
- 2) the Conditions and informatives set out or referred to on pages 62 to 73 of the report.

At this point in the proceedings, following consideration of the Planning Application above and prior to consideration of the next item of the business on the Agenda, the meeting adjourned at 19.40pm and reconvened at 19.55pm.

85/12 **2012/0455 - EXTENSION TO EXISTING COLD STORE - SEAFIELD LANE, PORTWAY, WORCESTERSHIRE B98 9DB - OAKLAND INTERNATIONAL LTD**

The Head of Planning and Regeneration Services reported on the views received from Worcestershire Local Enterprise Partnership and Officers responses to those views.

At the invitation of the Chairman, Mr Robert Knox addressed the Committee on behalf of residents in Seafield Lane and Beoley Village, objecting to the Application. Mr Dean Attwell, for the Applicant, also addressed the Committee.

RESOLVED that Planning Permission be refused for the reason set out or referred to on page 84 of the report.

86/12 **2012/0694 - CONVERSION OF BARN INTO LIVING ACCOMMODATION - ADJACENT TO CORNERSTONE, COFTON CHURCH LANE, COFTEN HACKETT, REDNALL, BIRMINGHAM B45 8BB - MS A HAWKER**

The Head of Planning and Regeneration Services reported that it was Officers intention to consider both the Planning and Listed Building Consent applications together given that they were intrinsically linked. It was noted, however that, for clarity, the record of the Committee's decisions would be recorded separately in the formal minutes of the meeting.

At the invitation of the Chairman, Mr Garth Wood, a nearby resident, addressed the Committee, objecting to the application. Mr Keith Duncan, on behalf of Cofton Hackett Parish Council, also addressed the committee, objecting to the application.

RESOLVED that Planning Permission be granted subject to the Conditions set out or referred to in Pages 92 to 93 of the report.

87/12 **2012/0695 - CONVERSION OF BARN TO LIVING ACCOMMODATION - LISTED BUILDING CONSENT - ADJACENT TO CORNERSTONE, COFTON CHURCH LANE, COFTON HACKETT, REDNALL, BIRMINGHAM B45 8BB - MS A HAWKER**

RESOLVED that Listed Building Consent be granted, subject to the Conditions set out or referred to on Page 97 of the report.

88/12 **2012/0755 - PROPOSED CHANGE OF USE OF LAND FOR THE SALE AND STORAGE OF MOTOR VEHICLES - YEW TREE FARM, CRABMILL LANE, HOLLYWOOD - MR M KHABEER**

At the invitation of the Chairman, Mr Maurice Nathan, Agent for the Applicant, addressed the Committee.

RESOLVED that Planning Permission be refused for the reasons set out or referred to on Page 103 of the report.

89/12 **2012/0886 - CONVERSION OF A REDUNDANT BUILDING INTO TWO BUNGALOWS - BALAN FARM, PACKHORSE LANE, KINGS NORTON - MR BRIAN HIGGINS**

This matter was withdrawn from the Agenda by the Head of Planning and Regeneration Services in order to evaluate the planning history of the site, and was not discussed.

90/12 **2012/0895 - ERECTION OF 1 NO. DETACHED DWELLING AND ASSOCIATED PARKING - 1 BLAKES FIELD DRIVE, BARNT GREEN, BIRMINGHAM, WORCESTERSHIRE B45 8JT - MR SHAUN HUSSEY**

The Head of Planning and Regeneration Services reported a correction in relation to the description of the proposed development, in that it should have read "Erection of a detached dwelling house" and clarified that no demolition of the existing building on the site was proposed. A recent appeal decision for the site, relating to demolition of the existing dwelling and erection of three detached dwellings, was also highlighted. A late response from Worcestershire Highways, requesting additional conditions, was reported. The conditions related to:

- HC2 Single access – new – no footway
- HC5 Visibility Splays
- HCB Vehicle Access construction
- HC25 Access, turning and parking

At the invitation of the Chairman, Mr John Jowitt, representing a nearby neighbour, addressed the Committee objecting to the Application. Mr Gareth Jones, on behalf of the Applicant, also addressed the Committee. Councillor

C.B.Taylor also addressed the Committee in his capacity as Ward Member for the area on which the application site was located.

RESOLVED that Planning Permission be granted, subject to the Conditions set out or referred to on Page 116 of the report, the additional Highway conditions requested by the Highways Authority, as detailed in the preamble above, and the following additional condition:

“7. The mature boundary to Plymouth Road to be retained and maintained, other than to allow for the proposed access to the site.

Reason: In the interests of the amenity of the area in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004.”

91/12 **TREE PRESERVATION ORDER (NO.10) 2012 - TREES ON LAND AT 6 HILLVIEW ROAD, RUBERY, BIRMINGHAM B45 9HH**

RESOLVED that

- 1) Tree Preservation Order (No.10) 2012, relating to trees on land at 6 Hillview Road, Rubery, Birmingham B45 9HH be confirmed with modification; subject to
- 2) a drainage survey being undertaken in relation to any potential root damage within the area, and a further report with photographs of the trees in question being brought to the Planning Committee on the outcomes of the survey.

92/12 **CONFIDENTIAL MINUTES**

The confidential minutes of the meeting of the Planning Committee held on 3rd December 2012 were submitted.

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

The meeting closed at 9.17 p.m.

Chairman

This page is intentionally left blank

PLANNING COMMITTEE

11th February 2013

TREE PRESERVATION ORDER (NO.15) – Trees on land at The Sugarbrook, Charford Road, Bromsgrove, Worcestershire, B60 3NJ

Relevant Portfolio Holder	Kit Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Regeneration
Ward(s) Affected	Charford
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. **SUMMARY OF PROPOSALS**

The Committee is asked to consider the confirmation of Tree Preservation Order (No.15) 2012 relating to trees on land at The Sugarbrook, Charford Road, Bromsgrove, Worcestershire, B60 3NJ

2. **RECOMMENDATIONS**

It is recommended that the Tree Preservation Order (No.15) 2012 relating to trees on land at The Sugarbrook, Charford Road, Bromsgrove, Worcestershire B60 3NJ is confirmed with modification.

3. **KEY ISSUES**

Financial Implications

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

Legal Implications

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

Service / Operational Implications

3.4 The TPO was made to protect trees as they contribute significantly to the amenity of the area.

An enquiry was raised regarding the trees and the Tree Officer conducted a site visit and considered the trees worthy of protection having regard to their amenity value and the risk that they may be mis-managed and damaged if not protected.

**PLANNING
COMMITTEE**

11th February 2013

On the 18th September 2012 a provisional Tree Preservation Order was made in relation to trees on land at The Sugarbrook, Charford Road, Bromsgrove, Worcestershire, B60 3NJ

It will remain in force until the 20th March 2013.

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

One objection has been received in respect of the TPO from Architects instructed on behalf of KFC

Appendix 1.

The objection was to the extent of the Provisional Tree Preservation Order as an Area Order.

1. The inclusion of trees on the Southern and Western boundaries none of which are considered to be of sufficient arboricultural quality or significant visual/amenity benefit to justify being protected.
2. It is already intended that a number of the poorer tree stock on site will be replaced with new tree stock under the landscape proposal of the development.
3. Measures would be taken to ensure the health and safety of the Red Oak Trees is not adversely affected by the development and protected during the works.

The Senior Tree Officer responds as follows (copy of Tree Officer Report attached at **Appendix 2**):-

1. In view of the Tree Preservation Order having been raised and the Tree Officers objection to the removal of the two Red Oak Trees, the company intended to change the proposal to retaining the two Red Oak Trees initially earmarked for removal.
 2. The Tree Officer is happy to recommend a modification of this Order to just include the group of six Red Oak Trees on the boundary with Charford Road.
- 3.5 Policy Implications- None
HR Implications- None
Council Objective 4- Environment, Priority C04 Planning
- 3.6 Climate Change / Carbon/ Biodiversity - The Proposal in relation to confirming the TPO can only be seen as a positive impact on the environment.

**PLANNING
COMMITTEE**

11th February 2013

Customer / Equalities and Diversity Implications

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

4. RISK MANAGEMENT

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

5. APPENDICES

Appendix 1 - Objection letter dated 15th October 2012

Appendix 2 - Tree Officer Response dated 20th December 2012

6. BACKGROUND PAPERS

None

7. KEY

TPO - Tree Preservation Order

AUTHOR OF REPORT

Name: Rasma Sultana
Email: r.sultana@bromsgroveandredditch.gov.uk
Tel: (01527) 881745

This page is intentionally left blank

15 October 2012
TPO objection.docx



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

Rob Wells
E: rwells@savills.com
DL: +44 (0) 121 634 8434
F: +44 (0) 121 633 3666

Innovation Court
121 Edmund Street
Birmingham B3 2HJ
T: +44 (0) 121 633 3733
www.savills.co.uk

Dear Mrs Sultana

Town & Country Planning Act 1990
Bromsgrove District Council Tree Preservation Order (No.15) 2012 - Trees on land at The Sugarbrook, Charford Road, Bromsgrove, B60 3NJ
Objections submitted under Regulation 6 of the Town & Country Planning (Tree Preservation) (England) Regulations 2012

I write further to your letters dated 19 and 24 September 2012 through which Bromsgrove District Council served a Tree Preservation Order on to the applicant for the redevelopment of the site of The Sugarbrook Public House, Charford Road, Bromsgrove. The completed schedule to the TPO referenced the whole site as being the area to which the Order relates and to all trees falling within the area. This letter provides objections to the extent of the TPO and is submitted in accordance with Regulation 6 (1) (a-c) on behalf of KFC (GB) Ltd ("KFC") as planning applicant (application ref: 12/0701/FUL).

Reasons for Serving the TPO

The Council's stated reason is:

"The trees provide special amenity value and the Tree Preservation Order is made in the interests of amenity."

Objections to the Tree Preservation Order

The DCLG guide to tree preservation procedures (April 2012) states (question 2) that the purpose of a tree preservation order is:

"to protect trees which bring significant amenity benefit to the local area. This protection is particularly important where trees are under threat" [underline added]



It continues (question 20) by stating:

"A Tree Preservation Order does not prevent planning permission being granted. But a local planning authority will consider the risk to protected trees when deciding planning applications.

and (question 19):

"[Trees] can be protected by a tree preservation order or by a condition attached to a planning permission or both."

KFC does not believe that all of the trees within area A1, as identified in the Schedule, have sufficient individual or group merit or amenity value to justify protection through a Tree Preservation Order. Guidance to the making of Orders notes that the use of Area TPO should be limited and should be modified at a later date to include specified individual or groups of trees instead of seeking blanket coverage.

Subsequent to the serving of the TPO, an independent assessment of the trees has been undertaken. The conclusions state that only those trees along the Charford Road frontage are of sufficient quality and amenity value to warrant consideration of protection.

Amenity is a subjective judgement. In this instance, the site must be considered within its context and locality. The A38 Stoke Road is a main thoroughfare of Bromsgrove and includes numerous mature trees that provide significant and continuous tree coverage and a visual edge to this part of the town.

The Charford Road/A38 junction provides one of the few breaks in this continuous coverage. Viewed in this context, the trees on the site add little to the visual amenity of the immediate surrounds. However, KFC recognises that by reason of this break in the continuous tree coverage, the trees on the Charford Road frontage provide a visual "green" connection, albeit limited, between groups of trees to the north and south of the site.

Planning application (12/0701) provides for the retention of the trees on the southern boundary and the replacement of the poor quality crab-apple trees on the western with better quality trees. These measures have been agreed with the Council's Tree Officer. As a result, we believe there is no longer any need for a TPO to be confirmed as trees deemed to be worthy of protection are now being retained as part of the development proposals. However, should the Council still be minded to confirm the Order, at the very least it should be modified to include only those trees shown identified on the attached plan as T2-T7 and a formal objection is made regarding the potential inclusion of trees on the southern and western boundaries none of



which are considered to be of sufficient arboricultural quality or significant visual/amenity benefit to justify being protected by a Tree Preservation Order.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rob Wells".

Rob Wells
Associate

cc. J Peach

Enc

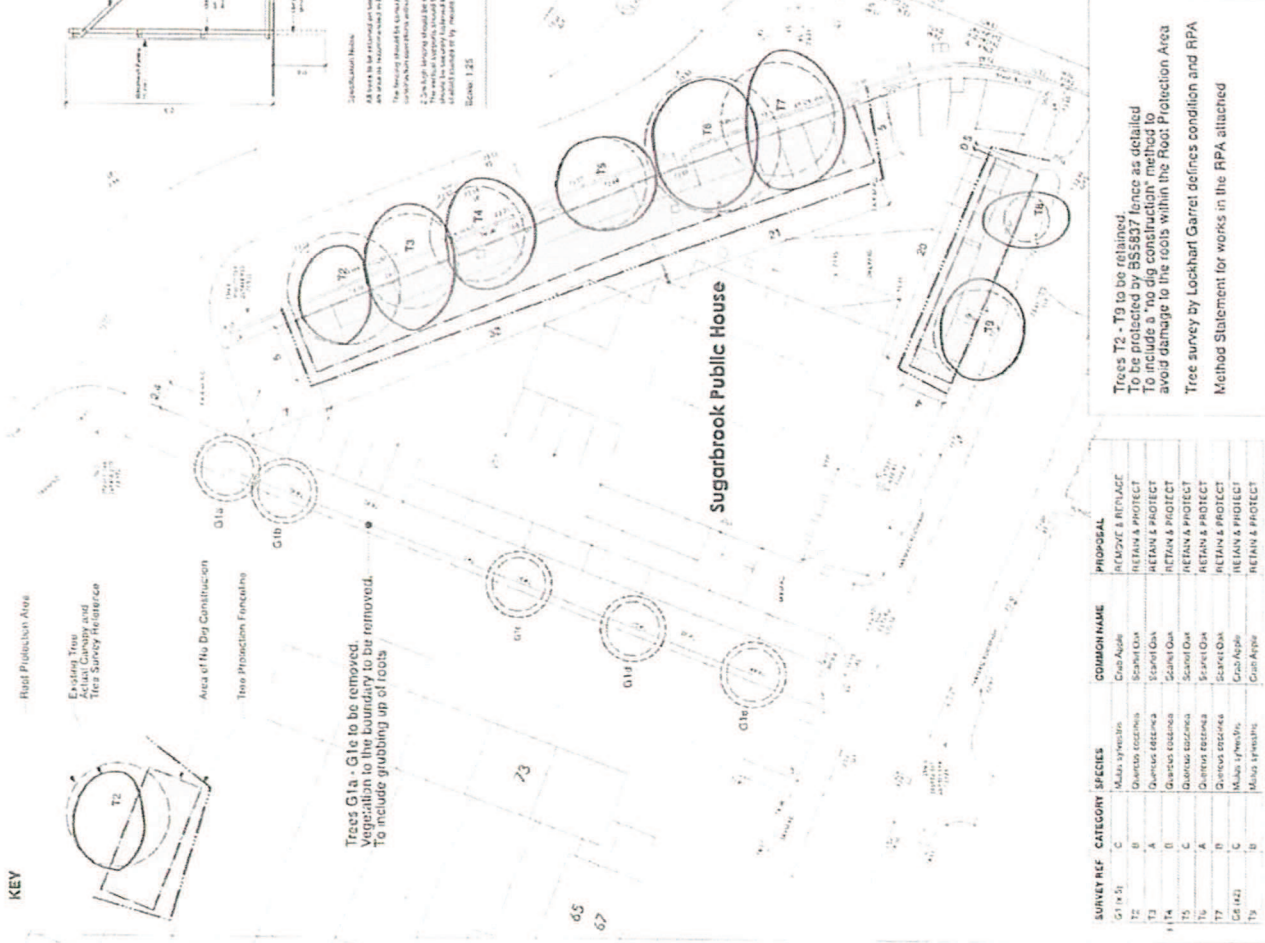
KEY

Root Protection Area

Existing Tree
Arise, Canopy and
Tree Survey Height

Area of Ho Dig Construction
Tree Protection Fenceline

Trees G1a - G1c to be removed.
Vegetation to the boundary to be removed.
To include grubbing up of roots

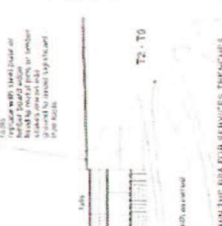


Trees T2 - T9 to be retained.
To be protected by BS5837 fence as detailed
To include a 'no dig construction' method to
avoid damage to the roots within the Root Protection Area

Tree survey by Lockhart Garret defines condition and RPA

Method Statement for works in the RPA attached

200 x 100 x 10mm steel mesh laid in
concrete slab
Concrete slab construction over existing
subgrade
200mm concrete slab over existing
subgrade
200mm concrete slab over existing
subgrade
200mm concrete slab over existing
subgrade



T2 - T9

NO DIG WITHIN THE RPA FOR SERVICES TRENCHES

Reinforce with 10mm diameter steel mesh
Machine to form top layer of RPA and
install drainage layer
Install drainage layer
Install drainage layer
Install drainage layer
Install drainage layer



ANTICIPATED EXISTING TREE CONDITION

PROPOSED NO DIG CONSTRUCTION WITHIN
ROOT PROTECTION AREA OF EXISTING TREES



Tree Protection Fence - BS 5837:2012

All trees to be retained are to be protected by a fence, including
an area of 10m x 10m around the tree trunk
The fence is to be constructed from 100mm x 100mm x 10mm
2.2m high timber posts and 100mm x 100mm x 10mm
The fence is to be constructed from 100mm x 100mm x 10mm
The fence is to be constructed from 100mm x 100mm x 10mm

METHOD STATEMENT

In order to install the protection and health of the trees within the Root Protection Area (RPA) as defined by BS5837:2012 during the installation of
drainage and/or parking areas for the vehicle, the following guidelines are to be followed:

- 1. NO DIG CONSTRUCTION**
Where the trees are to be retained, the RPA shall be established by the installation of a fence as defined by BS5837:2012. The fence shall be constructed from 100mm x 100mm x 10mm timber posts and 100mm x 100mm x 10mm timber rails. The fence shall be constructed from 100mm x 100mm x 10mm timber posts and 100mm x 100mm x 10mm timber rails. The fence shall be constructed from 100mm x 100mm x 10mm timber posts and 100mm x 100mm x 10mm timber rails.
- 2. NO DIG CONSTRUCTION**
Where the trees are to be retained, the RPA shall be established by the installation of a fence as defined by BS5837:2012. The fence shall be constructed from 100mm x 100mm x 10mm timber posts and 100mm x 100mm x 10mm timber rails. The fence shall be constructed from 100mm x 100mm x 10mm timber posts and 100mm x 100mm x 10mm timber rails.
- 3. NO DIG CONSTRUCTION**
Where the trees are to be retained, the RPA shall be established by the installation of a fence as defined by BS5837:2012. The fence shall be constructed from 100mm x 100mm x 10mm timber posts and 100mm x 100mm x 10mm timber rails. The fence shall be constructed from 100mm x 100mm x 10mm timber posts and 100mm x 100mm x 10mm timber rails.

Tree Protection Fence - BS 5837:2012

All trees to be retained are to be protected by a fence, including
an area of 10m x 10m around the tree trunk
The fence is to be constructed from 100mm x 100mm x 10mm
The fence is to be constructed from 100mm x 100mm x 10mm
The fence is to be constructed from 100mm x 100mm x 10mm

Tree Protection Fence - BS 5837:2012

All trees to be retained are to be protected by a fence, including
an area of 10m x 10m around the tree trunk
The fence is to be constructed from 100mm x 100mm x 10mm
The fence is to be constructed from 100mm x 100mm x 10mm
The fence is to be constructed from 100mm x 100mm x 10mm

Tree Protection Fence - BS 5837:2012

All trees to be retained are to be protected by a fence, including
an area of 10m x 10m around the tree trunk
The fence is to be constructed from 100mm x 100mm x 10mm
The fence is to be constructed from 100mm x 100mm x 10mm
The fence is to be constructed from 100mm x 100mm x 10mm

Tree Protection Fence - BS 5837:2012

All trees to be retained are to be protected by a fence, including
an area of 10m x 10m around the tree trunk
The fence is to be constructed from 100mm x 100mm x 10mm
The fence is to be constructed from 100mm x 100mm x 10mm
The fence is to be constructed from 100mm x 100mm x 10mm

munro + whitaker
landscape architects - urban design
110-112, LCR Depot
41 Railroad Street, Westley, LE11 1HG
t 0116 264 6847
e info@munroandwhitaker.co.uk
w www.munroandwhitaker.co.uk



NEW BUILD 260

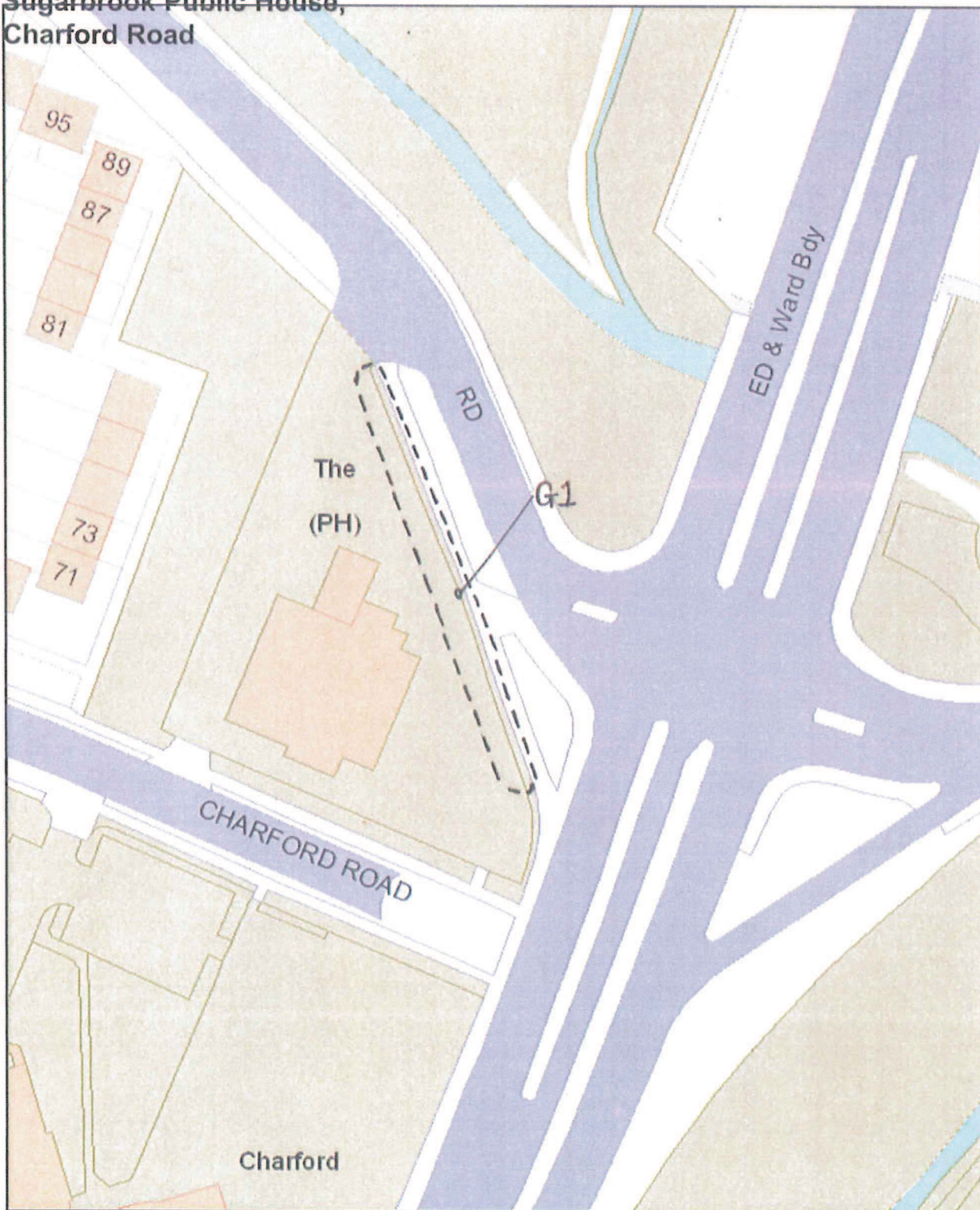
CHARFORD ROAD,
BROMSGROVE

EXISTING TREES

DIM	DOM	17 October 2012
		1:200 @ A1

0653.003

**Bromsgrove District Tree
Preservation Order (15) 2012 The
Sugarbrook Public House,
Charford Road**



DATE TIME

BROMSGROVE\gavin.boyes

Scale 1:731

This product includes mapping data licensed from
Supplier with permission, OS Licence Number 100023519
(2011).

NOTES



This page is intentionally left blank

MEMORANDUM

APPENDIX 2



From:	Gavin Boyes Senior Tree Officer	To:	Rasma Sultana Legal Officer
My Ref:	Bromsgrove District Tree Preservation Order (15) 2012	Your Ref:	
Please ask for:	Gavin Boyes	Ext	3094
		Date	20 th December 2012

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

The tree team was requested to inspect the former Sugarbrook Public House site on the junction of the Charford Road and the A38, Bromsgrove on 6th September 2012 in view of planning application 12/0701 made by KFC (GB) Ltd. The application proposed the demolition of the existing building and construction of a new 'drive-thru' restaurant with associated parking and landscaping. Included within the proposal was the requirement to remove a number of trees notably two semi mature Red Oak trees within a line of six Red Oaks on the boundary of the Charford Road. The six Red Oak trees are of very good quality and highly prominent providing a high level of visual amenity value to both pedestrian and motor vehicle users of both the Charford Road, the A38 and local residents. They are a major feature in the street scene of both the Charford Road and the A38 and add greatly to the character of the area. Therefore in light of the proposed loss of the two valuable Red Oaks and the increased potential risk to the health and pressure of management on the other trees especially the line of Red Oaks the development would undoubtedly bring a Provision Tree Preservation Order was raised on the site on 18th September 2012.

Representations Received – Objections Appendices 1.**Letter Received: Sent 15th October 2012 : Received 17th October 2012 : from Mr Rob Wells of Savills, Architects Working On Behalf OF KFC (GB) Ltd.**

The objection was in view of the extent of the Provisional Tree Preservation Order raised. In that the order had been raised as an area order covering the whole site and protecting all trees of what ever species contained with the site. In the letter Savills argued that only the six Red Oak trees on the boundary with the Charford Road are worthy of Tree Preservation Order protection and requested that consideration should be give by the Council to modifying the order to this affect. The letter also highlights the intention to replace a number of the poorer tree stock on the site with new tree stock under the landscape proposal of the development. A plan provided with this letter also highlighted the measures that would be taken to ensure the health and stability of the Red Oak trees is not adversely affected by the development and the measures to be taken for their protection during the works.

My Comments:

Prior to the receipt of the letter sent by Savills dated 15th October 2012 I had a phone conversation with Rob Wells in which the issues raised in his subsequent letter were discussed. During this discussion Rob Wells highlighted that In view of the Tree Preservation Order having been raised and my objection to the removal of the two Red Oak trees the company intended to change the proposal allowing a retention the two Red Oak trees initially earmarked for removal. Also discussed was an agreement that we would allow a sympathetic level of crown pruning on the two trees initially earmarked for removal to manage the impact of the trees on the site. It was agreed that other tree stock on the site is of a distinctly lower quality and prominence and most is highlighted for replacement with new tree stock that will provide better future prospects and benefits to the site and area. Therefore I am happy to recommend a modification of this order is made to just include the group of six Red Oak trees on the boundary with the Charford Road. All of the above detail is contained in the letter from Savills dated 15th October 2012.

Conclusion & Recommendation

Apart from the six Red Oak trees on the boundary of the Charford Road I would have to agree that all other tree stock on the site is of a distinctly lower quality and prominence. A high percentage of the lower grade stock on the site is highlighted for replacement with new tree stock that will undoubtedly have better future prospects and will ultimately provide a far higher benefit to the site and area. Therefore I am happy that in this case it is justified and acceptable to make a modification of the order to just include the group of six Red Oak trees on the boundary with the Charford Road. Therefore I would recommend to the committee that this order is modified and confirmed to include only the group of six Red Oak trees on the boundary of Charford Road as shown on the attached plan.

SCHEDULE 1

Trees specified individually (encircled in black on the map)

NONE

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

NONE

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

Reference on the map	Description	NGR	Situation
G1	6 x Red Oak Trees	396030 / 269420	Land attached to the Sugarbrook Public House Charford Road Bromsgrove B60 3NJ

I would recommend to the committee that this order is modified and confirmed to include only the group of six Red Oak trees on the boundary of Charford Road as shown on the attached plan.

Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
REDROW HOMES “A”	Submission of Reserved Matters to 10/0953 (internal access, appearance, layout, scale and landscaping) for the erection of 181 units Land at St Godwalds Road, Bromsgrove	ADR TPO	12/0708 19.11.12

RECOMMENDATION:

Subject to the satisfactory views of Worcestershire Highway and any resultant highway related Conditions that **RESERVED MATTERS** be **APPROVED**

Consultations

WH	Consulted on amended scheme: views awaited
HA	Consulted – views received 28.08.12: <ul style="list-style-type: none">• No objection
Drainage Engineer	Consulted – views received 29.01.13: <ul style="list-style-type: none">• No objection
Severn Trent Water	Consulted – views received 07.09.12: <ul style="list-style-type: none">• No objection subject to Conditions relating to:• Surface and foul sewage
EA	Consulted – views received 17.09.12: <ul style="list-style-type: none">• No objection subject to clarification on finished floor levels• In terms of the surface water drainage proposals, the proposed attenuation pond appears to be in line with previous detail and discussions. This will be further informed by the detailed drainage scheme, required under condition 15 of the outline consent. In general, the proposed layout plan appears to be in accordance with the details agreed at the outline application stage.
WRS: Noise	Consulted – views received 08.10.12: <ul style="list-style-type: none">• No objection
Network Rail	Consulted – views received 10.09.12: <ul style="list-style-type: none">• After studying the proposals submitted and since our previous comments submitted on application number 10/0953, it has come to light that there is a disputed boundary issue at this location which could affect the operational railway and future phased rail enhancement at this location, therefore, Network Rail submit a holding objection to this application.• This anomaly has been identified during recent survey work for the proposed relocation of Bromsgrove Station being promoted

by Centro and Worcestershire County Council.

- Network Rail is likely to withdraw any objection if an acceptable solution can be found on the issues outlined above to this proposed development i.e. the applicant/developer contacts Network Rail to resolve the boundary issue.
- Notwithstanding the above, if the LPA is minded to approve this application, then measures would need to be met as part of any planning permission granted. Network Rail support the use of acoustic screening at this location.

- Urban Designer Consulted – views received 12.09.12:
- The reserved matters application appears to broadly follow the lines of the approved outline application 10/0953.
 - But its aspirations in terms of urban design quality appear to be low, as they were in the outline submission, and it does not contain sufficient explanatory documentation that can persuade that this is a proposal of good quality.
 - It appears to be little more than an arrangement on the site of standard house types of no distinction, and leaves much to be desired.
- Planning Policy Consulted – views received 14.12.12:
Open Space
- No objection
- Head of Leisure Consulted – views received 03.09.12:
Services
- No objection
- Sport England Consulted – views received 04.09.12:
- No objection
- Strategic Housing Consulted – views received 30.01.13:
Manager
- No objection
 - The proposed site mix of 20 x 1 bedroom 2 person apartments, 12 x 1 bedroom 2 person houses, 18 x 3 bedroom 5 person houses and 13 x 2 bedroom 4 person houses has been approved by Bromsgrove District Council Housing Strategy team through meetings with the applicant.
 - We consider that this mix enables those residents impacted by Welfare Reform through the reduction in housing benefit for social tenants under occupying their property to downsize to appropriate accommodation and will assist in meeting the current need for smaller accommodation.
 - We have agreed a tenure mix of 65% social rented and 35% intermediate affordable housing e.g. shared ownership. Officers have agreed this mix on the basis that the area has an unbalanced housing market as there are limited supplies of social rented housing and the mix does not affect the viability of the site.

NE	Consulted – views received 13.09.12: <ul style="list-style-type: none">• No objection
WWT Tree Officer	Consulted 20.08.12: views awaited Consulted – views received 11.09.12: <ul style="list-style-type: none">• No objection subject to Conditions relating to:• Planting regime utilising native species mix• Arboricultural Method Statement• Tree Protection Plan• Management Plan
Ramblers Association	Consulted 20.08.12: views awaited
WCC PROW	Consulted – views received 10.09.12: <ul style="list-style-type: none">• No objection• The diversion of the public right of way should be completed to confirmation stage before any development affecting the public right is started
WCC(CA)	Consulted 20.08.12 views awaited
West Mercia Constabulary	Consulted 20.08.12: views awaited
Community Safety	Consulted 20.08.12: views awaited
Climate Change Officer	Consulted 20.08.12: views awaited
CPRE	Views received 14.09.12: <ul style="list-style-type: none">• Objection due to flood risk and lack of landscaping• Suggest the following resolutions:<ul style="list-style-type: none">• Planting along the eastern boundary of the site• The level of the houses closest to the brook, lifting them above the potential flood level. The developer ought to demonstrate there is sufficient flood channel left, so that water will not be backed up upstream of the development
Finstall Parish Council	Consulted 20.08.12: views awaited
Publicity	116 letters sent 28.08.12 (expire 18.09.12) 6 identical site notices posted 13.09.12 (expire 04.10.12) 1 press notice published 07.09.12 (expires 28.09.12) 143 letters sent 15.01.13 in relation to amended plans (expire 05.02.13) 34 representations objecting to the scheme on the following principal grounds: <ul style="list-style-type: none">• Vacant properties are available in the immediate area and there is no local demand for increased housing development• Mix of dwellings is unacceptable• Site is not suitable for a development of this size

- Number of dwellings should be reduced
- The four storey aspect will be far higher than anything in the area and will dominate the locality
- The linear open space will encourage loitering and misuse over a wider area

- Dwellings are located too close to existing development and will lead to loss of light
- Overlooking

- Loss of protected tree cover
- Loss of orchards
- Loss of wildlife and wildlife habitat

- Traffic (Rutherford Road/St Godwalds Road/Finstall Road)
- The removal of parking bays in the village centre will destroy the local shops and the community spirit
- No employment facilities in the immediate area for the new residents and therefore the vast majority will be car-bourne
- No direct access to the railway station, which is disappointing
- Frequent power cuts in the Finstall area implying an already overloaded infrastructure

- Late night vehicle noise
- Light pollution
- Air quality

- Impact on surgery places
- Impact on dentist places
- Impact on school places

Other issues which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application.

Members are encouraged to review all submitted documentation, including the third party letters summarised above. These are available to view online via the Council's Public Access system or within the planning application file.

The site and its surroundings

The application site consists of approximately 7.3 hectares approximately 2 kilometres to the south east of Bromsgrove Town Centre. The land consists of low grade agricultural land comprising open rough grassland with scrub planting and a strongly vegetated south-eastern boundary. The site is irregular in shape, wrapping around two sides of the existing Hazelcroft residential development. The site can be divided into two halves, with the northern and southern portions connected by a narrow section of land. There is some evidence of hedgerows dividing the site and a number of mature trees are located to the southern boundary. Several fences cross the site, arising from both the historical

allotment garden use and the recently installed water main. The site was historically part of a railway wagon works in the late-nineteenth century, with the site relating to the peripheral uses of these works. The site has recently been enclosed with barrier fencing to the perimeter.

The site is relatively level with a minor rise in a south-easterly direction. A minor depression is located to the southern edge of the site.

The site is bounded to the north by the modern Hazelcroft residential development of approximately 150 units sited along Rutherford Road and Scaife Road. Beyond this development, and also forming part of the north-western boundary of the application site, is the railway line that currently serves the nearby Bromsgrove Station. Within the southern portion of the site, the railway runs parallel to the western boundary of the site, separated by an existing 4.5/5 metre high earth and vegetated embankment that runs to the majority of the north-western boundary. Beyond the southern and eastern boundaries, existing sports facilities (Bromsgrove Cricket, Hockey and Tennis Club), pitches and parking extend parallel to the site, separated from the site by the existing vegetated boundary. In the south-east corner of the site, a small watercourse runs to this boundary, together with mature tree and scrub cover.

The site contains no identifiable built form. A sewer and associated easement crosses the site north/south.

The site is designated as an ADR (Area of Development Restraint) under the Bromsgrove District Local Plan and defined as a Development Site in the emerging Draft Core Strategy 2.

Proposals

This is an application for the approval of Reserved Matters following the granting of outline planning permission 10/0953 through appeal APP/P1805/A/11/2152467. The appeal granted consent for the erection of up to 212 residential units, together with a Unilateral Undertaking that includes provisions to secure 35% of the development as affordable housing, together with financial contributions towards education facilities, improving air quality, and improvements to bus stops on New Road and Fininstall Road, local public footpaths and off-site play space. The Undertaking also includes a financial contribution towards improvements at Bromsgrove railway station. Such measures will serve to promote sustainable access and encourage alternatives to the private car.

In addition to these works, the outline scheme also secured a number of highway improvement works through Condition. These relate to:

- (a) The removal of the mini-roundabout serving New Road/Stoke Road/Fininstall Road and the installation of four way signalisation with associated improvement works
- (b) The re-alignment and improvement of the priority junction of St Godwald's Road and Fininstall Road
- (c) Traffic Regulation Order (TRO) amendments, with specific reference to the removal of on-street parking to Stoke Road in the vicinity of the existing New Road/Stoke Road roundabout

The application before Members seeks approval of internal access, appearance, layout, scale and landscaping Reserved Matters for the erection of 181 residential units.

The development will provide a mix of dwelling types and sizes, with the net residential density on the developable area of the site equating to 25 dwellings per hectare. The proposed mix below indicates a mix of 1, 2, 3, 4 and 5 bedroom units.

Property Type	No. of bedrooms	No. of units	Proportion of mix
House	5 bed	9	5%
	4 bed	89	49%
	3 bed	38	21%
	2 bed	13	7%
	1 bed	12	7%
Apartment	1 bed	20	11%
Total		181	100%

The mix of house types comprise predominantly two-storey detached, semi-detached and terraced dwellings, with a small element of two and a half storey units and three storey dwellings and two blocks of four storey apartments. Car parking will be provided on site within the curtilage of a plot, on a private driveway, or within small groups relating to a small group of dwellings. The apartments are served by a designated parking area.

Properties are proposed to have a distinct 1930's style. A mix of design features will be attributed to each property:

- Mix of brick and render
- Arts and Craft inspired
- Timber detailing
- Tile hanging
- Tile creasing
- Bay windows
- Brick detailing
- Entrance porches
- Gabled elevations
- Eaves detailing

63 affordable units are provided, which equates to a provision of 35% affordable housing made within the site in line with the Unilateral Undertaking linked to the outline planning consent. This will comprise 65% social rented and 35% shared ownership properties.

As outlined with the approved Unilateral Undertaking, all affordable homes will be built to the following standards:

- Homes and Communities Agency's Design and Quality Standards
- Code for Sustainable Homes achieving Code Level 3
- Joseph Rowntree Foundation Lifetime Homes

The mix of affordable dwelling units is as follows:

Property Type	Social Rent	Intermediate
1 Bed Apartment	20	
1 Bed House	12	
2 Bed House	5	8
3 Bed House	4	14
Total	41 (65%)	22 (35%)

The outline consent permitted three points of access into the site. The first is via Rutherford Road to the north, close to its junction onto St Godwald's Road. The second is located further down Rutherford Road to the south and a walking/cycling access only on Rutherford Road between existing properties 51 and 53 Rutherford Road. The application retains the two main access points to the northern and southern aspect of Rutherford Road. The cycle/pedestrian access located between 51 and 53 Rutherford Road has been deleted from this application and does not form part of the scheme.

The site layout contains several aspects of public open space. This encompasses the aspect surrounding the attenuation pond to the south-west boundary and a linear public open space that connects the two parcels of land. The linear aspect incorporates children's play equipment set out in an informal manner.

Relevant Policies

WMSS	UR3, UR4, RR1, RR3, RR4, CF2, CF3, CF5, CF6, PA1, QE1, QE2, QE3, QE4, QE6, QE7, QE8, QE9, T1, T2, T3, T4, T5, T7
WCSP	SD.2, SD.4, SD.5, CTC.1, CTC.5, CTC.6, CTC.8, CTC.9, CTC.14, CTC.15, D.6, D.43, T.1, T.3, T.9
BDLP	BROM5C, DS3, DS8, DS11, DS13, S7, S14, S15, C4, C5, C12, C16, C17, C36, C37, C38, C39, RAT5, RAT6, TR1, TR8, TR11, TR13, ES1, ES2, ES4, ES6, ES7, ES11, ES14A
Draft CS 2	CP2, CP3, CP4B, CP6, CP7, CP14, CP17, CP19, CP20, CP21, CP22, CP23
Others	NPPF, Circular 06/98, Circular 06/05, SPG1, SPG11, Bromsgrove District Housing Needs Study (2004), Strategic Housing Market Assessment (2007), Housing Market Assessment (2008), Ministerial Paper: Planning for Growth

Relevant Planning History

10/0953	Outline application for up to 212 dwellings with associated open space and infrastructure including a new vehicular access via Rutherford Road Refused: 28 April 2011 Appeal APP/P1805/A/11/2152467: Allowed 3 February 2012
---------	--

Notes

The principle of the proposed development (up to 212 units) has been established through the granting of outline permission 10/0953. Therefore, the issues for consideration by Members are limited to matters of the internal vehicular access, layout,

scale, appearance and landscaping. Members will note this scheme relates to the erection of 181 units.

I have therefore attached very little weight to objections raised by residents with regards to the release of this site for housing provision, housing need in the locality, air quality, traffic and parking provision in Aston Fields, the impact on infrastructure including schools, doctors and dentists, wildlife issues and access to the railway station, as the principle of development on this site has already been established by the outline permission.

For the reference of Members:

- **appearance** means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;
- **landscaping** relates to the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes screening by fences, walls or other means, the planting of trees, hedges, shrubs or grass, the formation of banks, terraces or other earthworks, the laying out or provision of gardens, courts or squares, water features, sculpture, or public art, and the provision of other amenity features;
- **layout** means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;
- **scale** refers to the height, width and length of each building proposed within the development in relation to its surroundings

The main issues to consider in the determination of this application therefore are whether the siting and design of the proposed dwellings, internal access and the overall landscaping and public open space strategy, are acceptable when assessed against BDLP Policy S7 and the NPPF.

For the reference of Members, Policy S7 of the BDLP sets out a number of criteria against which residential proposals should be considered. This Policy is in general conformity with the thrust of the NPPF.

General Principles

The underlying principles of the Masterplan accompanying the outline application have been adhered. The main constraints and opportunities of the site are:

Constraints

- Sewer and associated easement running north to south across the site
- Watercourse and associated stand-off along the southern boundary
- Railway line across the western boundary and associated noise
- Surface water drain leading from the existing development through the site parallel to the railway
- Existing trees and vegetation forming the boundaries of the site
- Existing footpath 509(c) running along the eastern boundary

Opportunities

- Woodland management enhancements
- Creation of sustainable drainage system promoting bio-diversity
- Private and affordable housing in a range of size and tenures
- Strategic development to extend to the natural green boundary to create an appropriate interface between built form and the surrounding rural context

Form and Layout

Members will note the scheme proposes a total of 181 residential units, equating to a density of 25 dwellings per hectare. Members will be aware that the adopted Local Plan no longer includes a policy requiring residential development to meet a minimum density, nor does the NPPF contain minimum density figure requirements. Notwithstanding this, I am of the view that the density of 25 dwellings per hectare achieves an efficient use of land and will result in a development that respects its surroundings whilst providing for a range and choice of dwellings.

The development contains a mix of unit types, ranging from one bedroom apartments to one, two, three, four and five bedroom houses. The proposal includes a mix of detached, semi-detached and terraced units, in addition to the one bedroom units contained within the two apartment blocks. The heights of the units range from two-storey to two and a half storey, three storey and the four storey apartment blocks. Members will note the scheme includes one bedroom two-storey dwellings in response to the request from the Strategic Housing Manager.

Members will note the view of the Urban Designer on matters of layout and built form. The UD has suggested that the form of the layout in Area B would be better if rear gardens backed onto existing gardens along Rutherford Road. Whilst this may be the ideal scenario, there is an existing high pressured water main (including easement) which runs directly behind the existing gardens along the boundary of the site. It is required that this water main is accessible at all times and must not be within private rear gardens. This constraint sets the layout. Furthermore, fronting onto the southern boundary, coupled with the need to front onto the northern boundary would result in a very inefficient scheme. The already dense existing green buffer between the application site and the Cricket, Hockey and Tennis Club creates a natural screening and backdrop to the proposed rear gardens. The change in levels and canopy spread of existing trees along that boundary can also be maintained within proposed gardens.

I accept the application does consist of a large number of standard house types. The ability to create entirely bespoke house types would not be viable on a site of this size and the NPPF contains clear advice on viability matters in the determination of planning applications. The range of house types in this instance takes its design from the arts and crafts era which emphasises attention to detail. House elevations include timber detailing, tile hanging, feature brick, bay windows, plinth courses and a number of other variations will create a distinct range of houses.

Whilst I note the views of third parties raising concern over the appropriateness of the four storey apartment blocks, Members will note this aspect of the scheme has been set against the railway embankment to the south-western boundary of the site. The

dwellings located to the western boundary have been designed to step up progressively in height from two storey, two and a half storey, three storey and the four storey apartment block at the termination point. This height differential is supported by the blackdrop of the embankment and in my view would not unbalance the overall development or be so demonstrably harmful in this location given other features of the site.

I am of the view that the overall design principles are reasonably generally sound in that the proposed development would provide a sustainable, attractive, safe and convenient place to live. I raise no issue on the external finish to the dwellings. As such the development approach accords with the principles of design set out in the NPPF.

Members will note the views of Worcestershire Highways are currently awaited. Following discussions with Officers, the scheme has been amended to accommodate the initial concerns of WH in relation to highway design, the use of shared driveways and surfacing methods. I will update Members at your Committee on this issue. The current recommendation reflects this.

Affordable Dwelling Units

The spread of affordable housing dwelling across the site has been amended in response to your Officer's concerns that Site B was too heavily concentrated. This has now been resolved and I am of the view that the affordable housing units have now been reasonably mixed in with the private sale housing.

The two apartment blocks containing the one bedroom units will address the shortfall in such units across the District, together with the one bedroom houses. This mix will enable those residents impacted by Welfare Reform through the reduction in housing benefit for social tenants under occupying their property to downsize to appropriate accommodation. The site will therefore assist in meeting the current need for smaller accommodation.

Residential Amenity Issues

I note the views arising from the consultation process with regard to this issue, with particular reference to a resultant loss of privacy for the occupiers of those dwellings adjoining the site in Rutherford Road, Clayton Drive and Scaife Road. I have also taken into consideration the amenity of those residents located opposite the site in St Godwalds Road.

Inevitably the built form of the scheme will have a greater impact on the amenity of adjacent occupiers than the current open character of the site. Taking the scheme as a whole, I am satisfied that the majority of the scheme has been designed to comply with the guidance set out in SPG1 and the relationship between the proposed and existing dwellings is such so as to avoid any significant harm to residential amenity. I have no evidence to suggest the scheme would lead to high levels of light pollution.

For the reference of Members, a suitable Condition has been imposed on the outline consent relating to the submission of a noise attenuation scheme for those dwellings and

gardens abutting the railway line and any dwellings with a window at second floor or above with a direct line of sight to the railway.

I would also advise Members that there is an hours of construction condition attached to the outline permission, which will help reduce potential nuisance generated by the construction of the site.

Trees and Landscaping

Members will be aware the site is subject to confirmed Tree Preservation Order TPO (5) 2010 (November 2010).

The views of the Tree Officer are noted. It is accepted that this development will require the removal of a large amount of existing tree stock. A total of 31 no. tree specimens will be lost, together with six groups aspects. This includes the woodland orchard in the centre of the site. However, the Tree Officer is of the view that the proposed level of re-planting and its specification will mitigate the style of tree stock being lost as far as reasonably possible. The species mix and specification for both the proposed tree and shrub planting throughout the site is deemed acceptable. It will offer a good level of amenity and habitat value once developed and a variation to seasonal interest. The landscaping throughout the site will also ensure that the site retains a good level of biodiversity value.

A number of Conditions requested by the Tree Officer with respect to the species for hedgerow planting, the precise replacement tree planting specimens, Arboricultural Method Statement, Tree Protection Plan and a Management Plan for the pond and tree belt on the southern boundary of the site are already covered by Conditions attached to the outline planning consent. As such I am content that repeat Conditions suggested by the Tree Officer for this consent are thus deemed unnecessary.

The provision of public open space conforms to the guidance set out in SPG11 in terms of scale. The linear aspect linking Area A and Area B makes good use of this space and will contain play equipment set incidentally in response to the surrounding natural environment of the site. The walking/cycling access located between 51/53 Rutherford Road has now been deleted from the scheme and this permits greater cohesiveness to the linear nature of the open space. Whilst I note the comment from the publicity period regarding the possible misuse of the users of the open space, the control of such activity goes beyond the scope of the planning system. I am of the view that the areas of open space within the development have been carefully considered and are afforded good surveillance from proposed and existing dwellings. This should alleviate the concerns of existing residents on such matters.

I thus raise no objection to the scheme on landscaping or tree grounds.

Public Rights of Way

The Public Rights of Way in the vicinity of the site include Bromsgrove Footpath 509, Finstall Footpaths 505 and 509 and Stoke Prior Footpaths 531 and 532. The scheme encourages connection to the public footpath network to the eastern boundary, with the partial re-routing of Footpath 509(c) (located to the eastern boundary of the site) to

facilitate this. The new line of the footpath will come into the new development and follow the proposed road/pavement layout with a clear line of sight linking the two connecting aspects of the existing footpath.

The County Footpaths Officer has raised no objection to these works. The diversion pertains to only a partial re-routing of Footpath 509(c). For the reference of Members, if planning consent is granted the applicant would need to divert the footpath under the Town and Country Planning Act.

Network Rail

Members will note the holding objection from Network Rail (NR). The objection from NR relates to a small strip of land beyond the railway embankment to which NR believe they have a claim. The applicant has been in contact with NR and as the land in question does not interfere with the application site in any way has agreed to transfer the land. Whilst I note the holding objection, this has arisen due to ownership issues and not as a result of any planning matter. As such I therefore do not give any planning weight to the issue raised in the consultation response. The ownership matter referred to can be resolved outside of the planning system and Members are thus able to progress with the determination of the application.

Members will also be aware that Network Rail did not raise any objection to the outline planning application with an identical site boundary.

Conclusions

Although I note the views of third parties, the principle of development has been established through the granting of outline planning permission 10/0953. The proposed layout follows the general principles set out in the Masterplan presented to and accepted by the Planning Inspectorate at the outline stage.

I am of the view that the proposed development would represent an appropriate form of residential development, which broadly reflects the character and appearance of the area. I am therefore of the view that the detailed design of the site is acceptable on such grounds. The scheme will provide a suitable relationship between existing buildings and streets and would be appropriate in terms of its form, scale, appearance and materials. The change to the siting of the affordable housing units is a further improvement to the scheme to aid integration of these units into the wider scheme. The addition of smaller house types is also welcomed to address the District wide need for such accommodation.

The proposed landscaping of the site is considered appropriate for this scheme. The scheme retains elements of good screening to the boundaries and this is particularly of merit, with particular reference to the east and north. Although the demise of the woodland orchard is regrettable, the replacement orchard planting regime is a positive response to this loss.

I am content the scheme will not lead to adverse neighbour amenity issues given the careful design and siting of the new dwellings. No issues have been raised by consultees in relation to flooding, drainage or noise matters.

I am therefore of the view that the revised design principles are generally sound in that the proposed development would provide a sustainable, attractive, safe and convenient place to live. As such the scheme accords with the principles of good design set out in the NPPF.

Subject to the satisfactory views of Worcestershire Highways in relation to the internal road layout, egress and parking provision to serve the development, I find no reason to refuse permission and I am thus minded to approve the submitted Reserved Matters.

RECOMMENDATION:

Subject to the satisfactory views of Worcestershire Highway and any resultant highway related Conditions that **RESERVED MATTERS** be **APPROVED**

- (1) The approval must be read in conjunction with outline planning permission 10/0953 (appeal reference APP/P1805/A/11/2152467) and the conditions attached thereto.

Reason: The outline permission and the approval of Reserved Matters must be considered together

- (2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no openings or windows shall be provided at second floor level or within the roofslope to the rear elevations to Plot 3-5 (inclusive), Plots 21-24 (inclusive) and Plot 129.

Reason: To protect the amenities of adjacent occupiers in accordance with Policies S7 and DS13 of the Bromsgrove District Local Plan 2004 and Policy SD.2 of the Worcestershire County Structure Plan 2001

- (3) Notwithstanding the approved plans, the side gable window at first floor level serving the landing to Plot 1 shall be fitted with obscure glazing and top hung opening only and shall remain so in perpetuity.

Reason: To protect the amenities of adjacent occupiers in accordance with Policies S7 and DS13 of the Bromsgrove District Local Plan 2004 and Policy SD.2 of the Worcestershire County Structure Plan 2001

- (4) Notwithstanding the approved plans, the side gable window at first floor level serving the en-suite to Plot 181 shall be fitted with obscure glazing and top hung opening only and shall remain so in perpetuity.

Reason: To protect the amenities of adjacent occupiers in accordance with Policies S7 and DS13 of the Bromsgrove District Local Plan 2004 and Policy SD.2 of the Worcestershire County Structure Plan 2001

Notes

HN7: Section 38 Agreement Details

HN8: It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, the County Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

HN9: No drainage to discharge to highway

HN12: Protection of visibility splays

HN24: Temporary direction signs to housing developments

Drainage

Severn Trent Water advise that there is a public sewer located just within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will assist you obtaining a solution which protects both the public sewer and the building.

Public Right of Way

It appears that the development cannot be carried out without temporarily closing the public rights of way for the safety of the public during construction. Applications should be made at least six weeks in advance to the Mapping Team of the Countryside Service at Worcestershire County Council. The granting of planning consent does not authorise the obstruction or diversion of the public right of way.

CASE OFFICER DETAILS

Name: Dale Birch

Email: d.birch@bromsgroveandredditch.gov.uk

Telephone: 01527 881341

Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr and Mrs M Bales 'A'	Extension of time to planning permission 10/0334 (Provision of 13 close care suites and 16 assisted living units to form continuing care retirement community – Burcot Grange Residential Home, 23 Greenhill, Burcot, Bromsgrove, Worcestershire, B60 1BJ	GB	B/2012/0885 17.01.2013

RECOMMENDATION: that Permission be **GRANTED**.

Consultations

Lickey and Blackwell PC	Consulted 21.01.2013. Response received: 21.11.2012. Lickey and Blackwell Parish Council have no objections to extension of time on this application provided the original conditions remain in place.
WH	Consulted 26.10.2012. Response received: 30.11.2012. No objection.
ENG	Consulted 26.10.2012. Response received: 29.10.2012. There is no known flood risk to the site, and as there was a condition attached to 10/0334 (C5) for storm water disposal and this should also be applied to this extension of time application.
Strategic Planning Officer	Consulted 26.10.2012. No response received.
Strategic Housing Manager	Consulted 26.10.2012. No response received.
West Mercia Police	Consulted 26.10.2012. No response received.
Worcestershire Wildlife Trust	Consulted 26.10.2012. No response received.
Tree Officer	Consulted 26.10.2012. No response received.
EDO	Consulted 26.10.2012. No response received.
COARCH	Consulted 26.10.2012. No response received.
WRS (Contaminated Land)	Consulted 26.10.2012. No objections raised.
Publicity	Site notice posted 11.12.2012. Expired: 01.01.2013. Press Notice posted 02.11.2012 Expired: 23.11.2012. No responses received.

The site and its surroundings

The application site comprises a large nursing home on the north side of Greenhill which was built in 1890 in Tudor Revival style with many surviving external and internal features. It was designed by Jethro Cousins for Henry Osler as private house before becoming hospital in 1937 and finally a care home in 1992. There are later extensions on the east and north east sides. The original building is set in a very attractive timbered setting with substantial mature cedars, chestnuts and oaks in addition to a range of ornamental shrubs. There is a circular access to the front and the attractive façade of the buildings is partly concealed by the trees to the front. There are fields adjoining the property to the east and west and residential properties on Green Hill to the front. There is a large curtilage to the front and rear with the land substantially falling away to the rear of the property. It is the rear of the property which is the subject of this outline application and the gardens are currently used as a recreational facility for residents. The site currently has accommodation for 40 residents. There are 31 bedrooms and 5 x 1 bed close care suites currently on the site. There are also additional communal facilities including a library, IT room and shop.

Proposal

Members should note that this is an Extension of Time application for planning permission B/2010/0334 which was an outline application for the development of 13 close care suites and 16 assisted living units to form continuing care retirement community. Since the proposal was an *outline* application with all matters reserved apart from access. Therefore the plans accompanying this application the application are indicative only. The application is accompanied by a Ground Investigation Report and Ecological Method Statement, Tree Protection and Landscaping Plans.

Members should note that there are currently two applications for discharging conditions on previous applications at Burcot Grange, namely B/2012/0906 to discharge conditions on B/2010/0334) and B/2012/0898 (to discharge conditions on B/2010/0337).

Relevant Policies

- 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/1999/1067 Insertion of dormer windows into rest room roof. Granted 20.12.1999.
- B/1995/0616 Two Storey Extension to provide 8 bedrooms and associated amenities
Granted 09.10.1995

Relevant Policies

- WMRSS QE3
- WCSP SD2, SD3, SD4, SD8, SD9, D28, D35, D38, D39, T1.
- BDLP DS1, DS2, DS3, DS13, S29, ES4, ES5, E9, C17, TR11, TR8.
- Draft CP22
- CS2
- NPPF Paragraphs 79 - 92

Notes:

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

- (i) Whether the principle of the extension of time of the existing consent is acceptable
- (ii) Whether there are any significant policy changes since the original application B/2010/0334 was considered

(i) Assessment

The *Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012* came into force on the 01st October 2012. This follows on from the *Town and Country Planning (General Development Procedure) (Amendment No. 3) Order 2009* was introduced on 1st October 2009 in order to provide greater flexibility in terms of the implementation of planning permissions. One of the amendments was the provision to allow the time limit for unimplemented consents to be extended through an application. There does not appear to be an established approach towards the assessment of such application so I will refer to the Department for Communities and Local Government publication (DCLG) publication: *Greater Flexibility for Planning Permissions: Guidance*. The outcome of a successful application will be consent with a new time limit attached. Conditions can be varied if there has been a significant change in policy since the original application. I note that paragraph 13 makes it clear that additional information other than that on the application form is usually not required except for applications where an EIA was required and may need updating. It is noted in this instance that the applicant has provided additional information but that this is not required according to the advice of the above publication.

The requirements for the eligibility of a planning permission under the above provisions is that the permission has not been implemented and would have been extant on 01st October 2010 and the application is eligible.

Planning application B/2010/0334 for the development of close care suites and assisted living units at Burcot Grange was considered to amount to inappropriate development in the Green Belt. However, Members considered factors such as the need for more specialised accommodation for the elderly and the absence of alternative sites to amount to very special circumstances to justify granting permission.

Members should note that this report will not seek to reappraise the principle of the development but will focus on the policy changes which have occurred since the application B/2010/0334 was considered.

The planning permission B/2010/0334 was extant and unimplemented on the 01st October 2010 and I do not consider that the principle of extending the lifetime of the permission is in doubt in this instance.

(ii) Policy Changes – National Planning Policy Framework

The most significant policy change in the intervening period since the application was first examined is the National Planning Policy Framework (NPPF) which came into force on

the 27 March 2012, the policies of which apply immediately. National Planning Policy Guidance Notes and Planning Policy Statements cease to exist, including all relevant circulars and guidance (a list of which is contained in Annexe 3 to the NPPF).

Planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan currently consists of Local and Regional planning policy documents. The NPPF is also a significant material consideration in planning decisions. The Development Plan will continue to include all the saved Policies of the Bromsgrove District Local Plan. Due weight will be given to these policies according to their *degree of consistency* with the framework set out in the NPPF (the closer the Policies in the Plan to the policies in the Framework, the greater the weight that may be given). Weight may be given to emerging policies in some circumstances.

In terms of the consideration of the previous planning application (B/2010/0334), 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 were cited. Paragraphs 88 and 89 of the NPPF are directly relevant to these policies and are consistent with them.

Members should note that there have been no objections received from Statutory Consultees including Worcestershire Highways. The comments of WRS are noted and there is no objection to the extension of time and some of the conditions attached to the original permission are recommended for discharge. These will not be reapplied to the new permission.

Members should note that the applicant has made an application (B/2012/0906) for the discharge of conditions 5, 7, 17, 20 and 23 attached to B/2010/0334. The relevant consultees (Drainage Engineer, Worcestershire Regulatory Services and Tree Officer) have agreed to the discharge of conditions 5, 7 and 20 and these will be amended to reflect this fact and ensure that the development is carried out in accordance with the approved conditions.

Conclusion

The provision of greater flexibility in relation to planning permissions is a key part of the NPPF and the objective of the Government is to ensure that the planning system does everything it can to support sustainable growth and take changing economic circumstances into account. There are no other significant policy changes which would necessitate additional conditions.

RECOMMENDATION: that Permission be **GRANTED**.

Conditions

1. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. Before any development is commenced, approval shall be obtained from the Local Planning Authority in writing of the details of the appearance (to include full floor plans and elevations of the proposals) and landscaping proposals (hereinafter called "the Reserved Matters") of the site.

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

3. The application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

4. Details of the form, colour and finish of the materials to be used externally on the walls and roofs, including doors and windows, door frames window frames and rainwater goods shall be subject to the approval, in writing, of the Local Planning Authority before any work on the site commences.

Reason: In order to secure a well-planned development in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004.

5. The disposal of storm and foul water shall be in accordance with the Provisional Drainage Plan@1:500 (Ref: 2012-07-23 Rev A) unless otherwise agreed in writing by the Local Planning Authority.

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

6. The occupancy of the development hereby approved shall be limited to persons age 65 and over, the Qualifying Person together with any spouse or partner of the Qualifying Person and any widow or widower or surviving spouse or partner of the Qualifying Person, unless otherwise agreed in writing by the Local Planning Authority. Prior to the commencement of development a scheme for occupancy of the development shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: This is to ensure that the development initially meets and continues to meet provision for housing needs for those aged 65 and over in perpetuity in accordance with policies DS13 and S28 of the Bromsgrove District Local Plan 2004.

7. The development hereby approved shall be implemented in accordance with the recommendations as set out in Section 5 of the Applied Geology Report on Ground Investigation at Burcot Grange and the Uplands Bromsgrove (Ref: AG1572-11-L81) unless otherwise agreed in writing with 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 adopted Local Plan (January 2004)]

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

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 adopted Local Plan (January 2004)]

9. The landscaping and tree planting on the site shall take place in accordance with Drawing Ref: No. BUR 01-0334@1:250 Received 25.10.2012 and shall be implemented within 12 months of the date of occupation of the development hereby approved.

Reason: In order to secure the satisfactory landscaping of the site in accordance with policy DS13 of the Bromsgrove District Local Plan 2004.

9. 13 additional car parking spaces shall be provided on site and shall be reserved solely for that purpose and such spaces be made available for the use before the development hereby approved is occupied. The applicant shall submit details of the additional spaces to the satisfaction of the Local Planning Authority.

Reason: In order to comply with the Council's Parking Standards and policy TR11 of the Bromsgrove District Local Plan 2004.

8. Prior to the first occupation of the care units hereby approved secure parking for 6 cycles to comply with the Council's standards shall be provided within the curtilage of the application site and these facilities shall thereafter be retained for the parking of cycles only.

Reason: In order to comply with the Council's Parking Standards and policy TR11 of the Bromsgrove District Local Plan 2004.

9. The development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing a travel plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator.

Reason: To reduce vehicle movements and promote sustainable access in accordance with policy TR11 of the Bromsgrove District Local Plan 2004.

10. Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, a complete Tree Survey and Tree Protection Plan shall be submitted to the approval of the Local Planning Authority. This survey and plan shall include all trees in accordance with British Standard BS5837:2005 and shall detail how trees on the site shall be protected during construction.
11. Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, protective fencing shall be erected around the Root Protection Areas of all trees shown retained on the approved plans on and adjacent to the application site. This fencing shall be constructed and positioned in accordance with Figure 2 and Section 5.2.2 of British Standard BS5837:2005 subject to the on-site approval of the Local Planning Authority. The fencing shall be maintained as approved until all development, subject of this permission, has been completed.
12. Where any works are proposed or required within the Root Protection Area of any trees on or adjacent to the application site, these shall only be carried out in accordance with the Arboricultural Method Statement BS5837 prepared by Aspect Arboriculture (Ref: AA.AMS.01 (Rev_B), Received 14th April 2010).
13. Prior to the development being occupied or operational, the approved landscaping scheme (in accordance with Drawing Ref: BUR-010334, Received 25.10.2012) shall be completed to the satisfaction of the Local Planning Authority.
14. Should any trees or hedges shown on the approved plans to be retained or planted as part of the approved landscaping scheme either die, become diseased or are removed within 5 years, they shall be replaced or restored to the satisfaction of the Local Planning Authority.

Reasons (11 –14): In order to protect the trees, hedges & landscaping features which form an important part of the amenity of the site and adjacent properties in accordance with policies C17 and DS13 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.

15. The development hereby approved shall not be commenced until suitable mitigation and compensation measures for protected species are implemented in

accordance with the Method Statement Documents 1 and 2 prepared by Middlemarch Environmental (Refs- MME-107385-01, MME-107385-02) Received 01st July 2010.

In order to ensure that appropriate mitigation measures are implemented to ensure compliance with the Wildlife and Countryside Act 1981, Conservation (Natural Habitats &c.) Regulations 1994, the requirements of Policy C11 of the Bromsgrove District Local Plan 2004 and the advice of PPS9 (Biodiversity and Geological Conservation).

16. The works of mitigation and compensation for protected species must be undertaken by a registered ecologist or other qualified person in accordance with Section B (pages 6-7) of the report prepared by Middlemarch Environmental (Ref: RT-MME-107385-02) Received 01st July 2010.

In order to ensure that appropriate mitigation measures are implemented to ensure compliance with the Wildlife and Countryside Act 1981, Conservation (Natural Habitats &c.) Regulations 1994, the requirements of Policy C11 of the Bromsgrove District Local Plan 2004 and the advice of PPS9 (Biodiversity and Geological Conservation).

17. The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings listed in this notice:

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

Site Location Plan 1:2500 unreferenced
Site Plan as Proposed 1:100 A101 Rev A
Topographical Survey 1:500 1033-01-a A
View from the East as Proposed NTS A110
View from the South as Proposed NTS A111
Tree Survey Report Cresswell Associates February 2009-05-19
Tree Survey Sheet 1 of 3 1:500 V001 01
Tree Survey Sheet 2 of 3 1:500 V002 01
Tree Survey Sheet 3 of 3 1:500 V003 01
Supporting Planning Statement February 2009
Ecological Appraisal February 2009
Transport Statement February 2009
Flood Risk Assessment February 2009
Existing Drainage Layout Sheet 1 of 2 1:500 8168
Proposed Drainage Strategy Sheet 2 of 2 1:500 8168
Design and Access Statement

Notes

All building work should be carried out outside the bird nesting season (1 March – 31 August inclusive)

The granting of planning consent does not supersede the applicant's responsibilities for biodiversity under the Wildlife and Countryside Act 1981 (as amended), the Countryside

and Rights of Way Act 2000, the Natural Environment and Rural Communities Act 2006 and the Badgers Act 1992.

This consent does not absolve the applicant for complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV of Circular 06/2005.

This consent does not permit the erection of any form of advertisement on the site.

The development should conform to Secured by Design Standards (Commercial). Details can be found at www.securedbydesign.com. The applicant is encouraged to contact PC Stan Baker, Crime Risk Manager, West Mercia Constabulary, 17 The Crescent, Bromsgrove, Worcestershire, B60 2DF to discuss this matter further.

Under the terms of the Water Resources Act 1991, an impounding Licence may be required from the Agency for the impounding of any watercourse, ditch or stream (eg. by dam, weir etc) and an Abstraction Licence may be required from the Agency for the abstractions of water from any inland water or underground strata. This is dependent on water resource availability and may not be granted.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

This decision has been taken having regard to the policies within the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan 2004 (BDLP) and the National Planning Policy Framework (NPPF) 2012 as summarised below:

WMSS	QE1, QE2, QE3, QE6, PA1, PA14, UR4, T2, T3
WCSP	SD.2, SD.3, SD.4, SD.6, SD.7, CTC.1, D19, D20, D23, D.25, D.26
BDLP	DS4, DS12, DS13, E4, E9, TR1, TR11, ES3, ES4, ES7, WYT4
Draft CS2	CP11, CP12
NPPF	Paragraphs 18 – 22, 29, 30.

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

CASE OFFICER DETAILS

Name: David Kelly
Email: d.kelly@bromsgroveandredditch.gov.uk
Telephone: 01527 881345

This page is intentionally left blank

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
Mr Peter Whittaker 'A'	Erection of agricultural building and the provision of Solar PV panels – Stoney Lane Farm, Stoney Lane Tardebigge, Bromsgrove, B60 1LZ	GB LBS LPA	12/0976 DK 17.01.2013

This application needs to be considered by Planning Committee, since the applicant is an Elected Member of Bromsgrove District Council.

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

Consultations

WH	Consulted 06.12.2012. Response received 17.12.2012. No objection.
Tutnall and Cobley PC	Consulted: 06.12.2012. Response received: 17.12.2012. No objection.
ENG	Consulted: 06.12.2012. No response received.
WCC (Minerals)	Consulted: 06.12.2012. No response received.
Agricultural Consultant	Consulted: 06.12.2012. Response received 21.12.2012. The proposed building sits on the site of the existing agricultural barn; although the buildings footprint will be greater than the existing. The existing barn has a gross internal floor space of 259m whilst the proposed barn has a gross internal floor space of 345.6m, this additional space will allow for increased storage of grain. The proposed building will provide sufficient secure storage for machinery and grain. Due to site constraints the design of building will give constrained access to the area detailed for the storage of grain. This, we consider, will make it an awkward building to use. We do, however, recognise that there are limitations to this being a replacement building. Overall, therefore, this application does not give rise to any agricultural concerns.
Conservation Officer	Consulted 06.12.2012. Response received: 03.01.2013. No objection.
Tree Officer	Consulted 06.12.2012. Response received: 12.12.2012. No objection.

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
--	----------	--------------------	--------------

CLIMCHG	Consulted 06.12.2012. No response received.		
---------	---	--	--

Publicity	Site Notice posted 20.12.2012. expired 10.01.2013. 2 letters sent: 04.12.2012, expired 25.12.2012. No responses received.		
-----------	---	--	--

The site and its surroundings

The application site consists of an existing Dutch Barn in a poor state of repair some distance to the east of Stoney Lane farmhouse and facing the lane. The building is surrounded by a complex of farm buildings, some of which are traditional and some modern. The farmhouse is 19th century Grade II listed. The site is located in the Green Belt and a Landscape Protection Area.

Proposal

The proposal is for the erection of an agricultural building and 52 solar panels will be provided on the SE elevation. The proposal would measure 36.5m by 9.6m.

Relevant planning history

B/2008/1032 Proposed Change of use of Former Redundant Agricultural Building to Light Industrial Use and Insertion of Two New Fire Exits. Granted 04.03.2009.

B/1999/0984 Roofing over an existing silage pit. Granted 20.12.1999.

B/1999/0980 Replacement of existing barn with modern agricultural building. Granted 20.12.1999.

B/13475/1985 Erection of an agricultural building. Granted 11.11.1985.

Relevant policies

WMRSS QE3
WCSP D38, D39.
BDLP DS2, DS13, C4, C5, C30A.
Draft CP22
CS2
NPPF Paragraphs 28 and 89, 93 -95.

Assessment

It is considered that the key issues in the determination of this application are the following:

- (i) The principle of the development in the Green Belt

- (ii) The impact of the proposal on the character and appearance of the countryside and landscape protection area

On Tuesday 27 March 2012, the Government released the National Planning Policy Framework (NPPF). The NPPF makes it clear that its policies apply immediately. From the 27 March onwards the National Planning Policy Guidance Notes and Planning Policy Statements cease to exist, including all relevant circulars and guidance (a list of which is contained in Annexe 3 to the NPPF).

Planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan currently consists of Local and Regional planning policy documents. The NPPF is also a significant material consideration in planning decisions. The Development Plan will continue to include all the saved Policies of the Bromsgrove District Local Plan. Due weight will be given to these Policies according to their degree of consistency with the framework set out in the NPPF (the closer the Policies in the Plan to the policies in the Framework, the greater the weight that may be given). Weight may be given to emerging policies in some circumstances.

(i) Principle

The proposal relates to an agricultural building. In terms of the NPPF, I consider that paragraphs 28 and 89 are most relevant. The former seeks to promote a prosperous rural economy through the sustainable growth and expansion of all types of rural business. In paragraph 89, the construction of buildings for agriculture and forestry are not considered inappropriate development.

In terms of WCSP and BDLP policies which are still relevant, these include DS2 and C30A of the BDLP. Since the BDLP was adopted before September 2004, these policies carry some weight in the determination process (para 215 of the NPPF). The building would be located in a Landscape Protection Area and therefore policy C4 of the BDLP is also relevant.

Policy 30a of the BDLP states that new agricultural buildings should be appropriate in scale and design to their intended use, accord with the landscape protection policies C4 and C5, form a cluster of buildings wherever practicable and use appropriate colours.

The proposal would be 350sqm and the Design and Access Statement outlines the operation of the holding. The land holding extends to some 264Ha of owned and rented tenure and the building is required for machinery and grain storage. There is also an established livery and free range hen enterprise at the site.

The majority of the building will be used as a grain store with the first three bays used as a machinery store and for access to the remainder of the building. In terms of agricultural need, I consider this has been demonstrated and recognize the fall back position of the applicant in terms of Part 6 Schedule 2 to the Town and Country Planning (GPDO) 1995 as amended. The views of the agricultural consultant are noted and the principle and scale of the building are accepted. Members should note

that the fact that planning permission was granted in 1999 under B/1999/0980 for the replacement of the existing Dutch barn with a similar replacement to that now proposed is a material planning consideration.

(ii) Character

It is not considered that the proposed building would have a detrimental impact on the character of the countryside when viewed from the public thoroughfare along Stoney Lane compared with the present situation. Similarly, there would be no significant detriment to the character of the Landscape Protection Area. Policy C30a also requires consideration of the design and siting of the building. Your Officer considers that the siting of the building is entirely appropriate and integrates with the other buildings on the holding. The design of the proposed building is considered appropriate for the intended use.

Listed Building Setting

Stoney Lane farmhouse is Grade 2 listed but I do not consider that its setting would be compromised by the proposed replacement building and these views are also expressed by the Conservation Officer.

Photovoltaic Panels

Members should note that the south east elevation of the building (towards the farmyard) will have 52 photovoltaic panels placed on it. There would be very limited visibility of these panels given the shallow pitch of the roof and therefore there is no impact on the amenity of the site. Whilst there are no specific policies in the BDLP and WCSP, the generation of electricity for the farm and export to the grid is strongly supported by the NPPF and specifically cited in paragraph 17 (Core Planning Principles).

Other Matters

It is considered that the proposal amounts to an appropriate form of development in the Green Belt, would not result in any harm to residential amenity, the Landscape Protection Area or listed building. There are no objections noted from consultees or any Third Parties. In summary, the proposal is considered to conform to the development plan and is acceptable.

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

Conditions

1. C1 (Time Limit)
2. C1A (Approved Plans)

**Name of Applicant
Type of Certificate**

Proposal

**Map/Plan
Policy** **Plan
Date**

This decision has been taken having regard to the policies within the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan 2004 (BDLP) and the National Planning Policy Framework (NPPF) 2012 as summarised below:

WMRSS QE3
WCSP D38, D39.
BDLP DS2, DS13, C4, C5, C30A.
Draft CP22
CS2
NPPF Paragraphs 28 and 89, 93 -95.

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

CASE OFFICER DETAILS

Name: David Kelly
Email: d.kelly@bromsgroveandredditch.gov.uk
Telephone: 01527 881345

This page is intentionally left blank

Agenda Item 9

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr Tajinder Johal A	Infill work to create a closed walk through at 10 Tutnall Grange, Tutnall	GB	12/0979 18.01.13

Councillor Peter Whittaker has requested that this application is considered by Planning Committee rather than being considered under delegated powers. (Telephone request)

RECOMMENDATION: that permission be **GRANTED**.

Consultations

Tutnall and
Cobley Parish
Council

Consulted: 28.11.12 Response received 17.12.12
The Parish Council objects to this application if it interferes with anyone else, which is understood to be the case.

Publicity

4 letters sent 28.11.12 expired 28.06.12.
Site Notice posted 17.2.12 expired 07.01.13:

1 letter of objection received raising the following concerns:

- Building work will impact on quality of life
- The infill work will seal up the passage way, resulting in a loss of light and air flow
- Concerns raised about the implementation of former planning application 12/0470 for a rear conservatory

The site and its surroundings

This application relates to large terraced property, which is arranged around a central courtyard. The site formerly comprised DT Duggins Ltd. Abattoir, and has now been redeveloped to comprise dwellings with a modern appearance. The dwelling features red brickwork with brown UPVC windows, and benefits from a private driveway and a substantial rear curtilage.

The site is located within Tutnall, to the East of the Bromsgrove Highway (A448) and it lies within designated Green Belt.

Proposal

This application is to enclose a small internal courtyard area, which is adjacent to the existing garage and the neighbouring properties garage at No. 9. Due to the location of the development the majority of the walls are in existence, however a new roof with a skylight is proposed alongside a side entrance door.

Relevant Policies

WMSS: QE3

WCSP: CTC.1, D38, D39
BDLP: DS13, S11
DCS2: CP3
Others: SPG1, SPG7, NPPF

Relevant Planning History

B/12/0470 - Rear single storey extension. Granted 14.08.2012
B/2004/1088 – Single storey rear extension (as augmented by plans received 15.09.04)
B/2002/0979 - Residential development and associated site works - Resubmission of B/2002/0466 (as amended by plans received 18.9.02). Granted 19.11.2002
B/2001/0149 - Demolition and removal of existing meat plan and erection of new residential units with associated new road access and landscaping (as augmented by plans received 08.03.01 and 15.03.01). Granted 14.01.2002

Assessment

This application is sought as the property does not benefit from having any Permitted Development Rights. These were removed as part of the permission granted under planning reference: B/2002/0979

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

- (i) Green Belt Policy
- (ii) Street scene Impact
- (ii) Residential Amenity

i) Green Belt

With respect to the NPPF recent adoption, it is imperative to note that Planning Policy Guidance Note 7 (SPG7): Extensions to Dwellings in the Green Belt, is consistent with Section 9 of the NPPF: Protecting Green Belt land, and namely paragraph 89 which explicitly states that an extension or alteration of a building would be considered as appropriate provided that it does not result in disproportionate additions over and above the size of the original building.

Due to the courtyard already being in existence, no new floor space will be added to the property as a result of the application. Furthermore, the courtyard could be construed as internal space. Therefore, in my view, the proposal will cause no further harm to the openness of Green Belt.

(ii) Street Scene

The Residential Design Guide (SPG1) used to appraise the impact upon residential amenity is consistent with the design principles contained within the NPPF (section 7). Within both of these documents, achieving a good level of design is of fundamental importance

Due to the discrete position of the development it will largely be out of view from the street scene. However I do note that when viewing from No. 9 Tutnall Grange, the

existing wall which is adjacent to the bin store will be in-filled; though with an approximate set back of two metres, the impact would be minimal.

Therefore, the proposal would be of no detriment to the character of the street scene.

(iii) Residential Amenity

Members should note the detailed objections raised by the resident at No.9 Tutnall Grange. These are available on line via Public Access or the working planning file.

These will be addressed in turn. Members are advised to read these comments for the full details.

Loss of light and life quality

I note the infill work will seal up the small bin store area of No. 9, at the adjoining end. The entrance will remain open. Whilst I note comments received regarding a loss of light and air flow, there is already a wall in place along this section and it is not an area of the dwelling that is used as a habitable room or indeed an area that is frequented often.

Furthermore I note comments received regarding how the building work will impact on life quality. As the development will adjoin the garage of No. 9 and being set some distance from the main house, I am of the view that any disturbance would be minimal.

Therefore, whilst the comments received from the residents at No.9 are noted, it is not considered that there would be any significant loss of light or a reduced quality of life would exist to justify the refusal of planning permission on these issues.

Other matters

I acknowledge that the proposed development would adjoin the wall of No. 9, and taking into consideration that concerns have been raised regarding this, a part wall agreement may need to be considered. However this is to be dealt with a civil matter between the neighbour at No. 9 and the applicant.

The view of the Parish Council are noted, however they are unclear and do not provide any detailed planning considerations. I have therefore attached little weight to the points raised.

I note comments received regarding the implementation of former planning application 12/0470 for a rear conservatory. I can confirm that an application for a non material amendment to the scheme was approved on 12th December 2012 and the development has been built in accordance with the revised plans.

Conclusion

After duly considering all of the above matters, I am content that the proposal would cause no further harm to the openness of Green Belt or adversely affect the amenity of adjoining occupiers, arising from a loss of light or air flow,. Furthermore it is viewed that the proposal would result in well designed scheme, which is consistent with the NPPF

design principles and would have no impact on the character of the street scene. Therefore it is recommended that permission be granted.

Recommendation: that permission be GRANTED

Conditions:

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

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

2. All new external walls and roofs shall be finished in materials to match in colour, form and texture those on the existing building.

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

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

Location Plan at 1:1250 Received 23.11.12

Drawing Number HSW/12/5/3/1 at 1:50 Received 23.11.12

Drawing Number HSW/12/5/3/2 at 1:50 Received 23.11.12

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

This decision has been taken having regard to the policies within the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan 2004 (BDLP) and the National Planning Policy Framework (NPPF) 2012 as summarised below:

Policies:

WMSS: QE3

WCSP: CTC.1, D38, D39

BDLP: DS13, S11

DCS2: CP3

Others: SPG1, SPG7, NPPF

It is the Council's view that the proposed development complies with the provisions of the development plan and National Planning Policy Framework and that, on balance; there are no justifiable reasons to refuse Planning Permission.

CASE OFFICER DETAILS

Name: Lisa Allison

Email: l.allison@bromsgroveandredditch.gov.uk

Telephone: 01527 881658

<i>Name of Applicant</i> Type of Certificate	<i>Proposal</i>	Map/Plan Policy	Plan Ref. Expiry Date
Mr Gregg Howard “A”	Variation of condition 2 attached to B/2002/0264 to allow the sale of Breakfast sandwiches 'Our Plaice', 131 Worcester Road, Hagley	Shopping	12/0987 21/1/13

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

RECOMMENDATION: that permission is **GRANTED**

Consultations

- WH No objection received 17/12/12

- Hagley PC Objection received 20/12/12-expressed concerns with regard to parking problems and unhealthy sandwiches being eaten by children who attend schools with healthy eating policies.

- WRS (Pollution) No objection received 17/12/12

- Publicity 6 neighbour notification letters sent 11/12/12 (expired 1/1/13)

 Site notice posted 12/12/12 (expired 2/1/13)

 1 petition of support received titled 'Petition to Bromsgrove Council in support of breakfast sandwiches to take away' containing 174 signatures.

 37 letters of support on the following principal grounds:
 - Convenient for use by local business people
 - Local business trying to compete in difficult economic times
 - Award winning business bringing publicity to Hagley
 - High quality food sold by friendly staff and from pristine premises
 - Other businesses are open early in the village
 - Offers choice to local people
 12 representations objecting to the scheme on the following principal grounds:
 - Increased smell
 - Increased litter
 - Increased traffic
 - Encouraging unhealthy eating.

The site and its surroundings

This application relates to an existing fish and chip takeaway on the west side of Worcester Road, Hagley, the main High Street in Hagley. The premises is located within the primary shopping allocation of the village.

The proposed development

The applicants are applying for retrospective consent to vary condition 2 of the original planning permission referenced B/2002/0264 to allow for the existing opening hours to be extended. The existing opening hours are detailed on condition 2 attached to B/2002/0264. These are 12:00pm until 10:00pm Monday to Saturday. This scheme proposes to extend the opening hours to 8:00am until 10:00pm Monday to Saturday to allow for the sale of breakfast sandwiches. The application has been submitted following the Council's Enforcement team requesting that a planning application be submitted following a report being put forward to Planning Committee in November 2012 and them resolving in agreeing that enforcement action should not commence and an application be requested to legalise the current earlier opening times.

Relevant Policies

WMSS	QE3
WCSP	CTC.1, T.1
BDLP	TR11, HAG3, S19, S21
Draft CS2	CP3, CP23
Others	NPPF

Relevant Planning History

B/2002/0264: Change of use from A1 to A3 ground floor only for use as a fish and chip shop and alterations to the shop front: Refused 15/4/02: Allowed at appeal with a condition imposed restricting hours of operation to 12:00pm to 10:00pm Monday to Saturday.

09/0024: Variation of condition 2 of planning approval referenced B/2002/0264 to allow business to open on Sundays from 12:00pm to 10:00pm: Refused 19/5/09: Dismissed at appeal.

Assessment of proposal

The premises has been opening in the morning from 8:00am and selling breakfast sandwiches which is in breach of the planning condition governing the hours of operation imposed by permission referenced B/2002/0264.

In order to assess whether there would be demonstrable harm caused to the amenities of the area, certain aspects which have been raised as objections from local residents should be considered as follows:

Increased noise and smell

It should be noted that the butchers shop further up the High Street at number 147, also opens early and sells breakfast sandwiches from 7:00am Monday to Thursday and 6:00am Friday and Saturday. Other shops along the High Street also open early as is usually the case within a shopping area and sell food and drink. The shop is fitted with extraction systems which are designed to rid the premises of cooking odours so as not to cause nuisance to nearby residential properties or other shops within the vicinity. WRS have raised no objection to the extended opening hours proposed and therefore, I am satisfied that the proposal would not cause any additional problems with regard to noise and smells. Policy S19 of the BDLP states that the District Council would not allow land uses which would have a detrimental affect on residential amenity. I consider that given the location of the premises within the High Street, it would be difficult to refuse the application on amenity issues alone.

Increased litter

Objectors have raised the point that there is litter generated from the premises and that this would increase if opening hours were to be extended. Photographs have been submitted showing litter scattered on the nearby playing fields to the rear of the premises. However, there is no definitive proof that the litter has derived from the application site and there is a litter bin situated at the front of the premises. It is up to the customers of the premises to be responsible for disposing of any litter and as the food purchased would usually be taken home to consume, any litter would be disposed of away from the premises. There are benches located at the front of the premises where some customers would eat the food purchased and hopefully dispose of the litter in the bin provided.

It is my view that the extension of opening hours proposed would not increase the amount of litter significantly enough to warrant refusal of the application for this reason alone. It is somewhat an issue which is out of the hands of the owners and down to the customers to be responsible enough to dispose of their litter appropriately. The volume of customers using the breakfast sandwich facility would not be significant and many of the letters of support have been submitted from other shop owners within the village who would also consume the sandwiches at their own premises and dispose of the litter there.

Increased traffic

The premises is located within the main High Street where there are no parking restrictions on either side of the street. Free parking is located along either side of the High Street with a car park located at the other end of the High Street within walking distance to the front of the library and community centre providing ample off street parking when the High Street is busy.

Policy T.1 of the WCSP requires that any additional traffic generated by development proposals will need to be shown to be capable of accommodation safely on the road system without undue environmental consequences. Development proposals should be designed to maximise access by pedestrians, cyclists and public transport providers. Policy TR11 of the BDLP requires that development proposals to include sufficient off-street parking in accordance with the Council's parking standards. These policies are consistent with the sustainable transport provisions within the NPPF.

The additional opening hours would be in line with the opening hours of other shops within the High Street and the parking facilities already *in situ* should be sufficient to cope with any additional parking requirements. The Highways Officer has no objections to the proposal.

It is therefore found to be in accordance with Policy T.1 of the WCSP, Policy TR11 of the BDLP and associated advice within the NPPF.

Healthy eating issues

Concerns have been raised by the Parish Council and objectors with regard to the affect on the health of customers of the takeaway in particular that of school children calling in for a sandwich on the way to school. All Hagley schools operate a healthy eating policy. There are concerns that the proposal to open the takeaway for breakfast sandwiches, would send the wrong message to children and promote unhealthy eating before school. It is also noted that in general terms that fast food is commonly associated with obesity and other health problems.

Consideration will therefore be given to the effect of the increased hours on the health of pupils. Consideration will also be given to the wider effects of the proposal on the health of the District's residents.

It has been established on appeal that the proximity of a hot food takeaway to a school is a material planning consideration, particularly where adjacent schools has a healthy eating policy.

However it has also been established on appeal that refusal of planning permission would be unjustified where there is no planning policy which would prohibit the creation of a hot food takeaway close to the school on the grounds of the impact on healthy eating amongst school children.

Examples of appeal decisions that have established this precedent are as follows:

Appeal ref. APP/A5270/A/11/2150976 (Hanger Lane, London 09/11/11)

In this appeal the Inspector stated that the refusal of planning permission on the ground of proximity to a school without a specific policy based on well researched information and which has undergone public consultation is unjustified. The appeal was allowed

Appeal ref. APP/A5270/A/11/2159886 (Southall, London 21/11/11)

In the appeal at 74 King Street, Southall the Planning Inspector gave the proximity of the takeaway to the school considerable weight in the decision. He noted that there were high levels of obesity in Southall and that the High School has a healthy eating policy. He also acknowledged that the proposed hot food takeaway could have significant consequences for children's health. However as the Council had no policy prohibiting the creation of hot food takeaways close to schools judged that the proposal was compliant with the development plan. The appeal was allowed.

Members will note that there is no specific policy within the BDLP on the proximity of hot food takeaway uses to schools, or the promotion of healthy eating through the planning system.

Broad planning policy advocating social wellbeing is set out at Policy DS13 of the BDLP which states that all development must reflect the need to safeguard and improve the quality of life of residents.

It is noted that emerging policy on health and wellbeing exists within the Draft Core Strategy 2 (Policy CP23). This states that the Council will support opportunities for healthy and active lifestyles through seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles. When adopted, this policy could allow the Council to refuse planning permission for a hot food takeaway where an over-concentration exists and where it can be proven that the proposal would reduce the public's ability to lead a healthy lifestyle. Members will note however that Policy CP23 relates to a draft policy and it can only therefore be given limited weight in decision making.

Other material considerations in relation to health and well being include the NPPF which requires that Planning should take account of and support local strategies to improve health, social and cultural wellbeing for all. In this instance the single countywide Sustainable Community Strategy (SCS) for Worcestershire, which includes a chapter specifically relating to Bromsgrove Partnership and its priorities, is of relevance. This refers to encouraging a healthy diet as part of its priorities for achieving balanced communities.

The advice within the NPPF and the SCS are material considerations but Members will note the proposal's accordance with the relevant Development Plan policies discussed in the earlier parts of this report. It is considered that only limited weight should be given to the SCS relative to the weight given to these matters.

In any event, it should be noted in relation to this policy that there is not an over-concentration of A5 uses within the vicinity of the site. It would also be difficult to prove that the increase in opening hours and the sale of breakfast sandwiches would detract from people's ability to adopt a healthy lifestyle. It is appreciated that there is a correlation between fast food and obesity, but eating fast food relates to a consumer choice and obesity is often the result of wider social issues such as low income and a poor education on diet and a healthy lifestyle. Such matters are clearly outside of the control of the planning system. Correct diet and healthy lifestyle are integral components of the curriculum at Hagley schools. The proposed would not remove the availability of healthy food at the schools or undo the education received by pupils. It would be difficult to prove that pupils would choose to eat a breakfast sandwich on the way to school rather than eat healthier options and it must also be considered that they have the choice of purchasing fish and chips on the way home. It would also be difficult to prove that pupils would eat excessive amounts of breakfast sandwiches from the establishment that would raise the likelihood of obesity. On this basis it is considered that refusing the application in relation to Policy CP23 would not only be unsound due to its draft status, but also unjustified for the reasons set out above.

It is considered that in light of the appeal decisions set out above, and in the absence of a specific policy, it would be difficult to substantiate the proposal's proximity to the schools and the additional choice given to pupils as a reason for refusing the application that would stand up in the event of an appeal. With regard to refusing the application for more generalised public health reasons, any such decision could only be based on Policy DS13 and the advice within the NPPF which do not provide any clear basis for refusing the application.

Conclusion

The fish and chip shop is an established use within the High Street and shopping area of the village and extending the opening hours would bring it in line with other premises within the vicinity. The longer opening hours would add to the vitality and viability, increasing activity within the village for longer periods during the day. Whilst I understand the concerns raised by the objectors, extending the opening hours would not affect the amenities of residents or give rise to unacceptable impacts on the highway network. On this basis I am content with the application and consider the increase in opening hours to be acceptable.

RECOMMENDATION: that permission is **GRANTED**

Conditions:

1. C001 (time limit for implementation)
2. The use hereby permitted shall operate between the hours of 8:00 hrs and 22:00 hrs Monday to Saturday inclusive.

Reason: In order to protect the amenities of the area in accordance with policies DS13 and S19 of the BDLP.

CASE OFFICER DETAILS

Name : Ruth Lambert
Email: r.lambert@bromsgroveandredditch.gov.uk
Telephone: 01527 881373