



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 2ND MARCH 2015
AT 6.00 P.M.

THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), S. J. Baxter, M. A. Bullivant, R. A. Clarke, K. A. Grant-Pearce, R. J. Laight, P. Lammas, C. M. McDonald, E. J. Murray, C. J. Spencer, 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

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

3. To confirm the accuracy of the minutes of the meetings of the Planning Committee held on 26th January and 2nd February 2015 (Pages 1 - 10)

4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. Tree Preservation Order (No.18) 2014 - Trees on the area of woodland adjoining 15 Cherry Hill Road, Barnt Green, Bromsgrove (REPORT TO FOLLOW)
6. Tree Preservation Order (No.19) 2014 - Trees on land at Peterbrook Road, Maypole Lane and Gay Hill Golf Club, Hollywood, Bromsgrove (Pages 11 - 48)
7. Tree Preservation Order (No.20) 2014 - Trees on land at Grange Park, Lickey End, Bromsgrove, Worcestershire (Pages 49 - 80)
8. 2013/0674 - Building of 7 no. terraced houses on rear western car park and opening up of existing driveway on Albert Road to existing car park - The Greyhound, 30 Rock Hill, Bromsgrove - Enterprise Inns Plc (Pages 81 - 94)
9. 2014/0421 - Proposed alterations and extension to existing Care Home, to provide additional bedrooms and amenity space - Breach House Residential Care Home, Holy Cross Lane, Belbroughton, Stourbridge DY9 9SP - Mr I Dym (Pages 95 - 102)
10. 2014/0952 - Demolition of existing buildings and creation of new access road, erection of 35 no. retirement living housing (Category II type accommodation), including provision of communal facilities, landscaping and car parking. Erection of 3 no. retirement bungalows and 2 no. retirement houses, new community sports pavilion including resurfacing of existing club car park, 15 public car parking spaces and emergency vehicle access point - Land at 2 & 2A and part of Alvechurch Cricket Club, Birmingham Road, Alvechurch - McCarthy & Stone Retirement Lifestyles Ltd (Pages 103 - 120)
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

18th February 2015



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 S.J. Baxter	Councillor C.M. McDonald
Councillor M.A. Bullivant	Councillor E.J. Murray
Councillor R.A. Clarke	Councillor C.J. Spencer
Councillor K.A. Grant-Pearce	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 any disclosable pecuniary and / or other disclosable interests in any items to be discussed. If a Councillor declares a disclosable pecuniary 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

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

26TH JANUARY 2015 AT 6.00 P.M.

PRESENT: Councillors P. J. Whittaker (Vice-Chairman in the Chair), M. A. Bullivant, M. T. Buxton (substituting for Councillor C.M. McDonald), R. A. Clarke, R. J. Laight, P. Lammas, B. Lewis (substituting for Councillor S.J. Baxter), E. J. Murray, C. R. Scurrall (substituting for Councillor C.J. Spencer), C. J. Tidmarsh and C. J. K. Wilson

Officers: Mr. D. M. Birch, Ms. S. Green, Mr. S. Hawley (Worcestershire Highways Authority), Mrs. T. Lovejoy and Mrs. J. Smyth

59/14 APOLOGIES

Apologies for absence were received on behalf of Councillors R.J. Deeming (Chairman), S.J. Baxter, C.M. McDonald and C.J. Spencer.

60/14 DECLARATIONS OF INTEREST

No declarations of interest were made.

61/14 MINUTES

The minutes of the meeting of the Planning Committee held on 5th January 2015 were submitted.

RESOLVED that the minutes of the meeting be approved as a correct record.

62/14 2014/0475 - AMENDED PLANS - CONSTRUCTION OF 10 NO. 1 BEDROOM, 2 PERSON AFFORDABLE WALK UP FLATS, 1 NO. 1 BEDROOM, 2 PERSON BUNGALOW,, TOGETHER WITH EXTERNAL WORKS, CAR PARKING AND LANDSCAPING - LAND AT VICARAGE CLOSE, VICARAGE CLOSE, BROMSGROVE, WORCESTERSHIRE - MR GARY FOWLER FOR BROMSGROVE DISTRICT HOUSING TRUST (BDHT)

The Committee noted additional comments received from Councillor Caroline Spencer as detailed in Update Report (a) and as published on the Council's Website. Copies of the Update were also provided for Committee members and the public gallery prior to commencement of the meeting.

Whilst generally supportive of the proposed development, some concerns were expressed in relation to bin storage and waste collections. Officers provided clarification on proposals for communal bins in the proposed flats and provision of composting bins.

RESOLVED that Planning Permission be granted, subject to the Conditions and Informative as detailed on pages 13 to 16 of the Agenda report.

63/14 **2014/0752 - INSTALLATION OF A SOLAR PARK WITH AN OUTPUT OF APPROXIMATELY 8.94 MW ON LAND ASSOCIATED WITH RECTORY FARM - LAND AT RECTORY FARM, GRAFTON LANE, BROMSGROVE, WORCESTERSHIRE - MR MARKUS WIERENGA**

This matter was withdrawn from the Agenda at the request of the Applicant's Agent and was not discussed.

64/14 **2014/0824 - RESERVED MATTERS APPLICATION TO CONSIDER MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOLLOWING THE GRANTING OF OUTLINE PLANNING PERMISSION 2012/092 FOR UP TO 178 HOUSES - LAND AT BLEAK HOUSE FARM, STATION ROAD, WYTHALL, WORCESTERSHIRE - MILLER HOMES (MIDLANDS)**

The Committee noted a number of updates in relation to additional neighbour representations received and further Consultee responses from Worcestershire County Council Highways and Landscape Officers, Wythall Parish Council, the District Council's Leisure and Tree Officers, Worcestershire Regulatory Services and West Mercia Constabulary, as detailed in Update Report (b) published on the Council's Website, copies of which were also provided for Committee members and the public gallery prior to commencement of the meeting.

Members noted a proposed amendment to Condition 2 and further additional Conditions and Informatives that Officers considered to be necessary in response to the additional comments and representations received from consultees.

At the invitation of the Chairman, Mrs Heather Bibbings, on behalf of Wythall South Action Group, herself and a Qualified Architect, addressed the Committee objecting to the Application. Mr Luke Beaumont, for the applicant, also addressed the Committee.

RESOLVED that,

- a) authority be delegated to the Head of Planning and Regeneration Services to determine this Reserved Matters Application following the expiry of the publicity period on 28th January 2015;

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- b) in the event that further representations are received, authority be delegated to the Head of Planning and Regeneration Services, in consultation with the Chairman of the Planning Committee, to assess whether any new material considerations have been raised and to issue a decision after the expiry of the statutory publicity period accordingly;
- c) subject to the Conditions and Informatives as detailed on Pages 45 to 48 of the main Agenda Report, but with Condition 2 being amended to “include an additional plan regarding the no-dig details for the construction of the sections of footpath within the root protection areas of trees (Drawing No. WYT/CELL/1”;
- d) and subject to the following additional Conditions and Informatives:
11. The sections of the footpath falling within the root protection area of the tree directly opposite plot 132 shall be constructed using a no dig ground support material in accordance with Drawing Number WYT/CELL/1.
 12. The sections of footpath falling within the root protection area of the trees along plots 169 and 170 shall be constructed using a no dig ground support material in accordance with Drawing Number WYT/CELL/1.

Reasons: In order to protect the trees which form an important part of the amenity of the site in accordance with policy DS13 and C17 of the Bromsgrove District Local Plan January 2004.

13. Notwithstanding the approved plans, the boundary along the rear of plots 89 – 100 shall consist of 1.2m high post and rail fence to be erected behind the existing hedge.

Reason: In order to protect the rural character of the area in accordance with Policy DS13 and S7 of the Bromsgrove District Local Plan 2004.

14. Notwithstanding the approved plans, the boundary along the rear of plots 101 - 103 shall consist of native hedgerow with 1.2m high post and rail fencing behind.

Reason: In order to protect the rural character of the area in accordance with Policy DS13 and S7 of the Bromsgrove District Local Plan 2004.

15. Notwithstanding the approved plans, the boundary to the rear of properties on Station Road will consist of 1.8m high close board fencing.

Reason: To protect the amenities of existing residents in accordance with Policy DS13 and S7 of the Bromsgrove District Local Plan 2004.

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16. Notwithstanding the approved plans, prior to the commencement of development, full details for the erection of gates to the side of plots 17, 23, 123, 150, 172 and 176 shall be submitted and approved in writing by the Local Planning Authority. Full details shall include the height, materials, siting and specification for each gate.

Reason: In order to protect the amenities of future occupiers in accordance with Policy DS13 and Policy S7 of the Bromsgrove District Local Plan 2004.

17. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.

Reason: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway.

18. Prior to the first occupation of any 2 bedroom dwelling hereby approved secure parking for 2 cycles to comply with the Council's standards shall be provided within the curtilage of each dwelling and these facilities shall thereafter be retained for the parking of cycles only.

Reason: To comply with the Council's parking standards

19. Prior to the first occupation of any 3 or 4 bedroom dwelling hereby approved, that does not have its own garage shall provide secure parking for 4 cycles to comply with the Council's standards within the curtilage of each dwelling and these facilities shall thereafter be retained for the parking of cycles only.

Reason: To comply with the Council's parking standards

20. Prior to the commencement of the development hereby permitted engineering details of the access serving plots 170-178 onto Station Road shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reasons: To ensure the safe and free flow of traffic onto the Highway.

21. Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning

Authority, and the development shall not be occupied until the scheme as been constructed in accordance with the approved drawings.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

Additional Informatives

1) Section 38 Agreement Details

If it is the Developer's intention to request the County Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to the County Council's Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act, 1980, entered into.

2) Drainage Details for Section 38

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.

The applicant is, therefore, advised to submit the Engineering details referred to in this conditional approval to the County Council's County Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP at an early date to enable surface water disposal arrangements to be assessed.

3) Temporary Direction Signs to Housing Developments

This consent does not authorise the erection of temporary direction signs on the Public Highway. Should the applicant wish to direct traffic to the development site they should seek the consent of the Highway Authority. All temporary directional sign proposals should be submitted to the Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No signs should be erected without the consent of the Highway Authority.

The meeting closed at 6.53 p.m.

Chairman

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

2ND FEBRUARY 2015 AT 6.00 P.M.

PRESENT: Councillor R.J. Laight (Elected Chairman for the meeting) and Councillors S. J. Baxter, M. A. Bullivant, R. A. Clarke, K. A. Grant-Pearce, R. J. Laight, P. Lammas, C. M. McDonald, E. J. Murray, C. J. Spencer, C. J. Tidmarsh and C. J. K. Wilson

Officers: Mr. D. M. Birch, Mrs. J Fray, Mr. S. Hawley (Worcestershire Highways Authority), Mrs. T. Lovejoy, Mrs. J. Smyth and Miss. C Wood

65/14 **ELECTION OF CHAIRMAN**

In the absence of the Chairman and Vice-Chairman, the Committee was asked to nominate one of its' Members to Chair the meeting.

RESOLVED that Councillor R.J. Laight be appointed as Chairman for the duration of the meeting.

66/14 **APOLOGIES**

Apologies for absence were received on behalf of Councillors R.J. Deeming (Chairman) and P. J. Whittaker (Vice-Chairman).

67/14 **DECLARATIONS OF INTEREST**

Councillor M.A Bullivant an interest in Planning Application 2014/0960 (73 May Lane, Hollywood) as a local Ward Councillor.

There no other declarations of interest made.

68/14 **2014/0786 - PROPOSED NEW DETACHED RESIDENTIAL DWELLINGS - 206 STOURBRIDGE ROAD, BROMSGROVE, B61 OAR - MS CELIA HITCH**

The Committee was informed of an error in the application report which had indicated that Councillor Stuart Dudley had called in the application for the Planning Committee to determine because he was the Agent for the Applicant. Officers clarified that, in fact, the application had been brought to the Committee for consideration by Officers in view of Councillor Dudley's involvement as Agent for the Applicant, in line with standard procedures.

RESOLVED that Planning Permission be granted, subject to the Conditions and Informatives as detailed on pages 4 and 5 of the agenda report.

69/14 **2014/0789 - PROPOSED REAR EXTENSION, INTERNAL ALTERATIONS AND NEW PITCHED ROOF TO REPLACE FLAT ROOF - GREENLANDS, DAGNELL END ROAD, REDDITCH, WORCESTERSHIRE B98 9BJ - MR STEVEN GRIMES**

The Committee noted an Update on this Application in relation to additional consultation responses received from Alvechurch Parish Council to amended plans, as detailed in the Update Report published on the Council's Website, copies of which had been made available for Committee Members and the public gallery prior to commencement of the meeting.

RESOLVED that Planning Permission be granted, subject to the Conditions detailed on page 13 of the agenda report.

70/14 **2014/0821 - DEMOLITION OF EXISTING STRUCTURES AND THE ERECTION OF 81 BED. CARE HOME, 66 BED. EXTRA CARE APARTMENTS FOR OLDER PERSONS AND 26 AFFORDABLE APPARTMENTS FOR OLDER PERSONS, WITH SUPPORTING FACILITIES, PARKING AND ACCESS - LAND AT RECREATION ROAD, BROMSGROVE, WORCESTERSHIRE, B61 8DT - ASPEN RETIREMENT LTD**

At the invitation of the Chairman, Mr John Montgomery, the Applicant's Agent, addressed the Committee.

RESOLVED that authority be delegated to the Head of Planning and Regeneration Services to:

- 1) approve full Planning Permission following receipt of a suitable satisfactory legal mechanism in relation to:
 - (i) **mitigations for the additional demands on the wider transport network generated by the development: £85,849.92**
This contribution will specifically contribute towards all or any of the following:
 - A448 Kidderminster Road/St Johns Street/B4091 (Hanover Place)
 - A448 (Market Street)/B4184 Market Place
 - Enhanced bus timetable information at Bromsgrove Bus Station
 - (ii) **Parking Management: £4,000.00**
In Churchfields (if deemed appropriate)

- (iii) **Open space enhancement works: £160,150.00**
This contribution will specifically contribute towards enhancement works and improved accessibility works to the Recreation Ground, Bromsgrove
 - (iv) **The securing of 26 affordable apartments**
To include provision, tenure mix and occupancy restriction set at a minimum age of 60 years;
- 2) subject to the Conditions and Informatives as detailed on pages 37 to 39 of the Agenda report;
- and
- 3) refuse full Planning Permission if the suitable and satisfactory legal mechanism referred to at Resolution 1) above is not agreed and signed by all parties and engrossed by **3rd March 2015**.

71/14 **2014/0940 - ERECTION OF NEW DWELLING (RE-SUBMISSION OF APPLICATION 2014/0124) - LAND ADJACENT TO 63 MEARSE LANE, BART GREEN, BIRMINGHAM, WORCESTERSHIRE B45 8HJ - MR GRAHAM FITZPATRICK**

The Committee were informed of comments received from the Council's Tree Officer in relation to the development having an adverse effect on and conflict with a protected Lime Tree on the application site. Members were informed that, in view of the Tree Officer's comments, an additional reason for refusal was proposed to support Officer's recommendation that the application be refused.

At the invitation of the Chairman, Professor Alan Hallsworth addressed the Committee objecting to the Application on behalf of Dr J Rahman, a nearby resident. Mr. Graham Fitzpatrick, the Applicant, also addressed the Committee.

RESOLVED that Planning Permission be refused for the reasons detailed on page 46 of the Agenda report and the following additional reason:

- 3. The development would have a materially detrimental impact upon the visual amenity of the locality and cause a detrimental impact on the character of the surrounding area through the loss of protected tree cover judged to be worthy of a Tree Protection Order by the Local Planning Authority, contrary to Policy C17 of the Bromsgrove District Local Plan, the guidance contained within Section 10.0 of the adopted Lickey and Blackwell Village Design Statement and the provisions of the NPPF.

72/14 **2014/0941 - TWO STOREY EXTENSION TO SIDE AND REAR - 108 REDDITCH ROAD, ALVECHURCH, B48 7RY - MR AND MRS JAKE MORRIS**

The Committee noted various representations received from Alvechurch Parish Council, neighbours at 106 and 110 Redditch Road and the Applicant's Agent, all as detailed in the Update report, copies of which were provided for Committee Members and the public gallery prior to commencement of the meeting.

Members also noted an error on page 49 (4th paragraph) of the main report, which should have referred to 106 Redditch Road being a bungalow, and not 108 Redditch Road as stated.

At the invitation of the Chairman, Mr Jake Morris, the Applicant, addressed the Committee.

RESOLVED that Planning Permission be refused for the reason stated on page 49 of the Agenda report.

73/14 **2014/0960 - CHANGE OF USE OF A1 RETAIL TO A3 TO ENABLE EXTENSION OF RESTAURANT - 73 MAY LANE, HOLLYWOOD, BIRMINGHAM, WORCESTERSHIRE B47 5PA - MR ABDUL MATIN**

The Committee noted updates in respect of a petition that had been received in support of the proposed extension and a proposal by Officers to amend the reason for Condition 4, as detailed in the Update report provided for Committee Members and the public gallery prior to the commencement of the meeting.

At the invitation of the Chairman, Mr Colin Slater, a local resident addressed the Committee objecting to the Application. Councillor L.J. Turner, in whose Ward the application site was located, also addressed the Committee.

RESOLVED that Planning Permission be granted, subject to the Conditions as detailed on page 55 of the Agenda report, but with Condition 4 to read as follows:

- 4) the restaurant operation at this site granted under this consent shall be restricted to a maximum number of sixty 'covers' at any time.

Reason: in order to satisfactorily control the scale of operations at this site in the interests of protecting residential amenity and highway safety in accordance with Policies DS13 and TR8 of the Bromsgrove District Local Plan 2004.

The meeting closed at 7.45 p.m.

Chairman

PLANNING COMMITTEE

2nd March 2015

TREE PRESERVATION ORDER (NO.19) 2014 – Trees on Land at Peterbrook Road, Maypole Lane and Gay Hill Golf Club, Hollywood, Bromsgrove

Relevant Portfolio Holder	Kit Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning Services and Housing
Ward(s) Affected	Hollywood and Majors Green Ward
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Committee is asked to consider the confirmation with modification of Tree Preservation Order (No.19) 2014 relating to trees on Land at Peterbrook Road, Maypole Lane and Gay Hill Golf Club, Hollywood, Bromsgrove.

2. RECOMMENDATIONS

- 2.1 It is recommended that Tree Preservation Order (No.19) 2014 relating to trees on Land at Peterbrook Road, Maypole Lane and Gay Hill Golf Club, Hollywood, Bromsgrove 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 provisionally made on the 19th September 2014 due to a high level of tree works being carried out on the site. The site is owned by Gallagher Construction Ltd and there was a concern that the level of work indicated that the site was potentially being prepared for development.

The provisional TPO will remain in force until the 19th March 2015. 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.

PLANNING COMMITTEE

2nd March 2015

One objection has been received in respect of the TPO from Pegasus Group on behalf of JJ Gallagher Ltd. (See Appendix 1- Objection Report dated 14th October 2014). In summary the Objection consists of the following:

1. The TPO is not expedient in the interests of public visual amenity.
2. The trees are not under threat.
3. The trees are of an inappropriate species and location.
4. The TPO is not specific which results in an unreasonable burden on the owners of the trees.
5. Some of the trees are offsite and no evidence has been provided to ensure that the TPO has been served on all relevant tree owners.

However the Objector has stated that if the Council do confirm the TPO, it is confirmed subject to modifications that omit any tree/ group that cannot be demonstrated to be of public visual amenity or enjoyment.

The Tree Officer responds in summary to the Objection (See Appendices 2-5 for full details).

1. Site visits confirm it is used by the public for local walkers/ dog walkers. The site borders Gay Hill Golf Club so is visible to users of the course.
2. The trees are highly visible from Maypole Lane and Peterbrook Road, therefore it is reasonable to say that they offer visual amenity value.
3. Some of the trees in the groups have been reassessed and defined as individual trees within the modified order.
4. The administration of the TPO was accurate and correct and all relevant persons were served with the TPO.
5. Some of the trees are outside the site owned by JJ Gallagher Ltd but do influence the site. It is common practice to protect these trees in such circumstances.

The Tree Officer carried out a Tree Survey and the findings are detailed in Appendix 5- Tree Officer Report.

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

Customer / Equalities and Diversity Implications

- 3.7 The customers have been provided with the relevant notification. The customers will receive notification by post of the decision of the committee.

PLANNING COMMITTEE

2nd March 2015

3.8 Equalities and Diversity implications- None

4. RISK MANAGEMENT

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

5. APPENDICES

Appendix 1 – Objection Report from Pegasus Group dated 14.10.15

Appendix 2 – Map and Schedule of Provisional Order

Appendix 3 – Map and Schedule of Modified Order

Appendix 4 – Photographs of Trees

Appendix 5 - Tree Officer Report dated 9th February 2015

6. BACKGROUND PAPERS

None

7. KEY

TPO - Tree Preservation Order

AUTHOR OF REPORT

Name: Kam Sodhi

Email: k.sodhi@bromsgroveandredditch.gov.uk

Tel: (01527) 881721

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**LAND AT PETERBROOK ROAD, MAYPOLE LANE
AND GAY HILL GOLF CLUB, HOLLYWOOD**

**TREE PRESERVATION ORDER
OBJECTION**

ON BEHALF OF JJ GALLAGHER LTD

**SECTION 198 TOWN AND COUNTRY PLANNING ACT 1990. REGULATION 6
TOWN AND COUNTRY PLANNING (TREE PRESERVATION)(ENGLAND)
REGULATIONS 2012**

Prepared by: M REID TechArborA

Checked by: R HYETT MArborA

Pegasus Group

Pegasus House | Querns Business Centre | Whitworth Road | Cirencester | Gloucestershire | GL7 1RT
T 01285 641717 | F 01285 642348 | W www.pegasuspg.co.uk

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | London | Manchester

Planning | Environmental | Retail | Urban Design | Energy | Landscape Design | Graphic Design | Consultation | Sustainability

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APPENDICES:

APPENDIX 1 – ASSESSMENT OF SUITABILITY FOR TPO

1. BACKGROUND

1.1 A Tree Preservation Order (TPO) has recently been served by Bromsgrove District Council.

1.2 The title of the TPO is '*Bromsgrove District Council Tree Preservation Order (No19) 2014 Trees on land between Peterbrook Road, Maypole Lane and Gay Hill Golf Club, Hollywood*'.

1.3 The above address is hereafter referred to as 'the site'.

1.4 The TPO protects:

- 33 individual trees
- 14 groups of trees

1.5 The reason for serving the order as stated within the Regulation 5 notice that accompanied the TPO is:

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

1.6 The TPO was served on 19 September 2014 and takes provisional effect for six months from this date. After this time, if the TPO has not been formally confirmed by the Local Planning Authority (LPA) its provisional effect will lapse.

1.7 The deadline for objections to be received by the LPA in relation to the Order is 31 October 2014.

1.8 Pegasus Group has been instructed to formally object to the TPO by their client JJ Gallagher Ltd.

1.9 The objection is made in accordance with Regulation 6 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012. It states the reasons for the objection and specifies the trees and groups of trees in question.

2. GUIDANCE

- 2.1 Guidance is provided to local planning authorities on the central government Planning Policy Guidance Suite website¹. Local Planning Authorities should make a Tree Preservation Order if it appears to them to be expedient in the interests of amenity. The guidance sets out the grounds on which a TPO might be served.

¹ <http://planningguidance.planningportal.gov.uk/blog/guidance/tree-preservation-orders/>

3. GROUNDS FOR OBJECTION

- 3.1 The objection applies to all the trees contained within the TPO.
- 3.2 The grounds for objection are as follows:
- a. The TPO is not expedient in the interests of public visual amenity. No information has been supplied to support the Authority's rationale for serving the order. No information has been supplied to explain the Authority's stance that the trees have 'special' amenity value, nor is this value defined.
 - b. The trees are not under threat. The TPO is not expedient.
 - c. Many trees within the TPO are of inappropriate species and location. In many cases they are of insufficient quality to merit protection.
 - d. The order is not specific enough to enable it to be effectively administered by the LPA. It therefore results in ambiguity in relation to the protected status of trees and an unreasonable burden of responsibility on the owners of the trees.
 - e. Some trees are offsite and no evidence has been provided to ensure that the TPO has been served on all relevant tree owners.

Amenity

- 3.3 There is very limited public access to much of the land that is covered by the TPO. The public visual amenity value of many of the trees on the site is therefore considered to be insufficient to justify TPO status. The amenity value of the trees is in no way considered to be "special."
- 3.4 Reference to the 1:25000 OS map of the area indicates that a public footpath passes north/south through the centre of the site and that a second public footpath passes along its western/south-western boundary. Some of the trees on the boundary of the site are also visible from public spaces beyond the site boundary. However, the majority of trees in the western section of the site are screened from view by a dense hedgerow that is located to the west of the central path. It is considered that the trees to the west of this footpath should therefore not be included within the TPO as they do not have sufficient public visual amenity value.

- 3.5 It is considered that the Council's reason for serving the TPO is therefore partially incorrect.

Expediency

- 3.6 It is not considered that the trees on the site are under sufficient threat for the Council to justify the serving of the TPO. In serving the order the Council has not demonstrated any degree of threat applies to the trees that have been made subject to protection. Some scrub clearance works have been carried out recently on the site but this is presumed to be simply in accordance with appropriate land management practice.

Tree quality and appropriateness

- 3.7 A preliminary visual assessment of all trees and groups covered by the TPO has been carried out. This assessment shows that many of the trees that are protected by the TPO are of such poor quality that they will need to be removed in the short term on the grounds of appropriate and reasonable arboricultural management.
- 3.8 The TPO protects a number of trees, for example G5, that abut the southern edge of small residential gardens. It is considered that these trees will block unreasonable levels of light to occupiers. No assessment has been provided by the Council in relation to "reasonableness" in this or any other aspect of the TPO. It is noted that adjacent landowners affected by the TPO have their own right of objection.
- 3.9 The TPO makes repeated reference to hawthorn as components of the groups that it protects. Hawthorn is not considered to be a species that is normally referred to as a tree. It is considered that in almost all situations, hawthorn is a shrub that occurs "only occasionally as a tree".²

Inaccuracy

- 3.10 The 'group' designation has in many cases appears to have been applied incorrectly, apparently as a means of swift recording of information. It is therefore not possible to distinguish between the most important component trees within groups. This has obvious implications for management practicalities,

² Field Guide to Trees of Britain and Europe. Mitchell, A. Collins. 1974. pp274

for example unreasonable levels of difficulty for the tree owner when submitting applications to carry out works to protected trees.

3.11 Many of the tree groups that are shown on the TPO plan are in actual fact hedgerows. The scope of TPO legislation does not extend to hedgerows and it is therefore considered that TPO (19) 2014 has not been applied correctly in this respect.

3.12 A number of items, for example G2, appear to have been plotted with a degree of inaccuracy. The outlines of several groups do not apply to conditions encountered on site.

3.13 The 'group' designation has in many cases appears to have been applied incorrectly, apparently as a means of swift recording of information. It is therefore not possible to distinguish between the most important component trees within groups. This has obvious implications for management practicalities, for example ambiguity, irrelevance of many trees as well as unreasonable levels of difficulty for the tree owner when submitting applications to carry out works to protected trees.

3.14 Comments in relation to each individual tree are provided in the attached table.

APPENDIX 1 - ASSESSMENT OF SUITABILITY FOR TPO

4. CONCLUSION

- 4.1 It is respectfully requested that TPO No32/2013 is not confirmed by the council for the stated reasons.
- 4.2 If, however, the council is minded to confirm the TPO (having given due consideration to the reasons for objection set out above), it is requested that the TPO be confirmed subject to modifications that omit any tree/tree group that cannot be demonstrated in a consistent and structured way to make a significant contribution to public visual amenity as well as the local environment and its enjoyment by the public.
- 4.3 In the event of the TPO being confirmed, it is expected that the Council will have considered how best to demonstrate that it has made its decision in a balanced and open manner. It is requested that a site visit is carried out by independent persons as part of the decision making process. In particular, and in accordance with due democratic process, it is expected that Pegasus Group shall be provided with reasonable time prior to the confirmation date of the TPO in which to provide further comments and clarification to any Officer comments that are made in response to this objection.

APPENDIX 1

ASSESSMENT OF SUITABILITY FOR TPO

TPO (19) 2014 - objection comments relating to tree condition with reference to schedule of protected trees

No on map	Objection comments	No on map	Objection comments	No on map	Objection comments
T1	Inaccurately plotted on plan. Possibly offsite.	T15	None	G1	Plotted group does not reflect site conditions. Not a cohesive group. Does not indicate main component trees worthy of retention.
T2	Very heavily crown reduced. Significant levels changes within root plate area. Likely to decline in the short term. Insufficient public visual amenity.	T16	None	G2	Plotted group does not reflect site conditions. Not a cohesive group. Does not indicate main component trees worthy of retention. Insufficient public visual amenity.
T3	Insufficient public visual amenity.	T17	Incorrectly plotted on plan.	G3	Not a cohesive group. Does not indicate main component trees worthy of retention. Large willow tree is structurally unsound.
T4	Thin foliage. In decline. Large cavity at base. Short term life expectancy. Insufficient public visual amenity.	T18	Incorrectly plotted on plan	G4	Plotted group does not reflect site conditions. Does not indicate main component trees worthy of retention. Possibly offsite.
T5	Outgrown hedgerow coppice. Likely to require recoppicing soon as part of normal hedgerow management. Insufficient public visual amenity.	T19	Incorrectly plotted on plan. Insuffient public visual amenity	G5	Contains various trees in very poor structural condition, leaning over private gardens. Does not indicate main component trees worthy of retention. Insufficient public visual amenity.
T6	Too small to merit TPO status. Insufficient public visual amenity.	T20	Incorrectly plotted on plan. Insuffient public visual amenity	G6	Does not indicate main component trees worthy of retention. Insufficient public visual amenity.
T7	An over mature tree in advanced decline. Insufficient public visual amenity.	T21	Incorrectly plotted on plan. Insuffient public visual amenity	G7	Plotted group does not reflect site conditions. Not a cohesive group. Does not indicate main component trees worthy of retention. Includes hawthorn hedge, an inappropriate species and landscape feature for TPO. Insufficient public visual amenity.
T8	Located beside power cables. Statutory pruning distance will require shape-altering heavy pruning of the tree. Insufficient public visual amenity.	T22	Insufficient public visual amenity.	G8	Includes hawthorn hedge, an inappropriate species and landscape feature for TPO.
T9	Cavities in some main branches over adjacent garage. Insufficient public visual amenity.	T23	Insufficient public visual amenity.	G9	Plotted group does not reflect site conditions. Does not indicate main component trees worthy of retention.
T10	Excessive lean into site. Insufficient public visual amenity.	T24	None	G10	Plotted group does not reflect site conditions. Does not indicate main component trees worthy of retention.
T11	Located offsite? Evidence of previous limb loss. Insufficient public visual amenity.	T25	Substantial basal decay and weak union between main stems.	G11	Majority of trees are offsite. No evidence TPO served on land owner. Does not indicate main component trees worthy of retention.
T12	Weak fork with included bark at base. Insufficient public visual amenity.	T26	None	G12	Partially offsite and no evidence TPO served on tree owners. Plotted group does not reflect site conditions. Does not indicate main component trees worthy of retention.
T13	None	T27	None	G13	Plotted group does not reflect site conditions. Does not indicate main component trees worthy of retention. Contains one dying tree and one damaged tree with decay fungus <i>Laetiporus sulphureous</i> in large failure wound on main stem. Insufficient public visual amenity.
T14	None	T28	Exposed roots	G14	Does not indicate main component trees worthy of retention. Incorrectly described in TPO schedule.
		T29	Stock damage and damage to limbs. <i>Laetiporus sulphureous</i> on trunk		
		T30	Significant decay in main stem.		
		T31	Advanced crown dieback. Large area of dysfunctional wood at base.		
		T32	None		
		T33	None		

First Schedule

Trees specified individually

(encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T1	Oak	408904-278458	Northern Boundary
T2	Oak	408783-278454	Western Boundary
T3	Oak	408857-278272	Main Body Of Site
T4	Ash	408816-278243	Main Body Of Site
T5	Ash	408843-278240	Main Body Of Site
T6	Oak	408930-278234	Main Body Of Site
T7	Ash	408973-278230	Main Body Of Site
T8	Ash	409000-278228	Main Body Of Site
T9	Oak	408740-278254	Northern Boundary
T10	Oak	408680-278250	Northern Boundary
T11	Oak	408666-278251	Northern Boundary
T12	Sycamore	408382-278104	Western Boundary
T13	Oak	409218-277921	Western Boundary
T14	Oak	409201-277904	Western Boundary
T15	Oak	4091880-277880	Close To Western Boundary
T16	Oak	409174-277877	Western Boundary
T17	Oak	409144-277853	Western Boundary
T18	Oak	409116-277829	Western Boundary
T19	Oak	409121-277799	South-Eastern Boundary
T20	Oak	409141-277804	South-Eastern Boundary
T21	Oak	409160-277811	South-Eastern Boundary
T22	Oak	409211-277828	South-Eastern Boundary
T23	Oak	409223-277841	Close To South-Eastern Boundary
T24	Beech	409270-278092	Main Body Of Site
T25	Oak	409284-278091	Main Body Of Site
T26	Oak	409391-278103	Main Body Of Site
T27	Oak	409407-278121	Main Body Of Site
T28	Pine	409091-278155	Main Body Of Site
T29	Oak	409087-278155	Main Body Of Site
T30	Oak	409080-278163	Main Body Of Site
T31	Beech	409112-278228	Main Body Of Site
T32	Sycamore	409264-278232	Main Body Of Site
T33	Silver Birch	409222-278246	Main Body Of Site

Trees specified by reference to an area

(within a dotted black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
-------------------	--------------------	------------	------------------

NONE

Groups of Trees

(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
-------------------	--------------------	------------	------------------

G1	Group of mixed species native trees Sycamore, Oak, Willow and Hawthorn	409050-278340	Linier Feature Running North To South
----	--	---------------	---------------------------------------

G2	Group of mixed species native trees Ash, Oak, Willow, Hawthorn and Malus	408943-278290	Linier Feature Running West To East
----	--	---------------	-------------------------------------

G3	1 x Ash 1 x Willow 1 x Sycamore 3 x Oak	408832-278512	Northern Boundary
----	--	---------------	-------------------

G4	3 x Oak 1 x Lime	408784-278354	Western Boundary
----	---------------------	---------------	------------------

G5	6 x Oak	408632-278257	Northern Boundary
----	---------	---------------	-------------------

G6	3 x Oak	408423-278267	Northern Boundary
----	---------	---------------	-------------------

G7	Group of mixed species native trees Ash, Oak, Hawthorn, Hazel and Malus	408630-277973	Liner feature on Souther Boundary running West to East.
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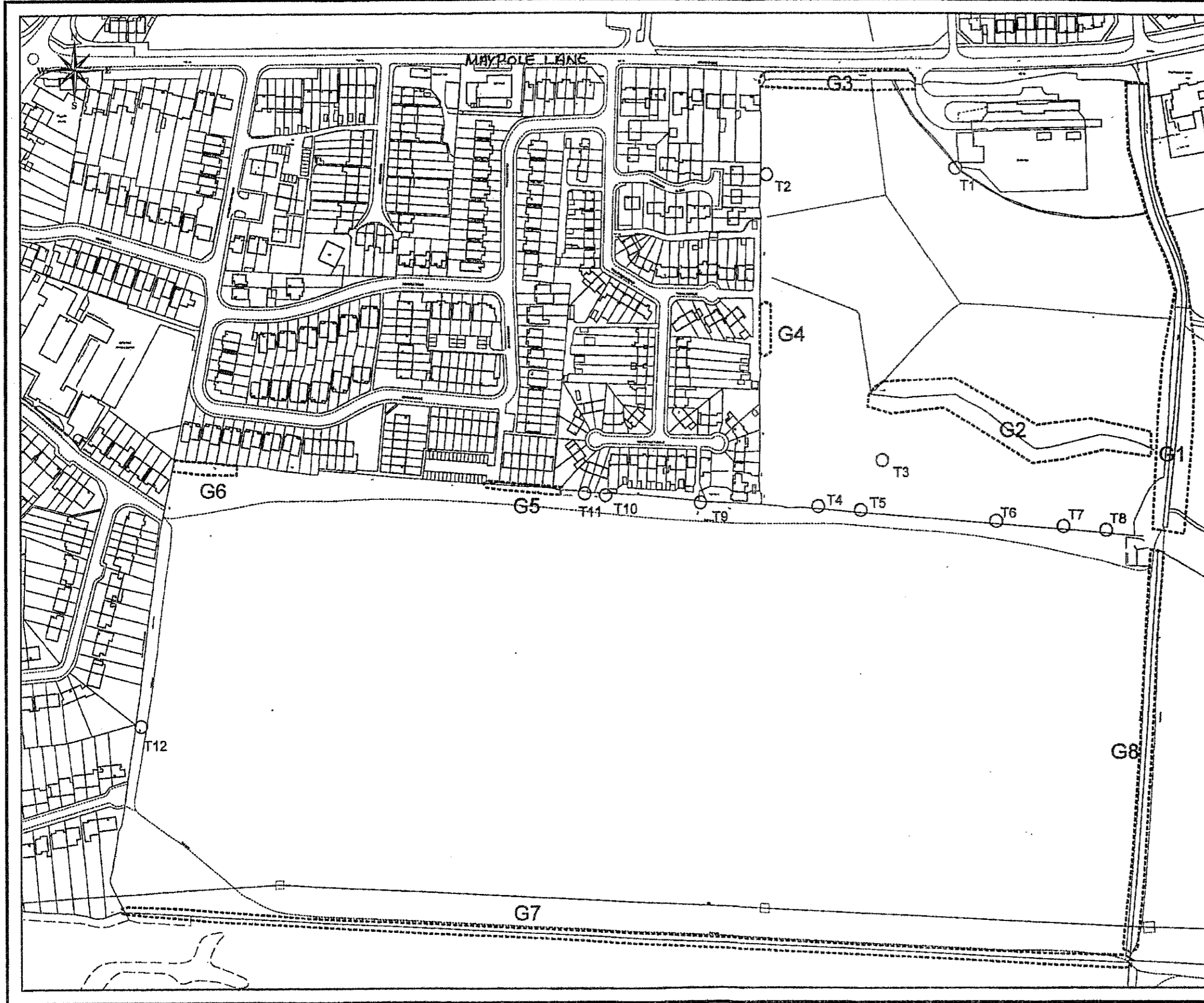
G8	Group of mixed species native trees Oak and Hawthorn	409026-278087	Linear Feature Running North To South
G9	Group of mixed species native trees Oak and Hawthorn	409214-277942	Southern Boundary
G10	6 x Alder 2 x Oak	409421-277865	Eastern Boundary
G11	Group of mixed species native trees Oak, Ash and Alder	409421278094	Eastern Boundary
G12	Group of mixed species native trees Oak, Alder and Hawthorn	409375-278243	Main body of site towards Northern boundary
G13	Group of mixed species native trees Oak, Alder, Ash and Silver Birch	409464-278338	Main body of site towards Northern boundary
G14	Main body of site towards Northern boundary	409534-278381	Northern Boundary of the site

Woodlands

(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
-------------------	--------------------	------------	------------------

NONE



Project:
**Bromsgrove District
 Tree Preservation Order
 (19) 2014
 Plan (1)**

Drawing:
**Land Between
 Peterbrook Road, Maypole Lane
 and Gay Hill Golf Club
 HOLLYWOOD**

Drawn: AAA	Scale: 1:2300
Surveyed: AAA	Date: 19/09/2014

Drawing No: P2184/X

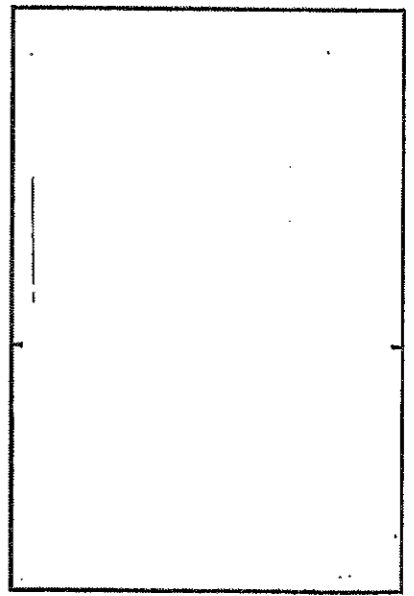
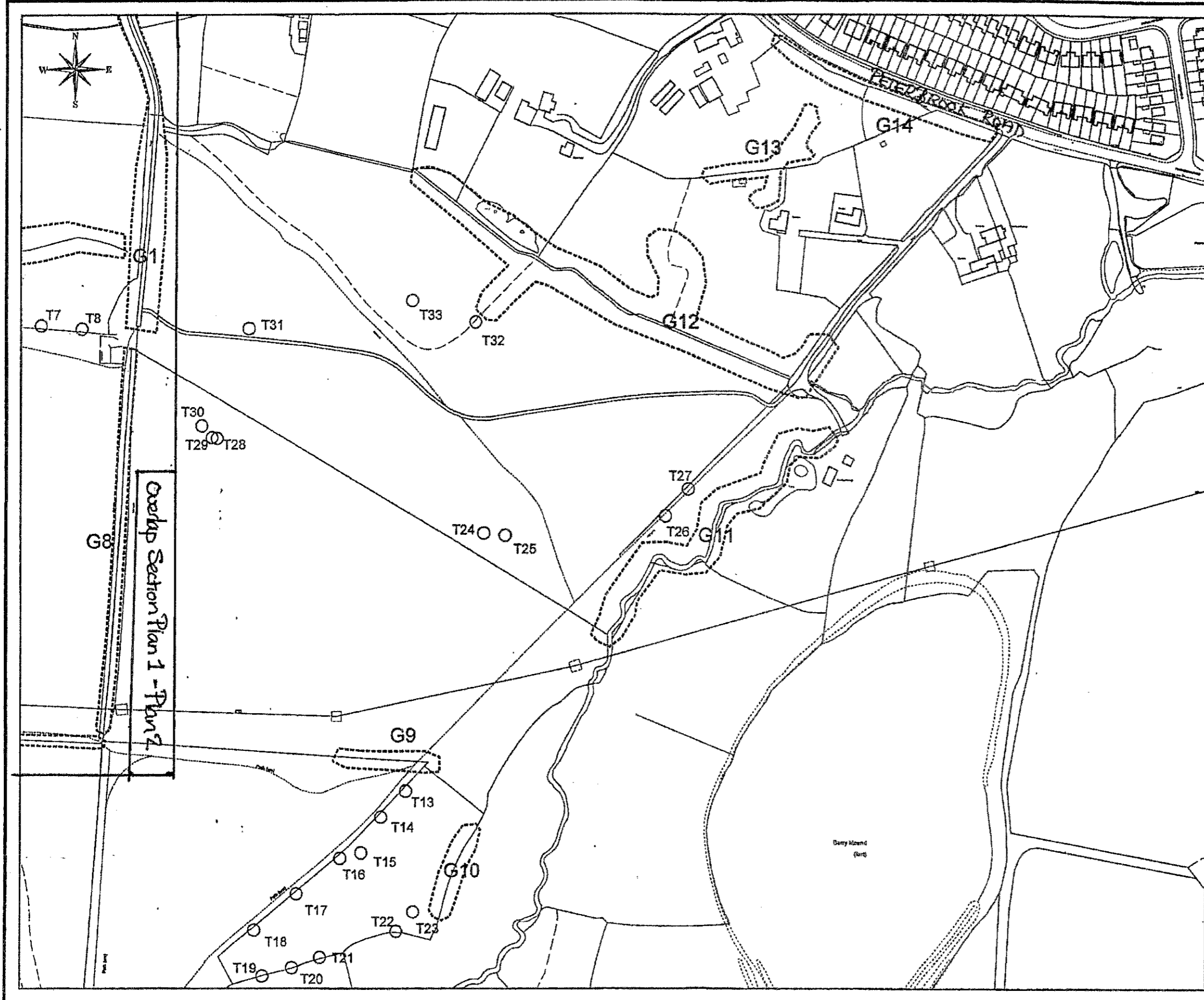
Environmental Services
 Town Hall
 Walter Stranz Square
 Redditch
 Worcs B98 8AH



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 Ordnance Survey 100024252

S. Salles

19th september
 2014.



Project:
**Bromsgrove District
 Tree Preservation Order
 (19) 2014
 Plan (2)**

Drawing:
**Land Between
 Peterbrook Road, Maypole Lane
 and Gay Hill Golf Club
 HOLLYWOOD**

Drawn: AAA	Scale: 1/2300
Surveyed: AAA	Date: 19/09/2014

Drawing No: P2184/X

Environmental Services
 Town Hall
 Walter Stranz Square
 Redditch
 Worcs B98 8AH



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S Sellers

19th September
 2014

Trees specified by reference to an area

(within a dotted black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
None			

Groups of Trees

(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
G1	1 x Ash 1 x Willow 1 x Sycamore 3 x Oak	408832-278512	Northern Boundary
G2	3 x Oak 1 x Lime	408784-278354	Western Boundary
G3	3 x Oak	408423-278267	Northern Boundary
G4	Group of mixed species native trees Ash, Oak, Hawthorn, Hazel and Malus	408630-277973	Liner feature on Southern Boundary running West to East.
G5	Group of mixed species native trees Oak and Hawthorn	409214-277942	Southern Boundary
G6	6 x Alder 2 x Oak	409421-277865	Eastern Boundary
G7	Group of mixed species native trees Oak, Ash and Alder	409421278094	Eastern Boundary along stream.

G8	Group of mixed species native trees Oak, Alder, Willow, Pine and Hawthorn	409375-278243	Main body of site towards Northern boundary
G9	Group of mixed species native trees Oak, Alder, Ash and Silver Birch	409464-278338	Main body of site towards Northern boundary
G10	Liner group on boundary Peterbrook Road Oak, Holly, Sycamore, Silver Birch and Hawthorn.	409534-278381	Northern Boundary of the site

Woodlands

(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
None			

First Schedule

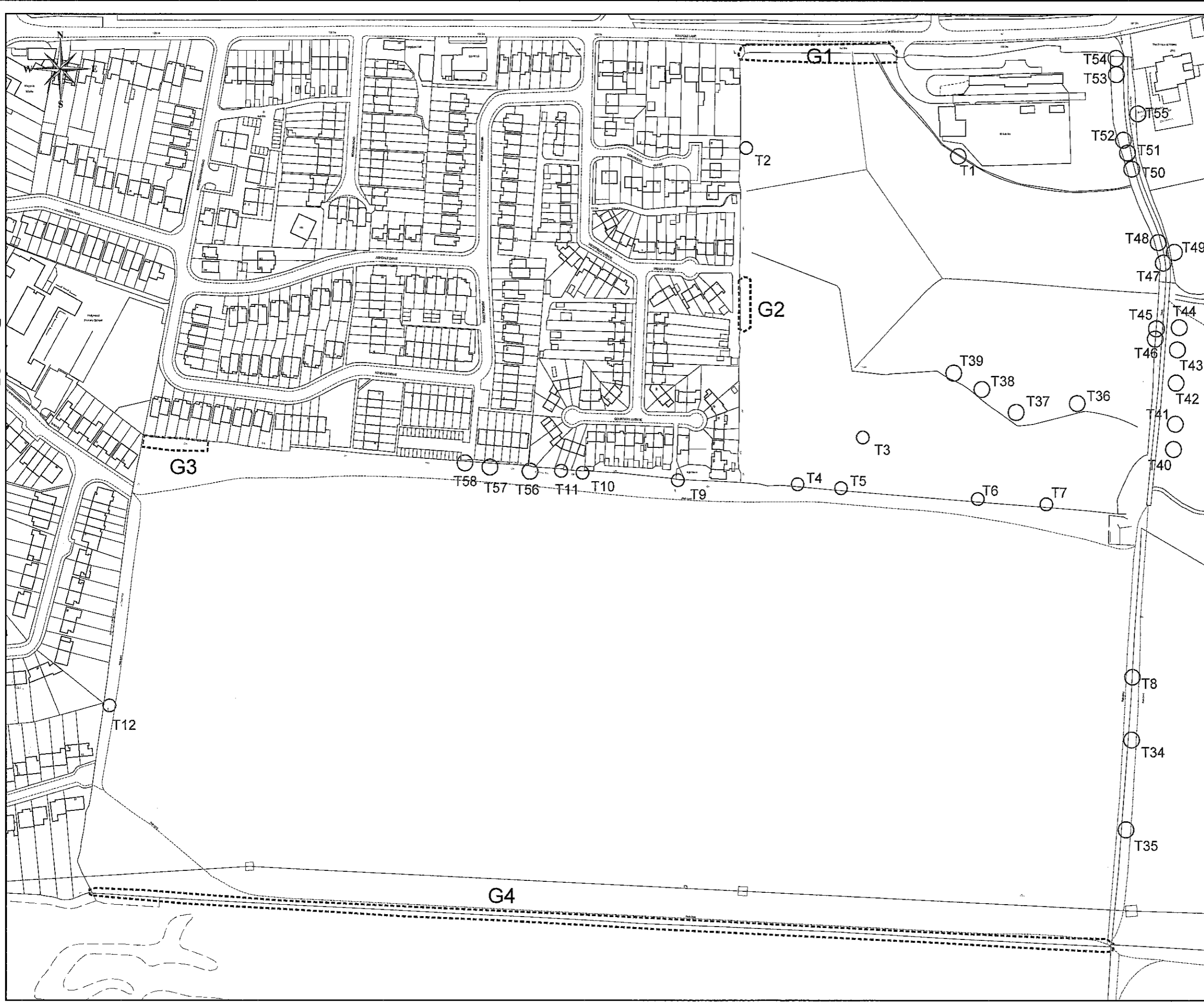
Trees specified individually

(encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T1	Oak	408919-278449	Northern Boundary
T2	Oak	408783-278454	Western Boundary
T3	Oak	408857-278272	Main Body Of Site
T4	Ash	408816-278243	Main Body Of Site
T5	Ash	408843-278240	Main Body Of Site
T6	Oak	408930-278234	Main Body Of Site
T7	Ash	408973-278230	Main Body Of Site
T8	Oak	409028-278122	Main Body Of Site
T9	Oak	408740-278254	Northern Boundary
T10	Oak	408680-278250	Northern Boundary
T11	Oak	408666-278251	Northern Boundary
T12	Sycamore	408382-278104	Western Boundary
T13	Oak	409218-277921	Western Boundary
T14	Oak	409201-277904	Western Boundary
T15	Oak	4091880-277880	Close To Western Boundary
T16	Oak	409174-277877	Western Boundary
T17	Oak	409127-277838	Western Boundary
T18	Oak	409116-277829	Western Boundary
T19	Oak	409121-277799	South-Eastern Boundary
T20	Oak	409141-277804	South-Eastern Boundary
T21	Oak	409160-277811	South-Eastern Boundary
T22	Oak	409211-277828	South-Eastern Boundary
T23	Oak	409223-277841	Close To South-Eastern Boundary
T24	Beech	409270-278092	Main Body Of Site
T25	Oak	409284-278091	Main Body Of Site
T26	Oak	409391-278103	Main Body Of Site
T27	Oak	409407-278121	Main Body Of Site
T28	Pine	409091-278155	Main Body Of Site
T29	Oak	409087-278155	Main Body Of Site
T30	Oak	409080-278163	Main Body Of Site
T31	Beech	409112-278228	Main Body Of Site
T32	Sycamore	409264-278232	Main Body Of Site
T33	Silver Birch	409222-278246	Main Body Of Site
T34	Oak	409027-278082	Main Body Of Site
T35	Oak	409025-278205	Main Body Of Site
T36	Oak	408994-278293	Main Body Of Site
T37	Oak	408956-278302	Main Body Of Site
T38	Oak	408932-278302	Main Body Of Site
T39	Oak	408911-278311	Main Body Of Site
T40	Oak	409054-278264	Main Body Of Site
T41	Oak	409056-278281	Main Body Of Site
T42	Oak	409058-278306	Main Body Of Site

Individual Trees - cont

T43	Ash	409059-278326	Main Body Of Site
T44	Oak	409058-278340	Main Body Of Site
T45	Oak	409043-278339	Main Body Of Site
T46	Oak	409043-278336	Main Body Of Site
T47	Oak	409049-278381	Boundary of access lane Northern side of site.
T48	Oak	409045-278394	Boundary of access lane Northern side of site.
T49	Ash	409056-278388	Boundary of access lane Northern side of site.
T50	Oak	409028-278440	Boundary of access lane Northern side of site.
T51	Oak	409025-278451	Boundary of access lane Northern side of site.
T52	Oak	409023-278459	Boundary of access lane Northern side of site.
T53	Oak	409018-278499	Boundary of access lane Northern side of site.
T54	Oak	409018-278509	Boundary of access lane Northern side of site.
T55	Sycamore	409033-278476	Boundary of access lane Northern side of site.
T56	Oak	408649-278252	Northern Boundary of site
T57	Oak	408624-278253	Northern Boundary of site
T58	Oak	408607-278254	Northern Boundary of site



Notes:

Date	Rev	Details

Project:
**Bromsgrove District
 Tree Preservation Order
 (19) 2014
 PLAN (1)**

Drawing:
**Land Between
 Peterbrook Road, Maypole Lane
 and Gay Hill Golf Club
 Hollywood**

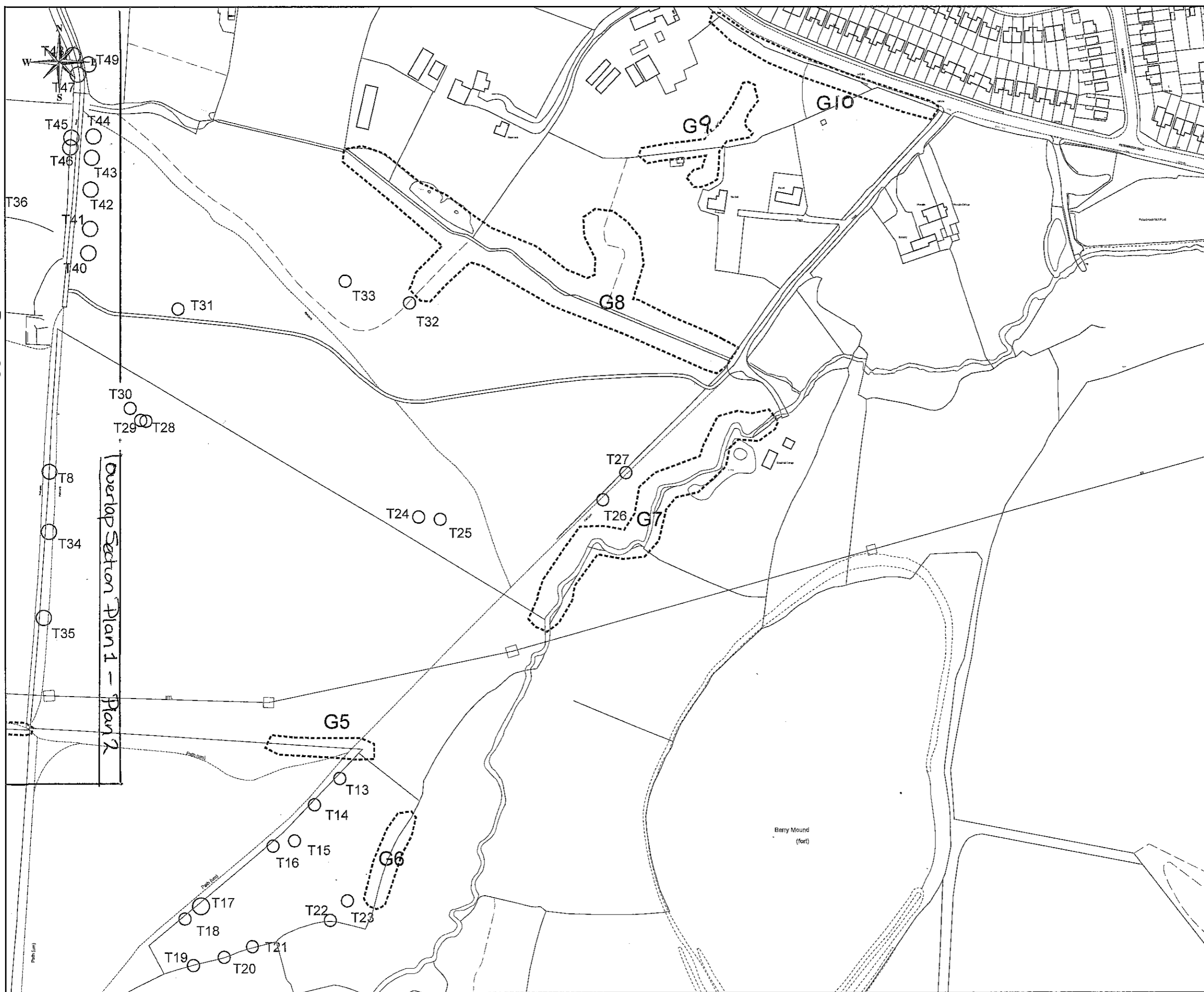
Drawn: AAA Scale: 1/2300
 Surveyed: AAA Date: 10 / 02 / 2015

Drawing No: **P0000/0**

Engineering and Design Services
 Town Hall
 Walter Stranz Square
 Redditch
 Worcs B98 8AH



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 Ordnance Survey 100024252



Notes:

Date	Rev	Details

Project:
**Bromsgrove District
 Tree Preservation Order
 (19) 2014
 Plan (2)**

Drawing:
**Land Between
 Peterbrook Road, Maypole Lane
 and Gay Hill Golf Course
 Hollywood**

Drawn: AAA Scale: 1/2400
 Surveyed: AAA Date: 10 / 02 / 2015

Drawing No: P0000/0

Engineering and Design Services
 Town Hall
 Walter Stranz Square
 Redditch
 Worcs B98 8AH



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Group 3



T56, T57 & T58 3x Oaks
Page 37



T15 & T16 2x Oaks



Lower Section of Group 4



Group 6



T24 e T25 1x Oak 1x Beech



T28, T29 & T30 1x Pine 2x Oak



T24 & T25 1x Oak 1x Beech



T3



T28, T29, T30



T56, T57 e T58



Section of Group 4
Page 43

T9 oak



T34 & T35 Oaks

MEMORANDUM



From:	Gavin Boyes Senior Tree Officer	To:	Kam Sodhi, Rasma Sultana, Vanessa Brown Legal Department Bromsgrove
My Ref:	Bromsgrove District TPO (19) Land Off Peterbrook Road, Hollywood	Your Ref:	Bromsgrove District TPO (19) Land Off Peterbrook Road, Hollywood
Please ask for:	Gavin Boyes	Ext	3094
		Date	9 th February 2015

Re: Request to Confirm The Order

I would like to request at the next available Planning Committee meeting that the committee consider the confirmation of the above order for the reasons outlined below.

Reasons For Proposal

The order was raised on the 19th September 2014 due to a high level of tree works / clearance being carried out on the site by heavy plant machinery. The site is owned by Gallagher Construction Ltd and local residents and myself were concerned that the level of work indicated that the site was potentially been prepared for development.

Representations Received : Objection.

Report By Pegasus Group (Appendices 1) On Behalf OF JJ Gallagher LTD

My Comments:

Reference Section 3 Grounds For Objection:

Paragraph 3.2 sentence A. I have now visited the site on a number of occasions and each time the site was being heavily used by local walkers and dog walkers. The site also boundaries on to Gay Hill Golf course via Group 7 of the order which forms the boundary tree line between the Golf Course and the site so would be highly visible and aesthetically please users of the course. Groups 3 are highly visible from the busy Maypole Lane and Group 14 from the equally busy Peterbrook Road. The site is dissected by a public right of way. Therefore I feel it is reasonable to disagree with all comments made within the objection that the trees included within this TPO do not offer any visual amenity value. Should the site be subject to any future development then I would argue that the amenity value of this tree stock would be greatly increased.

Paragraph 3.2 sentence C. I would agree that some of the trees on individual merit basis would be of a quality that perhaps would not warrant TPO protection. However these trees are largely included within the groups of which they form an important integral part. It is often the case that trees within groups are of poorer individual form due to the competition between trees. Some of the groups included within the provisional order have been reassessed and defined down to specified individual trees within the modified order which will have removed some of the poor trees referenced in this comment of the objection.

Paragraph 3.2 sentence D. I disagree with this comment in general and feel that the provisional order was sufficiently detailed to allow accurate administration. The modified order is more detailed and more accurately defines trees to be covered to allow an improved level of administration.

Paragraph 3.2 sentence E. I agree some of the trees are outside of the site owned by Gallagher but do influence the site in terms of canopy overhang and root plate space therefore any activity on the site could influence the trees and their health. It is common practice in such circumstances to protect these trees.

Agenda Item 6

Paragraph 3.7. I feel that the level of work taking place at the time the order was raised and nature of ownership of the site raises a sufficient level of concern as to warrant the raising and confirming of this order.

Paragraph 3.6. The raising of the provisional order was carried out under a time pressure due to tree / scrub clearance work being carried out at the time and therefore a detailed inspection of all the trees was not possible at that time. Therefore I would agree with this comment to a degree and have removed some trees within the modified order following their closer inspection.

Paragraph 3.8. All local residents affected by tree contained within this order have been consulted as required under best practice when raising an order. The Council have received no other objections to the order and I feel that all the trees include within the order would have a lengthy period of sustainability some perhaps requiring a sympathetic level of crown management. I also feel that should the site be subject to development at any time in the future all boundary trees would be more highly valued by residents adjoining the site.

Paragraph 3.9, 3.10, 3.11. I agree with these comments to a degree in respect that due to the pressure at of the time the raising of the order in work being carried out on the site the provisional order was raised containing a large amount of Hawthorn within the groups. Many of the groups containing Hawthorn that arguable formed hedges have now altered and more accurately defined down to individual trees within the modified order. The exception to this is Group 7 along the Southern boundary of the site with the Gay Hill Golf Course. This group does contain a percentage of Hawthorn which has been unmanaged for a lengthy period of time and therefore are trees in their own right and add greatly to the cohesion of the group.

Paragraph 3.12. I agree with this comment there are a number of trees that due to the pressure of limited time available to raise the provisional order were plotted slightly inaccurately. Alterations have been made within the modified order to address this issue.

Paragraph 3.13. As previously mentioned the raising of the provisional order was carried out under the time pressure of work being carried out on the site at the time. Therefore while trying to be reasonably sympathetic to allowing what I considered to be a reasonable level of work to continue (i.e. an area order could have been raised which would have stopped all works on the site) but while ensuring that provisional cover was provided for other more valuable trees the group designation was used in some areas where this designation would not be suitable in the longer term. In modifying the order some groups have been defined down to include on specific trees within the new order making it more accurate to administrate over.

Comments On Tree Survey:

T1: Tree was shown in slightly incorrect position within provisional order. Position corrected in modified order

T2: Tree has been crown reduced but is now in good regrowth from all pruning points. It is highly prominent from a number of local properties and site. I would not expect the existing soil level to adversely affect the health of the tree.

T3: High visible tree in good condition.

T4: There is evidence of small long term existing cavity in the buttressing to which the tree has made good reactive wood. Tree is in stable condition with no evidence of excessive decline within crown. Tree would be expected to have a lengthy future life span.

T5: Multi stem in good condition a highly visible tree.

T6: This is a smaller stature tree but in very good condition with a length future life span. Highly visible within site.

T7: Mature showing signs of earlier decline with crown reason unknown. There is good vigour showing throughout the crown beyond the dieback.

T8: Agree with comments in survey and will remove tree from TPO

T9: There are some cavities on some main scaffold limbs but they are long standing and there is good reactive wood being made by the tree. The tree is highly prominent from a number of properties and within the site.

T10: Slight growth habit lean only into site. The tree is highly prominent from a number of properties and within the site.

Agenda Item 6

T11: Canopy overhangs and influences site. The tree is highly prominent from a number of properties and within the site.

T12: Only a very short included bark section that is not likely to compromise the safety of the tree. The tree is highly prominent from a number of properties and within the site.

T17: Tree was shown in slightly incorrect position within provisional order. Position corrected in modified order

T18: Disagree I believe the tree is correctly plotted.

T19, T20 & T21: Disagree I believe these trees are correctly plotted. All these trees are of very good quality and are highly visible within the site.

T22 & T23: Both trees are of very good quality and are highly visible within the site.

T25: Evidence of very small cavity in lower main stem no signs of major decay pocket. Tree is of good form and condition and highly prominent within the site.

T28: There is some slight soil erosion around the buttressing of the tree most likely caused by animal foot fall activity. But not enough to affect stability or health of the tree.

T29: No signs of either the disease or stock damage where found.

T30: Some stock damage and small cavity found on lower main stem but good repair wood being made by tree.

T31: There is some heavy die back in crown and a large wound on the lower main stem. There is no decay found in the wounding on the lower main stem the exposed wood is solid. The crown could be cleaned out and reshaped to improve the quality of the tree and enhance its longer term prospects. The tree is also clearly been used as a shrine with many commemorative items left around the tree.

Group 1: Reassessed and defined now to individual trees within modified order.

Group 2: Reassessed and defined now to individual trees within modified order.

Group 3: Disagree with comment

Group 4: Tree possibly outside of site owned by Gallagher Construction Ltd. But the canopies of trees overhang and influence site. Trees are highly visible from number of local properties and within site.

Group 5: Reassessed and defined now to individual trees within modified order.

Group 6: Disagree with comment trees are highly visible from a number of local properties and within site.

Group 7: Major feature tree line on Southern boundary defines boundary between site and Gay Hill Golf Course. Highly visible from both sites.

Group 8: Reassessed and defined now to individual trees within modified order.

Group 9&10: Disagree with comment trees in both groups are in very good condition and are highly visible from within the site.

Group 11: The majority of the trees in the group are off site but the canopies overhang and influence the site. Brook Cottage B60 1HZ is on the mail list for the order that is clearly the property containing a good proportion of the tree stock in this group. We have received no objection from this property or undelivered and returned notifications. Three standard notices on land where put up to ensure wider advisement of order being raised was available.

Group 12: A large proportion of the trees in the group are off site but the canopies on many overhang and influence the site. The size of group is relevant to ensure tree stock is protected that provides a good level of habitat value and screening value between the local sites / properties and stream line / wetland area.

Group 13: There are trees within the group that ideally need some management but this group is highly visible and relevant in terms of the screening amenity and habitat value it provides to the site.

Group 14: Description appears accurate but I will improve it within the modified order.

Recommendation:

It is my view that the tree stock included within this order offers a high degree of habitat and amenity value to the area and site. I due to the geographical nature of the site and landowner I would have concerns over it potential for future development and the conflict this would undoubtedly bring to bear on the trees. Therefore I recommend to the committee that the order should be confirmed as modified.

Appendices 2. Map and Schedule of Provisional Order.

Appendices 3. Map and Schedule of Modified Order.

Appendices 4. Photographs of Trees.

PLANNING COMMITTEE

2nd March 2015

TREE PRESERVATION ORDER (NO.20)2014 – Trees on land at at Grange Park, Lickey End, Bromsgrove. Worcestershire

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

1. SUMMARY OF PROPOSALS

- 1.1 The Committee is asked to consider the confirmation without modification of Tree Preservation Order (No.20) 2014 relating to trees on land at Grange Park, Lickey End, Bromsgrove, Worcestershire

2. RECOMMENDATIONS

- 2.1 It is recommended that Tree Preservation Order (No.20) 2014 relating to trees on land at Grange Park, Lickey End, Bromsgrove, Worcestershire is confirmed without modification.

3. KEY ISSUES

Financial Implications

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

Legal Implications

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

Service / Operational Implications

- 3.4 The TPO was provisionally made on the 24th October 2014 to protect the tree from being felled. Concerns were raised to a possible intention to fell the tree in view of works being carried out at the property. The trees covered offer a high level of visual amenity to the area (copy of Tree Officer Report attached at **Appendix 1**).

PLANNING COMMITTEE

2nd March 2015

The provisional TPO will remain in force until the 24th April 2015. 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 the landowner of where one of the trees is located..

Appendix 1.

The objection comprises of the following:-

- (1) The landowner was exercising their right to object/appeal in accordance with the Tree Preservation Order legislation.

The Tree Officer responds as follows:-

- (1) This is a mature tree of very high quality and in very good condition. It is highly prominent in the landscaping of the area and therefore offers an exceptionally high level of visual amenity value.

- 3.5 Policy Implications- None
HR Implications- None

Council Objective 4- Environment, Priority C04 Planning

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

Customer / Equalities and Diversity Implications

- 3.7 The customers have been provided with the relevant notification and the responses received are attached in the appendices. The customers will receive notification by post of the decision of the committee.

- 3.8 Equalities and Diversity implications- None

4. RISK MANAGEMENT

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

PLANNING COMMITTEE

2nd March 2015

5. APPENDICES

Appendix 1 – Letter of Objection to the Tree Preservation Order

Appendix 2 – E-mail of support of the Tree Preservation Order

Appendix 3 – E-mail of support of the Tree Preservation Order

Appendix 4 - Letter of support of the Tree Preservation Order

Appendix 5 - Letter of support of the Tree Preservation Order

Appendix 6 - Letter of support of the Tree Preservation Order

Appendix 7 - Letter of support of the Tree Preservation Order

Appendix 8 – Other general letter of representation made

Appendix 9 - Copy of the Tree Preservation Order (20) 2014 made on the
24th October 2014

Appendix 10 – Various photographs of the trees included in the order

Appendix 11 – Tree Officer's report

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

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Appendix 1

Mrs S Sultana
Bromsgrove District Council
The Council House
Burcol Lane
Bromsgrove
Worcestershire
B60 1AA

[REDACTED]
Lord Austin Drive
Marlbrock
Bromsgrove
B601RB

19th November 2014

RECORDED DELIVERY

Dear Mrs Sultana

With regard to your of dated 24th October 2014 and received by myself by way of recorded delivery on the 27th of October 2014.

As is my right as per paragraph 9 of the guide to protected trees document I wish to object/ appeal the decision to grant a protection order for the tree described in your document as T11 Wellingtonia located within the boundaries of my property I have highlighted on the map enclosed

Yours Sincerely
[REDACTED]
[REDACTED]

Appendix 2

Gavin Boyes

From: Rasma Sultana
Sent: 25 November 2014 10:34
To: Gavin Boyes
Subject: FW: Tree Preservation Order TPO(20) 2014
Attachments: Support Let from [redacted] - 18.11.14.pdf

Hi Gavin

Please see below e-mail and letter attached received in support of the TPO for your files.

Thanks

Rash

Rasma Sultana

Legal Officer

Legal, Equalities and Democratic Services

Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

Redditch Borough Council
Town Hall
Walter Stranz Square
Redditch
Worcestershire
B98 8AH

Tel: 01527 881745
Email: r.sultana@bromsgroveandredditch.gov.uk

Tel: 01527 881745
Email: r.sultana@bromsgroveandredditch.gov.uk

Web: www.bromsgrove.gov.uk

Web: www.redditch.whub.org.uk

From: [redacted]
Sent: 20 November 2014 21:18
To: Rasma Sultana
Subject: Tree Preservation Order

Dear Ms Sultana

It has been brought to our attention that a neighbour [redacted] Lord Austin Drive, Grange Park, would like to chop down a tree outside his property - the subject of a tree preservation order which he is appealing. We believe this to be an historic Wellingtonia tree which probably dates back to when Lord Austin owned the land, if not longer. In more recent times one of David Beckham's sons played on a swing hanging from this tree, which is our own little bit of estate history. We are objecting in the strongest possible terms as [redacted] was well aware of this tree's existence when he bought his property. This tree brings delight and pleasure to many of us near neighbours and we would sorely miss it if it disappeared from the landscape.

Yours sincerely

[redacted signature block]

Appendix 3

Gavin Boyes

From: Rasma Sultana
Sent: 25 November 2014 14:34
To: Gavin Boyes
Subject: FW: TPO no 20 at Grange Park TPO (20) 2014

Hi Gavin

Another letter of support for your files.

Thanks

Rash

Rasma Sultana
Legal Officer
Legal, Equalities and Democratic Services Bromsgrove District Council The Council House Burcot Lane Bromsgrove
Worcestershire
B60 1AA
Tel: 01527 881745
Email: r.sultana@bromsgroveandredditch.gov.uk
Web: www.bromsgrove.gov.uk

Redditch Borough Council
Town Hall
Walter Stranz Square
Redditch
Worcestershire
B98 8AH
Tel: 01527 881745
Email: r.sultana@bromsgroveandredditch.gov.uk
Web: www.redditch.whub.org.uk

-----Original Message-----

From: [REDACTED]
Sent: 25 November 2014 12:27
To: Rasma Sultana
Subject: [REDACTED]

Dear Ms Sultana

I live at [REDACTED] Lord Austin Drive and am aware of the tree protection order you have placed on Grange Park. This was not only timely but necessary as I understand the owner of no. [REDACTED] Lord Austin Drive [REDACTED] would like to have it chopped down This is one of the finest trees in Grange Park and must be nearly 100 feet tall and has probably been there for 100 years I have seen the his drive and any disturbance to its surface does not merit such vandalism I understand the Councils expert has put forward a solution which I would expect to be adhered to I trust the Council will act strongly and responsibly here so that this Redwood will be there for another hundred years for future generations to admire.

Yours sincerely

[REDACTED]
[REDACTED]

Appendix H

[Redacted]
Lord Austin Drive
Grange Park
Bromsgrove
[Redacted]
[Redacted]
[Redacted]

26th November 2014

For The attention of Mr Gavin Boyes
Tree Officer
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
B60 1AA

Dear Mr Boyes

Trees on Land at Grange Park

I understand that the deadline date for commenting on the Provisional Tree Preservation Order in effect on the Trees specified on the First Schedule is the 28th November 2014.

I would like it put on record that I support the Board of Grange Park Management Company, in their request that a permanent order should be put in place to protect all the trees on the development. It would be criminal to allow a situation where any resident could decide that a tree should be removed, without regard to the effect it would have on the overall appearance and benefit to the whole of the Grange Park Community.

I trust the Planning Committee will agree to a Permanent Preservation Order being put in place, once the Provisional Order has expired.

Yours sincerely

[Redacted Signature]

Appendix 5

[Redacted]
[Redacted]
Lord Austin Drive
Grange Park
Bromsgrove
B60 1RB
[Redacted]
[Redacted]

18th November 2014

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

L.A.O. Mrs R Suliana

Tree Preservation Order (No20) 2014

Dear Mrs Suliana

I refer to your letter dated 24th October 2014 regarding the granting of a 'Temporary Tree Preservation Order' for Grange Park.

It was a great relief for us and many other Grange Park residents that Bromsgrove Council reacted so swiftly to our request

My wife and I wish to add our support for the 'Formalising' of a permanent Preservation Order for all the trees within Grange Park, particularly the Sequoia Giganteum Redwoods. We consider it would be an act of sheer vandalism if a resident were allowed to bring down any of these magnificent trees.

Yours sincerely

[Redacted signature and name]
[Redacted signature and name]

Appendix 6

Lord Austin Drive,

Marlbrook,

Bromsgrove B60 1RB

25th November 2014

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

Dear M/s Felton

Tree Preservation Order (NO.20) Grange Park

I refer to the recent letter I have received regarding Tree Preservation Orders and Grange Park estate. I am aware and support the TPO's relating to the two trees on my property.

I now understand the reason for the correspondence is because one of my neighbours, [REDACTED] wishes to remove a tree, a Wellingtonia I believe, which is subject to a TPO.

This tree is visible from the front of my house and I would strongly object to its removal. This and the plethora of mature trees on the estate greatly contributes to the attractiveness of Grange Park and I think the only trees that should be removed are those that are either dangerous or diseased.

I also fear if you allow this tree to be felled, you may well be inundated with requests from other Households for permission for further tree removals.

Yours sincerely,

[REDACTED SIGNATURE]

Appendix 7

Lord Austin Drive
Marlbrook
Bromsgrove
Worcs.,
B60 1RB
24th November 2014

Head of Legal, Equalities & Democratic Services
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcs.,
B60 1AA

Dear Sir / Madam,

Re: Tree Preservation Order (No 20) 2014 - Grange Park, Lickey End,
Bromsgrove.

I refer to your recent correspondence concerning the above and in particular to the Wellingtonia in front garden of Lord Austin Drive [redacted] I live directly opposite to No. 28; so have interest into the outcome as to whether the temporary order is made permanent or not.

I am aware [redacted] Lord Austin Drive has written to you objecting to the TPO on said tree in which case I wish to make the following observation: your Mr Gavin Boyes has visited the property and offered a workable and sensible solution to the problem of the tree roots lifting the blocks of [redacted] driveway to which he appears to have ignored and rejected, in addition and on a personal note I believe to fell this magnificent specimen of a tree would be a wanton act of vandalism

I hope the Council act to make the temporary order permanent on all trees identified but in particular this specimen.

Yours faithfully,

[redacted signature]

Appendix 8

Agenda Item 7

Received 11th November
2014

Lord Austin Drive,
Marlbrook,
Bromsgrove,
Worcestershire
B60 1RB

[REDACTED]
[REDACTED]

Your ref: RS/ TPO (20) 2014

November 1st 2014,

Mrs R Sultana,
Principal Solcitor's Department,
Bromsgrove District Council,
The Council House,
Burcot Lane,
Bromsgrove,
B60 1AA.

Dear Mrs Sultana,

Re BDC Tree Preservation Order (no 20) 2014 - Trees on land at Grange Park,
Marlbrook, Bromsgrove – Map area G2

With reference to your letter dated 24th October, I would like to make it clear in writing that the only tree referred to in the order which is on my land, is a sweet chestnut. The other trees listed in your letter as part of G2, are located in the garden of 8, Lord Austin Drive.

Yours sincerely,

[REDACTED] [REDACTED]

Appendix 9

Town and Country Planning (Tree Preservation) (England) Regulations 2012

Town and Country Planning Act 1990

Tree Preservation Order (20) 2014

Bromsgrove District Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation order (20) 2014

Interpretation

- 2.— (1) In this Order “the authority” means Bromsgrove District Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 24th October 2014

Signed on behalf of Bromsgrove District Council



Authorised by the Council to sign in that behalf

First Schedule

Trees specified individually

(encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T1	Oak	398414 – 274460	Front Garden 2 Lickey Grange Drive.
T2	Cherry	398413 – 274455	Front Garden 2 Lickey Grange Drive.
T3	Oak	398426 – 274417	Rear Garden 1 Lickey Grange Drive
T4	Beech	398408- 274412	Rear Garden 1 Lickey Grange Drive
T5	Sycamore	398397 – 274434	Rear Garden 1 Lickey Grange Drive
T6	Sweet Chestnut	398379 – 274450	Rear Garden 4 Lickey Grange
T7	London Plain	398375 – 274451	Rear Garden 4 Lickey Grange
T8	Beech	398408 – 274397	Front Garden 10 Lord Austin Drive
T9	Wellingtonia	398449 – 274358	In Grounds Front of The Grange
T10	Beech	398424 - 274399	In Ground to Side of 10 Lord Austin Drive
T11	Wellingtonia	398553 – 274347	In Front Garden of 28 Lord Austin Drive
T12	Lime	398556 - 274332	In Front Garden of 28 Lord Austin Drive
T13	Wellingtonia	398595 – 274315	In Rear Garden of 28 Lord Austin Drive
T14	Oak	398470 – 274373	On Fence Line Between 14 and 16 Lord Austin Drive to Rear of Properties
T15	Sycamore	398515 – 274362	In Front Garden of 18 Lord Austin Drive.
T16	Oak	398527 – 274359	In Front Garden of 18 Lord Austin Drive.
T17	Sycamore	398506 - 274328	On Fence Line Between 18 and 20 Lord Austin Drive to Rear of Properties

Trees specified by reference to an area

(within a dotted black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
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NONE

Groups of Trees

(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
G1	2 x Beech 1 x Sycamore	398400 – 274423	Land Side of 19 Lord Austin Drive
G2	3 x Sweet Chestnut 4 x Beech 3 x Yew	398370 – 274361	Rear Gardens of 6 & 8 Lord Austin Drive
G3	Group of mixed Species deciduous Trees	398503 – 274412	Linier Feature on Ground Between 6 Lickey Grange Drive And 28 Lord Austin Drive

Woodlands

(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
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NONE



Wendy Stanger

Appendix 10

T1 & T2



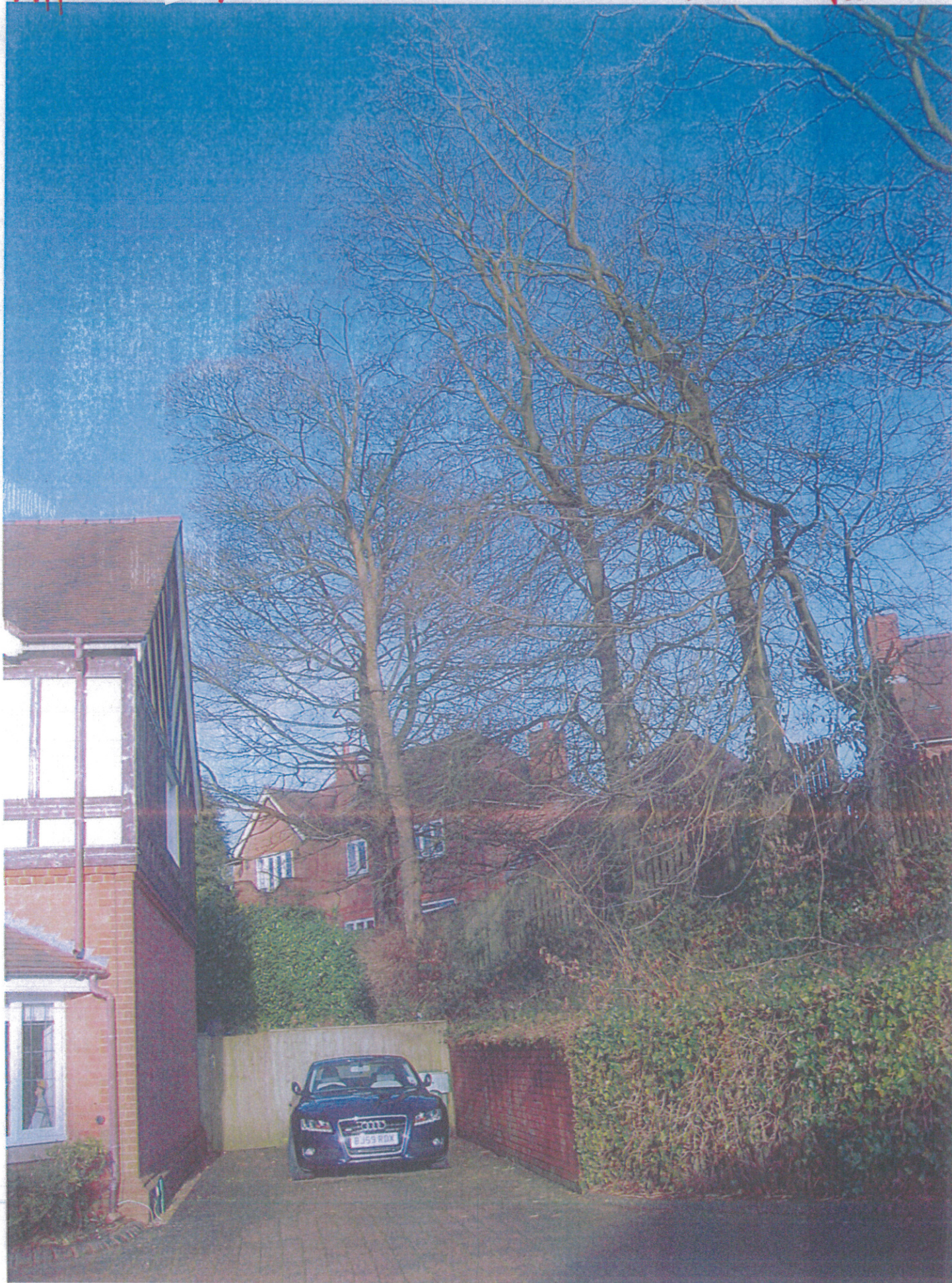


Appendix 10



G-2







APPENDIX 10

• G-3



Appendix 10

T3 & T4





Appendix 10

T9

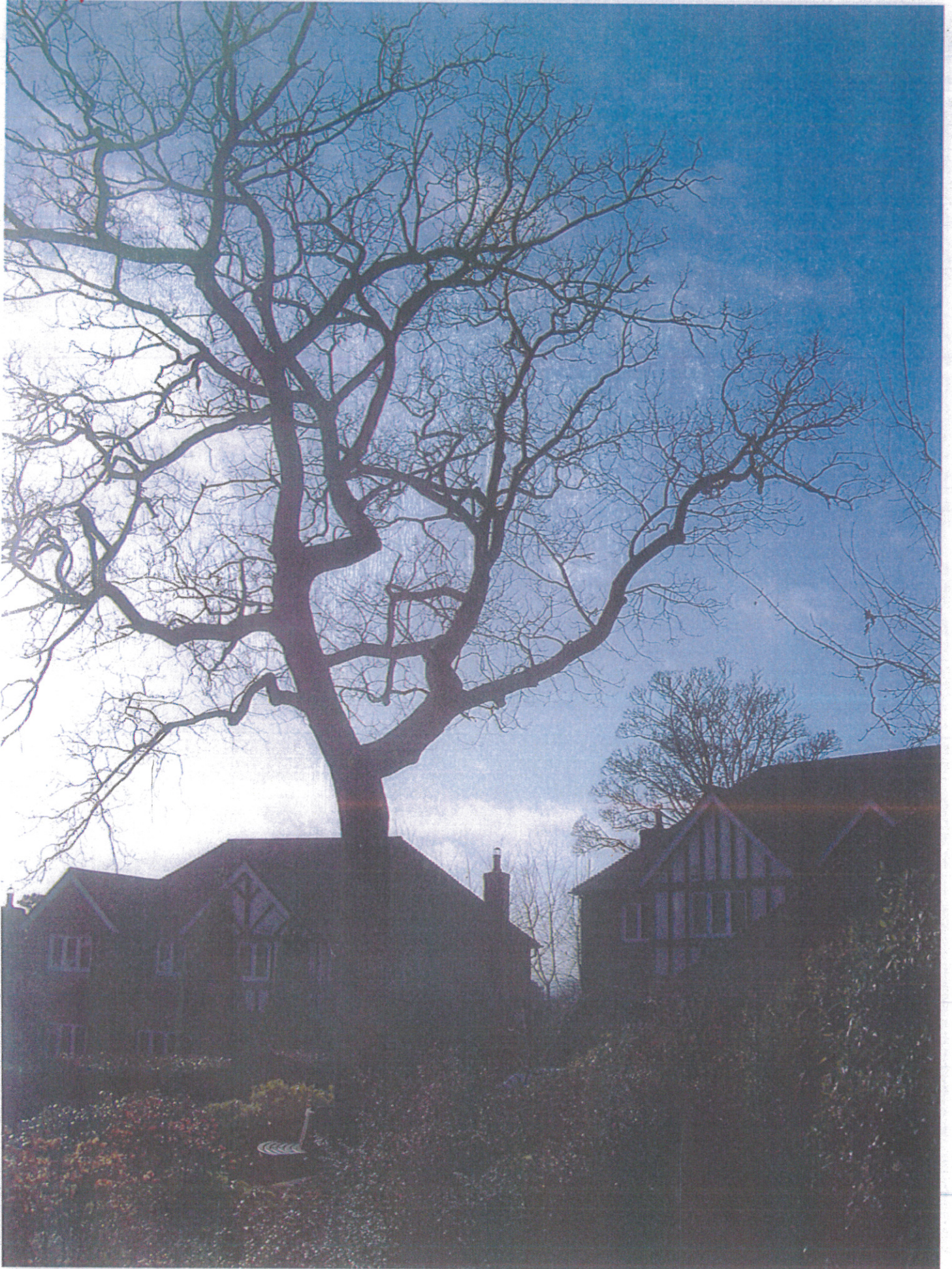




Appendix 10

T14





MEMORANDUM

From:	Gavin Boyes Senior Tree Officer	To:	Kam Sodhi, Rasma Sultana, Vanessa Brown Legal Department Bromsgrove
My Ref:	Bromsgrove District TPO (20) 2014, Grange Park, Lickey.	Your Ref:	Bromsgrove District TPO (20) 2014, Grange Park, Lickey.
Please ask for:	Gavin Boyes	Ext	3094
		Date	30 th August 2013

Re: Request to Confirm The Order

I would like to request at the next available Planning Committee meeting that the committee consider the confirmation of the above order for the reasons outlined below.

Reasons For Proposal

The order was raised on the 24th October due to concerns over the potential risk of a mature high quality and prominent Redwood tree being felled or mismanage by a resident within the estate. The resident concerned was considering carrying out work on the trees due to root damage being caused by the tree to the block paved drive his property. We were advised by the resident of his concerns over this situation and visited the property to inspect the level of damage. It was my view that remedial work was an option to repair the drive and take measure to reduce the likelihood of a reoccurrence of the damage by carrying out selected root pruning and installing a root barrier without it causing any detrimental impact on the tree or requiring its other pruning or loss. These suggestions were been given consideration by the resident concerned but in general conversation with him I still had concerns that felling the tree was also been seriously considered as an option.

In general I feel that the quality and importance of the mature tree stock throughout the Grange Park estate is worthy of tree preservation order protection. Hence the order having being raised to including a wider number of trees than just the tree of initial imminent risk. The site and the tree stock also have historic relevance and importance in that it was originally the home of Lord Austin and the Austin family. I find it surprising that formal protection of the trees within this estate was not raised at the time of the site been developed. The age and positioning of the mature tree stock would indicate that the trees were planted as part the landscape scheme associated with the building of the mansion house on the site.

Representations Received : Objection.**Appendices 1. Email and Letter from [REDACTED]**

Mr Hines wrote highlighting that he wished to object to the protection of T11 Wellingtonia (Redwood) and appeal against the inclusion of this tree which stands within his property as is his right within the Tree Preservation Order legislation.

My Comments.

This is a mature tree of very high quality and in very good condition showing no signs of disease or structural defects. It is highly prominent in the landscaping of the area therefore offers an exceptionally high level of visual amenity value.

Representations Received: Support.**Appendices 2: Email [REDACTED]****Appendices 3: Email [REDACTED]****Appendices 4: Email and Letter. [REDACTED]**

Appendices 5: Letter M [REDACTED].

Appendices 6: Letter [REDACTED]

Appendices 7: Letter [REDACTED]

Other General Representations Received:

Appendices 8: Letter [REDACTED]

Mr Cooper wrote highlighting that the only tree within the curtilage of his property within Group 2 of the order is a Chestnut and that all other trees in the group stand within the grounds of the adjoining property 8.

My Comments.

This is correct but the tree stands close enough to a number of other trees within the grounds of number 8 and in my view it made sense to cover all the trees in the rear gardens of these properties as one group.

Conclusion:

The tree stock on this site and within this order is of very high quality and offers a high degree of visual amenity value to residents and visitors of the estate and area. Much of it has historic relevance having most likely having been planted at the time of landscaping the grounds to the original manor house.

I would therefore recommend and request that at the next convenient planning committee meeting the planning committee agree a confirmation of **Bromsgrove District TPO (20) 2014 Grange Park, Lickey.**

Other Documentation Supplied.

Appendices 9: Copy Of The Provisional Order.

Appendices 10: Photographs Of Trees.

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Enterprise Inns Plc	Building of 7 no terraced houses on rear western car park and opening up of existing driveway on Albert Road to existing car park The Greyhound , 30 Rock Hill, Bromsgrove	22.10.2013	13/0674

Councillor Margaret Buxton has requested that this application is considered by Planning Committee rather than being determined under delegated powers.

RECOMMENDATION: That planning permission be GRANTED

Consultations

Highways Department- Worcestershire County Council Consulted 08.10.2013

No objection subject to conditions addressing access, turning and parking, cycle parking and parking for site operatives.

Community Safety Team Consulted 09.01.2014
No Comments Received To Date

Drainage Engineers Internal Planning Consultation Consulted 09.01.2014

No objections to the proposals subject to the imposition of a condition requesting the submission of full drainage plans.

Worcestershire County Council Education Department Consulted 14.10.2013

The schools which would be affected by the proposed development would include Millfields First School, St John's Foundation Middle School and South Bromsgrove High School. The total education contribution required would be £23,688.

Worcester Regulatory Services- Contaminated Land Consulted 14.10.2013

The site is currently tarmacked which and made ground may be present at the site which both result in contamination. I recommend the full contaminated land conditions be applied should permission be granted.

Landscape & Tree Officer Consulted 14.10.2013

I would have no objection to this application on tree related grounds subject the following conditions.

1. All trees to be retained should be afforded full protection in accordance with BS5837:2012 during any development on the site.

2. A plan showing the tree protection measure should be supplied for the Councils consideration and agreement.

Leisure Services Consulted 14.10.2013

No objection to the proposed development. The total play space contribution required would be £114,464. This contribution would fund improvements to Sanders Park in Bromsgrove.

Strategic Planning- Consulted 14.10.2013

Due to the number of units SPG11 should be applied to this proposal. 8 x 2 bed units generate a requirement for 584m² of play space. A play space of this size generates on-site maintenance costs of £20,557 however as the play space generated is below 1,000sqm an off-site contribution is required. A commuted sum of £156,052 will therefore be required to deliver off-site play space. It is acknowledged that a contribution of this size may impact on viability and therefore it may be appropriate to negotiate a lower contribution.

In conclusion the redevelopment of a brownfield site within Bromsgrove Town is supported. It would help address the need for smaller properties whilst helping to maintain in excess of 5 years supply of housing land in the future. The proposal therefore accords with both adopted and emerging policies.

Drainage Engineers Internal Planning Consultation Consulted 14.10.2013

Whilst I have no objections to the proposals, I would suggest the following condition is attached to a decision notice:

Full drainage plans are to be submitted to and approved in writing by the LPA prior to building work commencing; this is to include ground investigation results. The reason for this is to ensure adequate drainage for the new development and to ensure no increase in flood risk elsewhere.

Publicity

Original Scheme:

5 no. letters of representation, objecting to the proposed development have been received commenting that:

- Car parking is a major problem in the local area, in particular along Albert Road, and the proposed development, including the loss of car parking spaces for the public house and repositioning of the access, will exacerbate this problem causing highway danger;
- The proposed development would materially harm neighbouring amenity and privacy

Councillor Buxton

The Councillor has requested that this application be considered by Planning Committee rather than being considered under delegated powers. The Councillor highlights concerns that the local area is already noted for problems with regard to traffic flow and that the proposal would not only result in the loss of car parking spaces for the public

house but also within the local area which in turn would create further parking and traffic flow issues. With regard to Albert Road, the Councillor has suggested that this road is often difficult to navigate as a result of on-street parking on either side of the road. Whilst the public house was originally accessed from Albert Road, it is presumed that this was closed for highways safety reasons which either still exist or have worsened since its closure.

Amended Scheme:

9 additional letters of representation were received and objections were raised on the following grounds:

- Car parking is a major problem in the local area, in particular along Albert Road and Highfield Road and the proposed development will exacerbate the problem causing highway danger;
- Request that residents only parking scheme is introduced for Albert Road;
- The proposed development would materially harm neighbouring amenity and privacy;
- The proposed development would impact upon the visual appearance of the public house; and
- The proposed development would lead to the overdevelopment of the application site and result in a cramped form of development.

Relevant Policies

National Planning Policy Framework (NPPF)

Bromsgrove District Local Plan 2004 (BDLP):

DS3 Main Locations for Growth
DS11 Planning Obligations
DS13 Sustainable Development
S3 Windfall Policy
S7 New Dwellings Outside the Green Belt
S28 New and Enhanced Community Facilities
TR1 The Road Hierarchy
TR11 Access and Off-Street Parking
ES4 Groundwater Protection
ES7 Sites Suspected of Contamination

Others:

SPG1 Residential Design Guide
SPG11 Outdoor Play Space

Relevant Planning History

No relevant history

Assessment of Proposal

The Site and its Surroundings

The application site comprises the Greyhound Public House (Use Class A4) located to the north western side of Rock Hill/B4094, to the north eastern side of Fox Lane and the south west side of Albert Road, located within the residential area of Bromsgrove as defined on the Bromsgrove District Local Plan Proposals Map. The site is bounded by 2a Fox Lane to the north western boundary and No.'s 1-8 Regent Mews (Albert Road) to the north eastern boundary.

The application site is approximately 0.028ha in extent, and is predominantly an 'L' shaped plot. Currently the site is occupied by a large building which is positioned towards the front of the plot facing onto Rock Hill set within extensive grounds. Towards the front of the plot, to the north east corner of the site is a beer garden with a private courtyard located immediately behind. To the rear of the plot is a large car park/service area which provides parking for approximately 39 vehicles, serviced by an existing access onto Fox Lane.

The proposed development

The application seeks full permission for the consolidation of the existing public house site, and the erection of 7 no. residential units within the curtilage of the public house (to be located to the north west of the site within the existing public house car park) together with associated access and car parking arrangements.

The consolidation of the existing site will include the relocation of the existing public house car park into the private courtyard, to provide 15 parking spaces (one of which will be disabled) and the re-opening of a former vehicular access onto Albert Road to serve this new car park.

The residential development proposed consists of a row 7 no. 2 bed terraced properties sited to the north west of the site within the existing public house car park. Each property will have front and rear gardens and the development will be accessed via the existing access onto Fox Lane. A total of 8 parking spaces are provided, one of which is disabled.

Assessment of the Proposal

The principle issues for consideration in this case relate to the following:

- The principle of the proposed development;
- Whether the proposed development will complement the character of the existing site and surrounding street scene;
- Whether the proposal will impact upon the level of amenity experienced by occupiers of adjacent properties;
- Whether the proposal provides adequate access and parking provision;
- Whether contamination is present on-site;
- Whether the site is at risk of flooding;
- Whether the proposal will impact on existing trees and the landscape; and
- Whether planning contributions are required to mitigate the impact of development

Principle of the proposed development

The National Planning Policy Framework, in paragraphs 47 - 55, sets out the Government's approach to the delivery of residential development.

Paragraph 47 of the National Planning Policy Framework emphasises that local authorities should significantly increase the supply of housing and identify and update a 5-year supply of housing, with an additional buffer of either 5% or 20% depending on local circumstances. The Local Planning Authority currently has a housing land supply of 5.3 years (including a 5% buffer). However, it is important that windfall residential schemes, such as that hereby proposed, continue to come forward as this will help ensure the maintenance of a 5-year housing land supply in the future. N.B. The application site has not been assessed within the most recent Strategic Housing Land Availability Assessment (SHLAA) (May 2014).

Paragraph 49 of the National Planning Policy Framework states that applications for residential development should be considered in the context of presumption in favour of sustainable development.

The application site is brownfield land and is located within the residential area of Bromsgrove Town as defined on the Bromsgrove District Local Plan Proposals Map. The proposed development is for a windfall residential scheme in which case Policies DS3, DS13, S3 and S7 of the Bromsgrove District Local Plan apply.

Policy DS3 of the Bromsgrove District Local Plan advises that Bromsgrove is the most sustainable location in the district and therefore should accommodate the highest proportion of growth.

Policy S7 of the Bromsgrove District Local Plan states that residential development outside the Green Belt will be considered favourably provided that they meet criteria in terms of design, density and layout and generally maintain the form and character of the area, the proposal would not adversely affect the privacy and amenities of the occupants of neighbouring properties, the proposal would not have unacceptable traffic implications or perpetuate a traffic hazard and that the proposal conforms with other relevant policies of the Bromsgrove District Local Plan.

Notwithstanding the above, consideration is also required in respect of the loss of land associated with the public house (but not the building itself), which represents a community facility.

Paragraph 70 of the NPPF states that in order “to deliver social, recreational and cultural facilities and services the community needs, planning policies and decisions should: guard against the unnecessary loss of valued facilities and services” and “ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.”

Policy S28 of the BDLP states that the retention of existing community facilities will be supported providing that there is no conflict with other policies of the Local Plan.

Whilst the proposal would result in the loss of land associated with the existing public house, the proposal would not result in the loss of this community facility. The basic

principle of the proposed development is therefore, considered to be acceptable and would accord with the advice of the NPPF and the provisions of Policy S28 of the BDLP. Worcestershire Highways has raised no objection to the loss of parking for the existing facility.

Layout, Design and Impact on Street Scene

Policy S7 of the BDLP requires development proposals to respect the character and layout of development in the area and be of a density appropriate to the area.

The net site area which covers the proposed dwellings, private amenity space and associated access and turning areas totals 0.15 hectares. The proposal would result in a net density of 50 dwellings per hectare which is higher than the density of the surrounding area. The Local Plan does not specify a minimum or maximum density and neither does the NPPF. These policy documents rely on developments contributing to the character of the area, which in this case will be positively enhanced.

In terms of layout, the immediate locality is characterised by the ad-hoc linear arrangement of Fox Lane with inconsistent building lines, while Albert Road has a more linear arrangement with consistent, established building lines.

The proposed layout of the site is considered commensurate with the immediate locality in that the proposed development will result in a form of development which generally reflects the pattern and form of development surrounding the application site. The residential development proposed consists of 7 residential plots which are all narrow and rectangular with small front gardens and larger rear gardens. The terraced residential block will sit forward of the neighbouring building No. 2a Fox Lane, which adjoins the north west boundary of the site, which is typical of the development pattern to the north eastern side of Fox Lane. Accordingly, it is considered that the proposed layout of the site is acceptable.

With respect to the design of the terraced residential block proposed, it is considered that by virtue of its siting, height, massing and materials, design details and overall appearance that it would be complementary to the character and appearance of neighbouring residential properties within the street scene to Fox Lane and would integrate well with its surroundings.

Accordingly, it is considered that the proposal would make a positive contribution to local character and distinctiveness, in accordance with the advice of the NPPF, the provisions of Policy S7 of the BDLP and the guidance contained within SPG1.

Residential Amenity

In respect of the proposed development, there are no concerns arising with regards to the privacy and amenity of the occupants to neighbouring properties.

With regard to No. 2a Fox Lane adjoining the north west boundary of the application site, the proposed residential block will be located to the south of this neighbouring property. The proposed residential block would sit forward of the adjoining property, by approximately 7m although would not contravene the 45 degree code from habitable room windows located on the front elevation of this neighbouring property. Whilst the proposed block would flank the fenestrated side elevation of No. 2 Fox Lane, sited

approximately 3.6m from the side elevation of the neighbouring property at the closest point and approximately 2.4m from the north-west boundary of the site, given that the fenestration serves a non-habitable room and staircase/landing it is considered that the proposal would not be unduly overbearing in which case would not result in demonstrable harm to the occupants of this neighbouring property in respect of outlook and access to natural day or sun light. With regard to matters of overlooking, and perceived loss of privacy, it is considered that the proposed development would not afford views into the neighbouring property, nor significant views into its rear garden.

In respect to the neighbouring properties located on the south western side of Fox Lane, notably No.'s 14, 16 and 18, the proposed residential block would be located to the northeast, a minimum of 27m away at the nearest point. I consider that this would be an acceptable level of separation, in accordance with the standard minimum separation distance of 21m as per SPG1. It is therefore considered that the proposal would not be overbearing, restrict outlook or levels of access to light or result in direct overlooking of these neighbouring properties.

In respect to the neighbouring properties located to the south western side of Albert Road, adjoining the north east boundary of the application site, the proposed residential block would be located to the south west, a minimum of 25.8m away at the closest point. I consider that this would be an acceptable level of separation that exceeds the minimum standards set out within SPG1.

There are no concerns with respect to the public house and matters of amenity.

In view of the above, I consider that the proposal would not adversely affect the privacy and amenities of the occupants of neighbouring properties in accordance with the provisions of Policy S7 of the BDLP and the guidance contained within SPG1.

In terms of amenity space, the guidance in SPG1 suggests that each dwelling house of 3-bedrooms would require a garden depth of approximately 10.5m together with the provision of at least 70sqm of amenity space, whilst smaller house types would require a garden depth of 10.5m together with the provision of at least 42sqm of amenity space. In this case only 2-bedroom dwellings are proposed. It is proposed that each dwelling would have a garden depth of at least 10.5m and an overall provision of at least 44sqm. This is considered to be satisfactory and be in accordance with the guidance contained within SPG1, and therefore Policy S7 of the BDLP.

Highway and Access Issues

Policy TR11 of the BDLP requires development proposals to incorporate safe means of access and egress and provide sufficient off-street parking in accordance with the Council's adopted standards.

The proposed development includes the consolidation of the existing public house site to include a re-located car park, with a reduction in spaces from 39 to 17 (15 visitor and 2 staff parking spaces) and a re-opened vehicular access onto Albert Road. In addition, the proposed development includes the provision of a parking area to accommodate 8 no. parking spaces (including 1 no. disabled space) and turning facilities to serve the new residential units, with the existing vehicular access onto Fox Lane being retained.

The car parking provision of 1 space per dwelling plus an additional visitor/disabled spaced is in full accordance with the adopted standards of Worcestershire County Council.

The car parking provision associated with the public house is below the threshold required by the County Council parking standards. However, following the submission of suitable evidence by the applicant to justify the reduced parking provision indicated, Worcestershire County Council Highways Department consider this provision to be acceptable.

With regard to cycle parking provision for the residential development, the site plan outlines that provision will be made in the rear gardens in each of the proposed dwellings for a bike store. Whilst details in respect of parking numbers has not been provided , it is suggested that the provision indicated would be likely to comply with the minimum adopted standards of Worcestershire County Council which require to 2 no. cycles spaces for each residential unit, however, it is considered that this provision can be secured by condition. The existing provision of cycle parking for the public house will remain unchanged.

With regard to the re-opening of the vehicular access onto Albert Road to serve the new public house car park, Worcestershire County Council Highways Department consider this access to be acceptable. In addition, there are no concerns with regard to the existing vehicular access onto Fox Lane which wills serve the residential development and deliveries to the public house.

Whilst I note the views of Councillor Buxton, and third parties, on the basis of the above, and subject to condition, Worcestershire County Council Highways Department have raised no objection to the proposed development. It is therefore considered that the proposed development would be in accordance with the provisions of Policies TR1 and TR11 of the BDLP.

Contamination

Worcestershire Regulatory Services have commented that the site could be subject to contamination. As a result they have requested that conditions should be attached to any grant of permission to address potential land contamination. Accordingly, subject to condition, it is suggested that the proposed development would be in accordance with Policy ES7 of the BDLP.

Flood Risk

Policy ES4 of the Bromsgrove District Local Plan states that the Council will not allow development proposals which either individually or cumulatively with other developments, which would result in pollution or derogation of groundwater.

The application site is located entirely within flood zone 1 (low probability of fluvial flooding). While the site does not appear to be susceptible to surface water flooding, surrounding roads including Fox Lane and Rock Hill are susceptible.

North Worcestershire Water Management have been consulted on the application and have raised no objection to the proposed development although have suggested that a condition should be attached to any grant of permission to ensure adequate foul and

surface water drainage for the proposed development and to ensure there is no increased flood risk elsewhere within the local area.

Accordingly, subject to condition, it is suggested that the proposed development would be in accordance with Policy ES4 of the BDLP.

Landscape and Trees

The Council's Landscape and Tree Officer has raised no objection to the proposed development on the basis that all trees within the application that are to be retained are afforded protection in accordance with BS 5387 (2012) and has suggested a condition should be attached to any grant of planning permission to ensure this retention and protection.

Accordingly, subject to condition, it is suggested that the proposed development would be in accordance with Policy C17 of the BDLP.

Planning Obligations

Contributions were initially sought for off-site play space, education and highways improvements. However, on 28th November 2014 the National Planning Practice Guidance (NPPG) was amended to specify when contributions can be sought from developments. In particular, it states:

“Contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm” (paragraph 012, Reference ID 23b-012-20141128)

Therefore contributions can no longer be sought for developments such as this which are of 10 units or less and generate a gross floor area of no more than 1000sqm.

Conclusion

In view of the above, it is considered that the proposed development would be in accordance with the advice of the NPPF, the provisions of C17, DS3, DS11, DS13, S7, S28, TR1, TR11, ES4 and ES11 of the BDLP and the guidance within SPG1.

RECOMMENDATION: That planning 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 Purchase Act 2004

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

Drawing No. 1160-01
Drawing No. 1106-02
Drawing No. 1106-03

Drawing No. 1160-14B
Drawing No. 1160-15B
Design and Access Statement Rev A 12th November 2013
Design Justification 20th November 2013

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

- 3) Details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be subject to the approval, in writing, of the local planning authority before any work on the site commences.

Reason: To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004

- 4) Before the commencement on site of any works which are the subject of this permission, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-

- a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;
- b) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.

The approved scheme shall be implemented within 12 months from the date when any of the building(s) hereby permitted are first occupied. Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site in accordance with policies S7 and C17 of the Bromsgrove District Local Plan January 2004.

- 5) Before any materials or machinery are brought on to the site or any development, demolition, installation of services or site clearance works of any kind are commenced the developer shall erect protective fencing as illustrated by BS 5837:2005 on a line concurrent with the tree protection distances given in BS 5837:2005 and to the specific approval of the local planning authority. The developer shall maintain such fences to the satisfaction of the local planning authority until all development, the subject of this permission, has been completed. No activities on the land within the fenced areas shall be permitted including excavation, changing of levels or disturbance in any way from the passage or storage of vehicles and machinery unless such activity is given the specific prior permission of the local planning authority.

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

- 6) No works or development shall take place until a scheme for foul and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to secure satisfactory drainage conditions in accordance with policy ES4 of the Bromsgrove District Plan 2004.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Classes A, B, C and E shall be carried out without the prior approval of the local planning authority to an application in that behalf.

Reason: To protect the amenities of adjacent properties and maintain the character and appearance of the street scene in accordance with policy S7 of the BDLP.

- 8) The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.

Reason: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway.

- 9) Prior to the first occupation of any dwelling hereby approved secure parking for 2 cycles to comply with the Council's standards shall be provided within the curtilage of each dwelling and these facilities shall thereafter be retained for the parking of cycles only.

Reason: To comply with the Council's parking standards

- 10) The development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision be retained and kept available during the construction of the development.

Reason: To prevent indiscriminate parking in the interests of Highways safety.

- 11) A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk

assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.

- 12) Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
- 13) Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".
- 14) Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
- 15) Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
- 16) 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 (11-16): 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. The NPPF sets out the requirements for dealing with land contamination through the planning system in paragraphs 9, 11, 111, 120 and 121.

Case Officer: Mr Andrew Fulford Tel: 01527 881323
Email: a.fulford@bromsgrove.gov.uk

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr I Dym	Proposed alterations and extension to existing care home, to provide additional bedrooms and amenity space. Breach House Residential Care Home , Holy Cross Lane, Belbroughton, Stourbridge, DY9 9SP	08.09.2014	14/0421

Councillor Margaret Sherrey has requested that this application be considered by Planning Committee rather than being determined under delegated powers.

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Belbroughton Parish Council Consulted 23.07.2014
No objection

Highways Department- Worcestershire County Council Consulted 23.07.2014
No Objection

Landscape & Tree Officer Consulted 23.07.2014
No objection subject to conditions protecting existing trees on site and the provision of a landscaping scheme.

Drainage Engineers Internal Planning Consultation Consulted 23.07.2014
No objection

Publicity:

6 letters sent on the 23rd July 2014 (expired 13th August 2014)
1 site notice posted on the 24th July 2014 (expired 14th August 2014)

Councillor Margaret Sherrey

The Councillor has requested that this application be considered by Planning Committee rather than being determined under delegated powers. She is supportive of the application and has highlighted that there is a need for a greater provision of specialist dementia care within the district.

Relevant Policies

NPPF National Planning Policy Framework

Bromsgrove District Local Plan 2004 (BDLP):

DS2 Green Belt Development Criteria
DS13 Sustainable Development
S6 Special Needs Housing
C17 Retention of Existing Trees

TR11 Access and Off-Street parking

Relevant Planning History

B/12267/1984	Change of use to convalescent and rest home.	Approved
B/14479/1986	Extension to care home	Approved
B/1993/0460	Conservatory	Approved
B/1994/0401	Lounge and bedroom extensions	Approved

Assessment of Proposal

The site and its surroundings

The application site is located in the open countryside and access is gained from Holy Cross Lane via a long drive. The house was formerly a residential dwelling within a farm complex but has been used as a care home for over 20 years.

The proposed development

The proposal is for alterations and extensions to an existing care home to provide 7 additional bedrooms and a lounge. The alternations primarily consist of the demolition of an existing conservatory, a side lounge extension and the raising of the roof along the rear element of the building by 0.6m and the insertion of dormer windows to enable the creation of a number of additional bedrooms at first floor level.

Planning Considerations

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

- (i) Whether the proposal amounts to inappropriate development in the Green Belt
- (ii) If inappropriate, whether there are any very special circumstances to justify the proposal
- (iii) Residential amenity
- iv) Highways and Parking
- v) Street Scene Impact
- vi) Landscape and Trees

(i) Green Belt

The site is located in the Green Belt with the entire area washed over by the Green Belt and there is no village envelope.

It is necessary to consider whether the proposal represents inappropriate development in the Green Belt and if so whether any very special circumstances exist that outweigh any identified harm.

Policies DS2 of the Local Plan are relevant. It is considered that these policies are consistent with paragraphs 79-92 of the NPPF in relation to Green Belt and weight can be attached to them.

Paragraph 89 of the NPPF sets out that planning authorities should regard development in the Green Belt as inappropriate except in a small number of exceptions. One of these exceptions is:

“The extension or alteration of a building that does not result in disproportionate additions over and above the size of the original building”

This is clearly relevant to an application for the extension to a care home. The Council has no local policy defining what a proportionate extension is to a care home but applies a 40% guideline to extensions to single residential dwellings. This is considered to provide a reasonable benchmark of what is proportionate in many instances.

From a site visit and planning history search it is clear that Breach House has been heavily extended previously. The building has already increased in size by approximately 73% above the original floor area of the building. Including the proposed extensions there would be an increase of 116% above the original floor area of the building. The applicant has proposed to demolish a detached garage but removing this area from the calculation still represents a 112% increase. This comfortably exceeds what could be considered to be a proportionate extension. Therefore all of the additional extensions proposed as part of this application would be viewed as a disproportionate addition meaning that the proposal is considered to constitute inappropriate development in the Green Belt.

(ii) Very special circumstances

Paragraph 87 of the NPPF highlights that inappropriate development, is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The applicant has put forward 6 over-lapping issues within the Supporting Planning Statement (December 2014) that purport to be very special circumstances:

1. Employment and ability to visit residents;
2. The need to provide care home accommodation;
3. Care and quality of life for residents;
4. Demolition of existing garage;
5. Design and Care Quality Commission (CQC) Standards; and
6. The role of local authorities and private care providers

I will address each of these matters in turn.

Employment and ability to visit residents:

The applicant argues that the Care Home provides significant local employment and further jobs would be provided if the extension were permitted. No details have been provided of how many jobs would be created but details have been provided of where the 19 current employees live. Of these 19 employees 8 (42%) are from the Belbroughton and Clent area with the remainder from the wider West Midlands region. It would appear unlikely that a development of 7 extra bedrooms would create more than a handful of jobs and based on current proportions over half these employees would be from outside the

local area meaning travel by an unsustainable mode due to the lack of public transport options. It is considered that the economic benefits of the scheme are fairly limited and this benefit is reduced further when considering the unsustainable travel patterns that are likely to increase.

The applicant has also highlighted the benefit of providing an extended care home close to where friends and family of the residents live. Data has been submitted to highlight that of the current residents 10 of 26 (38.5%) came from Belbroughton village. In reality, this data simply highlights that the majority of residents were not local and therefore relatives and friends would need to travel by car from locations such as South Birmingham which is not considered to be sustainable. In addition, even when the residents are local there is no guarantee that friends and family would also live in Belbroughton. Whilst some visitors would travel from Belbroughton it seems unlikely that all family members would live in the village of Belbroughton as this is an expensive village that would be unaffordable to many. It is considered that any expansion of the care home is likely to lead to an increase in travel by an unsustainable mode.

The Need to provide Care Home Accommodation:

The applicant has highlighted that there is a high level of need for the accommodation and has taken statistics from the Worcestershire Strategic Housing Market Assessment (SHMA). This highlights that 21% of the population within Bromsgrove District is over the age of 65. The principle of specialist housing for the elderly is supported within Policy S6 of the BDLP but this states a preference for accommodation to be close shops and public transport. This is clearly not the case in this instance with the development located outside of any defined settlement with no public transport options.

The need for housing for the elderly is not disputed, however the National Planning Practice Guidance (NPPG) states:

Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt. (Paragraph: 034, Reference ID: 3-034-20141006)

It is therefore considered that this issue does not amount to a very special circumstance, which is backed up by a recent appeal decision within the district at Leys Residential Care Home (APP/P1805/A/14/2225986). Whilst the Inspector acknowledged that there was need for specialist elderly accommodation this do not clearly outweigh the harm to the Green Belt.

In addition, The Council is seeking to address the need for elderly accommodation through key development sites that are outside of the Green Belt in sustainable locations. For example, there is a current planning application at Recreation Road, Bromsgrove (14/0821) for a development of an 81 bed care home, 66 extra care apartments and 26 age restricted apartments. In addition a 200 unit extra care facility is proposed on the Perryfields Road site as part of a much larger allocation under Policy BDP5A within the Proposed Submission Version of the Bromsgrove District Plan. An outline planning application is expected on this site shortly.

Care and quality of life for residents:

The applicant highlights that the proposed extensions will allow greater room for wheelchairs and hoists which would allow residential to stay in the residential care home for longer, rather than moving to a nursing home. In addition the applicant states that a rural setting is beneficial to dementia patients as it is quiet and therapeutic.

It is not disputed that these are benefits for residents, although the applicant points out that the care home already has an excellent reputation and the CQC do not appear to have any concerns currently. So whilst the improvements are beneficial to residents they are not considered to be essential as residents already receive a good level of care.

Demolition of existing garage:

The applicant believes that removing an existing garage can improve openness and would amount to an acceptable 'trade' for the proposed extensions. The garage in question covers 23sqm and is insignificant in scale when compared to the extent of the previous and proposed extensions to the care home. For example, when including the existing and proposed extensions the building would increase in size by 116% above the original floor area. Taking into account the removal of the garage, this drops to an increase of 112%. Extensions that would over double the size of the original dwelling are considered to be disproportionate. The loss of the garage is considered to be inconsequential in relation to the scale of the development proposed.

Design & CQC Standards:

The applicant has set out that several lounge spaces are required so that any individuals of a contentious nature can be separated for the well-being of residents and the additional space is beneficial to wheelchair bound patients. This clearly overlaps with the previous issue put forward regarding the 'care and quality of life for residents'. Whilst more space is obviously a benefit for residents, it is important to note there is currently a large lounge, a lounge/family room, dining room and conservatory. It is considered that there is sufficient room for the number of residents and it should be emphasised that there is no evidence to suggest that the CQC have raised any concerns over the amount of lounge space currently provided.

The Role of Local Authorities and Private Care Providers:

The applicant states that local authorities are increasingly closing local authority run premises and passing the burden to the private sector. No evidence has been provided of any care homes closing within the district and the Council is seeking to expand the provision of accommodation for the elderly on the sites mentioned previously in this report.

The applicant also highlights that funding for care places by local authorities is capped and so a mix of local authority and private residents provides the best business model but this ratio is often out of the control of the care home. They go on to question the viability of the business in the short to medium term. It is of note that a 5 year Business Plan was produced by the applicant that stated that the extensions were necessary to maintain the viability of the business. The Council employed an independent consultant to review the

Business Plan and he concluded that the business was viable in its current form. It is therefore considered that there is not currently a viability argument that can be used to add weight in support of the application.

Summary of Very Special Circumstances Case

A range of factors have been put forward by the applicant that can generally be summarized as the high level of need for specialist care, improving care for current residents, economic benefits, viability and the removal of a garage. Whilst some of the factors are considered to be benefits of the scheme these benefits are not significant, particularly when considering the wording within Paragraph 034 of the NPPG (Reference ID: 3-034-20141006). In summary, it is considered that neither individually or cumulatively the factors put forward do not amount to very special circumstances that clearly outweigh the harm to the Green Belt. The proposal is therefore contrary to policy DS2 of the BDLP and the NPPF.

(iii) Residential amenity

Whilst Breach House is in a rural location it is surrounded by a small number of residential dwellings, many of which are converted barns. The most notable change is the introduction of dormer windows on the western elevation of the building. However, the windows are positioned so that they do not directly overlook land within the curtilage of the attached barn conversion. The height of the building has been raised by 0.6m from 5m to 5.6 in height. This is not considered to be over bearing or cause a loss of light in relation to the dwellings to the east and west of the site. The single storey side extension is 11m from the side elevation of the nearest property ensuring that proposal has no undue amenity impact.

Overall, it is considered that the proposal would have no significant amenity impact on the occupiers of adjacent dwellings in accordance with policy DS13 of the BDLP.

(iv) Access, highways and parking

The site provides ample parking for staff and visitors and the proposal does not lead to a loss of parking spaces. No objection has been raised by the Highways Authority. The proposal therefore accords with policy TR11 of the BDLP.

(v) Street Scene and Design

Breach House is a heavily extended former farmhouse that is situated at the end of a long drive which is 87m from Holy Cross Lane. The single storey side extension is subservient to the main building and modest in size. The raising of the rear section of roof and the insertion of modest dormer windows do not have significant impact on the external appearance of the building. The proposal is not considered to detract from the appearance of Breach House or the character of the local area in accordance with policy DS13.

Vi) Landscape and Trees

There are a number of high quality trees within the grounds of Breach House, the trees immediately adjacent to the proposed extension have already been recently felled. They do appear, however, to have been species and specimens of limited amenity value. The Tree Officer notes that the remaining trees on the site are all sufficiently far from the proposed extension that they should not be affected provided that they are their root systems are protected by suitably located protective fencing in accordance with BS5837. No objection has been raised subject to the imposition of conditions. The proposal therefore accords with policies C12, C17 and DS13 of the Bromsgrove District Local Plan January 2004.

Conclusion

The proposal is acceptable in terms of its impact on residential amenity, street scene, landscape and highways. The proposal represents inappropriate development in the Green Belt which by definition causes significant harm to the Green Belt. There are not considered to be any very special circumstances that clearly outweigh this harm. The proposal is therefore contrary to Policy DS2 of the BDLP and the NPPF.

RECOMMENDATION: That planning permission be **REFUSED**

- 1) The proposed extension results in a disproportionate addition to the building and therefore does not fall within any of the categories of appropriate development specified at Policy DS2 of the Bromsgrove District Local Plan 2004 (BDLP) or at paragraph 89 of the National Planning Policy Framework 2012 (NPPF). Thus, the building constitutes an inappropriate form of development in the Green Belt which harms the Green Belt by reason of inappropriateness and harms the openness of the Green Belt. No very special circumstances are considered to exist that would clearly outweigh the identified harm to the Green Belt.

Case Officer: Mr Andrew Fulford Tel: 01527 881323
Email: a.fulford@bromsgrove.gov.uk

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
McCarthy And Stone Retirement Lifestyles Ltd	Demolition of existing buildings and creation of new access road, erection of 35 no retirement living housing (category II type accommodation), including provision of communal facilities, landscaping and car parking. Erection of 3 no retirement bungalows and 2 no retirement houses, new community sports pavilion including resurfacing of existing club car park, 15 public car parking spaces and emergency vehicle access point. Land At 2 And 2A And Part Of Alvechurch Cricket Club, Birmingham Road, Alvechurch	10.03.2015	14/0952

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Alvechurch Parish Council Consulted 16.12.2014

Alvechurch Parish Council objects to the proposal on the following grounds:

- o Parking: there is insufficient parking for residents, visitors, the Cricket Club and the public and any public parking cannot be policed.
- o Access: access to the Wiggin Memorial Field would be restricted in terms of pedestrian entrance and traffic access. There is a pedestrian crossing at the entrance and that combined with the traffic from the service road would be a safety issue particularly during school start and end times. From the original idea it was understood that design would be an in and out traffic flow giving better and safer access to the site which has not been realised in this application.
- o Design: the application was believed to be too excessive, too high and can potentially spoil the character of the village, and it was felt that it could be revised to a less obtrusive development. Over development of the site is not in keeping which 2 Birmingham Road formerly the Veterinary Practice was perceived to be.
- o Clubhouse: this was felt to be a definite asset but not at the expense of loss of Green Belt.
- o It was felt that the existing building at 2 Birmingham Road is more in keeping with the Village Design Statement.
- o Green Belt: the application falls against this Council's principles on Green Belt and it was considered that no building should take place until the Green Belt review. This application was considered not to show any special circumstances to change that view. It is understood that this land will be brought forward in the Green Belt

review however Councillors views expressed that no land should be released until the Green Belt review.

APC are not against retirement housing on this site when applicable. The proposal was introduced in March 2014 and indicated that there would be a wide range of community benefits, this development however only shows a small number of benefits to the community and not enough to give the application special circumstances, even though a new building for the Cricket Club has advantages.

It was felt that a BDC Green Belt review has gone on far too long and could have been useful in this issue.

Highways Department- Worcestershire County Council Consulted 16.12.2014

Whilst a TA/TS is not expressly required for a development of this scale, the document itself falls short of the requirements of a TS in any event. I am satisfied that for a development of this scale that only a few key issues need to be addressed, but I will make wider comments as the applicant appears to be wanting to rely on this.

- The document only considers vehicle impact and it should fully exploit sustainable modes of transport as the primary means of access to the site.
- Accident analysis is not provided.
- No drawing of the visibility splay is provided.
- No reference is made to local or national policy.

Notwithstanding the above the following issues need to be addressed.

- The visibility splay is referred to but is not demonstrated, the applicant has decided to project the visibility splay away from the kerbline and references manual for streets, however an inconsistent approach is taken and the reasoning is not justified.
- The access is unacceptably large and creates a significant break to the pedestrian footway. This is required due to the excessively large access road. It is not clear if this access road is proposed to be dedicated as highway. The access design needs to be reduced in scale and made more suitable for a slow speed environment. The proposal does not assist pedestrians on Birmingham Road or encourage pedestrian access to the application site.
- The car parking provision for the C2 element should not exceed 13 spaces, 2 disabled spaces and 1 ambulance space. The applicant has proposed a number of public car parking spaces, there is no need for these spaces and they encourage car trips and there is no development linked to them, by definition these do not promote sustainable development. No cycle provision is made at the C2 unit which is a policy requirement.
- There is an emergency access provided, it is not clear why this is needed or where it goes. Clarification is sought here.
- The standalone dwelling houses need to provide sheltered and secure cycle parking spaces

Plan reference

- The applicant should give consideration to LTN 2/95 which indicates that there should be a minimum of 20m separation between a road junction and a signal controlled crossing.

This application fails to accord with national and local requirements and the application appears to rely on a transport assessment which doesn't cover key issues of pedestrian safety and vehicle access. The unsuitable design combined with the proximity of a controlled crossing result in a severe impact on the highway network particularly for pedestrians. Whilst it is accepted other matters could be resolved the applicant has not sought to exploit sustainable transport opportunities. The application is there contrary to the adopted local transport plan and paragraph 32 and 35 of the National Planning Policy Framework.

Landscape & Tree Officer Consulted 16.12.2014

No objection to the proposed development in view of any tree related matters subject to conditions protecting existing trees, enforcing no dig methods of construction and the provision of arboricultural method statement.

Leisure Services Consulted 16.12.2014

The following comments have been raised:

- The management plan for the open space should include a 20 year maintenance programme to include the continual management and eradication of the Japanese Knotweed
- Any POS to be managed and maintained by Management Company
- Car parking allocation is limited for the Cricket Pavillion and should be increased, or arrangements provided for shared use of car parking spaces provided on new development. This to be shown and referred to within the documentation for the development.
- Concerns are raised over the presence of the emergency access which leads into the playing fields. Currently there is no road or path that could be used vehicles in emergencies.
- Financial contribution of £34,127 is sought to mitigate for the increased usage of Wiggins Memorial Playing Fields. The money would provide for a new 250m footpath, 4 benches and 2 bins.

Strategic Housing Consulted 16.12.2014

Requirement for 40% affordable housing to be provided for this development.

Strategic housing broadly accepts the reasons for the applicant not to mix affordable housing in the main block of flats however it does feel that consideration could be given to low cost discounted sale units thus widening accessibility to this type of accommodation and would add to the provision of affordable housing.

It is requested that the 5 dwellings on-site are affordable and off-site contribution is provided that is equivalent to a further 11 dwellings. This equates to £909,700.

The age restriction on the 3 bed dwellings is not supported. This would lead to under-occupation if they were affordable units.

Drainage Engineer Consulted 16.12.2014

The site boundary shown on the plans is only up to the bank of the stream and a metal railing fence is shown on one of the plans. I would like to enquire as to whether this is entirely correct as under 'normal' circumstances, landowners own up to the centre of the stream. If land ownership is to the centre of the stream, then I have concerns that this fence may prevent maintenance of the watercourse and would ask that a gate is installed to allow for access.

No objection subject to conditions requesting details about the attenuation tank and methods of drainage.

Conservation Officer Consulted 16.12.2014

The proposed development, particularly the three storey retirement flats and 2 storey club house, due to their scale and massing will detract from the rural setting of this part of the Conservation Area. The retirement flats in particular being significantly larger, in terms of height and mass, than the surrounding buildings. The architectural treatment is also poor.

I am therefore of the opinion that the proposed development would have a negative impact on the character and appearance of the Conservation Area, as well as the setting of the listed buildings in Meadow Lane. This would be contrary to the statutory requirements contained in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as the policies in the BDLP 2004, and the draft policies in the new plan.

The application should therefore be refused.

Natural England Consulted 16.12.2014

No objection

Urban Designer- Joe Holyoak Consulted 16.12.2014

The principles of the proposal are acceptable. But the architectural expression of the main building is inadequate, and needs serious rethinking. There are other design issues where improvement can be made. The existing house on Birmingham Road is worthy of retention, and should be retained within the development.

NHS England Primary Care Arden, Herefordshire & Worcestershire Consulted 16.12.2014

No objection

A financial contribution could not be justified in this case.

Sport England Consulted 13.02.2015

Whilst the proposed development may not have any direct physical impact on the adjacent cricket pitch, consideration of the impact of the existing cricket use on the proposed residential development needs to be made.

It is acknowledged that the application proposes protective netting along the southern boundary of the cricket pitch to prevent balls entering the proposed development. This in theory will help to avoid future conflict between the two uses, such as potential personal injury and damage to property. However it is not clear how the necessary height and coverage for the proposed netting was calculated or if a risk assessment has been undertaken. Therefore it is not clear whether or not the netting proposed will be adequate to protect the proposed residential uses. It is therefore recommended that the applicant address these queries.

Furthermore the application states that the netting should be erected on the poles by the club before matches. It does not seem reasonable for the club to have to do this. There are various netting systems available which do not need erecting on fixed poles before each game and would be less onerous to the club. The proposed netting solution should be discussed with the club (if this has not already been done) and the ECB.

I am keen to avoid a situation in the future where residents of the proposed development make complaints about the cricket club and the club itself has to invest in further protective measures or in the worst case that use of the cricket field is reduced because of any conflict.

It would also be useful to understand how the lease/ownership of the pavilion is intended to operate (to ensure the cricket club have future security to use the pavilion), who will have use of the pavilion, and at what times the pavilion and car park will be available for the cricket club or for wider community use (if that is what is intended). This is to ensure that successful operation of the cricket club in the future.

Sport England recommends that the LPA requests further information from the applicant addressing the questions raised in this letter. This additional information will help to clarify the outstanding issues and allow Sport England to recommend appropriate condition(s) if required.

Publicity:

61 letters sent on the 16th December 2014 (expired 6th January 2015)

3 identical site notices posted on the 6th January 2015 (expired 27th January 2015)

1 press notice published (Redditch Standard 9th January 2015 (expired 23rd January 2015))

A number of responses have been received in relation to the application and they are a mixture of both support and objection.

10 letters of support have been received and they address the following issues:

- Development provides much needed parking;
- New cricket pavilion could become community hub;
- A second access to the park is needed;
- Development is essential to create a sustainable future for the local sports clubs;
- The loss of scrubland is a benefit as it is unmaintained, over grown and used for fly tipping;

- Proposals should be approved now to prevent more harmful development through the Green Belt Review in the future;
- Changing facilities would be used by those using Wiggins Memorial pitches ensuring that these pitches are better utilised;
- No evidence that the GP or dentists are overstretched;
- There would be no pressure on school places;
- Development would lead to extra expenditure in village shops and services;
- The provision of much needed elderly housing and will free up family homes in the village;
- An increase in the rabbit population has damaged lawns, gardens and wildlife;
- Other development types would have worse consequences;
- Would lead to an improvement in appearance in comparison to the former vets, MOT garage and scrubland; and
- The community hub would benefit community spirit and keep people active improving their health and well-being

5 letters of objection have been received highlighting the following considerations:

- There would be a loss of Green Belt;
- No community benefit;
- Increased pressure on health and social care infrastructure which is already stretched;
- Increased congestion and risk of accidents;
- Development will not benefit most elderly people as it is over-priced;
- Impact on character of the village as 3 storey building is out of character and eyesore;
- Land is important wildlife habitat;
- Loss of privacy for neighbours;
- The car park is too small and would lead to overspill on the Birmingham Road;
- Development would cause harm to the conservation area;
- There may be anti-social behaviour in the car park if used by customers of the Red Lion pub;
- Changing rooms are too far from the football pitches;
- Development is visually intrusive and leads to a loss of view for some occupiers of adjacent dwellings;
- Emergency exit through playing fields is inappropriate;
- No need for the accommodation in Alvechurch;
- Concerns raised over the relationship between McCarthy and Stone and the cricket club;
- The council has a 5 year land supply so there is no pressure to release land for housing;
- Premature to release Green Belt site prior to the Green Belt Review; and
- Increase risk of flooding from River Arrow

Other comments have also been raised as follows:

- Sound proofing is required for the cricket pavilion as events are noisy;
- Evening opening hours should be restricted to 11pm for the cricket pavilion; and
- The cricket club should no longer be allowed a marquee for events

Relevant Policies

NPPF National Planning Policy Framework

Bromsgrove District Local Plan 2004 (BDLP):

DS2 Green Belt Development Criteria
DS13 Sustainable Development
S7 New Dwellings Outside the Green Belt
S8 Plot Sub-Division
S35A Development in Conservation Areas
S36 Design of Development in Conservation Areas
TR8 Off-Street Parking Requirements
C17 Retention of Existing Trees
SPG1 Residential Design Guide

Relevant Planning History

No relevant history

Assessment of Proposal

The Site and its Surroundings

The application site is located on the edge of the settlement of Alvechurch and is bounded by residential development to the south, east and south-west. The Wiggins Memorial Playing Fields is located to the north east and the cricket ground abuts the northern boundary. The site consists of a residential dwelling (2 Birmingham Road), an MOT testing centre, entrance drive and car park of the cricket club and the cricket pavilion. An area of scrub land is also included at the rear of the site.

The Proposed Development

This application seeks to demolish the MOT garage, No. 2 Birmingham Road and the existing cricket pavilion. In place of these buildings the following is proposed:

- 3-storey building containing 35 age restricted retirement apartments with associated private amenity space, parking and communal facilities;
- 2 x 3 bed 2 storey age restricted dwellings;
- 3 x 2 bed age restricted dormer bungalows;
- A new 2 storey cricket pavilion; and
- 15 public car park spaces

Planning Considerations

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

- i) Whether the proposal amounts to inappropriate development in the Green Belt
- ii) If inappropriate, do very special circumstances exist to clearly outweigh the Green Belt harm
- iii) Residential Amenity
- iv) Street Scene & Character Impact
- iv) Access, Highways & Parking
- v) Ecology
- vi) Landscape and Trees;
- viii) Impact on the Sports Use; and

viii) Planning Contributions

i) **Green Belt**

The five detached dwellings and 12 of the public parking spaces are located outside of the Green however the proposed block of retirement apartments associated parking and the new cricket pavilion are located within the Green Belt.

Policies DS2 of the Bromsgrove District Local Plan and paragraph 89 of the NPPGF set out the exceptions to inappropriate development. The proposal of a development of 35 retirement apartments does not fall within any of the exceptions listed. This element of the proposal is considered to be an inappropriate form of development in the Green Belt, it is important to note that this is not disputed by the applicant. The applicant will therefore need to demonstrate that there are very special circumstances to clearly outweigh the harm to the Green Belt.

In addition to harm by definition it is also necessary to consider whether the proposal causes harm to any of 5 purposes of including land within the Green Belt.

Checking unrestricted sprawl:

It is considered that the proposal would lead to an element of sprawl into the wider countryside surrounding Alvechurch as a large 3-storey building is proposed on an area of currently undeveloped land.

Preventing neighbouring towns from merging:

The proposal would not lead to Alvechurch merging with any settlement.

Safeguarding the countryside from encroachment:

The proposal involves the development of a 3 storey development on previously undeveloped land, therefore ensuring that there is encroachment into the wider countryside on the periphery of Alvechurch.

Preserving the setting and special character of historic towns:

Alvechurch is an historic settlement and the site lies adjacent to the Alvechurch Conservation Area. The Councils Conservation Officer has highlighted that the proposal causes significant harm to the setting of the Conservation Area.

Assist in urban regeneration:

By definition the development of greenfield land on the edge of Alvechurch does not assist in urban regeneration. If development occurred, investment is potentially being drawn away from derelict sites within the Major Urban Area to develop this primarily greenfield site.

In summary, in addition to the harm by definition the proposed apartment building causes harm to 4 of the purposes for including land within the designated Green Belt. It is therefore considered that the proposal causes substantial harm to the Green Belt.

As stated above, the sports pavilion and community hub building are also located within the designated Green Belt. Policy DS2 permits essential facilities for outdoor sport and recreation and paragraph 89 of the NPPF has a less stringent approach by stating that

appropriate facilities for outdoor sport and recreation are an exception to stringent Green Belt policy. Both emphasise that any proposals must maintain the openness of the Green Belt.

In this case it does not appear the proposal falls under this category as the building is described as a community hub. The plans show a large function room covering 107sqm which will potentially have many uses for the local community that are not associated with outdoor sport and recreation. It is therefore considered that this element of the proposal also amounts to an inappropriate form of development in the Green Belt.

Some respondents have referred to the Council's intention to undertake a Green Belt Review and the potential for this site to be removed from the Green Belt via this process. The proposed Submission Version of the Bromsgrove District Plan in policies BDP3 and BDP4 states that the Council will undertake a Green Belt Review to identify additional land for housing and this would be completed prior to 2023. This Review has not yet been begun and it is premature to assume that any site may or may not be removed from the Green Belt via this process. It is considered that the Council's intention to undertake a Green Belt Review is not key factor in the determination of this application. Although, granting consent for major developments in the Green Belt is premature in this regard and potentially ad-hoc development control decisions could undermine this strategic Green Belt review process.

ii) **Very Special Circumstances**

The applicant has put forward 4 very special circumstances that can be summarised as follows:

1. The lack of suitable and available sites for the development of sheltered housing within Alvechurch
2. The critical need for sheltered accommodation for the elderly
3. The development doesn't conflict with the purposes of Green Belt designation
4. Community benefits including a new sports pavilion, improved access to the park and additional public parking spaces

Each of these circumstances will be addressed in turn below.

Site Availability

The applicant has commissioned Darren Blower Estate Agents to assess alternative sites for their potential for retirement housing. 11 sites were considered and discounted for a variety of reasons including ownership constraints, size, Green Belt and lack of footpaths and street lighting. The validity of the report by Darren Blower Estate Agents is not queried however the need for elderly accommodation is district wide and there is no evidence that a site must be developed in the Green Belt around Alvechurch at the current time.

Need for Sheltered Accommodation

It is acknowledged that Bromsgrove District has an aging population and there is a need elderly accommodation. The Council is seeking to address this need through key development sites that are outside of the Green Belt. For example, there is a current planning application at Recreation Road, Bromsgrove (14/0821) for a development of an

81 bed care home, 66 bed extra care apartments and 26 age restricted apartments. In addition a 200 unit extra care facility is proposed on the Perryfields Road site as part of a much larger allocation within Policy BDP5A of the Proposed Submission Version of the Bromsgrove District Plan. An outline planning application is expected on this site shortly.

Regardless of the extent to which housing needs for the elderly are being met in the District the National Planning Practice Guidance (NPPG) in paragraph 034 (Ref ID: 3-034-20141006) emphasises that:

"Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt."

It is also important to note that the Council currently has a 5.3years supply of housing land (January 2015). This adds further weight against the need to release land from the Green Belt for housing.

Doesn't Conflict with the purposes of Green Belt Designation

In the above section it concludes that the site conflicts to a certain degree with 4 of the 5 purposes of including land within the designated Green Belt. This is not therefore considered to be a benefit of the scheme that can contribute towards a very special circumstances case.

Community Benefits

The main community benefit is linked to the new cricket pavilion which is described as a community hub building. This new structure is in itself an inappropriate form of development that adds to harm of the Green Belt caused by the apartment block.

It is understood that a legal agreement is being progressed between the Alvechurch Cricket Club, the Parish Council and Alvechurch Lions to secure the communal use of the building. Although at the current time details of this have not been provided as to how this is progressing and how shared facility would be used in reality. Alvechurch Lions is a youth football club with teams in different age categories and it is understood that they would have access to the changing facilities. It is considered that currently further information is required to understand how the new facility would be successfully shared in perpetuity.

A large function room is proposed within the building. No details of how this would be made available to the community have been provided. It is assumed that it would be available for hire for functions in a similar manner to the existing smaller function room within the current cricket pavilion.

It is noted that additional parking facilities have been provided however there is no evidence to suggest that they are needed to support the Parish Council owned Wiggins Memorial Playing Fields. This could be described as a local facility that would be primarily be used by residents of Alvechurch, who in the main would live within a reasonable walking distance. In addition the Council's Highway Engineer had objected to the provision of the additional parking as it would encourage unsustainable travel patterns.

Whilst the scheme does appear to provide some benefits they are not considered to be substantial.

Conclusion

When considered individually or cumulatively it is not considered that the very special circumstances put forward by the applicant clearly outweigh the substantial harm to Green Belt. The proposal is therefore contrary to Policy DS2 of the BDLP and paragraph 89 of the NPPF.

iii) **Residential Amenity**

The development is bounded by residential development on 2 sides primarily to the south and east. Properties on Meadow Lane, Birmingham Road and Red Lion Street directly adjoin the application site.

The property most affected by the application is No. 54 Red Lion Street. A new 2-storey dwelling is proposed adjacent to No. 54 and 3 bungalows are proposed adjacent to the rear garden of this property. 2 of the 3 Bungalows are within 1m of the side boundary of No. 54 and the third retains a separation distance of 2m. Whilst, it is acknowledged that the current MOT garage is in a similar location this currently retains a distance of 3.5m to the side boundary and is a single storey building. These bungalows are 6.2m in height and would have an overbearing impact on the adjacent property which would severely impact upon amenity levels experienced by the occupiers of no. 54.

The 3-storey apartment building is at the nearest point within 12m of the boundary of properties on Meadow Lane. SPG1 would normally expect 5m per storey to prevent overlooking and in this case 15m would be required. However, the properties on Meadow Lane have rear gardens that are 60m length and therefore it is not considered that there would be a significant amenity impact on the occupiers of the properties on Meadow Lane.

The proposed new pavilion is in the same place as the existing but is 2-storey in height. A distance of 14m is retained at the nearest point to the rear boundary of No. 6 Birmingham Road. This exceeds the requirements within SPG1 and is therefore sufficient to ensure that there is no significant loss of privacy for the occupiers of No. 6 Birmingham Road.

12 public car parking spaces are provided adjacent to the side boundary with No.4 Birmingham Road. There would appear to be no restriction as to when these parking spaces could be used. It is therefore realistic that there could be vehicle movements associated with these spaces late in the evening, particularly if there is a function at the cricket club. Currently this area provides the rear garden to No. 2 Birmingham Road and therefore this change would increase the level of noise and disturbance throughout the day and evening having a significant impact on the amenity levels experienced by the occupiers of No. 4 Birmingham Road.

It is also important to consider the amenity levels that would be experienced by both the occupiers of the proposed apartments and dwellings. The apartment block contains 35 individual private apartments which provide sufficient access to natural light as well as a communal lounge and garden area located in the north east corner of the site. This

would provide a pleasant private space for residents to enjoy. Sufficient amenity space is also provided with the 2 dwellings that front onto the Birmingham Road to comply with SPG1. However, concerns are raised in relation to the bungalows, particularly plots 3 and 4. The 3 bungalows each have between 39 and 49sqm of private amenity space which is at the lower end of what could be considered acceptable however it is acknowledged that these bungalows are not family homes and would not be occupied by children. Of greatest concern is the close relationship between the bungalows of just 6.5m. In the case of plots 3 and 4 the main window into the living room is 6.5m from a 6.2m high blank elevation of the adjacent bungalow. This is considered to have an overbearing impact on the occupiers of plots 3 and 4 and would greatly reduce the level of light that this habitable room would receive.

Overall it is considered that the proposal will have a significant impact on the occupiers of adjacent residential properties and create an undesirable living environment for the occupiers of plots 3 and 4 and is therefore contrary to Policy S7 of the BDLP, the guidance within SPG1 and the NPPF.

vii) Street Scene & Character Impact

The application site is contiguous with the top northwest corner of the Alvechurch Conservation Area, and the frontage of the site on the Birmingham Road is separated from the Red Lion Road frontage of the Conservation Area (Red Lion Road being a continuation of the Birmingham Road) by three houses. This part of the Conservation Area, and indeed the end of Red Lion Street and the beginning of Birmingham Road is characterised by modest 2 storey houses with long back gardens. Most of the houses on the north side of Meadow Lane, which backs onto the application site, are one and half storey. The houses are predominately a mixture of 18th, 19th and early 20th century properties, with a few dating from the mid 20th century. They are generally red brick with pitched clay tile roofs, the more modern ones have pitched concrete tile roofs, although in terms of colour these roofs generally tone in reasonably well. Some of the houses on the Birmingham Road have converted lofts, but remain clearly two storey houses with attic conversions rather than three storey properties. There are also a couple of bungalows at this end of the Birmingham Road, and one on the south east side of Meadow Lane.

This end of the Conservation area has an edge of settlement feel, with the buildings on Red Lion Street and Meadow Lane forming the built edge. The development along the east side of the Birmingham Road is ribbon development again contributing to the edge of settlement feel, while the housing on the west side of the Birmingham Road is set back behind a service road with high hedgerow separating this road from the Birmingham Road.

The applicant has submitted as part of the Heritage Statement an assessment of the impact of the proposed development on the Setting of the Conservation Area, and the other designated heritage assets, the two listed cottages in Meadow Lane.

Concerns have been raised by both the Councils Urban Design Consultant and Conservation Officer over the demolition of No.2 Birmingham. It is considered that whilst this building is afforded no statutory protection it has a positive impact on the setting of the adjacent conservation area and could be retained whilst still enabling the

development to take place. Although it is acknowledged, that the loss of the building is so severe to warrant the refusal of planning permission in its own right.

As stated above, this area of Alvechurch is characterised by a well-defined building line with large properties fronting onto the main road that have large rear gardens. The addition of 3 bungalows behind plot 2 creates a form of backland development that is at odds with this character. These small bungalows are separated from one another by a 6.5m wide side garden with gaps of generally no more than 1m from the rear walls to the rear boundary. This amounts to a cramped and contrived form of backland development that is at odds with the prevailing character of Alvechurch that is contrary to SPG1.

The greatest concerns are raised in relation to the 3-storey apartment block which measures 10.2m in height. The retirement block will be highly visible from the Conservation Area due to its height, particularly from the rear gardens in Meadow Lane, from between houses in Meadow Lane, and from the playing fields when viewed across the Conservation Area. Its construction will extend the built form of the settlement, and will remove the backdrop of greenery, the edge of settlement feel and the rural connectivity that this part of the Conservation Area currently has.

This building is out of scale with the buildings at this end of the conservation area and those within the setting of this part of the conservation in terms of height and bulk. The footprint itself is considerably larger than anything in the vicinity. It will therefore form a very dominant feature when viewed from the Conservation Area, where at present there are only views of greenery. Due to the height and bulk of the proposed building it is unlikely that it will be obscured from the Conservation Area by the current planting in the rear gardens of the houses in Meadow Lane. Equally it is unlikely, again due to the height and bulk of the building that it could be obscured by new planting.

Concerns about the architectural style of the building have been raised by both the Conservation Officer and Urban Designer. The use of vernacular detailing associated with smaller cottages does not translate effectively to a three storey building, arbitrarily broken up in an attempt to look like a row of cottages. The apartment block is considered to be an awkward, ungainly building without a sense of coherent composition, and with clumsy geometries. Regardless of the impact on designated heritage assets, such poor design that fails to take opportunities available for improving the character and quality of an area is contrary to paragraph 64 of the NPPF and is in itself a reason to refuse planning permission.

It is also considered that the proposal would unduly impact on the setting of No.'s 15 and 17 Meadow Lane, the two listed buildings which fall within the Conservation Area. The open space to the north east of the gardens provides the rural connectivity to the wider rural setting and the edge of settlement feel, as there are only views of greenery. This 'rural' setting contributes to the significance of the heritage assets as they are not hemmed in by later development. There are partial views through the trees to the buildings in Meadow Lane. Development of this site in the way proposed with a three storey building of considerable bulk, will harm the rural setting of these edge of settlement, designated heritage assets.

A further element of the scheme is the replacement of the existing single storey club house by a storey pavilion. The proposed two storey club house although more simple in

design, again will be visible from the Conservation Area due to its height and will in the view of the Conservation Officer harm the setting of the Conservation area.

In conclusion, the proposed development, particularly the three storey retirement flats and 2 storey club house, due to their scale and massing will detract from the rural setting of this part of the Conservation Area. The retirement flats in particular being significantly larger, in terms of height and mass, than the surrounding buildings. The architectural treatment is also poor.

The proposed development would therefore have a negative impact on the character and appearance of the Conservation Area, as well as the setting of the listed buildings in Meadow Lane. This would be contrary to the statutory requirements contained in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policies S35A and S36 of the BDLP 2004 and paragraph 133 of the NPPF.

viii) Access, Highways & Parking

The site proposes 2 main accesses. One access is for the sports pavilion, which is existing and a new access is proposed to serve the 5 dwellings and apartment block. An emergency access is also provided towards the rear of the site. The need for this access has been queried by the Highways Engineer.

A significant amount of car parking has been provided within the scheme with 25 spaces for the apartment block, 2 for each dwelling and a further 15 public parking spaces. The level of parking provided for each dwelling complies with the County Council's parking Standards however concerns have been raised in relation to the remainder.

The car parking provision for the apartment block should not exceed 13 spaces, 2 disabled spaces and 1 ambulance space and there is no need for the public car parking spaces and they encourage car trips and there is no development linked to them, by definition these do not promote sustainable development.

No cycle provision is made for the apartment block or dwellings which is a policy requirement however this could be secured by condition.

Whilst not expressly required, a Transport Statement (TS) was submitted with the application. The Highways Officer has raised the following concerns over the contents of the TS:

- The document only considers vehicle impact and it should fully exploit sustainable modes of transport as the primary means of access to the site.
- Accident analysis is not provided.
- No drawing of the visibility splay is provided.
- No reference is made to local or national policy.

Notwithstanding the above the following issues have been identified by the Highways Engineer and have not yet been addressed by the applicant:

- The visibility splays have not been demonstrated appropriately:

- The access is unacceptably large and creates a significant break to the pedestrian footway. The access design needs to be reduced in scale and made more suitable for a slow speed environment. The proposal does not assist pedestrians on Birmingham Road or encourage pedestrian access to the application site.
- The applicant should give consideration to LTN 2/95 which indicates that there should be a minimum of 20m separation between a road junction and a signal controlled crossing.

Due to the extent of the outstanding issues it is considered that the proposal will have a severe impact on the highway network particularly for pedestrians and fails exploit sustainable transport opportunities. This is contrary to Policy TR8 of the BDLP, the adopted Local Transport Plan and paragraphs 32 and 35 of the NPPF.

ix) Ecology

The local authority has a duty to consider whether proposals will have an impact on protected species. The applicant has undertaken a number of surveys to ascertain the presence of protected species and these include a Badger, bat and great crested newt survey and Phase 1 habitat survey.

The studies conclude that there is no evidence of badgers using the site. It is acknowledged that bats use the site for foraging and it is recommended that conditions are attached to any approval to limit any impact. These include the provision of bat and bird boxes and the provision of a suitable lighting scheme to minimise light pollution. There is also no evidence of great crested newts on the site although there is potential for newts on-site due to the habitat and therefore a condition requiring a working method statement is recommended.

In summary it is considered that subject to conditions the proposals would not have an adverse impact on ecology and the proposal therefore accords with paragraph 118 of the NPPF.

x) Landscape and Trees

There are a number of trees across the site which vary in size, species and quality. The proposals include the removal of some trees however these are generally seen to be of poorer quality and have limited amenity value. The applicant intends to retain the trees of higher amenity value and the proposed landscaping scheme proposes new planting. The Tree Officer raises no objection to the scheme subject to conditions requiring the submission of method statement, the protection of trees during construction and the use of no dig measures within the root protection area of trees.

The proposal has no harmful impact on trees or the landscape and therefore accords with Policy C17 of the BDLP.

xi) Impact on Sports Use

The cricket pitch used by Alvechurch Cricket Club is located adjacent to the boundary of the application site.

Whilst the proposed development may not have any direct physical impact on the adjacent cricket pitch, consideration of the impact of the existing cricket use on the proposed residential development needs to be made.

The applicant proposes 10m high netting along the boundary of the site to protect the amenities of the occupiers of the proposed apartment block. Whilst the principle of some form of protection is supported, Sport England have highlighted that it is not clear how the necessary height and coverage for the proposed netting was calculated or if a risk assessment has been undertaken. They therefore consider it is not clear whether or not the netting proposed will be adequate to protect the proposed residential uses. Further information has been requested from the applicant to address this matter. Members will be updated on this issue at the Committee meeting.

The application states that the netting should be erected on the poles by the club before matches. Sport England considers that it does not seem reasonable for the club to have to do this. They highlight that there are various netting systems available which do not need erecting on fixed poles before each game and would be less onerous to the club. They highlight that any proposed netting solution should be discussed with the club (if this has not already been done) and the ECB.

Sport England are keen to avoid a situation in the future where residents of the proposed development make complaints about the cricket club and the club itself has to invest in further protective measures or in the worst case that use of the cricket field is reduced because of any conflict.

Sport England have also asked for clarification to understand how the lease/ownership of the pavilion is intended to operate (to ensure the cricket club have future security to use the pavilion), who will have use of the pavilion, and at what times the pavilion and car park will be available for the cricket club or for wider community use (if that is what is intended). This is required to ensure that successful operation of the cricket club in the future.

Any response on the above matters will be provided to Members at Committee. It is considered that such matters can be addressed by condition and therefore accords with Policy RAT4 of the BDLP.

viii) **Planning Contributions**

In accordance with paragraph 204 of the NPPF and section 122 of the CIL planning obligations have been sought to mitigate the impact of the development, if the application were to be approved. The obligations would cover open space improvements to Wiggins Memorial Playing Fields, improvements to the wider transport network and the provision of affordable housing.

As yet no agreement has been reached by with applicant over the extent of what the contributions might be. Although, it is important to note that a viability appraisal was submitted with the application highlighting that there was only scope of £105,000 of S106 payments. The Council employed an independent consultant to review the appraisal and he was of the view that there was scope for S106 payments of £719,245.

Any update on the matter will be provided prior to the meeting.

Conclusion

The proposal is considered acceptable in terms of its impact on trees and ecology however the proposal amounts to an inappropriate form of development in the Green Belt. It is considered that there the very special circumstances put forward do not clearly outweigh the substantial harm to the Green Belt. In addition, the apartment block is considered to represent poor design and causes substantial harm to the setting of the Conservation Area and the proposed bungalows create an unacceptable form of backland development. The proposed bungalows and public car park cause harm to the amenities of occupiers of adjoining dwellings and the siting of the bungalows creates an undesirable living environment for the occupiers of these dwellings. The proposals also have a severe impact on the highway network.

RECOMMENDATION: That planning permission be Refused

Reasons for Refusal

- 1) The proposed apartment building and community building do not fall within any of the categories of appropriate development specified at Policy DS2 of the Bromsgrove District Local Plan 2004 (BDLP) or at paragraph 89 of the National Planning Policy Framework 2012 (NPPF). Thus, the buildings constitute an inappropriate form of development in the Green Belt which harms the Green Belt by reason of inappropriateness and harm to the openness of the Green Belt. No very special circumstances have been put forward or exist that would clearly outweigh the identified harm to the Green Belt.
- 2) Due to its scale, mass and bulk the proposed development would have a significant negative impact on the character and appearance of the Conservation Area, as well as the setting of the listed buildings in Meadow Lane. This would be contrary to the statutory requirements contained in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and policies S35A and S36 of the BDLP.
- 3) The apartment block is considered to be an awkward, ungainly building without a sense of coherent composition which represents poor urban design that fails to improve the character and quality of the area which is contrary Policy DS13 of the BDLP and paragraph 64 of the NPPF.
- 4) The siting of the proposed bungalows and the apartment block create an undesirable form of backland development that does not reflect the traditional pattern of development along Birmingham Road causing significant harm to the character of the locality contrary to policies S7 and S8 of the BDLP, the guidance within SPG1 and the NPPF.
- 5) Due to their siting and scale the proposed bungalows would have an overbearing impact on the adjacent residential dwelling, no. 54 Red Lion Street which would cause significant harm to the level of amenity experienced by the occupiers of this dwelling contrary to Policy S7 of the BDLP, the guidance within SPG1 and the NPPF.

- 6) The proposed bungalows due to their siting and close relationship would create an undesirable living environment for the occupiers of plots 3 and 4 due to the lack of natural day light and the overbearing nature of the adjacent blank wall which is contrary to policy S7 of the BDLP, the guidance within SPG1 and the NPPF.
- 7) The proposed vehicle movements associated with public parking spaces by virtue of their proximity and potential extended hours of use would cause a level of noise and disturbance that would cause significant harm to the amenities of occupiers of the adjacent dwelling, No. 4 Birmingham Road. This is contrary to Policy S7, S19 and ES14A of the BDLP and the NPPF.
- 8) The application appears to rely on a transport assessment which doesn't cover key issues of pedestrian safety and vehicle access. The unsuitable design combined with the proximity of a controlled crossing result in a severe impact on the highway network particularly for pedestrians and the applicant has not sought to exploit sustainable transport opportunities. The application is there contrary to Policy TR8 of the BDLP and paragraphs 32 and 35 of the National Planning Policy Framework.

Case Officer: Mr Andrew Fulford Tel: 01527 881323
Email: a.fulford@bromsgrove.gov.uk