



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 18TH JUNE 2007, AT 2.00 PM

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors E. C. Tibby (Chairman), G. N. Denaro (Vice-Chairman), Mrs. J. M. Boswell, Mrs. J. Dyer M.B.E., D. Hancox, Mrs. J. D. Luck, E. J. Murray, W. R. Newnes, S. R. Peters, C. R. Scurrall, C. B. Taylor, P. J. Whittaker and C. J. K. Wilson

(NOTE: Updates to the Reports of the Head of Planning and Environment 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.)

AGENDA

1. Apologies for absence and notification of substitutes
2. Minutes of last Meeting (Pages 1 - 6)
3. Declaration of Interests
4. B/2007/0258-SW - New Golf Range and Academy - Hagley Golf and Country Club, Wassell, Grove Lane, Hagley - Hagley Golf and Country Club (Pages 7 - 12)
5. B/2007/0303-LD'O - Change of use to holiday lets - The Mill, Fininstall Nursery, Alcester Road, Fininstall, Bromsgrove - Mrs. J. Powell (Pages 13 - 16)

6. B/2007/0381-DMB - External fitters store - S P Group, Ravensbank Business Park, Hedera Road, Redditch - S P Group (Pages 17 - 20)
7. B/2007/0388-SW - 1 & 3 storey extensions to existing unit to provide (25 new units) new entrance porch and associated parking and landscape alterations - Gilbert Court, Charford, Bromsgrove - Bromsgrove District Housing Trust (Pages 21 - 32)
8. B/2007/0459-SMcN - Fixed glazed canopy to the rear of the existing building, supported by aluminium posts to create shelter from the elements - Golden Cross Hotel, 20 High Street, Bromsgrove - J. D. Wetherspoon plc (Pages 33 - 36)
9. B/2007/0473-SMcN - Pavement café seating area, located to the front of the building, to include free standing demountable screens and removable furniture - Golden Cross Hotel, 20 High Street, Bromsgrove - J. D. Wetherspoon plc (Pages 37 - 42)
10. B/2007/0478-DMB - Second floor bedroom extension and associated alterations (resubmission of B/2007/0478) - 5 Beoley Hall, Icknield Street, Beoley - Ms. J. Kirkbride (Pages 43 - 48)
11. B/2007/0511-CE - Installation of solar panels to former piggery building (retrospective) - Newhouse Farm, Lea End Lane, Alvechurch - J. H. M. Construction (Pages 49 - 52)
12. B/2007/0514-SMcN - New canopy, tables and seating to front of building - Hogs Head, 126-130 High Street, Bromsgrove - The Laurel Pub Company (Pages 53 - 58)
13. B/2007/0515-SMcN - New canopy to front elevation of site - Hogs Head, 126-130 High street, Bromsgrove (Listed building Consent) - The Laurel Pub Company (Pages 59 - 62)
14. PI/2006/00194 - Enforcement of Planning Control - Land on the south-east side of Newtown Lane, Romsley (Pages 63 - 64)
15. Tree Preservation Order (No. 15) 2006 - Trees on land at Seven Bays, Middle Lane, Headley Heath, Birmingham, B38 0DU (Pages 65 - 72)
16. Tree Preservation Order (No. 16) 2006 - Trees on land at Holly Dell, Walkers Heath, Birmingham, B38 0AG (Pages 73 - 80)
17. Appeal Decisions (Pages 81 - 82)
18. To consider any other business, details of which have been notified to the Head of Legal 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

7th June 2007

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Agenda Item 2

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 21ST MAY 2007, AT 2.00 P.M.

PRESENT: Councillor E. C. Tibby (Chairman), Councillor G. N. Denaro (Vice-Chairman), Councillor Mrs. J. M. Boswell, Councillor Mrs. J. Dyer M.B.E., Councillor D. Hancox, Councillor Mrs. J. D. Luck, Councillor E. J. Murray, Councillor S. R. Peters, Councillor C. R. Scurrell, Councillor P. J. Whittaker and Councillor C. J. K. Wilson

OBSERVERS: Councillor G. G. Selway and Councillor Mrs. C. J. Spencer

OFFICERS: Mr. D. Hammond, Mrs. D. Warren, Mr. D. M. Birch, Mrs. H. L. Plant and Mr. A. C. Stephens

1/07 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF THE COMMITTEE

RESOLVED: that Councillors E. C. Tibby and G. N. Denaro be elected Chairman and Vice-Chairman of the Committee respectively for the ensuing municipal year.

2/07 APOLOGIES

An apology for absence was received from Councillor C. B. Taylor.

3/07 MINUTES OF LAST MEETING

The Minutes of the meeting of the Committee held on 23rd April 2007 were submitted.

RESOLVED: that, subject to the inclusion of Councillor G. N. Denaro in the list of those present, the Minutes of the meeting of the Committee on 23rd April 2007 be confirmed as a correct record and signed by the Chairman.

4/07 DECLARATION OF INTERESTS

Members made the following declarations of their interests in matters due to be considered at the meeting.

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Councillor E. J. Murray	B/2007/0281	Prejudicial. Daughter in the process of purchasing an area of land adjacent to, or part of land including, the application site. During consideration of the application, Councillor Murray left the room.

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Councillor E. J. Murray	B/2007/0302	Prejudicial. Daughter in the process of purchasing an area of land adjacent to, or part of land including, the application site. During consideration of the application, Councillor Murray left the room.
Councillor C. R. Scurrall	B/2007/0281	Personal. Is a member of Belbroughton Parish Council's Planning Committee which had previously considered the matter.
Councillor C. R. Scurrall	B/2007/0302	Personal. Is a member of Belbroughton Parish Council's Planning Committee which had previously considered the matter.

5/07

B/2006/1297 - GROUND FLOOR SNOOKER ROOM, REAR ENTRANCE AND POOL ROOM: ASTON FIELDS WORKING MENS CLUB, STOKE ROAD, ASTON FIELDS, BROMSGROVE - MR. I. TILSLEY

At the invitation of the Chairman, Councillor Mrs. C. J. Spencer addressed the Committee and spoke against the application.

The Head of Planning and Environment Services directed Members to the second paragraph under the "Neighbours' Amenity" heading: "The proposal is not therefore considered to be acceptable to neighbours' amenity..." He stated that the word "not" should be omitted from the sentence.

He added that, although the 'beer garden area' had not been illustrated on the application plans, it was assumed that this element would remain, and subsequently reported that the Highway Engineer was aware of this when he considered the provision of car parking.

Furthermore, the Head of Planning and Environment Services confirmed that no surfacing or layout conditions had been placed on the outline planning permission for a new dwelling to the north of the site.

RESOLVED: that permission be granted subject to the conditions and notes set out or referred to on page 7 of the report.

In reaching this decision, Members of the Committee requested that the Highways Engineer draw up a layout plan of the parking area to be attached to the planning permission to encourage the satisfactory implementation of the car parking scheme.

(Note: During consideration of this application, Councillor S. R. Peters suggested that an additional condition be imposed to require a formally arranged and managed car parking layout; however, when put to the vote, this was rejected by the Committee. Councillor Peters requested that it be recorded that he had put forward, and voted in favour of, the suggested additional condition and, furthermore, under Section 4 (paragraph 16.7) of the

Council's Constitution, Councillor Peters requested that it be recorded that he had voted against the approval of the application.)

6/07 **B/2007/0182 - CHANGE OF AGRICULTURAL LAND TO ADDITIONAL FOOTBALL PITCHES, TRAINING AREA, ADDITIONAL PARKING AND VEHICLE ACCESS POINT: BAY TREE FARM, MIDDLE LANE, WYTHALL - A. E. BECKETT AND SONS. LTD.**

The Head of Planning and Environment Services reported that this application had been withdrawn.

7/07 **B/2007/0251 - 2 MANOR COURT ROAD, BROMSGROVE: NEW FENCE 2M HIGH - M. WESTWOOD**

RESOLVED:

- (a) that permission be refused for the reason referred to on page 14 of the report; and
- (b) that the Head of Planning and Environment Services, in consultation with the Head of Legal and Democratic Services, be authorised to proceed with the most appropriate course of enforcement action to remedy the breach of planning control.

(Note: Under Section 4 (paragraph 16.7) of the Council's Constitution, Councillor S. R. Peters requested that it be recorded that he had voted in favour of the approval of the application.)

8/07 **B/2007/0269 - FORMATION OF UTILITY AND SHOWER ROOM TO REAR OF GARAGE AND BEDROOM EXTENSION OVER EXISTING GARAGE: 3 LONG COMPTON DRIVE, HAGLEY - MR. P. EDWARDS**

At the invitation of the Chairman, Mr. K. Fisher addressed the Committee and spoke against the application, and Mr. S. Purvis, as agent on behalf of the applicants, spoke in favour.

The Head of Planning and Environment Services reported the receipt of a letter of objection.

RESOLVED: that permission be granted subject to the conditions and notes set out or referred to on page 17 of the report.

9/07 **B/2007/0273 - ALTERATIONS AND EXTENSIONS: BORDESLEY HALL FARM, STORAGE LANE, ALVECHURCH - MR. K. YATES**

At the invitation of the Chairman, Mr. K. Yates spoke in favour of the application.

The Head of Planning and Environment Services reported that the application for the Certificate of Lawfulness (Ref. 21/07) had been refused on 16th May 2007.

RESOLVED: that permission be refused for the reason referred to on page 23 of the report.

10/07 **B/2007/0281 - ERECTION OF STABLE BLOCK AND HARD STANDING: FIELD 9726 ADJ. TO POOLHOUSE FARM, LAND AT HOCKLEY BROOK LANE, BELBROUGHTON - MRS. JUKES**

The Head of Planning and Environment Services reported that the applicant details should have indicated that the application had been submitted by 'Mrs. Jukes'. He also reported the receipt of the comments from Worcestershire County Council's Highways Partnership (Bromsgrove) and Belbroughton Parish Council, together with the receipt of a further letter of objection.

RESOLVED: that permission be granted subject to the conditions set out on page 28 of the report.

11/07 **B/2007/0302 - ERECTION OF 3 STABLES AND 1 TACK ROOM OF TIMBER CONSTRUCTION ON CONCRETE BASE: LAND AT HOCKLEY BROOK LANE, BELBROUGHTON - MRS. S. FRANKLIN**

The Head of Planning and Environment Services reported the receipt of the comments from the Drainage Engineer, the Public Rights of Way Officer and Belbroughton Parish Council, together with the receipt of a further letter of objection.

RESOLVED: that permission be granted subject to the conditions set out on page 32 of the report.

12/07 **B/2007/0343 - TWO STOREY FRONT EXTENSION: THE LAITHE HOUSE, LEA END LANE, ALVECHURCH - DR. AND MRS. LANGFORD**

The Head of Planning and Environment Services reported the receipt of a letter of objection to the application.

RESOLVED: that permission be refused for the reason referred to on page 37 of the Report.

13/07 **B/2007/0365 - RETAIN DETACHED TIMBER BUILDING AND RETAIN ROOF ALTERATION TO EXISTING DETACHED GAMES ROOM AND WORKSHOP: ORCHARD COTTAGE, WHINFIELD ROAD, DODFORD, BROMSGROVE - MR. R. NEWTON**

The Head of Planning and Environment Services stated that the report detailing to the application should refer to Plan Ref. B/2007/0365. He also reported that a letter of objection had been received, and referred to the applicants' request to consider the exceptional need for the building.

RESOLVED:

- (a) that permission be refused for the reasons referred to on page 42 of the report; and

- (b) that the Head of Planning and Environment Services, in consultation with the Head of Legal and Democratic Services, be authorised to proceed with the most appropriate course of enforcement action to remedy the breach of planning control.

14/07

APPEAL DECISION

Members considered a report which detailed the decision of a planning appeal which had been determined since the last meeting of the Committee.

RESOLVED: that the report be noted.

The meeting closed at 3.55 pm

Chairman

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Agenda Item 4

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Hagley Golf and Country Club 'A'	New Golf Range and Academy (as amended by plans dated 16.05.2007) - Hagley Golf and Country Club, Wassell, Grove Lane, Hagley	GB LPA	B/2007/0258 28.06.2007

RECOMMENDATION: that permission be **GRANTED**.

COMMITTEE SITE VISIT

Consultations

WCC(HP)	Consulted - No Objections 23.04.2007
Hagley PC	Consulted - OBJECT Site is within Greenbelt and Wassell Grove Lane already has a number of outdoor leisure developments in the form of sporting clubs. It is understood that this type of development may be acceptable in principle in the Greenbelt. On the other hand tennis courts, gyms and squash courts are not and this application falls between the two and therefore we consider this to be unacceptable development in the Greenbelt. Development is over 80m long and is a shed, this is too big. The floodlighting is unacceptable. Nights should be dark. The owners of the neighbouring kennels have been affected by floodlighting that has not allowed their dogs to settle at night. 24.04.2007
ENG	Consulted - no objections - suggest conditions. 24.04.2007
FC	Consulted - no objections. 11.04.2007
WCC (lighting eng)	Consulted - no objections - reduced scheme sent for consultation comments awaited
CEHO	Consulted
EAR	Consulted - no objections suggest conditions to protect ground water supply. 03.05.2007
Publicity	1 letter sent Site notice posted - 26.04.2007 - expires 17.05.2007 Press notice posted - 26.04.2007 - expires 17.05.2007 3 letters received Golf driving range has been recently approved in Stourbridge. Concerned about the impact of the development on local business especially given the restraints to improve existing facility. Unable to compete with large business who can afford to make improvements and undercut prices. 27.03.2007 Whilst I am not a resident in the area I take grass and machinery down the lane past the club. A driving range will make the traffic implication worse. Recently approved football pitches will make the Green Belt appear more like an airport. Concerned regarding the increase of traffic and noise during the dark hours.

Further buildings will destroy the open aspect of this land. With the recent football pitches there is no where for people to park. Floodlighting will affect the occupants of Clent Villa Farm with noise and light pollution. Had to put up with tipping when golf club damaged road and already golf driving range less than 2.5 miles from the club. What benefit is this to the community. 04.05.2007

The site and its surroundings

This particular site relates to a parcel of land that is situated on the southern side of Wassell Grove Lane as part of the existing Hagley Golf and Country Club. The entrance to the club is via a sweeping drive which has been planted and presently has landscape mound situated towards the entrance of the site. As the drive opens out towards the club house to the south, the car park is located to the front and to the west of the main building and extends right out to the first tee. An open practice ground is located to the east. It presently has a regular shape and is fairly level with trees marking the perimeter of the site and the ground cabins to the north. The practice green currently has a small bunded area where the members can practice shots before playing a round. The area is also marked with flags showing distances for practiced shots.

This practice green is the focus of this proposal. This land and the golf club are all located in confirmed Green Belt and within a landscape protection area.

Proposal

This proposal is a full application for the construction a new driving range. The building measures 70m x 5.6m, and is 4.1m high. The reduced facility now contains 20 driving bays. The range will also contain a ball wash and dispensing area, video room, small store and office, along with an additional teaching bay and video room. The building will have 5 floodlights on the roof, which are angled to the floor to allow players to view their shots and allow safe ball collection. The building has a brick base with timber cladding for the wall and a lightweight roofing material.

Relevant Policies

WMSS QE1, QE3
WCSP D.38, D.39, SD.2, RST.1, RST.13, T.1
BDLP DS2, DS13, RAT1, RAT2, C4, TR11
Others PPS1, PPG2, PPG17

Relevant Planning History

B/2001/0456 Works to burns and restate collapse bank - Granted 03.09.2001

Notes

Issues

Greenbelt

The main issue is to consider whether the proposed development represents appropriate development in the Greenbelt and, if not, whether there are any very special circumstances to overcome the harm.

Paragraphs 3.4 of PPG2 identifies development that may be considered appropriate in the Greenbelt. Essential facilities for outdoor sport and recreation is within this description. This is widened in paragraph 3.5 which considers the aspect of openness and considers possible examples of small changing rooms, spectator stands and stabling. I consider the principle of the development may fall within this policy remit and may be considered appropriate in the Greenbelt.

It is common to find golf facilities in the countryside given the amount of land required. Recreational policies in both the County Structure Plan and District Local Plan identify that facilities for outdoor sport may be considered favourably and RAT2 identifies the criteria for assessing these proposals. Sport England have raised no objections to the provision of this range in the Green belt. I consider the proposed driving range does comply with the principles of this policy and the provisions of PPG17.

Access / Highways

Highways have no objections to the proposal. Members will note the scheme has now been reduced from 24 bays to 20 bays and the additional parking area off the main drive has now been deleted from the proposal.

I am satisfied that this is acceptable without providing further parking via the removal of more landscaped area and consider this would comply with the provisions of policy T1 of the WCSP, TR11 of the BDLP and the provisions of PPG13.

I note the concerns in respect of parking; however, I understand the parking issues have not been due to the Golf Club but other activities on the land (in connection with football and car boot sales). The Local Authority cannot be held responsible for controlling the indiscriminate parking of vehicles in the highway, only over private land and the golf club has more than adequate provision. Members will note that the present car parking facilities extend to over 100 spaces and this is adequate to accommodate both the club and driving range.

Design, Scale, Massing

The range is a basic lightweight building measuring 70m x 5.6m x 4.1m. The range now has 20 driving bays, each are a set size in line with the current size guidelines to ensure safety of the users of the range. I appreciate the comments from the Parish Council but Members will note the scheme has now been reduced and all non-essential facilities; that is, those not connected with the range, have been left out and ancillary features will be provided direct from the main club house which is nearby.

I note the Parish Council's concerns, however I consider the building has been thoughtfully sited and will not in itself be visually intrusive, being adjacent to the clubhouse and, whilst I appreciate the building is long, it is single storey and has narrow form which again reduces any visual bulk. The planted areas and grounds cabin effectively shield the building from the nearest neighbouring property (Clent Villa Farm) and will not be readily visible from the road.

Size of Proposal in Context to Surrounding Similar Facilities

There are other golf driving ranges and golf courses in the district. One direct comparison may be found at Bromsgrove Golf Club. This has both the 18 hole course and driving range. The driving range has 41 bays and is a large complex; the site is also within confirmed Green Belt. The comparison of these two is that they are both near large urban areas. Driving ranges can also be found near Halesowen, at Woodcote, Dodford, and at Becketts Farm in Wythall. These ranges vary in size from 16 down to 10 (Dodford). Again, I do not find it unreasonable to provide the size of facility that has been proposed in this location. Comments have been made in relation to facilities at Stourbridge but the recently approved site has range of 3. This club is also constrained by the local highway networks and proximity to neighbouring properties. Again I find this aspect acceptable.

Lighting

The proposal does contain a proposal for low intensity floodlighting. The County Council's Lighting Engineer has commented on the scheme and considers that the range may be adequately controlled by the imposition of conditions in respect of both the floodlights and the hours of use. The location of the range is situated behind the grounds cabins and landscape bund which should also provide a protective screen.

The five lights are on top of the building and are 4m high which projects out in a horizontal direction from the range into the field. This scheme will reduce sky glow and light scatter due to horizontal light beams dispersing out 250 yards compared to football pitches with light from 6m high, as light tends to bounce back and cause night glow.

Given the location of the range, I do not consider it will cause any issues in respect of local highway users or, in fact, to the neighbouring kennels. I am satisfied that adequate control may be available via conditions to ensure the lighting does not generate any adverse amenity issues.

Landscaping

There is currently a boundary of mature trees to the north and east of the practice pitch. The proposal is to retain this and provide additional planting between the range, the northern boundary, the neighbouring paddock and footpath (to the east). The area is not on a prominent ridge or slope.

A condition may adequately ensure that this planting is secured. The trees that line the present boundary between the practice area and car park are also to be retained which will help ensure softening of the overall resulting scheme.

Amenity

As noted previously, the main issues in regard to neighbouring properties is the parking and highways issue, light and noise from the use.

As noted previously, the golf club has adequate parking for both the driving range and course. I understand the concerns in respect of parking; however, I am not aware that any of the previous parking issues were in connection with the users of the club.

The type and location of the lighting can, and will, be controlled by the imposition of conditions and, whilst the Environmental Health Officer has not raised any particular issues in respect to noise, I am satisfied that this may be adequately controlled by conditions to restrict use after 10.00 p.m. to ensure that no complaints do occur.

RECOMMENDATION: that permission be **GRANTED**.

1. CO99
2. C9
3. C10
4. C11
5. C12
6. C13
7. C14
8. C15
9. C16
10. C19
11. C18
12. C19
13. C39
14. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained, written approval from the Local Planning Authority for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and, from the date of approval, the addendum shall form part of the Method Statement. REASON: to ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.
15. Soakaways shall only be used on areas on the site where they would not present a risk to groundwater. If permitted, their location must be approved in writing by the Local Planning Authority. REASON: to prevent pollution of controlled waters.
16. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed. REASON: to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

17. No development approved by this permission shall be commenced until a scheme for the provision of surface water run off limitation has been submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed. REASON: to prevent the increased risk of flooding.
18. Floodlights shall comply with the recommendation contained in CIBSE Sports Lighting Guidance LG4 and the Institute of Lighting Engineers Guidance notes for the Reduction of Light Pollution. Levels of illumination should not exceed 1.0 Lux (vertical) on the window on any adjacent residential property or 5 Lux (horizontal) on any adjacent highway. REASON: to ensure the amenity of neighbouring properties and the safety of highway users.
19. The driving range shall not be open for use by customers between the hours of 22.00 hrs. and 07.00 hrs. on any given day including Bank Holidays and weekends. REASON: to protect the amenity of neighbouring properties.

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

RSS QE1, QE3
WCSP D38, D38, RST12, RST13, CTC1, T1
BDLP DS2, DS13, RAT2, C4, TR11
Others PPS1, PPG2, PPG17

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

Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Mrs. J. Powell "A"	Change of use to holiday lets at The Mill, Finstall Nursery, Alcester Road, Finstall, Bromsgrove	GB	B/2007/0303 26.06.2007

RECOMMENDATION:

- (a) that permission be **REFUSED**;
- (b) that Members authorise enforcement action to secure the removal of the building and delegate authority to the Head of Planning and Environment Services in consultation with the Head of Legal and Democratic Services to select the most appropriate course of action.

Consultations

WCC (HP)	Views received 11/05/2007: No objection
Building Control	Consulted 02/05/2007 - comments awaited
WCC Archaeology	Consulted 17/05/2007 - comments awaited
Finstall PC	Views received 25/05/2007: The Council has reservations about whether these holiday lets will eventually become permanent residential dwellings.
Publicity	Site Notice posted 04/05/2007 expires 25/05/2007: no objections received.

The site and its surroundings

The application site relates to a rural building erected for agricultural purposes in late 2002/early 2003 within the Finstall Nursery site. The site is located south of the Alcester Road just outside of the Finstall village envelope and within the Green Belt.

Proposal

Planning permission is sought to change the use of the building to form holiday lets. The building will be altered internally to provide two, 2-bedroom holiday lets. Externally additional windows and rooflights will be added to serve the rooms created. For the reference of Members the building was accepted as reasonably necessary for the purposes of forestry and agriculture (which includes within that definition horticulture) under prior approval application B/2002/1004 and constructed under permitted development, Part 6, Class A of the GPDO.

Relevant Policies

WMSS	QE3, T2
WCSP	SD.4, CTC.1, D.16, D.29, D.38, D.39, T.1, RST.14, RST.16
BDLP	DS2, DS13, C27, C27A, RAT22, RAT27, TR11
Others	PPS1, PPG2, PPS7, SPG4, SPG5, SPG10

Relevant Planning History

B/2002/1004 Potting / seeding store (Agricultural Notification). Details not required
12.09.2002

B/2002/0433 Removal of 3 poly-tunnels and erection of new building for use of potting
and seeding shed, office and chemical store (Agricultural Notification).
Details not required 10.05.2002

Notes

Green Belt Issues:

Policy DS2 of the BDLP 2004, which largely reflects PPG2, states that development in the Green Belt will not normally be given unless the development relates to, amongst other criteria, proposals for the re-use of rural buildings, in accordance with Policy C27 of the BDLP 2004. As such the re-use of the rural building is, in principle, acceptable development within the Green Belt.

Policy C27 sets out the criteria against which applications for the re-use of existing rural buildings will be considered. Criterion (a) of this policy states that the proposal must not have a materially greater impact than the present use upon the openness of the Green Belt and the purposes of including land in it. The change of use seeks to convert the existing building only and will not involve any further extensions. I am content that the proposed alterations to provide roof lights and windows to serve rooms in the converted building will not have any significant impact upon the openness of the Green Belt.

Policy C27 (c) states that buildings must be of a permanent and substantial construction, capable of conversion without any major works. The applicant has submitted a structural survey, which has been passed to Building Control. No comments have been received at the time of writing this report and I hope to update Members at Committee. I note that the rural building is a modern construction recently completed in late 2002/early 2003 and is therefore highly unlikely to require any major works as part of the conversion. Indeed the potting shed has been constructed to a high standard to facilitate this conversion.

Design:

SPG4 states that agricultural buildings are characterised by few window and door openings and in terms of roof lights large unbroken roof slopes are often a characteristic feature of agricultural buildings. Although this is a modern agricultural building it has been built in a traditional manner with brick and tiles, the large horizontal window arrangement proposed will completely alter the appearance of the building to that of a two-storey dwellinghouse bringing a significant change to the character of the existing rural building. I therefore consider the proposed changes to be inappropriate and contrary to SPG4 and the aims and objectives of Policy C27 (d).

Principle for Change of use to holiday lets:

Policy RAT22 & RAT27 of the BDLP 2004 actively encourages the development of self-catering accommodation and holiday lets where proposals within the Green Belt are in accordance with DS2, C27 of the BDLP 2004. Policy RST14 & RST16 of the WCSP

2001 also supports tourism-related development throughout the county with the two-fold aim of generating wealth and employment and of contributing to the economic and social well being of the residents of the county thereby enhancing the quality of life. I therefore consider the principle for holiday lets to be acceptable. As the proposal relates to holiday lets it does not contravene SPG10 'Managing Housing Supply in the District of Bromsgrove'.

Permitted Development for agricultural buildings:

The building was accepted as reasonably required for the purposes of forestry and agriculture (which includes within that definition horticulture) under prior approval application B/2002/1004 and constructed under permitted development, Part 6, Class A of the GPDO. The structure was to be split into three rooms for a compressor and seeding machine, potting and packing room and office and chemical store. This internal arrangement has not been completed and the building is currently being used for domestic storage. It is unclear if the building has ever been used for its intended agricultural purpose. I will update Members at your Committee regarding this issue. The applicant has submitted as part of this application written confirmation that due to a change in the way things are grown and the change in plant types there is no longer any need for a separate potting and seeding shed as this can be done in the existing poly tunnels on site. PPG2 Annex states that to discourage the abuse of permitted development rights, Local Planning Authorities should examine carefully applications for re-use made within four years of the substantial completion of agricultural buildings erected under the General Development Order. This should alert authorities to the possibility that, when it was substantially completed, the building was in breach of planning control because there was no genuine agricultural justification.

It is unclear exactly when the building was substantially completed, your Enforcement Officer visited the site in October 2002 at which stage the roof was being constructed. I would estimate that the building is likely to have been substantially complete for just over four years, however given that it would appear incomplete internally and never used for its intended purpose I would conclude that it would be prudent to apply the advice provided in Annex D as the building does not appear to have been genuinely needed for an agricultural use. In my view the way the building has been constructed to facilitate the proposed change of use would appear to strengthen the assertion that the building was not constructed for agricultural purposes.

I note that amendments were made to the GPDO in 1997 which provided that in the case of development permitted by Part 6 Class A consisting of the erection of a building if the agricultural use of that building should cease within 10 years of substantial completion, that building shall be removed and land restored to its previous condition.

It is therefore recommended that the application be refused and enforcement action be taken to remove the unauthorised building.

Highways:

Policy C27 (e) states that the traffic generated by the development must be able to be accommodated on site and parking facilities should exist or could be provided without any detriment to highway safety. The nursery has a large hardstanding area of some 15-20

spaces formerly used for customer parking when the site was open to the public. I am therefore content that there is ample car parking for the development, which includes a tarmac area immediately adjacent to the building. The Highways Engineer has no objection to the scheme.

The building will be located just outside of Finstall village envelope within the Green Belt but is fairly close to Bromsgrove train station and other public transport links offering reasonable travel options other than the private car. Nevertheless the individual holiday lets have been designed to accommodate families or small groups of people perfectly capable of arriving in one vehicle and the vehicle movements generated by the development are likely to be very minor in nature.

Neighbours' Amenity:

The proposed change of use relates to an existing building and there will be no additional impact to neighbours in terms of built form. Given the use of the site as a horticultural nursery, which used to be open to the public I am content that the comings and goings and noise and disturbance created by the change of use to two holiday lets will not have any significant impact upon neighbours amenity. The insertion of additional windows and rooflights in the building is not expected to cause any significant loss of privacy to surrounding neighbours.

Conclusion:

I consider that the amount of apertures proposed for the conversion will have a negative impact upon the existing character of the building. Furthermore given provisions of PPG2 Annex D and apparent lack of agricultural requirement Member's authorisation is sought to remove the building and restore the land back to its former condition.

RECOMMENDATION:

- (a) that permission be **REFUSED**

Agricultural buildings are characterised by few window and door openings. The number of windows and roof-lights proposed is considered to break the simple linear form and character of the existing building, unnecessarily eroding its plain, utilitarian appearance contrary to Policy C27 of the BDLP 2004, Policy D.16 of the WCSP 2001 and to provisions of good design as set in SPG4.

- (b) that Members authorise enforcement action to secure the removal of the building and delegate authority to the Head of Planning and Environment Services in consultation with the Head of Legal and Democratic Services to select the most appropriate course of action.

Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
S P Group 'A'	External fitters store - S P Group, Ravensbank Business Park, Hedera Road, Redditch	EMP	B/2007/0381 10.07.2007

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WCC(HP)	Consulted - views received 18.04.2007: No objection
ENG	Consulted 08.05.2007: views awaited
EDO	Consulted - views received 13.04.2007: Economic Development supports the scheme
Redditch BC	Consulted - views received 19.04.2007: No objection
Beoley PC	Consulted - views received 08.05.2007: No objection
Publicity	1 site notice posted 18.05.2007: no response received (expires 08.06.2007) 1 press notice published 20.04.2007: no response received (expires 11.05.2007)

The site and its surroundings

The application site is located on the northern side of Hedera Road within the Ravensbank Business Park. The site consists of an established commercial building of modern design with associated areas dedicated to deliveries, servicing and parking provision. The site is well defined in terms of boundary treatments, consisting of open mesh fencing to all boundaries and soft landscaping to the west and east boundary. The site is located within an employment zone.

Proposal

This full application relates to the erection of a single storey lean-to extension to the front elevation to form a fitters store. The store has dimensions 4 metres by 4 metres with a maximum height of 4.5 metres and is to be constructed in PVC faced profile metal sheeting to the walls and roof. A roller shutter door is located to the front elevation and a personnel door to the side elevation.

Relevant Policies

WMSS	QE2
WCSP	SD.2, SD.4, SD.5, SD.6, SD.7, CTC.1, T.1, D.19, D.20
BDLP	DS13, E1, E4, TR11, TR12
Others	PPS1, PPG4, SPG3

Relevant Planning History

B/2006/0589	External store and plant: approved 14.08.2006
B/2006/0374	Modification of Condition 8 on B/1991/0233 to increase car-parking provision through the removal of landscaping: approved 21.06.2006

- B/2003/1355 Town and Country Planning Act 1990, Section 73. Application to vary outline planning permission B/1991/0233 condition 1(b) to extend the time period for the submission of Reserved Matters: approved 10.12.2003
- B/2002/0349 Erection of B2/B8 buildings with ancillary offices and parking, landscaping and formation of access - Reserved Matters: approved 06.06.02
- B/2001/0781 Engineering operations comprising earthworks: approved 03.09.2001
B/1998/0700 Variation of Condition No. 1(b) of Planning Application Ref. B/1995/0890 to extend the time period for approval of Reserved Matters to 31 October 2003: approved 19.10.1998
- B/1995/0890 Class B1, B2, and B8 uses. Section 73 application to vary outline permission B/1991/0233 condition 1(b) in respect of the period for submission of Approval of Reserved Matters: approved 15.01.1996
- B/1995/0293 Renewal of outline planning permission B/1991/0233 for a Business Park to include Class B1, B2 and B8 uses and associated access works, car parking and landscaping: withdrawn 22.04.1996
- B/1994/0898 Variation of Condition No 5 on Planning Permission B/1991/0233 (structural landscaping): approved 29.11.1994
- B/1991/0234 Development of site as Business Park to include class B1 B2 & B8 uses and associated access works, car parking and landscaping: refused 17.06.1991
- B/1991/0233 Business Park to include Class B1, B2 and B8 uses and associated access works, car parking and landscaping: refused 17.06.1991.
Appeal: allowed 02.06.1992

Notes

Given that the principle of employment-related development has been established through the allowing of B/1991/0233 through the appeal process and the implemented Reserved Matters Approval on this site for warehouse development under B/2003/0349, the main issues relating to this application relate to whether the proposed works are acceptable and the implication for highway safety and egress and amenity of the street scene in this location.

I am of the view that the provision of the store would not be so demonstrably harmful in this location given the commercial and industrial context of the site. I consider the scheme would not lead to any loss of amenity given the siting of unit and the relationship of the proposed works within the Business Park and the form and function of the compound building. Furthermore, the existing landscaping belt and rise in level to the southern boundary provides a good degree of screening from Hedera Road. The scheme therefore accords with Policy E4 of the BDLP.

RECOMMENDATION: that permission be **GRANTED** sfc:

1. Time limit
2. The external materials shown on the approved drawings shall be used and no others substituted without the written approval of the local planning authority.

Reasons

2. In order to secure the satisfactory appearance of the development in accordance with Policy DS13 and E4 of the Bromsgrove District Local Plan January 2004.

Notes

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

WMSS QE2
WCSP SD.2, SD.4, SD.5, SD.6, SD.7, CTC.1, T.1, D.19, D.20
BDLP DS13, E1, E4, TR11, TR12
Others PPS1, PPG4, SPG3

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

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Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Bromsgrove District Housing Trust 'A'	1 & 3 storey extensions to existing unit to provide (25 new units) new entrance porch and associated parking and landscape alterations (augmented by Transport and Landscaping Plans dated 16.05.2007) - Gilbert Court, Charford, Bromsgrove	RES	B/2007/0388 06.07.2007

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WCC(HP)	Consulted - Defer require details of access means or proposed alterations require plans showing / reflecting these changes. 04.05.2007. Transport assessment received and forwarded for further comments
CEHO	Consulted - No comments to make. 18.04.2007
WME	Consulted - Comments should be available in full to all committee Members for them to consider their responsibilities under Section 17 of the Crime and Disorder Act 1998. Footpath 505 that leads from Farmers Road has been a hotspot for crime and disorder . The most effect solution is to close the footpath however I fully support the rerouting of the footpath across the green with landscape and fencing either side. This would remove the open space where youths gather and prevent access to the adjacent bungalows. Perimeter security is vital for the extension. This could be via the provision of lockable gates for residents, BDHT and the emergency services this should reduce the risk of crime and disorder. Landscaping should not hinder surveillance or provide hiding places. 18.04.2007
ENG	Consulted - Suggest Conditions 27.04.2007
BC	Consulted - Verbal comments received. Schemes like this are negotiable and any additional fire and access arrangements if required are designed into the scheme as a project progresses. Planning and building regulations are not dependant on each other.
LT	Consulted - No problems as agreed conditions recommended for tree protection. 23.04.2007
LP	Consulted - Site is within residential area of Bromsgrove. Policy S7 and SPG10 is applicable to consideration of this scheme. As the proposal is for affordable housing it complies with this guidance. Need to check with Highways Engineer and Tree Officer as impact on these. Note some tree felling and impact on right of way. 31.05.2007
PROW RA	Consulted Consulted - Unclear as to which revisions to line of footpath are being taken. Circular 2/93 indicates that PROW are material considerations. Also please be advised by PPG13 and PPG17 and PPS7. 23.04.2007

Housing	Consulted - extension and conversion of Gilbert Court to Extra Care Housing is fully supported by Strategic Housing Section. The development will provide units of affordable housing and achieve Extra Care Housing provision for the District that is a target in the Councils Housing Strategy Action Plan. 11.05.2007
Publicity	2nd Site notice posted 11.05.2007 - expires 31.05.2007 Press notice posted 26.04.2007 - expires 17.05.2007 27 Letters sent to neighbouring properties Responses received 18 Individual letters and emails received Individually signed standard letter Petition containing 89 signatures Objections received identify the following aspects: Character - Cramped design inappropriate to exiting pattern of development. Materials do not match the exiting brickworks of the local area which are red brick buildings. Loss of privacy - Loss of privacy to residents a minimum of 27.5 separation distance is required to achieve privacy and visual separation. . This is not achieved . The height of the hedges surrounding the development will not sufficiently shield overlooking the bordering residential properties. Loss of daylight - Day light will lead to a loss of daylight for the greater part of the year for all properties in Farmers Road and some on Drovers Way and some existing flats at Gilbert Court. Lack of consideration of landscape. - Sloping site has not been taken into consideration. Same number of flats on two terraced area. This would avoid the necessity of 3 storey extension. The present design does not fit in to the landscape, this may cause erosion and flooding. Insufficient infrastructure - Development is design for the elderly and no public transport exists for people with disabilities, etc. Hire of taxi is an option but this is usually unaffordable. Many residents will be caged in and isolated. Fire Safety - Flats unsuitable to wheelchairs users or people with walking aids as escape route in case of fire is staircase. Access for pump appliance should be 45m from all points. Security - Design provide little daylight. Poor energy efficiency is undesirable for security reasons. Extra Care Housing - <i>Corridors</i> Uninspiring and monotonous design of corridor will hinder orientation of cognitive impaired persons. Leading to undesirable lighting for mainly people with visual impairments. <i>Handrails</i> - Design does not allow for continuous handrail to either side of the corridor for to door openings etc. This is discouraged as it could snag clothing and cause falls. <i>Natural Light</i> Natural daylight is an issue in kitchen and bathrooms which is recommended by the Dept of Health.

Building Ventilation - Presently inadequate ventilation and no system identified or proposed by agent/applicant to overcome this which could lead to noise issues.

Heating and Air Con - Heat accumulation by poor design of building increased risk of heat stroke. Design has not taken this into account.

Concerned about the value of property.

How is the tenure of the properties going to be secured as these are for the elderly and will this remain.

Concerned that screening should be left in place and this should be guaranteed to ensure no overlooking.

Would prefer smaller scale as presently looks like a school or prison.

Conflict of interests in breach of protocol on planning probity.

Understood at meeting these plans would go ahead regardless to whether or not there were a number of objections.

Reasoning behind this is to get funding required for more than 25 residential units. This does not comply with the guidelines set out in SPG1 and SPG10 will be contacting the Local Government Ombudsman and solicitor over this matter.

The site and its surroundings

The site area extends to 1.25 hectares in total and consists of a range of bungalows; the main building known as Gilbert Court. This main unit extends to the south towards Drovers Way. The site itself appears fairly flat although there is a difference of levels between the front and rear of the building where the patio and amenity area is located. The level changes across the site range from 2m to 2.5m to the houses in Drovers Way and Farmers Road. The rear of the amenity area is currently demarked by a bank, boundary fencing and a large planted boundary of leylandi trees. Other trees are dotted around the site which help define the present landscaping and car parking areas.

The whole site, known as Gilbert Court, is split principally into two sites either side of Gilbert Road and located east of Austin Road. The northern side of the development consists of 24 bungalows with landscaping and parking and the southern side has a further 18 bungalows and the apartment building (which is the main focus of this application) with 25 self-contained flats and some communal facilities. The communal facilities are noted as office areas, toilet facilities, laundry, kitchen / dining and common room, refuse area and two guest bedrooms with en-suite facilities. Within this block there are currently 23 one-bedroom flats at the entrance level and two further two-bedroom flats at first floor. To the rear of this unit is a paved patio area and retaining wall with ramps to a lower grass amenity area.

The site is within a well established residential area of Bromsgrove.

The main building was constructed in 1984 and is finished in mainly red brick with timber painted windows with a standard concrete tile roof. The building and site is within a residential area of Bromsgrove.

Proposal

This proposal is to provide an extension to the main building to provide a further 25 apartments to the main building. The reconfiguration of the apartments will in total provide:-

23	one-bedroom units
21	one-bedroom extra care flats
3	one-bedroom disabled person extra care flats
3	two-bedroom extra care flats
50	Total units

In addition to this, there will be two guest bedrooms as previously offered with en-suite, and upgraded communal facilities. These include a hairdressing room, treatment room, gym, reception and quiet rooms. These upgraded facilities will not only be available for the residents of the Court but the surrounding bungalows and the local community.

The proposed new wing of the building has a rectangular arrangement and measures 58 metres wide by 65 metres long and 11.5 metres in height, and is orientated north to south. The building proposed will have a hipped roofline linking to the existing building (indicative materials have been shown as a mixture of brick and render with a plain tile roof).

The new entrance canopy is a curved lightweight construction with new glazing to provide a more open and welcoming access to the building. New 'Juliet' style balconies are proposed on part of the proposed scheme. The exiting site will be brought up a 'decent' homes standard with new kitchen, bathroom, heating and windows. New security and 'Telecare' systems are also proposed.

Parking provision

<u>Present</u>	<u>Proposed</u>
39	47

This equates to a ratio of 2 homes per parking unit.

A landscaping scheme has also been proposed as part of the proposal. Other works are proposed to improve the existing residential units on the surrounding site but they do not form part of this particular proposal.

Relevant Policies

WMSS	CF2, CF3, CF5, CF6, QE1, QE3, T2
WCSP	SD.2, SD.3, SD.4, SD.5, SD.6, D.1, D.3, D.4, D.5, D.6, D.9, CTC.1, CTC.8, T.1, RST.3
BDLP	DS3, DS13, S6, S7, S15, S28, S29, C5, C17, TR11, RAT12, RAT13
Others	PPS1, PPS7, PPS3, PPG13, PPG14, SPG1, SPG10

Relevant Planning History

B10129 Outline - Residential Development. Granted 1982
B11142 Reserved matters - Residential development and roads. Granted 1982

Notes

Background to Gilbert Court Extra Care Scheme

Extract taken from Bromsgrove District Housing Trust (BDHT) Bulletin 1 February 2007

"This scheme forms part of a £5 million project to convert an existing sheltered housing scheme to a new 'extra care housing scheme'.

Extra care dates back from the 1990's with a national recognition of needs for an increasingly older population within a national policy context. In Worcestershire this is identified in the 20 year vision for housing with care services by effective use of the sheltered housing stock, development of care models within a housing context and shifting the balance of acute institutional based services to community based facilities.

Design and delivery of each project may vary; however, it is generally agreed that extra care housing is not so much the bricks and mortar but:-

Living at home, not in a home.

Having one's own front door.

Provision of culturally sensitive services delivered in a familiar location.

Flexible care delivery - that can increase or decrease according to circumstances.

Improvement of independent living skills.

Accessible buildings for people with or cognitive disability.

Variation of tenure and ability to contribute to a wider community."

Consultation sessions took place with residents (this consultation being with the residents of the existing scheme and the surrounding area). A number of responses were recorded. The outcome of the consultation period has also been recorded separately above and includes detailed responses, and a petition from local residents.

More details and background to the Housing 'extra care' scheme are enclosed in the Design and Access Statement and 'Background to the Proposal' document.

The Bromsgrove project has resulted in this application for consideration.

Policy

PPS1 advocates sustainable development through the planning process and the re-use and re-development of brown field sites. The site is presently utilised for sheltered type accommodation and this proposal extends this function. There are no alternatives as there are no other sites which have provided the same facilities.

The site represents a redevelopment of an existing site which is in a well established residential context with good transportation links to the Town Centre and beyond. I also

consider this location is sustainable in terms of its location and is broadly in line with the principles of policy DS13 of the BDLP.

PPS3 encourages housing especially on previously developed land, and the West Midlands Regional Spatial Strategy encourages the delivery of affordable housing and mixed communities through policies in the RSS 2004. This is with particular reference to policies CF5 and CF6. Both the Worcestershire Structure Plan (WCSP) and the Bromsgrove District Local Plan (BDLP) identify land outside Green Belt areas which may be suitable for housing development subject to a number of criteria which will be considered below in accordance with policies S6, S7 and S15 for affordable units.

SPG10

Members will be aware of the present moratorium on further housing development in the District due to the issue of housing over-supply. There are exceptions and exclusions to this policy and one of these is for affordable units which are 100% affordable. In this instance, the scheme is proposed by Bromsgrove District Housing Trust for a specialised development of affordable housing in accordance with policy S15 of the BDLP. As this is the case, I am satisfied that the proposed scheme will comply with the exclusions as noted in Supplementary Guidance Note 10 (SPG10) as the proposal is clearly a scheme for affordable units and, therefore, does not conflict with this policy and the purposes for it.

Access / Servicing - Highways

A transport statement has supported the scheme. The development presently has parking areas and the extension will allow further spaces on the site; these will be located predominantly to the main access area and adjacent parking court to the east of the main entrance.

The supplementary transport statement identifies the current position in relation to the local road network (Gilbert Road). The road appears to attract a large number of vehicles which travel faster than the prevailing speed limit. The report also highlights the bus services in the local area (93 and 99). The development must integrate with the existing road patterns. The majority of movements in this location appear to be pedestrian. The development would need to provide a safe environment for pedestrian movements in and around the site. Ambulance and emergency access will be gained from the front of the property and further details in respect to any proposed changes / alterations to the access arrangements are to be clarified. The report identifies some alternatives to improve the pedestrian environment; however, these areas are not within the applicants direct control (as they are within the public highway) and cannot be taken into account in respect to this proposal, which should be assessed under its own merits.

Parking provision

<u>Present</u>	<u>Proposed</u>
39	47

This equates to a ratio of 2 homes per parking unit when compared to other extra care schemes in the West Midlands. It appears that parking requirements may be adequately

accommodated within the development, and this is considered favourable and is in line with the guidance T.1 and TR.11.

The units are presently served by 4 support workers based at Gilbert Court between 9.00 and 5.00 p.m. These staff provide help to the residents of the Court and the other sheltered schemes around Charford. The extension to the extra care scheme will be on a 24/7 basis - 6 staff during the mornings and early evenings and 2 staff during the day and through the night. Extra kitchen staff are proposed, and also an activities co-ordinator will be provided.

Density of the Development

The density of the development equates 56 dwellings to per hectare. I note this is just beyond the density identified in WCSP of 30-50. However, I note this is a residential area with good transport links to the town centre and beyond and, for this reason, I consider this is still acceptable in context to the site and local area.

Scale, Design form and Layout of the Development

Policy S7 identifies various criteria that new development should conform to in terms of the scale and layout of the development and its associated impacts on neighbouring properties.

For the purpose of this proposal, the neighbouring properties in this instance are the existing residents of the current Gilbert Court, and the residents of both Farmers Road and Drovers Way in particular.

I do appreciate the concerns raised in terms of the character of the area and the materials of the development in context to the surrounding area; however, I note the area has a range of styles and characters with a mixture of single storey, two storey and three storey units in the area (Austin Road), and these are not just one definitive design. The design of the local area also appears to reflect the time period in which these units were built. Materials range from brick, brick with rendering details and vertically hung tiles with pitched gable roof lines.

I consider the proposed extension draws on the basis of red brick of the local vernacular and the mixture of lighter materials to provide visual interest and visually lighten its appearance in this location. The finished proposed materials would be subject to approval.

As noted previously, the proposed extension measures 58 metres wide by 65 metres long and 11.5 metres in height, and is orientated north to south. The proposal forms an extension to the existing facility which has been in place for a number of years. The wing projects from north to south into the space to the back of the existing unit.

The unusual aspect of this development is the land level changes between north and south within the site and to the surrounding properties. The land is on a plateau, 2.5m above Farmers Road (to the east), level with 6 Drovers Way (south), and lower and 14 Drovers Way. The new wing faces both Farmers Road (to the east) and Drovers Way to the south (hipped end flank wall).

The entrance building is two storey and the changes in level allows the extension to project to a 3 storey building finished with a hipped roofline. The roofline is thus more continuous and the hipped roof shape helps to reduce its visual appearance. The height is comparable to many 3-storey type developments in the District.

I acknowledge that many objections have been received in terms of the distance separations between the proposed building and the existing dwellings. The guidance in your adopted SPG1 indicates that changes of levels should increase the amount of distance separation between the proposed extension and the existing neighbouring properties (Farmers Road and Drovers Way). In this instance, the extension is set at a minimum of 33m from the rear face of 15 - 29 Farmers Road, which meets the provision of SPG1 (this includes the changes in level).

The effective retention and management of the existing tree screening would further assist in this aspect. As a general guide, new development windows overlooking private spaces should be set back by a distance of 5 metres per storey from the boundary where it adjoins a private garden. I note the main window extension line is parallel to the side boundary with 15 - 29 Farmers Road but has been designed and set off 19m from the fence which exceeds the expected 15m (5m per storey) required by SPG1. Again, I am satisfied that these distance standards have been adequately achieved. This is also the case in terms of the flank end wall and the relationship to Drovers Way. No habitable windows overlook this location and the distance separation has been maintained in line with SPG1.

Issues have been raised in terms of the loss of daylight. The applicant has provided a basic sun path survey for assessment. This indicates that there is less daylight during the middle of winter; however, given the existing boundary hedge, I do not consider this would be significant enough to warrant of refusal on this aspect alone given the light at other times of the year. The orientation of the sun path will ensure adequate day lighting is received by the development and neighbouring properties.

Consideration of alternative designs have been raised in objections received. Whilst I acknowledge these, the brief was to provide a certain floor area. The choice of other designs could potentially cause other issues for overlooking which would be increased with the smaller blocks of buildings, which could potentially be detrimental to neighbouring amenity, hence the design as proposed.

I do acknowledge that the minimum standards have not been wholly met in term of three flats within the development; however, these are within the control of the applicant and, as such, the improved landscaping will help reduce this impact.

Landscaping / Trees

The site presently does not presently benefit from a wealth of landscaping. There are trees around the front and side of the unit and a majority of these trees will be retained as part of the development. The applicant has submitted a landscaping scheme for the site.

The planted area to the main access will be improved. The adjacent parking area to the east will be altered. This does involve the loss of two of the smaller trees; however, the majority are to be retained and specialist tree protection matting is proposed on the car

parking extension area. The footpath re-routing to the south-east will allow some tree management and additional landscape areas. The area to the rear involves a remodelled patio area with landscape planters with aromatic and sensory planting. This will assist in softening of the present raised patio areas and outlook for residents. The lower area to the rear of the main building is presently grassed and around the perimeter is a hedge line of leylandi. This area is currently underused as a space. The proposed landscaping will provide a more robust solution of landscaped area compared to the present scenario and will give an opportunity to provide an improved outlook for residents of the area and neighbouring properties. The majority of the leylandi hedge will be maintained, with any gaps replanted. The Tree Officer has considered these proposals and has indicated that he has no objection subject to conditions to ensure their ongoing maintenance is provided. The formal landscaping proposal has been forwarded and further comments are awaited, although a landscape management plan has been proposed.

Secure by Design

Members will note the open area to the rear of the main building. This area is currently underused by the residents. This is due to a number of factors but it is noted that this area has little landscaping merit / definition, merely levelled and grassed. More importantly, whilst this is a 'private space', access may still be gained from outside the development so there is little definition of this being a usable private space which residents can enjoy.

The existence of Footpath 505 across the corner of the site and adjacent bungalow allows for more access opportunities from the housing area up across to Austin Road. Information provided by West Mercia Constabulary indicates that there is a large number of recorded incidents with respect to anti-social behaviour on and around this footpath and the use of the open space for people to gather. The residents have been reluctant to utilise these areas due to these incidents. The West Mercia Crime Risk Manager has commented on this application and has suggested that, whilst he would prefer the footpath to be stopped-up and thus access restricted, the proposed slight realignment of the footpath and boundary treatment will direct users of the footpath away from the open areas and the boundaries of the bungalows. The movement of the footpath away from boundaries and across the centre of this space will allow the footpath to function in the same manner whilst avoiding the present contact with private boundaries. For these reasons, I am satisfied the slight realignment of the footpath will be acceptable and would not conflict with policies RST3, RAT12 and RAT13 of the BDLP.

Flooding Drainage Erosion

The engineers have considered this application and have suggested conditions to ensure effective drainage from the site. The existing drainage will be diverted or effectively built over if required.

The main drainage from the site is presently at the southern part of the site and is within the landscaped area. The existing drainage facilities will be able to accommodate the proposed building and therefore I find this aspect of the application acceptable.

The proposal does not identify any issues with the stability of the bank; however, I appreciate the concerns that have been raised regarding its potential stability. PPG14

indicates that this is a material consideration; however, this may be adequately controlled by the imposition of a condition in respect to ground stability and ensuring this is properly assessed (methodology statement, etc.)

Other issues / Fire and Building Regulations

Much of the correspondence identifies concerns in respect of building regulations, fire regulations and the impact of solar gain.

The accommodation proposed is flexible and not all occupants will be heavily dependant. However, this type of concern is assessed under separate legislation and do not fit within the remit of this planning application. Building regulations are negotiated within a working scheme, and internal alterations may be incorporated within any given scheme and therefore not dependant on the planning merits of the case.

Conclusion

On balance, this proposal does represent a use of previously developed land and does accord with the national and local policy guidelines. For these reasons, I find it acceptable, subject to conditions as listed below.

RECOMMENDATION: that permission be **GRANTED** sfc

1. C099
2. C37
3. C9
4. C10
5. C11
6. C12
7. C13
8. C14
9. C15
10. C16
11. C17
12. C18
13. C19
14. Prior to the commencement of the development, full details of the occupancy criteria which are to be used to select occupancy of the dwellings shall be submitted to the Local Planning Authority for approval. Subsequently, persons meeting the approved occupancy criteria shall only take up the occupation of these units, unless otherwise agreed in writing by the Local Planning Authority. REASON: to ensure the dwellings are provided at an affordable level and to meet local housing need in accordance with policy S15 of the Bromsgrove District Local Plan.
15. The disposal of storm water shall be by means approved by the Local Planning Authority and be operational before building works commence. Existing drains will

- accommodate the proposed extension. Car park area will require trapped gullies to contain spillage. REASON: R011.
16. Prior to the commencement of the development of the site, existing and proposed finished site and floor levels, levels of the adjoining land and building, details of any proposed retaining structure will be submitted to and approved in writing by the Local Planning Authority. REASON: to ensure a satisfactory appearance to the development in accordance with policy S7 of the Bromsgrove District Local Plan.
 17. The applicant shall submit details of a scheme of noise insulation which should include soundproof double glazing along with a soundproofed means of ventilation, both to a recognised standard; and such a scheme shall be approved in writing and implemented before occupation of the extension hereby permitted. REASON: to ensure a satisfactory level of amenity to neighbouring properties.
 18. A landscape management plan, including long term design objectives, management objectives and maintenance schedules, for all landscape areas and the leylandi hedge shall be submitted to, and approved by, the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall thereafter be carried out as approved. REASON: in order to maintain the value of the landscaped areas and hedge, and in accordance with policies DS13 and S7 of the Bromsgrove District Local Plan.
 19. Prior to the commencement of development on site the applicant shall provide a survey in relation to the bank surrounding the development (in particular to the south and east) and its integrity / stability. A method statement shall be provided detailing means of the protection of this bank whilst works are carried out and these shall be carried out in strict accordance with the details provided. REASON: to ensure the protection of the neighbouring properties in accordance with policy S7 and the guidance in PPG14.

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

WMSS	CF2, CF3, CF5, CF6, QE1, QE3, T2
WCSP	SD.2, SD.3, SD.4, SD.5, SD.6, D.1, D.3, D.4, D.5, D.6, D.9, CTC.1, CTC.8, T.1, RST.3
BDLP	DS3, DS13, S6, S7, S15, S28, S29, C5, C17, TR11, RAT12, RAT13
Others	PPS1, PPS7, PPS3, PPG13, PPG14, SPG1, SPG10

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

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Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
J. D. Weatherspoon plc 'A'	Fixed glazed canopy to the rear of the existing building, supported by aluminium posts to create shelter from the elements - Golden Cross Hotel, 20 High Street, Bromsgrove	TCZ PSS CA	B/2007/0459 28.06.2007

Councillor Mrs. R. L. Dent has requested that this application be determined at Planning Committee.

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WCC(HP) CO	Consulted - no objection received 11.05.2007 Consulted 09.05.2007 - views received 31.05.2007 I have no objection to the design and location of the glazed canopy, which slots in neatly between the rear entrance and the landscaped area.
EHO	Consulted 23.05.2007 - comments received 30.05.2007 relating to the "Smoke Free (Premises and Enforcement) Regulations 2006" which states that "the canopy must not create an area which is enclosed or substantially enclosed."
Publicity	2 letters sent 09.05.2007 Press advert 18.05.2007 - expires 08.06.2007: no response received Site notice posted 23.05.2007 - expires 13.06.2007: no response received

The site and its surroundings

This application relates to a public house known as the Golden Cross Hotel located on the High Street. The building is within the Town Centre Conservation Area and is adjacent to a Listed Building. The public house itself front the Primary Shopping Street, however, this particular application is for proposed works to the rear of the public house which does not front the main High Street.

The public house known as the Golden Cross Hotel is run by the national chain J. D. Wetherspoon plc. It is located on the south end of the High Street, where vehicular traffic is allowed to travel, but near to the main pedestrianised High Street.

To one side of the public house is an Estate Agent (Class Use A2), and to the left hand side is a premises currently used for A1 retail, but a recent planning application was approved to use the ground floor of this building for restaurant (Class Use A3).

There is an existing beer garden to the rear of the public house and this can be accessed through the public house, or via a public car park to the rear of the site. The beer garden has railings enclosing and gates which are locked when the public house is closed. It includes free standing tables and chairs but these are not removed when the public house closes and are of a permanent residence.

Proposal

This application is for works to the rear beer garden area to the rear of the public house. It is for a new fixed glazed canopy which is to be situated directly above one of the rear doors which leads out of the public house into the beer garden.

There are two sets of double doors at the rear of the public house and because of the shape of the building one of these is set in. The proposed canopy is to be fixed to the double doors that are set in and the other doors which are in the centre of the building are considered the primary entrance and exit doors. This application does not, therefore, affect the primary rear doorway.

The canopy proposed is to be 2.8 metres in height at its highest point and will project 1.5 metres out from the existing rear wall. It will then run 4 metres across from the rear door, along the existing wall and will be supported by aluminium posts. The applicant also proposes to have a table and chairs under the new canopy.

Relevant Policies

WMSS QE1, QE5
WCSP CTC.19, CTC.20, SD.2
BDLP S35a, S39, DS13, BROM22, BROM11, BROM13
Others PPS6, PPS1, PPG15

Relevant Planning History

B/2003/1321 Extend the existing beer garden into existing allocated staff car parking spaces. Listed Building Consent Granted 27.11.2003
B/2003/1319 Modification of Condition No. 6 of B/1994/0812. Granted 14.11.2003
B/1994/1063 Display advertisement. Granted 13.02.1995
B/1994/0812 Ground floor rear and side extension. Granted 07.11.1994
B/1993/0635 Alterations and extension of existing building. Granted 23.09.1994

Notes

There are no policies within the Bromsgrove District Local Plan or the Worcestershire County Council Structure Plan that specifically relate to the provision of this type of canopy within beer garden locations.

Given that the beer garden already contains well established furniture in the forms of tables and chairs, with large umbrellas, the proposed addition of a canopy will be in-keeping with the existing design of the beer garden. In addition, the proposal is not considered to be too extensive, relating to only a very small part of the existing beer garden.

There is currently a table sited where the new table and chairs are proposed. This table has a large umbrella and there are currently hanging baskets hung along the wall where the new canopy will be fixed. Due to these features currently in place, the proposal of a new canopy, table and seating will have a very minimal affect.

Policy BROM22 states that the District Council highlights that particular attention should be given to the needs of disabled people and pedestrians. This proposal does not obstruct the primary rear entrance to the public house or the pathway from the rear doors, through the existing beer garden and to the public car park at the rear. This proposal therefore complies with this policy.

Policy S35a of the Bromsgrove District Local Plan and Policies CTC.19 and CTC.20 of the Worcestershire County Council Structure Plan emphasise the importance of preserving and enhancing the quality of the appearance within Conservation Area and this guidance is supported by Planning Policy Guidance Note 15. The design of the canopy, which is to be glazed in this instance, is not intrusive and due to its siting against the existing rear wall of the public house, will be a minimal addition to the setting of the Conservation Area. I therefore consider no harm is caused to the Conservation Area and that the proposal complies with Policies S35a of the Bromsgrove District Local Plan, and CTC.20 of the Worcestershire County Council Structure Plan. The CO has raised no objection to the scheme.

RECOMMENDATION: that permission be **GRANTED**.

1. C099
2. Before the commencement of any works: a sample of the glazed glass material proposed to construct the canopy, shall be submitted to and approved in writing by the Local Planning Authority.

Reasons:

1. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To protect the visual appearance of the Conservation Area in accordance with Policy S35a of the Bromsgrove District Local Plan and Policies CTC.19 and CTC.20 of the Worcestershire County Structure Plan.

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

WMSS	QE1, QE5
WCSP	CTC.19, CTC.20, SD.2
BDLP	S35a, S39, DS13, BROM22, BROM11, BROM13
Others	PPS6, PPS1, PPG15

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

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Agenda Item 9

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
J. D. Weatherspoon plc 'A'	Pavement café seating area, located to the front of the building, to include free standing demountable screens and removable furniture (as amended by plans received 30.05.2007) - Golden Cross Hotel, 20 High Street, Bromsgrove	PSS TCZ CA	B/2007/0473 29.06.2007

Councillor Mrs. R. L. Dent has requested that this application be determined at Planning Committee.

RECOMMENDATION: that permission be **REFUSED**.

Consultations

- WCC(HP) Consulted - views received 23.05.2007 - no objection: subject to a condition.
- "Recommends that any permission which the District Planning Authority may wish to give include the following conditions:-
- Prior to the implementation of any consent granted, a licence under Section 115E of the Highways Act 1980 inserted under the Local Government (Miscellaneous Provisions) Act 1982 must be acquired from the District Council or County Council. Reason: To ensure that the pedestrian passage is protected by a regulated proposal.
- Without a licence this proposal would be considered to be an obstruction of the Public Highway which would be an offence and may result in enforcement action being taken.
- It should also be noted that the establishment of tables and chairs for Public Amenity benefit in principle is acceptable, but the area cannot be enclosed by barriers or screens, this would result in an objection from the Highway Authority."
- CO Consulted 09.05.2007 - views received 31.05.2007
- "In principle I have no objection to seating outside the pubs and cafes in the High Street. However the Golden Cross is not located on the pedestrianised part of the High Street, and the pavement is relatively narrow here. I therefore consider that the positioning of a seating area outside the pub especially as proposed, two rows of tables, will result in visual clutter. In addition part of the application is for the provision of heaters. A description of the heaters has not been provided. If some sort of wall mounted electric heater is being proposed we would need to know what they look like, how large they are likely to be, and any likely impact on the façade of the building.
- I therefore have to object to this proposal."
- I note that the main aim of this application is to cater for smokers, but they are currently catered for to some degree in the beer garden to the rear, and there is an application in to provide a protected area for smokers here.

- EH Consulted 23.05.2007 - comments received 30.05.2007 relating to the "Smoke Free (Premises and Enforcement) Regulations 2006" which states that "the canopy must not create an area which is enclosed or substantially enclosed."
- WMC Consulted - comments received 17.05.2007 - Does not object but asks that conditions are imposed:
1. Whilst the police do not object to pavement seating we request two planning conditions should this application be granted.
 2. Firstly that no alcohol be consumed in this area as it fall within the area of The District Council of Bromsgrove Designation Order (Various Locations) 2007 (No. 1) that came into force on 31.01.2007. This order was granted under The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001.
 3. Secondly that all free standing screens and removable furniture be cleared away from the site by 20.30 hours. This is in order to reduce the fear of crime and discourage groups from gathering when the bar is closed. There is a risk that the screens and furniture may be damaged or used to cause damage.
 4. I fail the see the requirement for this application as there is already a suitable beer garden at the rear of the premises.
- Publicity Site notice posted 23.05.2007 - expires 13.06.2007
Press Advert 18.05.2007 - expires 08.06.2007
2 letters sent - expire 30.05.2007

The site and its surroundings

This application relates to a public house located on the High Street. The building is within the town centre Conservation Area and is adjacent to a Listed Building.

The public house known as the Golden Cross Hotel is run by the national chain J. D. Wetherspoon. It is located on the south end of the High Street, where vehicular traffic is allowed to travel but near to the main pedestrianised High Street.

To one side of the public house is an Estate Agent (Class Use A2) and to the left hand side is a premises currently used for A1 retail but a recent planning application was approved to use the ground floor of this building for restaurant (Class Use A3).

Proposal

This application relates to the placement of tables and seating outside the front of the public house, to include glazed screening, which will section the seating area off from the existing pedestrian's pavement. The amount of seating proposed is substantial and consists of seating for approximately thirty people.

The tables and seating proposed are to be freestanding and the screening is also demountable. The applicant has also stated that all the equipment will be removed every evening, at a time agreed by the Local Planning Authority.

Relevant Policies

WMSS	QE1, QE5
WCSP	CTC.19 CTC.20, SD.2
BDLP	S35a, BROM22, DS13, BROM11, BROM13, S42, S45
Others	PPS6, PPS1, PPG15, SPG2

Relevant Planning History

B/2003/1321	Extend the existing beer garden into existing allocated staff car parking spaces - Listed Building Consent Granted 27.11.2003
B/2003/1319	Modification of condition number 6 of B/1994/0812. Granted 14.11.2003
B/1994/1063	Display advertisement. Granted 13.02.1995
B/1994/0812	Ground floor rear and side extension. Granted 07.11.1994
B/1993/0635	Alterations and extension of existing building. Granted 23.09.1994

Notes

There are no policies within the Bromsgrove District Local Plan or the Worcestershire County Council Structure Plan that specifically relate to the provision of outdoor seating. However, National Planning Policy Statement 6 "Town Centres" states that Local Planning Authorities must seek to encourage vitality of town centres and this is supported by guidance within the WCSP to enhance the quality of the county's town centres. I am of the view that external seating area would add interest and vitality to the town centre. However, there are other consideration to be addressed with regards to determining this application.

1. Access; and
2. The affect of the proposal on the Town Centre Conservation Area.

I will now address each concern in more detail.

Access Issues

The proposed screening as indicated on the original submitted drawings is to section of the whole width of the area in front of the public house. The plan also shows that from the columns either side of the main entrance, the screens will section of an area of 3.7 metres into the pedestrian pavement. The same plan shows that this screens off approximately half of the public highway, leaving 3.8 metres in between the screening and the end of the public pavement which meets the road. However, upon checking measurements on site, your officer can report that this distance is less than 2 metres, which is substantially less than indicated on the plan. I raised this issue with the agents who have now submitted a revised drawing which has reduced the area to be enclosed for seating slightly to 3.5 metres but still leaves only 1.9 metres for pedestrians to pass by. This distance is not felt to be adequate for a busy shopping street and is my primary concern of this application.

The Worcestershire County Council Highways Partnership have been consulted and raise no objections subject the granting of planning permission, subject to a condition

being attached. They also advise that the proposal requires a separate licence from them, even if this proposal is to gain planning permission. They comment that the "establishment of tables and chairs for Public Amenity benefit in principle is acceptable" but they would object to the seating being enclosed by barriers, as it is proposed in this instance.

In my opinion it is not only the screening that will cause disruption to the Public Highway but also the table and seating which are the fundamental part of this application. The accommodation of such equipment will obstruct pedestrian movement.

Policy BROM22 states that the District Council highlights that particular attention should be given to the needs of disabled people and pedestrians. This proposal will introduce a clear obstruction to both pedestrians and furthermore disabled people and therefore does not comply with this policy.

Policy S29 of the Bromsgrove District Local Plan also states the council should ensure adequate provision is given to access by the disabled.

Members will also note the views of the WMC in relation to this application.

Conservation Area Issues

The proposed new seating is proposed not only on a pedestrian shopping street but also on a public viewpoint for the Town Centre Conservation Area. In addition, the building next door is a Listed building. The Council must seek to preserve and enhance the special character of both the Conservation Area and adjacent Listed Building.

Policies S35a of the Bromsgrove District Local Plan and CTC.20 of the Worcestershire County Council Structure Plan emphasise the importance of preserving and enhancing the quality of the appearance within Conservation Area and this guidance is supported by Planning Policy Guidance Note 15. Policy S39 of the Bromsgrove District Local Plan and CTC.19 of the Worcestershire County Council Structure Plan states that development must not be permitted if it would adversely affect the settings of listed buildings.

Outdoor seating to the front of the premises will not enhance or complement the setting of the Conservation Area. It will add unnecessary clutter and therefore deter away from the historic buildings which are contained within the Conservation Area, including the adjacent Listed Building.

The applicant has not specified designs of the type of tables and chairs to be considered as part of this application. They have, however, submitted some examples for indicative purposes. The designs are of a modern design and, whilst your officer does not object to modern designs within the Conservation Area, they must still be sympathetic to the character of the Conservation Area. In this instance, no design consideration to its historic setting has been given consideration. The CO has raised objections to the scheme.

Conclusions

While accepting that the introduction of seating onto the High Street may add to the vibrancy of the Town Centre, this proposal raises concerns which I do not believe can be overcome by imposing conditions. These issues relate to Highway safety, due to obstruction of the Public Highway; and harm to the character and appearance of the Conservation Area. The importance of these issues could warrant refusal independently so, as they stand collectively, they make a robust reason for refusal.

In addition I have taken into regard the fact that this particular public house already has a beer garden and seating to the rear.

RECOMMENDATION: that permission be **REFUSED**.

The proposed development would obstruct pedestrian flow along the High Street. It does not, therefore, safeguard the shopping environment and is contrary to policy DS13 of the Bromsgrove District Local Plan. The addition of table, chairs and screens will also add clutter to the Town Centre Conservation Area and therefore cause visual harm to the character and appearance of this historic setting, contrary to Policy QE5 of the West Midlands Spatial Strategy, Policy S35a of the Bromsgrove District Local Plan, Policies CTC.19 and CTC.20 of the Worcestershire County Structure Plan, and the provisions of PPG15.

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Agenda Item 10

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Ms. J. Kirkbride 'B'	Second floor bedroom extension and associated alterations (resubmission of B/2007/0478) - 5 Beoley Hall, Icknield Street, Beoley	GB	B/2007/0478 03.07.2007

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WCC(HP)	Consulted - views received 22.05.2007: No objection
ENG	Consulted 08.05.2007: views awaited
Conservation Officer	Consulted: views received 05.06.2007 - no objection subject to materials condition
Beoley PC	Consulted 08.05.2007: views awaited
Publicity	9 letters sent 11.05.2007: no response received (expire 01.06.2007) 2 site notices posted 25.05.2007: no response received (expire 15.06.2007) 1 press notice published 18.05.2007: no response received (expires 08.06.2007)

The site and its surroundings

The application relates to Beoley Hall located on the northern side of Icknield Street. The building relates to a former country house now converted into apartments dating from the eighteenth century, remodelled in 1791 by John Sanders for Thomas Holmes, with some late twentieth century alterations. The building is in H-plan with the east cross-wing relating to an addition by Sanders. The building is rendered with moulding corncicing to the parapet and slightly raised quoining. The building is Listed Grade II. Apartment 5 is located to a section of the upper floor. The building looks onto open countryside to the east, south and west and is located within recognised Green Belt.

Proposal

This is a full application for the formation of a second floor extension to form an additional bedroom. The extension is to be located over an existing two-storey flat roof extension located to the northern elevation of the building. The extension is to be finished with render and quoins to match the existing, together with coping, cornice moulding and string course to the upper level to match the existing roofline detailing. The window style and proportion will also match the existing.

Two new roof-light windows are also proposed to the existing roof currently serving bedroom two.

This is an application for planning consent. An application for Listed Building Consent was approved at your previous meeting in April 2007 under application reference B/2007/0224.

Relevant Policies

WMSS	QE1, QE3, QE5
WCSP	CTC.1, CTC.19, CTC.21, D.38, D.39, D.40, SD.2, T.1
BDLP	C4, DS2, DS13, S39, TR11
Others	PPS1, PPG2, PPG15

Relevant Planning History

B/2007/0225	Extension to apartment to provide additional bedroom accommodation, with associated alterations: withdrawn 03.04.2007
B/2007/0224	Extension to apartment to provide additional bedroom accommodation, with associated alterations (Listed Building Consent): approved 24.04.2007
B/1996/0533	Renewal and repair of existing roof coverings and the addition of roof hatch (Listed Building Consent): approved 09.09.1996
B/1996/0533	Renewal and repair of existing roof coverings and the addition of roof hatch (Listed Building Consent): approved 09.09.1996
B16562	Conservatory (Listed Building Consent): approved 18.07.1988
B12039	New canopy to rear entrance and landscaping (Listed Building Consent): approved 10.09.1984
B1427	Change of use of part of Beoley Hall to offices: approved 16.08.1975

Notes

I consider the main issues with this application to be whether the proposal is deemed to be appropriate development in the Green Belt and if not whether there are any special circumstances which would override the harm caused. The proposals must also be considered in terms of design and its impact of the alterations upon the special architectural interest and appearance of the Grade II Listed Building and the implications for residential amenity.

Given this scheme does not relate to a dwellinghouse (as defined in the Town and Country Planning (General Permitted Development) Order 1995), the provisions of SPG7 do not apply to this application.

Green Belt Issues

Policy D.39 of the adopted Worcestershire County Structure Plan states that there will be a presumption against allowing inappropriate development in the Green Belt as stemming from national planning guidance PPG2 "Green Belt". Inappropriate development is, by definition, harmful to the Green Belt. Policy D.12 and D.38 of the Worcestershire County Structure Plan and Policy DS2 of the Bromsgrove District Local Plan are in general accordance with PPG2 in resisting development in the Green Belt unless the proposals fall within a defined list of appropriate development. The extension does not fit into any of the categories of appropriate development. I am therefore of the view that the proposal is, by definition, classified as inappropriate development in the Green Belt. On this basis it is now for me to consider whether any very special circumstances exist to outweigh the harm that would be caused.

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

"Inappropriate development is, by definition, harmful to the Green Belt. *It is for the applicant to show why permission should be granted.* Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is *clearly outweighed* by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach *substantial weight* to the harm to the Green Belt when considering any planning application or appeal concerning such development" (*my emphasis*)

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

Members will also now be aware that establishing very special circumstances involves a balancing exercise. On the one side is the extent of the harm to the Green Belt by virtue of inappropriateness and any other factors. On the other side are the positive advantages of the proposal. Very special circumstances exist where the advantages outweigh the harm.

A supporting statement has accompanied the application and provides the following information:

- (a) The modest extension cannot be said to have any negative effect on the Green Belt in terms of urban sprawl or damaging the openness of the Green Belt. It will not introduce new building onto land that is not already built up;
- (b) The proposal is within the group of buildings forming Beoley Hall with its associated outbuildings. From the majority of views from the surrounding areas the new extension will not be visible, being screened from the south and east by the existing hall and will not impinge outwith the existing envelope of the hall;
- (c) Even in the limited instances where the extension could be seen (for example from Icknield Street approximately 100 yards to the West) the extension will only be glimpsed through trees and other buildings and will in any case be below the roof of the hall seen behind it.

I have considered these views. The extension will be viewed against the backdrop of the existing building and sits above an existing two-storey flat roof extension. Given this context and the small-scale appearance of the proposal that infills a void created by the juxtaposition of the existing body of the main building, I consider the scheme would have limited harm to the openness and visual amenities of the Green Belt in this location. I therefore consider very special circumstances exist in this case to permit the application to be acceptable.

Design and Listed Building Issues

PPG15 *Planning and the Historic Environment*, states the statutory requirement on the LPA to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Paragraph 3.3 then goes on to state that "this reflects the great importance of protecting Listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for Authorities in determining an application for consent". Policy S39 of the Bromsgrove District Local Plan notes that careful attention will be paid to any proposal affecting the character of a Listed Building or its setting. Policy CTC.19 of the WCSP states that any development which would adversely affect those features and areas of historic and / or architectural significance, which contribute to the character of the urban or rural parts of the County, will not normally be allowed. Such features include listed buildings and their settings.

The CO has raised no objection to the scheme subject to suitable Conditions relating to external facing materials. As such I consider the scheme has been sensitively designed in terms of scale and the detailing of the external appearance sits comfortably with the historic character and form of Beoley Hall. I therefore consider the design of the scheme to be acceptable in relation to its historic context and consider the works to comply with Policy S39 of the Bromsgrove District Local Plan, Policy CTC.19 of the Worcestershire County Structure Plan and the advice contained in PPG15.

Residential Amenity

Although the proposal conflicts with the 45-degree code (as set out in SPG1) from the windows of the adjacent apartments on the second floor, these windows do not serve habitable rooms. Furthermore SPG1 states that the 45-degree code needs to be interpreted carefully and flexibly and provides an example of those extensions having a much larger building behind it may have blocked daylight in any case. As such I am of the view that the scheme would not cause undue detriment to the amenities of the adjacent units.

Conclusions

Given all considerations I consider the scheme to be acceptable.

RECOMMENDATION: that permission be **GRANTED**.

1. Time limit
2. C37

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

WMSS QE1, QE3, QE5
WCSP CTC.1, CTC.19, CTC.21, D.38, D.39, D.40, SD.2, T.1

BDLP C4, DS2, DS13, S39, TR11
Others PPS1, PPG2, PPG15

It is the Council's view that although the scheme represents inappropriate development, it is considered that the scheme would cause limited harm to the openness of the Green Belt and that very special circumstances exist to outweigh any harm to the Green Belt.

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Agenda Item 11

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
J. H. M. Construction 'A'	Installation of solar panels to former piggery building (retrospective) - Newhouse Farm, Lea End Lane, Alvechurch	GB	B/2007/0511 12/07/2007

RECOMMENDATION:

- (a) that permission be **REFUSED**; and
- (b) That Enforcement Action be authorised to secure the removal of the unauthorised development and delegate authority to the Head of Planning and Environment Services in consultation with the Head of Legal and Democratic Services to select the most appropriate course of action.

Consultations

WCC(HP)	Consulted - view received 22.05.2007 - No objection
Local Plans (Policy)	Consulted 06.06.2007 - Views awaited
Alvechurch PC	Consulted 17.05.2007 - No response received to date
Publicity	1 letter sent 24.05.2007: no response received (expires 14.06.2007) 1 site notice posted 25.05.2007: no response received (expires 15.06.2007)

The site and its surroundings

This application relates to a former agricultural building (know as the piggery) currently under conversion to two residential units. The property lies to the west side of Lea End Lane within a group of buildings collectively known as Newhouse Farm and including three further barn conversions and a farmhouse. The application site is of two storeys with a small single storey lean-to section to the front (west facing) elevation. The building is constructed of breezeblocks with a slate roof. The front elevation at first floor has been timber clad as have the side facing gables. The ground floor of the front elevation has been plastered and painted a cream colour. The rear of the building faces the road and the front looks out onto a central courtyard. A low brick wall demarcates the gardens of the residential units from the courtyard and its driveway. The property is located in recognised area of Green Belt.

The blue line as shown on the submitted location plan appears to include land not owned by the applicant. Amended location plans have been requested. I will update Members at your Committee on this issue.

Proposal

This application relates to the installation of two sets of three solar panels to the front elevation of the building. Each set of solar panels is 3.3m wide, 0.9m high and project from the roof by approximately 0.15m. This application has been submitted retrospectively.

In support of the application, the applicant's agent has stated:

- The application is install solar panels to enhance the energy efficiency of the two dwellings.
- The energy will provide heated water and electricity to the dwellings.
- The solar panels are of standard construction, appearing black from a distance.

Relevant Policies

WMSS QE3
WCSP SD.1, SD.2, CTC.1, D.16, D.38, D.39, D.40
BDLP DS2, DS13, C27, C27c
Others PPS1, PPG2, PPS22, SPG4

Relevant Planning History

B/2002/1081 Conversion of existing 'piggery' to create two dwellings: approved
30.10.2002
B/2002/0664 Conversion of existing piggery to create two dwellings with associated
garages and parking: withdrawn 08.07.2002
B/2001/0482 Conversion of existing piggery to create two dwellings with associated
garages and parking: refused 11.06.2001
B/2000/1181 Conversion of existing barns to create four dwellings with associated
garages and parking (as augmented by plans and information received
28.11.2000 and as amended by drawings received 13.12.2000):
approved 18.12.2000

Notes

The main issues with this application are whether the proposal's impact on the appearance and character of a former agricultural building, whether it represents appropriate development in the Green Belt and if not whether there are any very special circumstances to outweigh the harm. Consideration must also be given to the proposal's potential contribution to sustainable development.

Character and appearance of former agricultural building

Policy C27 of the Bromsgrove District Local Plan sets out the criteria against which proposals for the conversion of existing rural buildings will be assessed. Criterion (d) requires the form, bulk and general design of the conversion scheme to be in keeping with its surroundings and respect local building styles and materials. Further advice on the conversion of rural buildings is given in Supplementary Planning Guidance 4: Conversion of Rural Buildings (SPG4). Paragraph 3.2 of SPG4 states:

Large unbroken roof slopes are often a characteristic feature of agricultural buildings. These should be respected especially as they are often seen at a distance and can dominate elevations. New roof openings will normally be opposed; dormers and upstanding roof lights can bring about a significant change in the character of a farm building. In special circumstances some

alteration of roofs may be allowed, but only to a limited degree on less important slopes.

I acknowledge the application site is not of a vernacular common to traditional agricultural buildings within Bromsgrove District. However, the building does have a number of characteristics associated with rural buildings including its linear form and unbroken roof slopes. I am of the opinion that these characteristics help the building to relate to its setting and the three neighbouring existing redbrick barn conversions. The solar panels dominate the front elevation of the property and destroy the existing unbroken roof slope. This in my opinion has considerable harm on the appearance and character of the building and is also of harm to the building's setting. Despite the front elevation of the building facing away from the road, due to a bend in the road just north of the site, the solar panels are visible from the road. In conclusion, I find the solar panels to be contrary to Local Plan Policy C27 and the provisions of SPG4.

I am of the view that in allowing the solar panels a precedent may be set with regard to similar proposals. This has the potential to be of significant detriment to the traditional and attractive converted former agricultural buildings found across the District.

In granting permission for the conversion of the former piggery building into two residential units under application B/2002/1081, the Council removed the dwellings' permitted development rights for alterations to the external elevations. As such, I am of the view that the dwellings have no fall back position with regard to other possible alterations that could be made to the roof slopes.

Green Belt issues

Policy DS2 of the Bromsgrove District Local Plan in accordance with Planning Policy Guidance 2: Green Belts sets out the instances where development is considered to be appropriate in the Green Belt. Criterion (c) requires proposal's for the re-use of rural buildings to be in accordance with Policy C27. The solar panels are considered to not comply with Policy C27 and as such they are considered to represent inappropriate development in the Green Belt.

Sustainable development

Local Plan Policy DS13 encourages proposed developments to include features that would conserve energy resources. Planning Policy Statement 22: Renewable energy (PPS22) aims to encourage the development of renewable energy schemes and sets out the key principles that Local Planning authorities should consider in relation to such developments. Paragraph 13 of PPS22 states

When located in the green belt, elements of many renewable energy projects will comprise inappropriate development, which may impact on the openness of the green belt. Careful consideration will therefore need to be given to the visual impact of projects, and developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed.

I acknowledge the solar panels represent a sustainable form of development, which should generally be encouraged by Local Authorities. However, I am of the opinion that the limited environmental benefits of the solar panels do not outweigh the level of harm caused to the character and appearance of a former agricultural building. No very special circumstances have been put forward by the applicant to outweigh the harm.

Conclusion

I am of the view that the solar panels have caused an unacceptable level of harm to the character and appearance of a former agricultural building and its setting. The solar panels represent an inappropriate form of development in the Green Belt and no very special circumstances have been found to justify approval.

RECOMMENDATION:

- (a) that permission be **REFUSED**

The solar panels destroy an existing large unbroken roof slope, which forms an important character of this formal agricultural building. As such, the development has detrimentally eroded the character and appearance of the building contrary to Policy DS2 and C27C of the Bromsgrove District Local Plan 2004, Policy D.16 of the Worcestershire County Structure Plan and the provisions of Supplementary Planning Guidance Note 4: Conversion of Rural Buildings.

- (b) That Enforcement Action be authorised to secure the removal of the unauthorised development and delegate authority to the Head of Planning and Environment Services in consultation with the Head of Legal and Democratic Services to select the most appropriate course of action.

Agenda Item 12

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
The Laurel Pub Company 'A'	New canopy, tables and seating to front of building - Hogs Head, 126-130 High Street, Bromsgrove	PSS TCZ CA / LB	B/2007/0514 29.06.2007

Councillor Mrs. R. L. Dent has requested that this application be determined at Planning Committee (written request 04.06.2007).

RECOMMENDATION: that permission be **REFUSED**.

Consultations

WCC(HP)	Consulted - views received 23.05.2007 "Recommends that any permission which the District Planning Authority may wish to give include the following conditions:- CANOPIES / SIGNS / PROJECTIONS OVER HIGHWAY H23 The underside of any projection, sign or canopy hereby approved shall be positioned not less than 2.4 metres above the level of the adjoining footway/verge. Reason: In the interests of highway safety. Note to Planning Officer: Noting that the application is for a canopy a standard condition is recommended. However the drawings indicate a table and chair under the canopy which will require a licence under Section 115E of the Highway Act 1980. The granting of any consent does not permit the siting of tables and chairs in the Highway."
CO	Consulted - received 01.06.2007 In principle, I have no objection to the seating and tables outside the building. I do however have major concerns regarding the positioning of the canopy on the listed building. The elevation drawing provided is completely inaccurate. The central window, underneath which the canopy is to be located, is actually a bay window positioned on an attractive corbelled support. This detail is not indicated on the plan, and I am therefore unable to assess the impact of the canopy on the listed building, as I am unable to see where it is in relation to the corbelled support. In addition, there would appear to be some alterations to the fireplaces in the lounge area. We need to see a plan that shows exactly what these changes are. On the information provided to date, I would have to object to this application.
EHO	Consulted 23.05.2007 - comments received 30.05.2007 relating to the "Smoke Free (Premises and Enforcement) Regulations 2006" which states that "the canopy must not create an area which is enclosed or substantially enclosed."

- WMC Consulted - comments received 17.05.2007 - Does not object but asks that conditions are imposed:
- "1. Whilst the police do not object to pavement seating we request two planning conditions should this application be granted.
 2. Firstly that no alcohol be consumed in this area as it fall within the area of the District Council of Bromsgrove Designation Order (Various Locations) 2007 (No. 1) that came into force on 31.01.2007. This order was granted under The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001.
 3. Secondly that all free standing screens and removable furniture be cleared away from the site by 20.30 hours. This is in order to reduce the fear of crime and discourage groups from gathering when the bar is closed. There is a risk that the screens and furniture may be damaged or used to cause damage.
 4. I fail the see the requirement for this application as there is already a suitable beer garden at the rear of the premises."
- Publicity Site notice posted 23.05.2007 - expires 13.06.2007
Press Advert 18.05.2007 - expires 08.06.2007

The site and its surroundings

This application relates to a public house located on the main pedestrianised High Street in Bromsgrove Town Centre and the site falls within the designated Town Centre Conservation Area.

The public house known as the Hogs Head and is run by the national chain The Laurel Pub Company. The building is Listed Grade II.

To one side of the public house is a Bank (Class Use A2) and to the left hand side is a premises currently used for A1 retail. The building on this side is set back from the building line of the public house. Thus, as you enter the High Street, this building is particularly visible as it protrudes out and because also of its distinct character.

The building fronts directly onto the pedestrianised High Street which is brick paving surfacing. The shop front is made up predominately of glass giving the frontage an open feel and is of a modern design.

Proposal

This application relates to the addition of a new canopy to part of the front elevation of the building. The front elevation is made of up three elements and it is the middle section which it is proposed the canopy be attached to. The canopy will project out from the building 2 metres, will be 3.3 metres high where it attaches to the building and will be approximately 3.5 metres wide across the front of the building.

This application also proposes to place a table and seating under the new canopy. There are no details included with the application to clarify whether the new table and seating proposed are to be freestanding or of a permanent structure.

This building is a Grade II Listed Building and there is an associated Listed Building application under reference number B/2007/0515

Relevant Policies

WMSS QE1, QE5
WCSP CTC.19, CTC.20, SD.2
BDLP S35a, S39, BROM22, DS13, BROM11, BROM13, S41, S42, S45
Others PPS6, PPG15, PPS1, SPG2

Relevant Planning History

B/2004/1111 Table and chairs on pavement. Refused 01.11.2004
B/2004/0206 Install new signage. Listed Building Consent Granted 16.04.2004
B/2004/0192 Decorations to front ground floor. Listed Building Consent Granted 08.04.2004
B/2004/0164 Projecting sign. Granted 06.04.2004
B/2002/1017 Proposed external seating with bollards. Listed Building Consent Permitted Development 07.10.2002
B/2002/1016 Proposed external seating with bollards. Refused 28.10.2002.
B/2000/0741 Listed building consent - change of use of units from A1/residential to A3, including demolition of extension to rear and erection of replacement extension to rear. Creation of service access to rear (as amended by plans received 09.08.2000 and 04.09.2000 and letter received 23.10.2000). Approved 20.11.2000
B/2000/0739 Fascia and projecting signs (as augmented by drawings received 09.08.2000). Granted 20.11.2000
B/2000/0738 Change of use from A1/residential to A3, including demolition of extension to rear and erection of replacement extension to rear. Creation of service access to rear (as amended and augmented by plans received 09.08.2000 and 04.09.2000). Approved 20.11.2000

Notes

There are no policies within the Bromsgrove District Local Plan or the Worcestershire County Council Structure Plan that specifically relate to the provision of outdoor seating. However, National Planning Policy Statement 6 "Town Centres" states that local planning authorities must seek to encourage vitality of town centres and this is supported by guidance within the WCSP to enhance the quality of the county's town centres. I am of the view that external seating area would add interest and vitality to the town centre. However, there are other considerations to be addressed with regards to determining this application.

Conservation Area Issues

The proposed new seating is proposed not only on a pedestrian shopping street but also on a public viewpoint for the Town Centre Conservation Area. In addition, the building is Grade II Listed and of a special and distinct historic character. This is my primary concern for determining this application.

Policies S35a of the Bromsgrove District Local Plan and CTC.20 of the Worcestershire County Council Structure Plan emphasise the importance of preserving and enhancing the quality of the appearance within Conservation Area and this guidance is supported by Planning Policy Guidance Note 15.

Outdoor seating to the front of the premises will not enhance or complement the setting of the Conservation Area. It will add unnecessary clutter and therefore deter away from the historic buildings which are contained within the Conservation Area and, in this instance, the Listed Building it will be outside.

The applicant has not specified a design of the canopy or of the type of tables and chairs to be considered as part of this application. The design should take into account the unique character of the Listed Building and be sympathetic to the historic setting of the Conservation Area.

No details have been submitted to propose how the proposed canopy will be fixed to the Listed Building. This will be a fundamental element of assessing the impact of the application on the Listed Building.

Policy S39 of the Bromsgrove district Local Plan and CTC.19 of the Worcestershire County Council Structure Plan states that development must not be permitted if it would adversely affect the settings of listed buildings and I am of the view that the lack of detail submitted with this application and the inaccuracies on the plans means that it does not comply with these policies, or the guidance set out in Planning Policy Guidance Note 15.

Access Issues

The proposed canopy will project out 2 metres from the building and overhang the Public Highway. This distance of 2 metres will have a greater impact on pedestrians coming from the north end of the High Street as this particular building protrudes out from the building line from this side. It is noted that this building is also in a prominent position being at the main gateway to the pedestrian High Street and as such it has a busy flow of pedestrian movement.

The Worcestershire County Council Highways Partnership have been consulted and raise no objections subject the granting of planning permission, subject to a condition being attached. They also advise that the proposal requires a separate licence from them, even if this proposal is to gain planning permission. They comment that the "establishment of tables and chairs for Public Amenity benefit in principle is acceptable" but they would object to the seating being enclosed by barriers, which is not proposed on the application form in this instance. However, on the floor plan included as part of the application, there is some sort of barrier shown to enclose the seating area.

Policy BROM22 states that the District Council highlights that particular attention should be given to the needs of disabled people and pedestrians. This proposal will introduce a clear obstruction to both pedestrians and disabled people, and therefore does not comply with this policy.

Policy S29 of the Bromsgrove District Local Plan also states the Council should ensure adequate provision is given to access by the disabled.

Conclusions

While accepting that the introduction of seating onto the High Street may add to the vibrancy of the Town Centre, this proposal raises concerns, which I do not believe can be overcome by imposing conditions.

In addition I have taken into regard the fact that this particular public house already has a beer garden and seating to the rear.

RECOMMENDATION: that permission be **REFUSED**.

- (a) The proposed development would obstruct pedestrian flow along the High Street. It does not, therefore, safeguard our shopping environment and is contrary to policy DS13 of the Bromsgrove District Local Plan. The addition of tables, chairs and barriers will also add clutter to the Town Centre Conservation Area and therefore cause visual harm to the character and appearance of the historic setting and be contrary to policy QE5 of the West Midlands Spatial Strategy, policy S35a of the Bromsgrove District Local Plan, policies CTC.19 and CTC.20 of the Worcestershire County Structure Plan, and the provisions of PPG15.
- (b) The inaccuracies on the plans submitted are unacceptable when details are fundamental to protecting the special historic character of this Listed Building and the attractive setting of the Town Centre Conservation Area, contrary to policies S39 and S35a of the Bromsgrove District Local Plan, policies CTC.19 and CTC.20 of the Worcestershire County Council Structure Plan and the provisions of PPG15.

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Agenda Item 13

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
The Laurel Pub Company 'A'	New canopy to front elevation of site (Listed building Consent) - Hogs Head, 126-130 High street, Bromsgrove	PSS TCZ CA LB	B/2007/0515 29.06.2007

Councillor Mrs. R. L. Dent has requested that this application be determined at Planning Committee (written request 04.06.2007).

RECOMMENDATION: that permission be **REFUSED**.

Consultations

WCC(HP)	Consulted - views received 23.05.2007. No objection
CO	Consulted - views received 01.06.2007
	In principle, I have no objection to the seating and tables outside the building.
	I do however have major concerns regarding the positioning of the canopy on the listed building. The elevation drawing provided is completely inaccurate. The central window, underneath which the canopy is to be located, is actually a bay window positioned on an attractive corbelled support. This detail is not indicated on the plan, and I am therefore unable to assess the impact of the canopy on the listed building, as I am unable to see where it is in relation to the corbelled support.
	In addition, there would appear to be some alterations to the fireplaces in the lounge area. We need to see a plan that shows exactly what these changes are.
	On the information provided to date, I would have to object to this application.
Publicity	Site notice posted 23.05.2007 - expires 13.06.2007
	Press Advert 18.05.2007 - expires 08.06.2007

The site and its surroundings

This application relates to a public house located on the main pedestrianised High Street in Bromsgrove Town Centre. The public house known as the Hogs Head and is run by a national chain, The Laurel Pub Company.

The building is Grade II Listed and the site falls within the Town Centre Conservation Area. The building as it stands now is a composition of three previously separate buildings. The centre building is the most prominent, being significantly higher at three storeys, and the two either side of it being only two, with converted attic space.

The buildings are made from white and yellow brick with a tiled roof. The two smaller buildings have attic windows which are arrowslit design. The middle building has a prominent window at first floor level, being of an oriel design with stone dressings.

To one side of the public house is a Bank (Class Use A2) and to the left hand side is a premises currently used for A1 retail. The building on this side is set back from the building line of the public house. Thus, as you enter the High Street, this building is particularly visible as it protrudes out and because also of its distinct character.

The building fronts directly onto the pedestrianised High Street which is brick paving surfacing. The shop front is made up predominately of glass and is of a modern design.

Proposal

This application relates to the addition of a new canopy to part of the front elevation of the building.

This application also proposes to place table and seating under the new canopy, although this is not stated as part of the Listed Building application, it is to be considered under an associated planning application under reference number B/2007/0514.

The description on the Listed Building Consent application forms states "Provide new canopy to front elevation of the site" only; however, on the submitted drawing there are several alterations to the Listed Building which have not been included in the description.

I have raised this issue with the applicants and requested that they amend the description or submit revised drawings, and will update Committee Members accordingly.

Relevant Policies

WMSS QE1, QE5
WCSP CTC.19, CTC.20, SD.2
BDLP S35a, S39, BROM22, BROM11, BROM13, S41, S42, S45
Others PPG15, PPS6, PPS1, SPG2

Relevant Planning History

B/2004/1111 Table and chairs on pavement. Refused 01.11.2004
B/2004/0206 Install new signage. Listed Building Consent Granted 16.04.2004
B/2004/0192 Decorations to front ground floor. Listed Building Consent Granted
08.04.2004
B/2004/0164 Projecting sign. Granted 06.04.2004
B/2002/1017 Proposed external seating with bollards Listed Building Consent
Permitted Development 07.10.2002
B/2002/1016 Proposed external seating with bollards. Refused 28.10.2002.
B/2000/0741 Listed building consent - change of use of units from A1/residential to A3,
including demolition of extension to rear and erection of replacement
extension to rear. Creation of service access to rear (as amended by
plans received 09.08.2000 and 04.09.2000 and letter received
23.10.2000). Approved 20.11.2000
B/2000/0739 Fascia and projecting signs (as augmented by drawings received
09.08.2000). Granted 20.11.2000

B/2000/0738 Change of use from A1/residential to A3, including demolition of extension to rear and erection of replacement extension to rear. Creation of service access to rear (as amended and augmented by plans received 09.08.2000 and 04.09.2000). Approved 20.11.2000.

Notes

Policy S39 of the Bromsgrove District Local Plan and CTC.19 of the Worcestershire County Council Structure Plan states that development must not be permitted if it would adversely affect the settings of listed buildings. These policies will therefore form my basis in determining this application for Listed Building Consent, for which I will also draw on the guidance in Planning Policy Guidance Note 15.

To protect the special character of a Listed Building the level of detail is fundamental. The plans submitted with this application for Listed Building consent have several inaccuracies.

The composition of the three buildings, the largest and most prominent being the centre one, the features such as the arrowslit and oriel design windows and the detailed stone decoration give the building an overall appearance of gothic character.

None of these features have been portrayed on the elevational drawing submitted and it therefore does not give a true representation of special character of the building. The middle building is shown on the drawing as the smallest of the three in width, which is inaccurate and it is actually the widest and most prominent of the three. The pitches of all three roofs are also inaccurate and they have omitted two substantial chimney stacks from the drawing. The building has been decorated with stone cobbling which also adds to its attractive appearance and this has not been portrayed on the drawing.

Finally, the design of the windows significantly differ to how they truly are. My primary concern in this respect is the omission of the 'oriel' design window at first floor level, which has a prominent position and contributes greatly to the special character of this Listed Building. The proposed canopy will be added to the Listed Building under this feature window; however, it is not shown on the elevational drawing. I am therefore unable to assess the impact of the canopy on this special feature or indeed the Listed Building as a whole. I therefore conclude that this application is not capable of accurate or efficient assessment to ensure the Listed Building is protected.

Looking now at the internal alterations, it is noted that no internal alterations are included within the description on the application form. However, on the floor plans submitted there are alterations to the existing bar and the addition of a new wall. There is also a line drawn around the two fireplaces but there is no explanation as to what this signifies. These two fireplaces are a feature of the Listed Building and when planning permission was granted to change the use of this building from A1 to A3 under planning application B/2000/0738, a condition was attached to retain these two feature fireplaces. Any alterations to them would not, therefore, just require formal Listed Building Consent, but would be in breach of this condition.

Finally, the elevational drawings show changes to the shop front by changing the lettering from "Hogshead" to "Slug and Lettuce" but no details on the alterations in association

with this name change have been provided. Such an alteration will require Listed Building Consent and full details of the new signage will need to be provided for evaluation.

In addition, the placement of the tables and seating associated with the canopy will add unnecessary clutter and therefore deter away from the setting of the historic buildings which are contained within the Conservation Area, including this Listed Building itself. Policies S35a of the Bromsgrove District Local Plan and CTC.19 and CTC.20 of the Worcestershire County Council Structure Plan emphasise the importance of preserving and enhancing the quality of the appearance within Conservation area and this guidance is supported by Planning Policy Guidance Note 15.

RECOMMENDATION: that permission be **REFUSED**.

This application does not provide sufficient details on the extent of the alterations proposed to this Listed Building. An accurate assessment is therefore not possible to ensure the historic integrity of this Grade II Listed Building is preserved. This application is therefore contrary to Policy QE5 of the West Midlands Spatial Strategy, Policies S35a and S39 of the Bromsgrove District Local Plan, Policies CTC.19 and CTC.20 of the Worcestershire County Council Structure Plan and the provisions of PPG15.

Enforcement Ref. Site

PI/2006/00194 Land on the south-east side of Newtown Lane, Romsley

RECOMMENDATION: that authority be granted for the issue of a Breach of Condition Notice for failure to comply with Condition 3 of planning permission B/2005/0777.

Purpose of Report

To advise Members of a breach of planning control and to seek authority for the issue of a Breach of Condition Notice.

Consultations

Liaison has taken place with the Senior Solicitor (Legal Services) and with the Area Planning Manager.

The site and its surroundings

The site is a rectangular parcel of land extending to 0.92 hectares sited at the junction of Newtown Lane and Woodfield Lane, Romsley.

Human Rights

This has been considered but is not felt to be relevant.

Relevant Policies

WMSS QE1, QE3, QE6, T1
WCSP D.38, D.39, T.1, CTC.1, CTC.2, CT.4
BDLP DS2, DS13, RAT2, RAT16, RAT17, TR11
Others PPS1, PPG2, PPS7

Relevant Planning History

B16805 Change of use from covered exercise yard to riding school
B/1991/1736 Formation of outdoor riding area with all weather surface
B/2004/0264 Outdoor riding arena

Notes

Planning permission was granted under planning application B/2004/0264 for an outdoor riding arena. The provision of parking as shown on the approved plan received 16.04.2005 for this application included the provision of 10 parking spaces and condition 3 required that this area be provided prior to the use of the facility. The plan indicated parking running parallel to the east boundary of the outdoor school in two banks of five.

Planning permission subsequently granted under planning application B/2005/0777 included an amended parking layout. The re-siting includes siting five spaces along the

hedge line fronting Newtown Lane and the minor re-siting of the other bank of five spaces. Condition 3 states that:

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, surface, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.

On 9th June 2006, a complaint was registered by the Enforcement Section with regard to the discharge of the above planning condition. A site visit was made and it was established that the condition had not been complied with. A letter dated 05.10.2006 was sent to the applicant outlining the breach and requesting a date for compliance. No response has been received. A further site visit was made and the condition has not been complied with.

RECOMMENDATION: that authority be granted for the issue of a Breach of Condition Notice for failure to comply with Condition 3 of planning permission B/2005/0777.

Section 187A of The Town and Country Planning Act 1990 empowers a Local Planning Authority to serve a breach of condition notice. This requires any person who is carrying out or has carried out a development under a planning permission where conditions were imposed and have not been complied with, to do so. The notice, which may be withdrawn, must specify what is to happen.

There is no right of appeal against the procedure to the Secretary of State, because the merits of the conditions are not in issue, although Judicial Review may be sought if the notice is issued outside statutory powers. If the recipient does not comply with the notice a criminal prosecution in the magistrates court for being in breach should follow. All the elements in the offence will have to be proved at this point and there is a defence that the recipient took all reasonable measures to secure compliance or that the person served no longer has control of the land.

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

18TH JUNE 2007

TREE PRESERVATION ORDER (NO. 15) 2006

Responsible Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Responsible Heads of Service	Head of Planning and Environment Services Head of Legal and Democratic Services

1. SUMMARY

- 1.1 Consideration of Tree Preservation Order (No. 15) 2006.

2. RECOMMENDATION

- 2.1 It is recommended that the Order be confirmed without modification on the basis that the trees provide special amenity value.

3. BACKGROUND

- 3.1 On the recommendation of the Council's Woodland Officer, Mr. A. Bucklitch, this emergency tree preservation order was made to protect four oak trees located around the garage belonging to the property known as Seven Bays, Middle Lane, Headley Heath.
- 3.2 The garage itself has suffered some structural damage as outlined in the attached letter of objection, received from Mr. Simon Beckett. Mr. Beckett believes that the structural damage has been caused by the excessively dry summer last year and the close proximity of the trees to the garage. He also claims that the trees have no special amenity value as they are all "scrub oaks".
- 3.3 Mr. Bucklitch has re-inspected the site having regard to the contents of Mr. Beckett's letter of objection and has prepared the attached Memorandum by way of a response. He has commented as follows:-

"It would appear that the soil of the area has a high clay content. However, the pattern of damage to the garage at Seven Bays appears to be totally inconsistent with subsidence (downward movement) of the ground. It would appear the opposite end of the garage has, in fact, moved upwards and that the damage is therefore the result of heave rather than subsidence. The garage was built in between two large well established mature trees - an oak and a willow - on ground that will therefore be expected to have already been dehydrated. The willow was felled after the garage was built and it is therefore to be expected that the ground

at that end of the garage will have begun to re-hydrate and expand, thus causing heave and the resulting damage seen to the garage.

As this appears to be the case, it is expected that the loss of further trees, in particular the oak (T1), would cause further damage to the property.

The original allegation of subsidence damage was made by a company of engineers and surveyors although it appears that this was based on opinion rather than as a result of any appropriate investigations of any kind having been carried out. To date, no further communication or evidence has been received from this company."

4. **FINANCIAL IMPLICATIONS**

4.1 None.

5. **LEGAL IMPLICATIONS**

5.1 Town and Country Planning (Trees) Regulations 1999.

6. **CORPORATE OBJECTIVES**

- 6.1 (a) To provide a clean, safe and attractive environment.
- (b) To protect and improve our environment.

7. **RISK MANAGEMENT**

7.1 There are no anticipated risks.

8. **CUSTOMER IMPLICATIONS**

8.1 None.

9. **OTHER IMPLICATIONS**

9.1	Procurement Issues	None
	Personnel Implications	None
	Governance / Performance Management	None
	Community Safety (including Section 17 of the Crime and Disorder Act 1998)	Trees not considered to be at risk
	Policy	None
	Environmental	Amenity value
	Equalities and Diversity	None

10. **OTHERS CONSULTED ON THE REPORT**

10.1	Portfolio Holder	No
	Acting Chief Executive	No
	Corporate Director (Services)	No
	Assistant Chief Executive	No
	Head of Planning and Environment Services	No
	Head of Legal and Democratic Services	No
	Head of Financial Services	No
	Head of Organisational Development and Human Resources	No
	Corporate Procurement Team	No

11. **APPENDICES**

- 11.1 Appendix 1 - letter, dated 4th December 2006, from Mr. Simon Beckett, of A. E. Beckett and Sons Ltd.
- 11.2 Appendix 2 - Memorandum, dated 4th June 2007, from Mr. A. Bucklitch, Woodland Officer

12. **BACKGROUND PAPERS**

- 12.1 Tree Preservation Order (No. 15) 2006.

CONTACT OFFICER

Name: Steve Jones, Tree Officer
email: steve.jones@bromsgrove.gov.uk
Tel.: 01527 881321

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Enclosures



HEATH FARM, ALCESTER ROAD, WYTHALL, BIRMINGHAM B47 6AJ TEL: 01564 823402 FAX: 01564 826848

4th December 2006

Mrs P Runciman
Bromsgrove District Council
Council House
Burcot Lane
Bromsgrove
Worcs
B60 1AA

Dear Mrs Runciman

Tree Preservation Order (No15) 2006 – Trees on Land at Seven Bays,
Middle Lane, Headley Heath B38 0DU

Thank you for your letter dated 1st December 2006 with reference to the above.

I live in the adjacent property to Seven Bays. The trees described in the order on the land, I am aware of through various conversations with my neighbour.

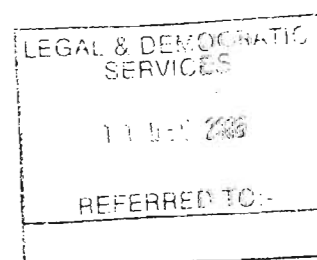
A combination of the proximity of the trees to Mr Bakers' garage combined with a particularly dry summer is causing structural damage to the property, and if the order were to be made he would in my opinion seek compensation from the Council.

The trees themselves are all scrub oaks and do not particularly add significant visual amenity to the area. For these reasons I, therefore, believe the order should not be made.

Should you require any further information, please do not hesitate to contact me.

Yours sincerely

SIMON BECKETT
Managing Director.



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BROMSGROVE DISTRICT COUNCIL – PLANNING SERVICES

MEMORANDUM

From:	A Bucklitch Woodland Officer	To:	Pat Runciman Legal Assistant
My Ref:	TPO (15) 2006	Your Ref:	PR / PL.237
Please ask for:	Andy Bucklitch	Ext	1320
		Date	04 June 2007

Re: Confirmation of TPO (15) 2006 – Seven Bays, Middle Lane

Dear Pat,

Further to your memo dated 15th May my comments are as follows:

Mr S Beckett Unknown Address

Alleged damage to garage

From my own investigations it would appear that the soil of the area has a high clay content. However, the pattern of damage to the garage at Seven Bays appears to be totally inconsistent with subsidence (downward movement) of the ground. It would appear the opposite end of the garage has, in fact, moved upwards and that the damage is therefore the result of heave rather than subsidence. The garage was built in between 2 large well established mature trees – an oak and a willow on ground that will therefore be expected to have already been dehydrated. The willow was felled after the garage was built and it is therefore to be expected that the ground at that end of the garage will have begun to re-hydrate and expand thus causing heave and the resulting damage seen in the garage.

As this appears to be the case, it is expected that the loss of further trees, in particular the oak T1, would cause further damage to the property.

The original allegation of subsidence damage was made by a company of engineers and surveyors although it appears that this was based on opinion rather than as a result of any appropriate investigations of any kind having been carried out. To date no further communication or evidence has been received from this company.

I therefore recommend that the Order is confirmed as per the original map and schedule.

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BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

18TH JUNE 2007

TREE PRESERVATION ORDER (NO. 16) 2006

Responsible Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Responsible Heads of Service	Head of Planning and Environment Services Head of Legal and Democratic Services

1. SUMMARY

- 1.1 Consideration of Tree Preservation Order (No. 16) 2006.

2. RECOMMENDATION

- 2.1 It is recommended that the Order be confirmed without modification on the basis that the trees provide special amenity value.

3. BACKGROUND

- 3.1 Following queries received by the Council's Woodland Officer, Mr. A. Bucklitch, as to the possibility of root damage being caused to conservatories at the rear of properties at Holly Dell, Walkers Heath, he inspected the two oak trees in question. He considered that the trees could be 'at risk' and an emergency tree preservation order was made to protect them.
- 3.2 Tree 'T2' was originally shown to be in the rear garden of No. 27 but, in fact, is located close to the border between No. 27 and No. 29. Consequently, the Tree Preservation Order is to be revised showing the new location as 27/29 Holly Dell.
- 3.3 A letter of objection has been received from Mrs. Simpson, of No. 25 Holly Dell, who is concerned about the possibility of falling branches causing damage to her property and structural damage to her conservatory - see Appendix 1.
- 3.4 Mr. Bucklitch has prepared a Memorandum, attached at Appendix 2, in response to Mrs. Simpson's concerns. He has commented as follows:-

"Concerns over tree safety

Under Common Law, responsibility for maintenance and liability for any foreseeable damage or injury which is proved to be caused by a tree rests with the owner. Concerns over whether this is likely to occur should therefore be addressed to the tree owner who would be strongly advised to have the tree inspected to assess this risk. Where this has been done and works are required

on safety grounds, then an application should be made under the TPO. In such a case, such works will generally be looked on favourably. General fears alone are not sufficient to justify the loss of the trees rather than to suggest the need for the owners to have them professionally inspected.

Alleged damage to conservatories

From my own investigations, it would appear that the soil of the Holly Dell area has a high clay content. The properties of Holly Dell were therefore built in accordance with Building Regulations standards with sufficiently deep foundations to avoid damage from clay shrinkage either with or without the presence of any trees. As far as I am aware, this has meant that none of the original properties have suffered any damage from ground movement.

Several of the properties in Holly Dell have had conservatories built under permitted development rights. Such conservatories are not required by law to be built to building regulations standards and thus it appears that such standards have not been followed. Given the high clay content of the soil it is therefore unsurprising that these substandard buildings have suffered the worst damage is well outside the expected influence zone of the trees. In addition, one of the conservatories at Holly Dell has been built by a company who have built it to regulations standards despite not being required by law to do so. That conservatory appears to have suffered no damage.

It is therefore my view that the damage is the result of poor, possibly negligent, design and construction with wholly inadequate foundations for the prevailing ground conditions in the area rather than the influence of the trees. No evidence has yet been provided to suggest otherwise."

4. FINANCIAL IMPLICATIONS

4.1 None.

5. LEGAL IMPLICATIONS

5.1 Town and Country Planning (Trees) Regulations 1999.

6. CORPORATE OBJECTIVES

- 6.1 (a) To provide a clean, safe and attractive environment.
(b) To protect and improve our environment.

7. RISK MANAGEMENT

7.1 There are no anticipated risks.

8. CUSTOMER IMPLICATIONS

8.1 None.

9. **OTHER IMPLICATIONS**

9.1	Procurement Issues	None
	Personnel Implications	None
	Governance / Performance Management	None
	Community Safety (including Section 17 of the Crime and Disorder Act 1998)	Trees not considered to be at risk
	Policy	None
	Environmental	Amenity value
	Equalities and Diversity	None

10. **OTHERS CONSULTED ON THE REPORT**

10.1	Portfolio Holder	No
	Acting Chief Executive	No
	Corporate Director (Services)	No
	Assistant Chief Executive	No
	Head of Planning and Environment Services	No
	Head of Legal and Democratic Services	No
	Head of Financial Services	No
	Head of Organisational Development and Human Resources	No
	Corporate Procurement Team	No

11. **APPENDICES**

- 11.1 Appendix 1 - letter, dated 2nd January 2007, from Mrs. R. Simpson, of 25 Holly Dell, Walkers Heath, Birmingham
- 11.2 Appendix 2 - Memorandum, dated 4th June 2007, from Mr. A. Bucklitch, Woodland Officer

12. **BACKGROUND PAPERS**

- 12.1 Tree Preservation Order (No. 16) 2006.

CONTACT OFFICER

Name: Steve Jones, Tree Officer
 email: steve.jones@bromsgrove.gov.uk
 Tel.: 01527 881321

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25 Holly Dell
Kings Norton
Birmingham
B38 0AG

2 January 2007

Your Ref: PR/PL.17/238

Mrs P Runciman
Legal and Democratic Services
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire B60 1AA

Dear Mrs Runciman

Trees on Land at 23 and 27 Holly Dell, Walkers Heath, Birmingham B38 0AG

I write in response to a letter received by my neighbour at 27 Holly Dell regarding the above.

I live at 25 Holly Dell and am affected in particular by the oak tree which is in fact in the garden of 29 Holly Dell.


The tree's branches overhang considerably into my garden over my son's bedroom and my conservatory. I am very concerned that in the event of strong winds, such as the ones we have experienced recently, that the branches from the tree are likely to break off and damage the roof and windows of my conservatory and more importantly my son's bedroom and the danger that he could sustain injuries if this were to occur.

In addition, both the trees in 23 and 29 Holly Dell are the cause of damage already sustained to my property. The conservatory has moved significantly away from the house and there are cracks in the paving around the conservatory. It is the opinion of my insurance company dealing with the claim that the trees are the cause. A further two properties in the close have also been affected in the same way.

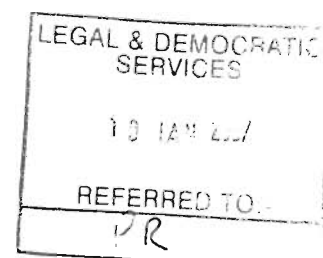
Whilst I understand the importance of preserving trees which provide special amenity value. It cannot be right or acceptable that this is done at the cost of serious damage being done to persons and/or individual properties. We have to pay the first £1,000 to our insurance company to restore the damage to our conservatory and surrounding area.

I look forward to hearing how you propose to resolve this issue in due course.

Yours sincerely



Rosemarie Simpson (Ms)



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MEMORANDUM

From:	A Bucklitch Woodland Officer	To:	Pat Runciman Legal Assistant
My Ref:	TPO (16) 2006	Your Ref:	PR / PL.238
Please ask for:	Andy Bucklitch	Ext	1320
		Date	04 June 2007

Re: Confirmation of TPO (16) 2006 – 23 & 27 Holly Dell

Dear Pat,

Further to your memo dated 15th May my comments are as follows:

Ms R Simpson 25 Holly Dell:

Concerns over tree safety

Under common law, responsibility for maintenance and liability for any foreseeable damage or injury which is proved to be caused by a tree rests with the owner. Concerns over whether this is likely to occur should therefore be addressed to the tree owner who would be strongly advised to have the tree inspected to assess this risk. Where this has been done and works are required on safety grounds, then an application should be made under the TPO. In such a case, such works will generally be looked on favourably. General fears alone are not sufficient to justify the loss of the trees rather than to suggest the need for the owners to have them professionally inspected.

Alleged damage to conservatories

From my own investigations it would appear that the soil of the Holly Dell area has a high clay content. The properties of Holly Dell were therefore built in accordance with Building Regulations standards with sufficiently deep foundations to avoid damage from clay shrinkage either with or without the presence of any trees. As far as I am aware, this has meant that none of the original properties have suffered any damage from ground movement.

Several of the properties in Holly Dell have had conservatories built under permitted development rights. Such conservatories are not required by law to be built to building regulations standard and thus it appears that such standards have not been followed. Given the high clay content of the soil it is therefore unsurprising that these substandard buildings have suffered damage. It is notable that the conservatory that has suffered the worst damage is well outside the expected influence zone of the trees. In addition, one of the conservatories at Holly Dell has been built by a company who have built it to regulations standards despite not being required by law to do so. That conservatory appears to have suffered no damage.

It is therefore my view that the damage is the result of poor, possibly negligent, design and construction with wholly inadequate foundations for the prevailing ground conditions in the area rather than the influence of the trees. No evidence has yet been provided to suggest otherwise.

Mr Linley 29 Holly Dell:

Location of T2

Mr Linley has queried the location of tree T2 as shown on the plan. This has been investigated and a revised map and schedule are attached.

Unknown Owner 23 Holly Dell:

Procedure to carry out tree works

An application to carry out works will need to be made to the Council as detailed in the guidance leaflets and forms supplied by the authority.

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BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

18TH JUNE 2007

APPEAL DECISION

Responsible Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Responsible Heads of Service	Head of Planning and Environment Services Head of Legal and Democratic Services

1. SUMMARY

- 1.1 To note the results of planning appeals which have been received since the last meeting of the Committee.

2. RECOMMENDATION

- 2.1 Members are requested to note the report.

3. BACKGROUND

- | 3.1 | Name of Applicant | Plan Ref. / Proposal | Decision / Date |
|-----|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| | D. & K. Moseley | B/2006/0889 - Wythall Nurseries, Silver Street, Wythall, B47 6LQ : Retention of use of storage of highway signs and associated equipment with ancillary office, messroom and WCs | Dismissed
24th May 2007 |
| 3.2 | Save Investments Ltd. | B/2006/0572 - Dodford Inn, Whinfield Road, Dodford, Bromsgrove, B61 9BG : change of use from commercial to residential | Appeal withdrawn
31st May 2007 |

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications directly related to this report.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications directly related to this report.

6. CORPORATE OBJECTIVES

- 6.1 This report does not directly relate to the Council's Corporate Objectives.

7. **RISK MANAGEMENT**

7.1 There are no identifiable risk implications directly related to this report.

8. **CUSTOMER IMPLICATIONS**

8.1 There are no customer implications directly relating to this report.

9. **OTHER IMPLICATIONS**

9.1	Procurement Issues	None
	Personnel Implications	None
	Governance / Performance Management	None
	Community Safety (including Section 17 of the Crime and Disorder Act 1998)	None
	Policy	None
	Environmental	None
	Equalities and Diversity	None

10. **OTHERS CONSULTED ON THE REPORT**

10.1	Portfolio Holder	No
	Acting Chief Executive	No
	Corporate Director (Services)	No
	Assistant Chief Executive	No
	Head of Legal and Democratic Services	No
	Head of Financial Services	No
	Head of Organisational Development and Human Resources	No
	Corporate Procurement Team	No

11. **APPENDICES**

11.1 None

12. **BACKGROUND PAPERS**

12.1 Appeal decision letter received from the Planning Inspectorate, dated 24th May 2007, together with letter from the appellant's agent giving notice of the appellant's instructions to withdraw the appeal, dated 31st May 2007.

CONTACT OFFICER

Name: Andy C. Stephens, Committee Services Officer

email: a.stephens@bromsgrove.gov.uk

Tel.: 01527 881410