



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 4TH SEPTEMBER 2017
AT 6.00 P.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE, B61 8DA

PLEASE NOTE THAT AFTER 5PM, ACCESS TO THE PARKSIDE SUITE IS VIA THE MAIN ENTRANCE DOOR ON THE STOURBRIDGE ROAD. THE NEAREST PARKING IS EITHER THE PARKSIDE (MARKET STREET) OR STOURBRIDGE ROAD PAY AND DISPLAY CAR PARKS

MEMBERS: Councillors R. J. Deeming (Chairman), P.L. Thomas (Vice-Chairman), C. Allen-Jones, S. J. Baxter, M. T. Buxton, C.A. Hotham, S. R. Peters, S. P. Shannon, M. A. Sherrey, C. J. Spencer and P. J. Whittaker

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

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

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 3rd July 2017 (Pages 1 - 4)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

5. Tree Preservation Order (2) 2017 - Land at Foxlydiate ADR - land adjoining Curr Lane, Pumphouse Lane and Gypsy Lane (Pages 5 - 46)
6. Tree Preservation Order (3) 2017 - Tree on land at Lyttleton Place, Hagley (Pages 47 - 62)
7. Tree Preservation Order (4) 2017 - Trees on land at 5 to 9 Station Road, Hagley (Pages 63 - 84)
8. 2017/00550/FUL - Two-storey side extension and pitched roof over existing garage - 342 Alcester Road, Burcot, Bromsgrove B60 1BH - Mr and Mrs T Jennings (Pages 85 - 90)
9. 2017/00615/FUL - Two-storey side and rear extension - 99 New Road, Bromsgrove, B60 2LL - Ms Lorna McNeil (Pages 91 - 92)
10. 2017/00710/FUL - Demolition of conservatory and erection of a two-storey extension - Bridge House, Fish House Lane, Stoke Prior, Bromsgrove B60 4JT - Mr Julian Lewis (Pages 93 - 98)
11. 2017/00728/FUL - Extension to garage - Poultry Farm Cottage, Agmore Lane, Tardebigge, Bromsgrove B60 1PS - Mr Geoff Ellis (Pages 99 - 102)
12. 2017/00810/ADV - SIGNAGE 1 - Large extrude aluminium letting (BSLC) back lit white illumination to the left hand side of the climbing wall block to the western elevation of Bromsgrove Sport and Leisure Centre, and SIGNAGE 2 - extruded aluminium lettering (BSLC) white illuminated directly above the main entrance on the western elevation of Bromsgrove Sport and Leisure Centre - The Dolphin Centre, Schook Drive, Bromsgrove B60 1AY - Mr John Godwin for Bromsgrove District Council (Pages 103 - 106)
13. 2017/00833/FUL - To extend the ground floor to provide a Utility Room to the existing kitchen and extend above this and the existing ground floor WC to provide a first floor en-suite to the existing master bedroom - 10 Monument Lane, Lickey, Birmingham B45 9QQ - Mr Das (Pages 107 - 110)
14. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

23rd August 2017

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Information for Members of the Public

The Planning Committee comprises 11 Councillors. Meetings are held once a month on Mondays **at 6.00 p.m.** in the Parkside Suite, Parkside, Market Street, Bromsgrove, B61 8DA - access to the Parkside Suite after 5pm is via the main entrance door on the Stourbridge Road. The nearest available public parking for the new premises is Parkside (Market Street) Pay and Display. .

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

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

The Agenda is divided into the following sections:-

- Procedural Items

Procedural matters usually take just a few minutes and include: apologies for absence, approval of the Minutes of the previous meeting(s) and, where necessary, election of a Chairman and / or Vice-Chairman. In addition, Councillors are asked to declare whether they have any disclosable pecuniary and / or other disclosable interests in any items to be discussed. If a Councillor declares a disclosable pecuniary interest, he/she will withdraw from the meeting during the discussion and voting on that item. However, it is up to the individual Councillor concerned to decide whether or not to declare any interest.

- Reports of the Head of Planning and Regeneration

(i) **Plans and Applications to Develop, or Change of Use** - Reports on all applications will include a response from consultees, a summary of

any observations received and a recommendation. Recent consultation responses will be reported at the meeting within the Update Report.

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

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

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

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

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

- Reports of the Head of Legal and Democratic Services

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

- Urgent Business

In exceptional circumstances, and at the discretion of the Chairman, certain items may be raised at the meeting which are not on the Agenda. The Agenda is published a week in advance of the meeting and an urgent matter may require a decision. However, the Chairman must give a reason

for accepting any "urgent business". 'Public Speaking' policy would not necessarily apply to this type of report.

- Confidential / Exempt Business

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

Public Speaking

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

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

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

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

NOTES

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

Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officer(s) in order to avoid unnecessary debate on such detail at the meeting. Members of the Committee are requested to arrive at least one hour before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting. Councillors should

familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.

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

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

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

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

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

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

BDP	-	Bromsgrove District 2011-2-30
SPG	-	Supplementary Policy Guidance
SPD		Supplementary Planning Document

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

Note: For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, "background papers" in accordance with Section 100D will always include the Case Officer's written report and any letters or memoranda of representation received (including

correspondence from Parish Councils, the Highway Authority, statutory consultees, other 'statutory undertakers' and all internal District Council Departments).

Further information

If you require any further information on the Planning Committee, or wish to register to speak on any application for planning permission to be considered by the Committee, in the first instance, please contact Jan Smyth, Democratic Services Officer, at jan.smyth@bromsgroveandredditch.gov.uk, or telephone (01527) 64252 Extn. 3266.

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

3RD JULY 2017, AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P.L. Thomas (Vice-Chairman), C. Allen-Jones, M. T. Buxton, S. R. Peters, S. P. Shannon, M. A. Sherrey, L. J. Turner and P. J. Whittaker

Officers: Mr. D. M. Birch, Mr. A. Fulford, Miss C. Gilbert, Mr. D. Kelly, Mrs. T. Lovejoy and Mrs. J. Smyth

10/17 **APOLOGIES**

Apologies for absence were received on behalf of Councillors S.J. Baxter and C.J. Spencer. Councillor L.J. Turner was confirmed as Councillor Baxter's substitute for the meeting.

11/17 **DECLARATIONS OF INTEREST**

Councillor C. Allen-Jones declared an Other Disclosable Interest during the Committee's consideration of Agenda Item 6 (Planning Application 2016/1150 – 1 Plymouth Drive, Barnt Green, Birmingham B45 8JB), in that one of the objectors present at the meeting, was known to him. He advised that, in view of this, he would withdraw from the meeting for the item. Councillor Allen-Jones withdrew from the meeting and was not present during the public speaking process nor the Committee's debate and voting on the matter.

Councillor M.A. Sherrey declared an Other Disclosable Interest prior to the Committee's consideration of Agenda Item 8 (Planning Application 2017/00353/FUL – 2 Thicknall Rise, Hagley, Stourbridge DY9 0QL) in that she had been involved in Parish Council discussions on the Application and considered she had a pre-determined view on the matter. Councillor Sherrey withdrew from the meeting for the duration of the Committee's consideration and voting on the matter.

12/17 **MINUTES**

The minutes of the meeting of the Planning Committee held on 5th June 2017 were received.

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

13/17

2016/1148 - ERECTION OF AGRICULTURAL BUILDING, ACCESS TRACK AND ASSOCIATED HARD STANDING - NEWHOUSE FARM, LEA END LANE, HOPWOOD, BIRMINGHAM B48 7AX - MR PHILLIP MICHELL

For further clarification, Officers provided additional information in relation to the position of the proposed agricultural building and floor levels, as detailed in the published Update Report, copies of which were provided to Members and the public gallery prior to the start of the meeting.

At the invitation of the Chairman, Ms Julia Day (Tyler-Parkes Planning Consultants), acting on behalf of Mr Reck, a local resident and Mrs Julie Samuals, objector, and also acting on behalf of other local residents, addressed the Committee objecting to the Application. Mr Philip Michell, the Applicant, also addressed the Committee. Councillor C.A. Hotham, in whose Ward the application site was located, also addressed the Committee.

The Committee then considered the Application, which Officers had recommended for approval. The matter of where the excavated spoil from the proposed cut into the slope would go was raised, with a suggestion that utilising the spoil to create a bund, instead of spreading the soil across the site as proposed, would lessen the impact of the building even further. Members agreed an additional appropriate Landscaping Condition be included in the decision.

RESOLVED that, Planning Permission be granted, subject to the Conditions set out on pages 15 to 16 of the main Agenda report, and the following additional Condition:

8. No development shall commence on the agricultural building, until details of an earth bund to be positioned along the south eastern elevation of the agricultural building; including the source, quantity and quality of the soil to be used, together with a detailed planting schedule, have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, and prior to commencement of development on the agricultural building the bund shall be formed and the planting carried out in accordance with the agreed specification.

The bund shall thereafter be maintained in perpetuity to the satisfaction of the Planning Authority and all of the planting shall be maintained to encourage its establishment for a minimum of five years following contractual practical completion of the development. Any trees or significant areas of planting which are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced as soon as is reasonably practicable with others of

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species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interest of visual amenity to ensure the implementation of a satisfactory scheme of landscaping.

14/17

2016/1150 - PROPOSED DEMOLITION OF EXISTING DWELLING AND ERECTION OF 2 NO. DWELLINGS - 1 PLYMOUTH DRIVE, BARN T GREEN, BIRMINGHAM B45 8JB - U.D.C (MIDLANDS) LTD

Officers reported on a further objection that had been received, as detailed in the published Update Report, copies of which were provided to Members and the public gallery prior to the start of the meeting.

At the invitation of the Chairman, Mr Peter Courts, addressed the Committee objecting to the Application. Mrs Ann Eden, addressed the Committee in support of the Application. The Committee's Legal Advisory, Mrs Tracy Lovejoy, also read out a representation, on behalf of Councillor C.B. Taylor, in whose Ward the Application site was located, in his absence.

RESOLVED that, Planning Permission be granted, subject to the Conditions and Informatives set out on Pages 22 to 25 of the main Agenda Report.

15/17

2017/0200 - EXTENSION AND RE-ROOFING OF 2 NO. POULTRY BUILDINGS, ERECTION OF POLYTUNNEL AND RELOCATION OF PREVIOUSLY APPROVED AGRICULTURAL WORKERS DWELLING (REFERENCE 2013/0624) - LAUREL FARM, DAGNELL END ROAD, REDDITCH, WORCESTERSHIRE B98 9BD - MR ROBERT CALDECOTT

RESOLVED that authority be delegated to the Head of Planning and Regeneration Services to grant Planning Permission, subject to:

- 1) receipt of a suitable and satisfactory legal mechanism in relation to:
 - i) Securing a permanent agricultural tie on the dwelling; and
 - ii) Ensuring that only one of either this permission or planning permission 2013/0624 can be implemented; and
- 2) the Conditions set out on pages 30 to 32 of the main Agenda report.

16/17

2017/00353/FUL - 2 STOREY REAR AND SIDE EXTENSION (RENEWAL OF APPLICATION 2014/0341 - 2 THICKNALL RISE, HAGLEY, STOURBRIDGE, WORCESTERSHIRE DY9 0LQ - MR D SIKHAM

The Committee received an update on an additional objection, received from Councillor S.R. Colella, Ward Member for Hagley West together

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with Officer responses, as detailed in the published Update Report, copies of which were provided to Members and the public gallery prior to the start of the meeting.

RESOLVED that Planning Permission be granted, subject to the Conditions set out on pages 35 and 36 of the main Agenda report.

17/17

2017/00359/FUL - ERECTION OF NEW DWELLING (AMENDMENT TO PLANNING PERMISSION 2015/0598) - .452 BIRMINGHAM ROAD, CATSHILL, BROMSGROVE B61 0HR - MR RICHARD DE SOUSA

Officers provided a verbal update on a late representation by the Council's Tree Officer, who advised that he had no objection to the proposal subject to conditions.

At the invitation of the Chairman, Mr Richard de Sousa, the Applicant, addressed the Committee.

RESOLVED that, Planning Permission be granted, subject to the Conditions and Informatives as detailed on pages 39 to 40 of the main Agenda report.

18/17

2017/00428/FUL - ERECTION OF SINGLE AND TWO STOREY EXTENSIONS - 9 WITBYBED LANE, ALVECHURCH, BIRMINGHAM B48 7NX - MR AND MRS C AND M JORDAN

At the invitation of the Chairman, Mrs Rachel Loveless, a nearby resident, addressed the Committee on behalf of herself and Mrs Janine Baker, objecting to the Application. Mr Gary Phillips, the Applicant's Agent, also addressed the Committee. The Committee's Legal Advisor, Mrs Tracy Lovejoy, also read out a representation on behalf of Councillor K.J. Van Der Plank, in whose Ward the site is located, in her absence.

RESOLVED that, Planning Permission be granted, subject to the Conditions detailed on pages 42 to 43 of the Main Agenda report.

19/17

2017/00554/FUL - FIRST FLOOR SIDE EXTENSION - 40 PENHURST ROAD, BROMSGROVE B60 2SN - MR AND MRS R WILKES

RESOLVED that, Planning Permission be granted, subject to the Conditions detailed on pages 46 to 47 of the main Agenda report.

The meeting closed at 7.18 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

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4th September 2017

TREE PRESERVATION ORDER (NO.2)2017 – Trees on land Foxlydiate ADR land adjoining Curr Lane, Pumphouse Lane and Gypsy Lane.

Relevant Portfolio Holder	Peter Whittaker
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Environmental Services
Ward(s) Affected	Bentley and Pauncefoot
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

The Committee is asked to consider the confirmation with modification of Tree Preservation Order (No.2) 2017 relating to trees on land at Foxlydiate (ADR designated land) land adjoining Curr Lane, Pumphouse Lane and Gypsy Lane.

2. RECOMMENDATIONS

It is recommended that Provisional Tree Preservation Order (No.2) 2017 relating to trees on land at Foxlydiate (ADR designated Land) adjoining Curr Lane, Pumphouse Lane and Gypsy Lane be confirmed with modification from the Provisional Order as raised and shown in Appendix (1) to that as shown on the plan and described in the schedule of trees in Appendix (2).

3. KEY ISSUES

Financial Implications

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

Legal Implications

3.2 Town and Country Planning (Trees) Regulations 2012 covers this procedure.

Service / Operational Implications

Background

3.3 The site has been designated as ADR land within the Bromsgrove 2011- 2030 Local Plan which was adopted in January 2017 and is therefore at imminent threat of potential large scale development. Interest has been shown in the

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site by Heyford Development Ltd and UK Land and Development Ltd who together have made an Outline Application on the site under Planning Reference Number 2016/0263. The site contains a varied mix of native species and age class trees that form valuable woodland, groups, field line boundary, and stand prominently in individual situations. All the trees contained within the Order on the site offer a high degree of visual amenity value and add greatly to the character and habitat value of the site and area. The potential development of the site will undoubtedly bring an increased pressure for management of the trees, both in the short and longer term, and may present a risk of trees being lost.

The following objection has been received in respect of the Provisional TPO Order having been raised:

Letter from Moray Simpson of Wardell Armstrong on behalf of Heyford Development Ltd and UK land and Development Ltd (Appendix 3)

My comments in relation to the points raised within the letter are as follows:

- a. The site is subject to a "Hybrid Planning Application (Ref 16/0263)" which is at the outline application stage. The current Bromsgrove Local Planning Plan, within which the land has been designated as ADR land, was adopted in January 2017. However from the first major meeting regarding this site it was always made clear by myself that the site would be subject to a tree preservation order once it had been fully surveyed and assessed. There is currently no granted planning consent on the site.
- b. I generally disagree with the comment that trees not worthy of protection have been protected, although having carried out a further review of the quality of the trees within the Order, a small number of trees (T3, T64 and T68), have subsequently been removed as it was clear they were in decline and had only a short expected future life span. I totally disagree with the comment made that 26 trees are worthy of only a (C) grading with a BS5837:2012 assessment (see appendix 4) and, therefore, potentially would not be worthy of retention in a planning situation. I feel that there are no (U) grade trees within the Order (see Appendix 4).
- c. The scale of 1:6000 @ A3 is accurate on the plan produced with the Order and although this scale does not appear on a standard scale rule, it can still be used to calculate and measure the position of trees. The size and scale of the plan was checked and approved by our Legal Department. However, to assist in regard to this issue further, a scale bar has been included in the revised / modified plan
- d. On checking the position of T76 it was found to be wrongly positioned on the provisional plan. This has now been corrected on the modified plan.

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However, although it did need to be positioned more accurately it was a single tree in an open field. There was, therefore, no risk of T76 being mistaken as any other tree within the Provisional Order stage of this TPO.

- e. My view is that the boundary shown for Group 15 on the Provisional Order did include the most Westerly Oak tree. However, this group of trees has now been defined as individual trees thereby clarifying further on the protected status of the most Westerly positioned Oak
- f. I feel that the size of the text used within the plan of the Order for both the road names and numbering of the trees is appropriately legible. This issue was checked with our Legal team before producing the Order who confirmed the plan at these settings was appropriately clear and legible.
- g. I feel that the boundaries of the groups and woodland block are appropriately shown and provide clarity on what it protected.
- h. The Provisional Order (Appendix 1) did not contain the numbers of trees contained within each group but did give a size specification of 100mm stem diameter at ground level and was included within the schedule of the order. The number of trees and species has now been surveyed and is included within the Modified Order and the size specification will also remain within the new schedule.
- i. Having further reviewed the trees, a small number of trees that would have influenced the access routes have been removed from the Modified Order - T3, T44 and T69 - as they were found to be either in decline or of generally poorer quality and of low prominence and visual amenity value. If the proposed road layout, as shown within Outline application 2016/0263, was to be passed, I would expect to lose a section of the trees to the centre of the provisional order group - (G12) (G12 and G15 - within the Modified Order. If the level of tree loss within these groups is kept to the minimum level envisage as being required to achieve the layout of the outline application I would find the level of tree loss acceptable. The effect of other trees within the site on any full application would be a planning matter and would be evaluated at the time the application was made. A granted planning consent would override TPO protection of trees but it does give the Council an increased level of control over tree related issues and allows stronger ground to ensure that trees to be retained within developments are fully protected during any development works.

3.4 Conclusion

The trees covered by this Order are all highly prominent trees of very good quality. They offer a high degree of visual amenity value to the site and area while adding greatly to the character of site and area in general. I therefore

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recommend to the Committee that the Order is confirmed with the modifications as shown in Appendix (2) of this report.

Policy Implications

- 3.5 None - Council Objective 4- Environment, Priority C04 Planning

Climate Change / Carbon/ Biodiversity

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

Customer / Equalities and Diversity Implications

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

4. RISK MANAGEMENT

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

5. APPENDICES

Appendices 1. Copy of the provisional TPO order

Appendices 2. Copy of the Plan and schedule for the proposed Modified Order

Appendices 3. Copy of the letter of objection from Wardell Armstrong

Appendices 4. Copy of BS5837:2012 tree assessment criteria.

Appendices 5. Photographs of a number of the trees within the order.

6. BACKGROUND PAPERS

None

7. KEY

TPO - Tree Preservation Order

AUTHOR OF REPORT

Name: Gavin Boyes

Email: gavin.boyes@bromsgroveandredditch.gov.uk

Tel: (01527 64252 Extension 3094)

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

Town and Country Planning Act 1990

Tree Preservation Order (2) 2017

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

Citation

1. This Order may be cited as Tree Preservation order (2) 2017

Interpretation

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

Effect

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

Application to trees to be planted pursuant to a condition

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

Dated this 21st March 2017

Signed on behalf of Bromsgrove District Council



Authorised by the Council to sign in that behalf

First Schedule

Trees specified individually

(encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T1	Lime	401670-267249	In grounds of Foxlydiat Farm
T2	Lime	401568-267075	Side of Springhill Cottage
T3	Ash	401576-267090	Opposite 43 Foxlydiat Lane
T4	Oak	401139-266359	Field boundary to East of Millfield Farm
T5	Oak	401100-266354	Field boundary to East of Millfield Farm
T6	Oak	401070-266350	Field boundary to East of Millfield Farm
T7	Oak	401025-266348	Field boundary to East of Millfield Farm
T8	Oak	400990-266346	Field boundary to East of Millfield Farm
T9	Field maple	400966-266342	Field boundary to East of Millfield Farm
T10	Oak	400946-266341	Field boundary to East of Millfield Farm
T11	Oak	401015-266372	Field boundary to East of Millfield Farm
T12	Oak	400952-266372	Field boundary to East of Millfield Farm
T13	Oak	400981-266187	On boundary of Pumphouse Lane to East of Millfield Farm
T14	Oak	400952-266197	On boundary of Pumphouse Lane to East of Millfield Farm
T15	Oak	400859-266216	In ground to front Millfield Farm.
T16	Oak	400449-266033	In hedge line boundary Pumphouse Lane by ford
T17	Oak	401096-266391	In field to East side Millfield Farm

Agenda Item 5

T18	Oak	400768-266440	Field boundary to North of Millfield Farm
T19	Oak	400769-266473	Field boundary to North of Millfield Farm
T20	Oak	400773-266488	Field boundary to North of Millfield Farm
T21	Oak	400777-266503	Field boundary to North of Millfield Farm
T22	Oak	400777-266513	Field boundary to North of Millfield Farm
T23	Oak	400781-266527	Field boundary to North of Millfield Farm
T24	Oak	400786-266558	Field boundary to North of Millfield Farm
T25	Oak	400791-266580	Field boundary to North of Millfield Farm
T26	Oak	400810-266624	Field boundary to North of Millfield Farm
T27	Oak	400909-266401	Field boundary to North of Millfield Farm
T28	Oak	400923-266429	Field boundary to North of Millfield Farm
T29	Oak	400930-266456	Field boundary to North of Millfield Farm
T30	Oak	400943-266536	Field boundary to North of Millfield Farm
T31	Oak	400939-266500	Field boundary to North of Millfield Farm
T32	Oak	400930-266527	Field boundary to North of Millfield Farm
T33	Oak	400956-266589	Field boundary to North of Millfield Farm
T34	Oak	400944-266614	Field boundary to North of Millfield Farm
T35	Oak	400909-266619	Field boundary to North of Millfield Farm
T36	Oak	400871-266621	Field boundary to North of Millfield Farm

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T37	Oak	400826-266625	Field boundary to North of Millfield Farm
T38	Oak	400881-266749	Field boundary to South of Pumping Station by stream
T39	Oak	400892-266686	Field boundary to South / Eastern side of Pumping Station
T40	Oak	400991-266669	Field boundary to South / Eastern side of Pumping Station
T41	Oak	401116-266769	Field boundary to South-East of Pumping Station
T42	Oak	400813-266749	Field boundary to South of Pumping Station by stream
T43	Ash	401294-266821	Boundary Curr Lane
T44	Holly	401241-266842	Boundary Curr Lane
T45	Oak	401185-266873	Boundary Curr Lane
T46	Field Maple	401020-266931	Boundary Curr Lane
T47	Oak	400983-266971	Boundary Curr Lane
T48	Oak	400952-267015	Boundary Curr Lane
T49	Sycamore	400729-267303	Boundary Curr Lane
T50	Oak	400443-267568	Boundary Curr Lane
T51	Oak	401073-267097	Midfield to North Curr Lane
T52	Oak	401029-267152	Midfield to North Curr Lane
T53	Ash	401219-267054	Field Line boundary to North Curr Lane
T54	Oak	401229-267085	Field Line boundary to North Curr Lane
T55	Oak	401385-267316	Field Line boundary to North Curr Lane
T56	Oak	401242-267365	Field Line boundary to North Curr Lane
T57	Oak	400931-267225	Midfield to East of Peplars Hill Farm
T58	Oak	401076-267292	Field Line boundary to North Curr Lane

Agenda Item 5

T59	Oak	401020-267229	Field Line boundary to North Curr Lane
T60	Lime	400944-267443	Field Line boundary to North Curr Lane
T61	Oak	400908-267443	Field Line boundary to North Curr Lane
T62	Oak	400448-267950	Boundary of Gypsy Lane
T63	Oak	400449-268044	Boundary of Gypsy Lane
T64	Oak	400629-268052	Field boundary to East Gypsy Lane
T65	Oak	400663-268038	Field boundary to East Gypsy Lane
T66	Oak	400696-268026	Field boundary to East Gypsy Lane
T67	Ash	400770-267999	Field boundary to East Gypsy Lane
T68	Oak	401417-267483	Field boundary to South of Bromsgrove Highway
T69	Ash	401399-267464	Field boundary to South of Bromsgrove Highway
T70	Oak	401380-267638	Boundary of drive to Hunters Hill
T71	Oak	401326-267628	Boundary of drive to Hunters Hill
T72	Oak	400985-266965	Boundary of Curr Lane opposite pumping station
T73	Alder	401229-267064	Midfield to North of Curr Lane by Stream.
T74	Oak	400861-266726	Field Boundary South of pumping station by stream / pool.
T75	Oak	400860-266719	Field Boundary South of pumping station by stream / pool.
T76	Oak	401163-266713	Midfield rear of Blockley Close.
T77	Ash	400789-266609	Field Boundary North of Millfield Farm by stream / pool.
T78	Oak	400788-266618	Field Boundary North of Mill Field Farm by stream / pool.

Agenda Item 5

T79	Oak	400958-266597	Field boundary South- East of pumping station.
T80	Oak	400903-266369	Field boundary North of Millfield Farm.
T81	Oak	400919-266263	Field boundary East of Millfield Farm.
T82	Oak	400920-266240	Field boundary East of Millfield Farm.
T83	Ash	401264-266841	Boundary of Curr Lane
T84	Oak	400931-267456	Boundary of access track to North-East of Peplars Farm
T85	Oak	400492-268083	East of Gypsy Lane on boundary of access track.
T86	Oak	400941-266674	Field boundary to South / Eastern side of Pumping Station

Trees specified by reference to an area

(within a dotted black line on the map)

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

Groups of Trees

(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
G1	Mixed Species Oak, Ash, Elm Lime, Sycamore Hawthorn All trees within Group With a stem diameter Above 100mm at Ground level.	401616-267163	Opposite 21-41 Lane Foxlydiat

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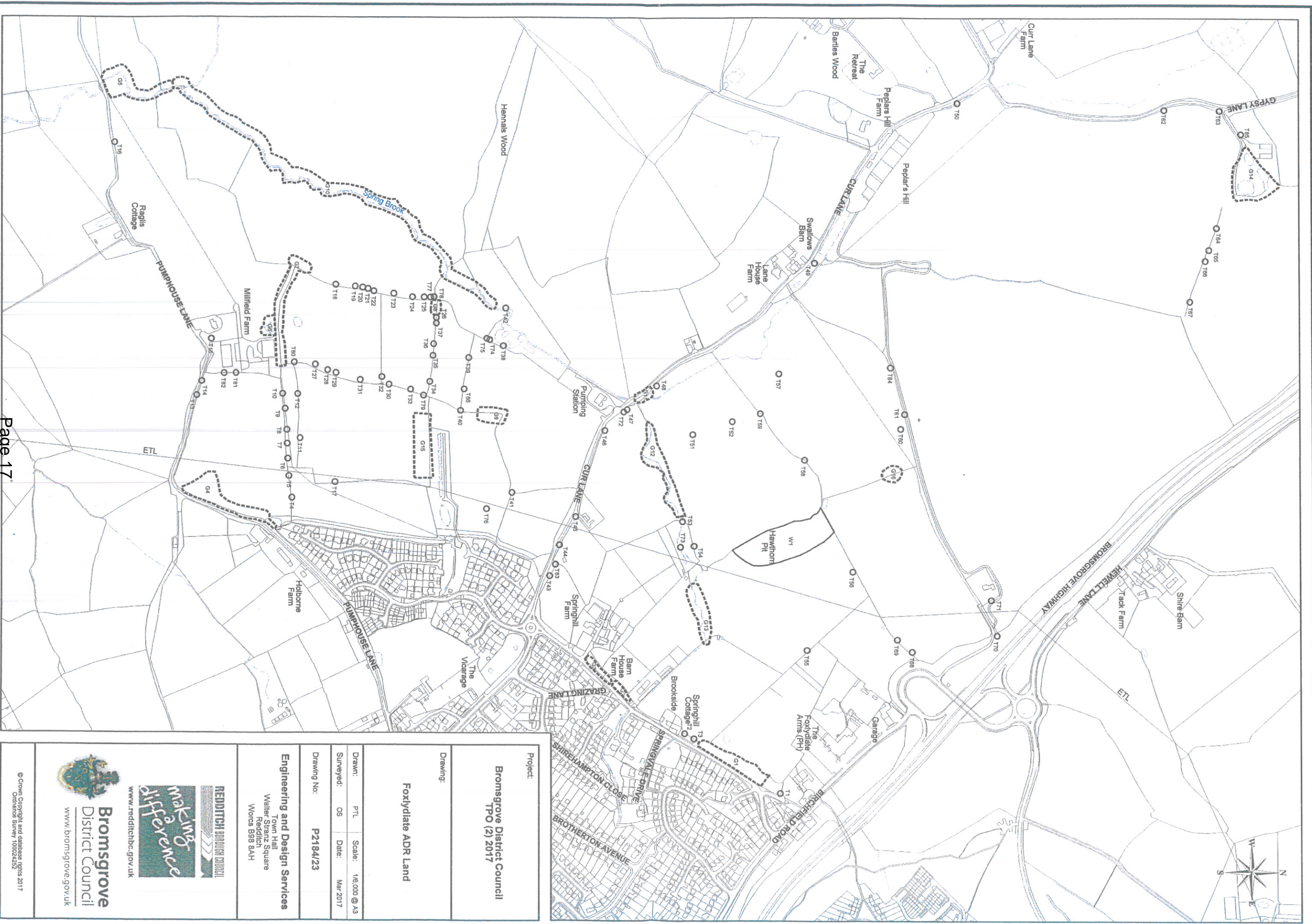
G2	Mixed Species Oak, Alder, Ash Elm, Sorbus Hawthorn All trees within Group With a stem diameter Above 100mm at Ground level.	401491-266966	Opposite 63 Foxlydiate Lane
G3	Mixed Species Oak, Pine, Ash Elm, Sycamore, Hawthorn All trees within Group With a stem diameter Above 100mm at Ground level.	401446-266924	Opposite side 2 Grazing Lane
G4	Mixed Species 12 x Oak 2 x Ash	401143-266234	Boundary of Pumphouse Lane
G5	Mixed Species Alder, Willow Hawthorn, Oak All trees within Group With a stem diameter Above 100mm at Ground level.	400420-266075	Boundary of ford off Pumphouse Lane
G6	5 x Oak around Small pool	400843-266321	Rear Millfield Farm
G7	Mixed Species 10 x Oak 1 x Ash	400821-266361	Rear Millfield Farm running West linier feature In hedge line boundary
G8	3 x Field Maple	400790-266603	Field boundary to North of Millfield Farm
G9	2 xOak & 9 x Field Maple	400862-266706	Field boundary to South East of pumping station
G10	Mixed Species Alder, Ash, Willow Oak, Hawthorn All trees within Group With a stem diameter Above 100mm at Ground level.	400576-266394	Linier feature of trees along stream line of Spring Brook running North to South.
G11	2 x Oaks	400969-267000	Boundary of Curr Lane

G12	Mixed Species Willow Lime, Alder, Ash Sycamore Hawthorn All trees within Group With a stem diameter Above 100mm at Ground level.	400969-267000	Field Line boundary to North Curr Lane Group by stream
G13	Mixed Species Group on water Course, Willow, Ash, Poplar, Hawthorn All trees within Group With a stem diameter Above 100mm at Ground level.	401352-267101	Field boundary to North Curr Lane Group by stream
G14	Mixed Species Oak, Ash, Pine Spinney of trees All trees within Group With a stem diameter Above 100mm at Ground level.	400562-268090	Spinney to East of Gypsy Lane
G15	6 x Oak	401052-266612	Field boundary North - East of Millfield Farm
G16	2 x Ash	401097-267455	Field boundary North of W1

Woodlands

(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
W1	Woodland Area Oak, Sycamore Lime, Aspen Chesnut, Larch, Beech	401212-267254	North Curr Lane



Authorised Signatory: S. Sadowski 21st March 2017

<p>Project: Bromsgrove District Council TPO (2) 2017</p>	
<p>Drawing: Foxydiate ADR Land</p>	<p>Drawn: PTL Scale: 1/6,000 @ A3 Surveyed: OS Date: Mar 2017</p>
<p>Drawing No: P2184/23</p>	
<p>Engineering and Design Services Town Hall Walker Strantz Square Worcester Redditch Worcester B98 8AH</p>	
<p>REDDITCH BOROUGH COUNCIL <i>making difference</i> www.redditchbc.gov.uk</p>	
<p>Bromsgrove District Council www.bromsgrove.gov.uk</p>	
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First ScheduleTrees specified individually

(encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T1	Lime	401670-267249	In grounds of Foxlydiate Farm
T2	Lime	401568-267075	Side of Springhill Cottage
T3	Oak	401100-266612	Boundary of Reed Beds
T4	Oak	401139-266359	Field boundary to East of Millfield Farm
T5	Oak	401100-266354	Field boundary to East of Millfield Farm
T6	Oak	401070-266350	Field boundary to East of Millfield Farm
T7	Oak	401025-266348	Field boundary to East of Millfield Farm
T8	Oak	400990-266346	Field boundary to East of Millfield Farm
T9	Field maple	400966-266342	Field boundary to East of Millfield Farm
T10	Oak	400946-266341	Field boundary to East of Millfield Farm
T11	Oak	401015-266372	Field boundary to East of Millfield Farm
T12	Oak	400952-266372	Field boundary to East of Millfield Farm
T13	Oak	400981-266187	On boundary of Pumphouse Lane to East of Millfield Farm
T14	Oak	400952-266197	On boundary of Pumphouse Lane to East of Millfield Farm

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T15	Oak	400859-266216	In ground to front Millfield Farm.
T16	Oak	400449-266033	In hedge line boundary Pumphouse Lane by ford
T17	Oak	401096-266391	In field to East side Millfield Farm
T18	Oak	400768-266440	Field boundary to North of Millfield Farm
T19	Oak	400769-266473	Field boundary to North of Millfield Farm
T20	Oak	400773-266488	Field boundary to North of Millfield Farm
T21	Oak	400777-266503	Field boundary to North of Millfield Farm
T22	Oak	400777-266513	Field boundary to North of Millfield Farm
T23	Oak	400781-266527	Field boundary to North of Millfield Farm
T24	Oak	400786-266558	Field boundary to North of Millfield Farm
T25	Oak	400791-266580	Field boundary to North of Millfield Farm
T26	Oak	400810-266624	Field boundary to North of Millfield Farm
T27	Oak	400909-266401	Field boundary to North of Millfield Farm
T28	Oak	400923-266429	Field boundary to North of Millfield Farm
T29	Oak	400930-266456	Field boundary to North of Millfield Farm

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T30	Oak	400943-266536	Field boundary to North of Millfield Farm
T31	Oak	400939-266500	Field boundary to North of Millfield Farm
T32	Oak	400930-266527	Field boundary to North of Millfield Farm
T33	Oak	400956-266589	Field boundary to North of Millfield Farm
T34	Oak	400944-266614	Field boundary to North of Millfield Farm
T35	Oak	400909-266619	Field boundary to North of Millfield Farm
T36	Oak	400871-266621	Field boundary to North of Millfield Farm
T37	Oak	400826-266625	Field boundary to North of Millfield Farm
T38	Oak	400881-266749	Field boundary to South of Pumping Station by stream
T39	Oak	400892-266686	Field boundary to South / Eastern side of Pumping Station
T40	Oak	400991-266669	Field boundary to South / Eastern side of Pumping Station
T41	Oak	401116-266769	Field boundary to South-East of Pumping Station
T42	Oak	400813-266749	Field boundary to South of Pumping Station by stream
T43	Ash	401294-266821	Boundary Curr Lane
T44	Oak	401095-266612	Boundary of Reed Beds

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T45	Oak	401185-266873	Boundary Curr Lane
T46	Field Maple	401020-266931	Boundary Curr Lane
T47	Oak	400983-266971	Boundary Curr Lane
T48	Oak	400952-267015	Boundary Curr Lane
T49	Sycamore	400729-267303	Boundary Curr Lane
T50	Oak	400443-267568	Boundary Curr Lane
T51	Oak	401073-267097	Midfield to North Curr Lane
T52	Oak	401029-267152	Midfield to North Curr Lane
T53	Ash	401219-267054	Field Line boundary to North Curr Lane
T54	Oak	401229-267085	Field Line boundary to North Curr Lane
T55	Oak	401385-267316	Field Line boundary to North Curr Lane
T56	Oak	401242-267365	Field Line boundary to North Curr Lane
T57	Oak	400931-267225	Midfield to East of Peplars Hill Farm
T58	Oak	401076-267292	Field Line boundary to North Curr Lane
T59	Oak	401020-267229	Field Line boundary to North Curr Lane
T60	Lime	400944-267443	Field Line boundary to North Curr Lane
T61	Oak	400908-267443	Field Line boundary to North Curr Lane
T62	Oak	400448-267950	Boundary of Gypsy Lane

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T63	Oak	400449-268044	Boundary of Gypsy Lane
T64	Oak	401063-266611	Boundary of Reed Beds
T65	Oak	400663-268038	Field boundary to East Gypsy Lane
T66	Oak	400696-268026	Field boundary to East Gypsy Lane
T67	Ash	400770-267999	Field boundary to East Gypsy Lane
T68	Oak	401417-267483	Field boundary to South of Bromsgrove Highway
T69	Oak	401035-266611	Boundary of Reed Beds
T70	Oak	401380-267638	Boundary of drive to Hunters Hill
T71	Oak	401326-267628	Boundary of drive to Hunters Hill
T72	Oak	400985-266965	Boundary of Curr Lane opposite pumping station
T73	Alder	401229-267064	Midfield to North of Curr Lane by Stream.
T74	Oak	400861-266726	Field Boundary South of pumping station by stream / pool.
T75	Oak	400860-266719	Field Boundary South of pumping station by stream / pool.
T76	Oak	401163-266713	Midfield rear of Blockley Close.
T77	Ash	400789-266609	Field Boundary North of Millfield Farm by stream / pool.

Agenda Item 5

T78	Oak	400788-266618	Field Boundary North of Mill Field Farm by stream / pool.
T79	Oak	400958-266597	Field boundary South- East of pumping station.
T80	Oak	400903-266369	Field boundary North of Millfield Farm.
T81	Oak	400919-266263	Field boundary East of Millfield Farm.
T82	Oak	400920-266240	Field boundary East of Millfield Farm.
T83	Ash	401264-266841	Boundary of Curr Lane
T84	Oak	400931-267456	Boundary of access track to North-East of Peplars Farm
T85	Oak	400492-268083	East of Gypsy Lane on boundary of access track.
T86	Oak	400941-266674	Field boundary to South / Eastern side of Pumping Station
T87	Oak	401010-266610	West of reed beds
T88	Oak	400997-266610	West of reed beds

Trees specified by reference to an area

(within a dotted black line on the map)

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

Groups of Trees

(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
G1	Mixed Species 1 x Oak, 23x Ash, 3 x Elm, 1 x Cherry 14 x Lime, 22 x Sycamore 2 x Hawthorn 1 x Chestnut trees within Group With a stem diameter Above 100mm at Ground level.	401616-267163	Opposite 21-41 Foxlydiate Lane
G2	Mixed Species 4 x Oak, 1 x Alder, 1 x Holly, 4 x Birch 10 x Ash, 2 x Sorbus 2 x Hawthorn, 2 x Cherry 2 x Field Maple, 6 x Chestnut 1 x Alder, 2 x Lime trees within Group With a stem diameter Above 100mm at Ground level.	401491-266966	Opposite 63 Foxlydiate Lane
G3	Mixed Species 1 x Oak, 1 x Holly, 11 x Ash 4 x Elm, 1 x Sycamore trees within Group With a stem diameter Above 100mm at Ground level.	401446-266924	Opposite side 2 Grazing Lane
G4	Mixed Species 12 x Oak 2 x Ash	401143-266234	Boundary of Pumphouse Lane

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G5	Mixed Species 400420-266075 53 x Alder, 1 x Willow 1 x Hawthorn, 1 x Oak 4 x Field Maple, 2 x Ash 11 x Hazel trees within Group With a stem diameter Above 100mm at Ground level.	400420-266075	Boundary of ford off Pumphouse Lane
G6	5 x Oak around Small pool	400843-266321	Rear Millfield Farm
G7	Mixed Species 10 x Oak 1 x Ash	400821-266361	Rear Millfield Farm running West linier feature In hedge line boundary
G8	3 x Field Maple	400790-266603	Field boundary to North of Millfield Farm
G9	2 xOak & 9 x Field Maple	400862-266706	Field boundary to South East of pumping station
G10	Mixed Species 140 x Alder,30 x Ash, 4 x Oak, 15 x Hawthorn 26 x Field Maple, 17 x Hazel 10 x Willow trees within Group With a stem diameter Above 100mm at Ground level.	400576-266394	Linier feature of trees along stream line of Spring Brook running North to South.
G11	2 x Oaks	400969-267000	Boundary of Curr Lane
G12	Mixed Species 7 x Willow, 1 x Oak 1 x Field Maple 12 x Lime, 27 x Alder, 2 x Ash, 16 x Sycamore 6 x Hawthorn, 2 x Hazel 1 x Birch trees within Group With a stem diameter Above 100mm at	401063-267018	Field Line boundary to North Curr Lane Group by stream

Ground level.

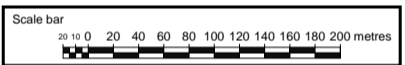
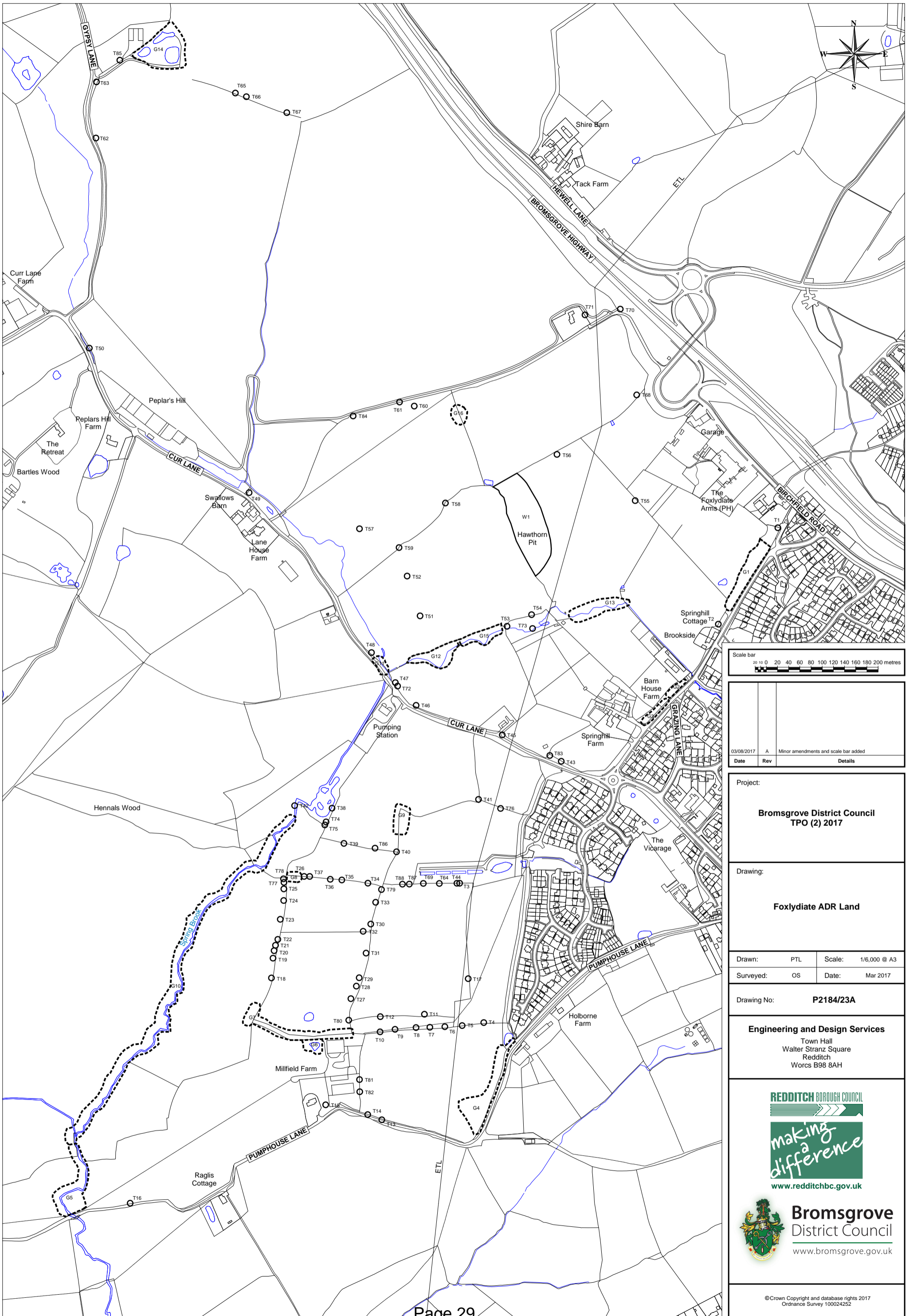
G13	Mixed Species Group on water Course,6 x Willow, 11 x Ash, 4 x Poplar, 1 x Hawthorn, 3 x Sycamore 35 x Douglas Fir trees within Group With a stem diameter Above 100mm at Ground level.	401352-267101	Field boundary to North Curr Lane Group by stream
G14	Mixed Species 20 x Oak, 3 x Ash, 8 x Pine, 1 x Field Maple Spinney of trees trees within Group With a stem diameter Above 100mm at Ground level.	400562-268090	Spinney to East of Gypsy Lane
G15	Mixed Species 45 x Sycamore, 6 x Alder, 2 x Ash, 4 x Hazel, 5 x Lime, 2 x Field Maple, 2 x Willow	401137-267052	Field Line boundary to North Curr Lane Group by stream
G16	2 xAsh	401097-267455	Field boundary North of W1

Woodlands

(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
W1	Woodland Area Oak, Sycamore Lime, Aspen Chesnut, Larch, Beech	401212-267254	North Curr Lane

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03/08/2017	A	Minor amendments and scale bar added
Date	Rev	Details

Project:
**Bromsgrove District Council
 TPO (2) 2017**

Drawing:
Foxlydiate ADR Land

Drawn: PTL Scale: 1/6,000 @ A3
 Surveyed: OS Date: Mar 2017

Drawing No: **P2184/23A**

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



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 Ordnance Survey 100024252

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Wardell Armstrong



Our ref: ST14523/MS/AM/ARB001
 Digital ref:
 Your ref:

Date: 20th April 2017

FAO - Head of Legal, Equalities and Democratic Services
 Bromsgrove District Council
 Parkside
 Market Street
 Bromsgrove
 Worcestershire
 B61 8DA

Dear Sir / Madam,

Re: The Bromsgrove District Council Tree Preservation Order (2) 2017 – Trees on Land at Foxlydiate ADR Land

We refer to the above Tree Preservation Order, (hereinafter referred to as 'the Order') and by way of this letter we object to the Order on behalf of The Applicant and respectfully request that the Order is not confirmed. This detailed objection is in accordance with *Regulation 6(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012*.

This Order has been served on a site that is subject to a live hybrid planning application (Ref: 16/0263), which was validated on 21st March 2016. Since then several statutory and non-statutory consultees have commented on the application, to which a number of meetings have taken place and formal responses been prepared. It should also be noted that at the time of submission the site was subject to a draft allocation, as the Bromsgrove District Council's emerging District Plan had not been adopted. This District Plan has since been adopted (25th January 2017) and the site has been allocated under planning policy 'RCBD1 Redditch Cross Boundary Development'. This adopted policy confirms, the site will provide up to 2,800 homes and will help Redditch Borough Council meet its housing requirement of 6,380 dwellings by the year 2030. Furthermore, pre-application discussions have been held with Council on a number of occasions, the first of which was undertaken on the 23rd April 2015. As such we consider it wholly unreasonable to serve this Order (for 86 individual trees, 16 Groups and one Woodland) or any other TPO on the site at this late stage in the planning process.

Since March 2016 the design of the site has evolved as a result of these statutory responses. As part of the hybrid planning application submission, Land Use Masterplan Option 10 Revision H was provided. Since then a significant amount of consultation with statutory consultees has taken place, resulting in minor amendments being made to the Land Use Masterplan. As part of this consultation it was agreed that addendums to the Environmental Statement and the Drainage Strategy and Flood Risk Assessment, alongside an amended Land Use Masterplan and Parameter Plans would be produced and submitted. We anticipate these revised plans will be submitted in May 2017. Therefore, we reserve the right to comment further at a later stage.



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ENERGY AND CLIMATE CHANGE
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 INFRASTRUCTURE AND UTILITIES
 LAND AND PROPERTY
 MINING AND MINERAL PROCESSING
 MINERAL ESTATES AND QUARRYING
 WASTE RESOURCE MANAGEMENT



Therefore, we object to the Order on the following grounds:

1. The Council has protected trees that are not worthy of protection.
2. There are drafting errors in the Order; and
3. The Council has protected trees that would have to be removed to enable the proposed access routes into and through the site to be constructed if planning permission is granted for application ref: 16/0263.

1. The Council has protected trees that are not worthy of protection

A tree survey was undertaken by an arboriculturist from 'Outline Trees Arboricultural Consultancy' in 2014, which was subsequently submitted to the Council as part of an Environmental Statement (Appendix 1: British Standards 5837:2012 Tree Survey & Tree Constraints Plan (2014) of the Arboricultural Method Statement, Volume 2) in support of Planning Application Ref. 16/0263. This tree survey data has been cross referenced with the trees protected by the Order. This has found twenty-six individual trees (T2, T3, T4, T6, T7, T12, T16, T17, T24, T25, T27, T31, T32, T34, T37, T40, T41, T58, T60, T62, T69, T74, T76, T77, T78, T86) and four trees groups (G8, G9, G15, G16) categorised as 'C' quality by the 'Outline Trees Arboricultural Consultancy' tree survey report have been protected by the Order. It has also been found that five individual trees (T22, T64, T67, T79, T80), which were categorised as 'U' quality by the 'Outline Trees Arboricultural Consultancy' tree survey report, have also been protected by the Order.

These trees were surveyed by an arboriculturist in accordance with the standards set out in British Standard 5837:2012 – Trees in relation to demolition and construction. This British Standard refers to category 'C' trees as '*Trees of low quality*', whilst the standard refers to category 'U' tree as '*those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years*'.

We contend that trees of lower quality, i.e. category 'C' trees and those that are in such poor or health or condition that they cannot be expected to safely be retained for longer than ten years i.e. category 'U', are not suitable for protection by Tree Preservation Order. To reiterate we believe that trees which are in a potentially dangerous condition, where Section 14(1)(C) exemption from the 2012 Regulations would be applicable, should not be protected by the Order. This includes trees T22, T64, T67, T79, T80 referred to in the Order's First Schedule.

To conclude, we respectfully request that the Council gives serious consideration to the grounds of objection as set out in this letter and after consideration of the legal matters pertaining to the drafting errors and the issues surrounding the protection of average and/or lower quality trees (category 'C' trees) and trees with structural problems that may lead to their collapse (category 'U' trees), does not confirm 'The Bromsgrove District Council Tree Preservation Order (2) 2017'.

2. Drafting Errors in the Order

The *Town and Country Planning (Tree Preservation) (England) Regulations 2012* states in section 3.3 that '*The map contained in, or annexed to, an order shall be prepared to a scale sufficient to give a clear indication of the position of the trees, groups of trees or woodlands to which the order relates*'.

The scale used on the Order's Map is shown as 1:6,000 @ A3. This is not a recognisable metric scale and as such does not allow distances to be measured on the plan using a scale ruler. Having a scale bar on the TPO Map would overcome this scaling incompatibility problem, however a scale bar is not included on the Map. This means that the locations of trees cannot be readily ascertained by



measuring distances to the trees from fixed points on-site. Where protected trees are located adjacent to non-protected trees it would be almost impossible to locate that tree, by scaling from the Map in the Order. For example, two ash trees listed as T2 and T3 in the first schedule of the Order are located in a linear group of trees on-site. This group of trees contains a number of trees including other ash trees. Being unable to scale from the map means that the locations of these trees cannot be ascertained and because there are other ash trees in the group, it is virtually impossible to locate trees T2 and T3 properly on-site by using the Order's Map.

The location on the TPO Map for tree T76 appears to be wrong compared to its true location on-site. The *Town and Country Planning (Tree Preservation) (England) Regulations 2012* states in section 3.4 that *'In the case of any discrepancy between the map contained in, or annexed to, an order and the specification contained in the Schedule to that order, the map shall prevail'*. Thus where there are discrepancies on the location of a tree protected by the Order, the location shown on the Map is definitive. As the location shown on the Order's Map for tree T76 is wrong, the legal protection by the Order for this tree is ambiguous.

It appears that the group outline on the map for Group G15 excludes the most westerly oak tree in the group, however as it is impossible to scale from the map, its location on site cannot be ascertained, putting into question whether this tree is actually protected by the Order.

Another problem with the Order's Map is that, at the size the Map should be printed out at, which is A3, details on the map are hard to make out the locations and reference numbers of trees that are supposed to be protected by the Order. The small size of the typeface and plotting symbols for both individual and groups of trees makes reading the Map extremely difficult. Additionally, a number of the trees that are supposed to be protected by the Order, have their reference numbers on the Map obscured by other features. Good practice dictates that a Map attached to a legal document such as a TPO Map must be legible, however for a small number of trees shown on the Map their reference numbers are actually illegible.

The errors mentioned above regarding the TPO Map is contrary to Section 3.3 of the *Town and Country Planning (Tree Preservation) (England) Regulations 2012* because the Map does not give a clear indication of the position of the trees, groups of trees or woodlands to which the Order relates.

The *Town and Country Planning (Tree Preservation) (England) Regulations 2012* states that:

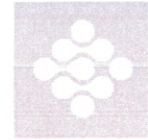
"3.—(1) An order shall be in the form set out in the Schedule to these Regulations or in a form substantially to the same effect and—

(a) shall specify the trees, groups of trees or woodlands to which it relates;

(b) where the order relates to a group of trees, shall specify the number of trees of each species in the group;"

The number of trees for each tree species referred to in the Order's First Schedule for Groups as G1, G2, G3, G5, G10, G12, G13, G14, is not stated in the First Schedule for these Groups. The relevant clause in the 2012 regulations is underlined above and it clearly states that number of trees, of each species must be listed in the Order. This is an error and as such invalidates the protection given by the Order for these Groups.

For the reasons given above it is considered that the Order and Map are flawed due to drafting errors and as a result the Order does not comply with the 2012 regulations. Therefore, we respectfully suggest that the Order cannot be legally confirmed by the Council.



3. The Council has protected trees that would require removal to enable the proposed main access routes into and through the site to be constructed if planning permission is granted for application ref: 16/0263.

Trees that would require removal to enable the construction of the main proposed access routes into and through the site for planning application ref: 16/0263 have been protected by the Order, including a small section from the southern end of group G1, a small section from the western end of group G15, a small section from the eastern end of group G7, a small section from the southern and south-western end sections of G4, a middle section of G12 and individual trees T3, T17, T18, T35, T40, T44, T68, T65, T68, T69, T82.

The Local Planning Authority (LPA) are aware of the main proposed access routes into and through the site for the planning application, which makes the protection of these aforementioned trees, somewhat perplexing. If full planning permission is granted for the access routes into and through the site, this would override the Order and thus the directly impacted trees could then be removed, which would then leave the protection by the Order on these specific trees, superfluous. This would result in the Order having to be reviewed by the LPA in the future to remove the trees lost to the development, in order to maintain the accuracy of the Order.

Therefore we object to the Order, as it protects trees that would require removal to enable the proposed main access routes into and through the site to be constructed, if planning permission is granted for planning application ref: 16/0263.

Please acknowledge this objection and address the acknowledgement and any other correspondence in the matter of the objection and this order to Mr Stuart Field at Planning Development & Regeneration GVA, 3 Brindleyplace, Birmingham B1 2JB.

Yours sincerely
for Wardell Armstrong LLP

Moray Simpson
msimpson@wardell-armstrong.com

Table 1 Cascade chart for tree quality assessment

Category and definition	Criteria (including subcategories where appropriate)	Identification on plan
Trees unsuitable for retention (see Note)		
Category U Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	<ul style="list-style-type: none"> Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning) Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality <p><i>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.</i></p>	See Table 2
Trees to be considered for retention		
Category A Trees of high quality with an estimated remaining life expectancy of at least 40 years	<p>1 Mainly arboricultural qualities</p> <p>Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)</p>	3 Mainly cultural values, including conservation
Category B Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	<p>2 Mainly landscape qualities</p> <p>Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features</p> <p>Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality</p>	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)
Category C Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	<p>1 Mainly arboricultural qualities</p> <p>Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation</p> <p>Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories</p>	Trees with material conservation or other cultural value
		Trees with no material conservation or other cultural value

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Appendix 5

T12
↑

T6



T4

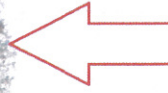




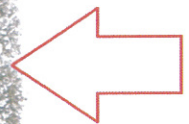
T76



T59



T52



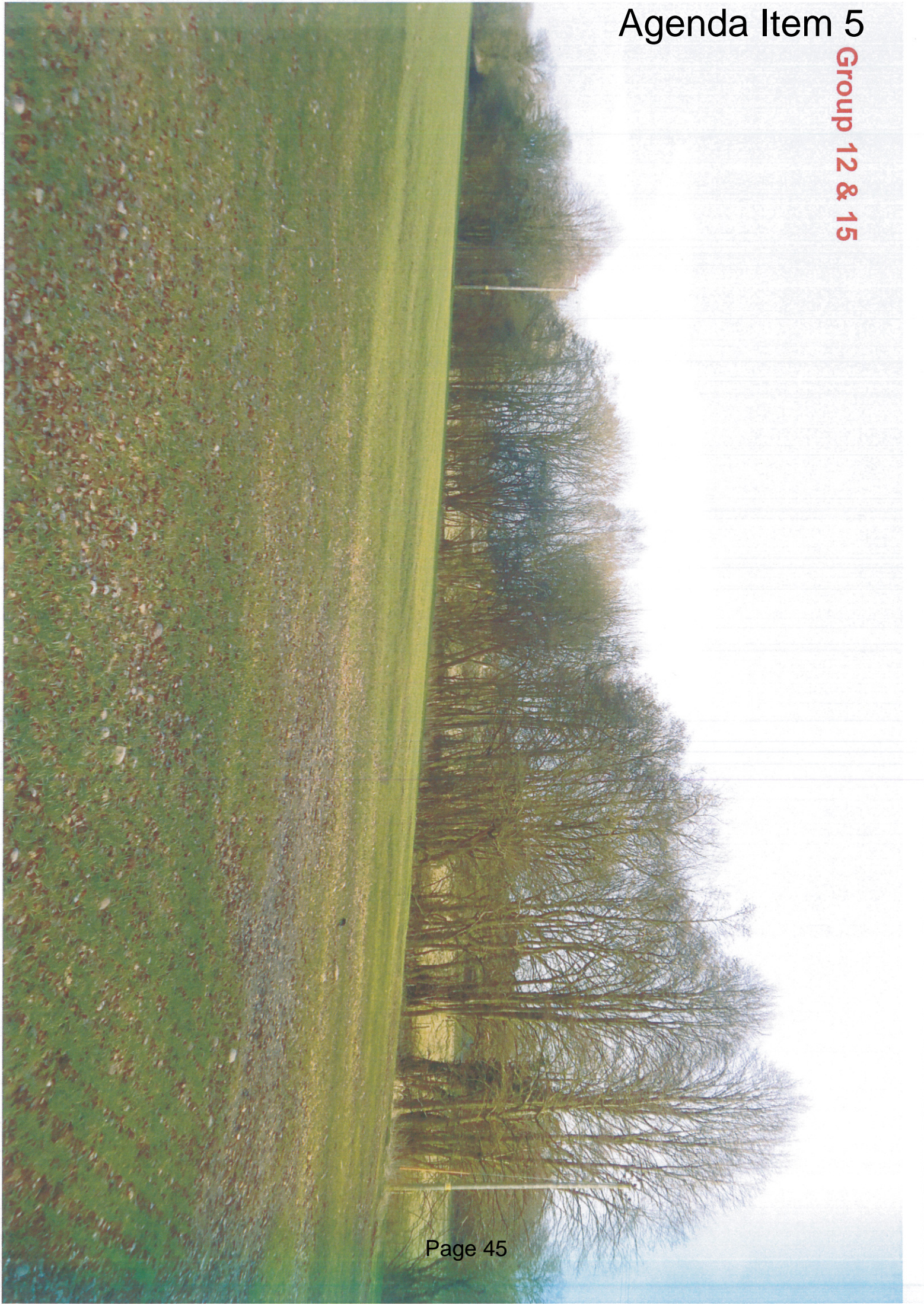
Woodland W/1



T51 Oak







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PLANNING COMMITTEE

4th September 2017

TREE PRESERVATION ORDER (NO.3) 2017 – Tree on land at Lyttelton Place, Hagley.

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

1. SUMMARY OF PROPOSALS

- 1.1 The Committee is asked to consider whether it is Expedient in the interest of Amenity to confirm without modification Tree Preservation Order (No.3) 2017 relating to a single Lime tree on land at Lyttelton Place, Hagley.

2. RECOMMENDATION

It is recommended that Tree Preservation Order (No.3) 2017 relating to a tree on land at Lyttelton Place, Hagley is confirmed without modification.

3. KEY ISSUES

Financial Implications

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

Legal Implications

- 3.2 The Town and Country Planning (Tree Preservation) (England) Regulations 2012 cover this procedure.

Service / Operational Implications

3.3 Background

The TPO was provisionally made on the 13th March 2017 (Appendix A) to protect the tree from being felled. Calls had been received from residents of Lyttelton Place who had received a letter from Bromsgrove District Housing Trust - the owner of the land where the tree is situated – informing them that the tree was to be felled on the following day. The reasons given for the felling were that the tree was causing damage to the tarmac surface and the felling was necessary to enable resurfacing works to take place. The quality of the tree was already known to BDC Tree Officers and, given the imminent threat

PLANNING COMMITTEE

4th September 2017

to the tree, it was considered Expedient to make a TPO as a matter of urgency.

- 3.4 The Tree is a mature Common Lime which is located in the centre of the crossroads of the private access road serving Lyttelton Place. It is understood to have been planted as a feature tree in this location when the development was originally built in 1919 and has survived since this time.
- 3.5 In more recent history, this tree has been well known to the Tree Section, as the land and tree were in Council ownership until transfer of the land to Bromsgrove District Housing Trust (BDHT) in 2004 and has been viewed by BDC Tree Officers on at least three occasions since then - either as part of routine inspections done for BDHT and discussions or advice over resurfacing of the roadway. During those inspections, the tree has been consistently found to be in good health requiring little or no work and no damage appeared to have been caused to the road surface..
- 3.6 The state of the roadway has been in question throughout this time but does not appear to be the result of damage by the tree. The condition is most consistent with the natural wear of the tarmac over time, destabilisation of the hardcore base which increased surface damage and only minimal repair patching. Shortly prior to the transfer to BDHT, discussions were held between Council officers from Trees & Housing and, at that time, it was proposed to carry out resurfacing around the tree with a 'geoblock' porous cell system as used around a number of Council owned trees elsewhere to provide a sound long lasting road surface while still allowing air, water & nutrients to reach the root system to help keep the tree healthy. The housing transfer prevented this work being carried out by BDC though it was again recommended at subsequent similar meetings between BDC Tree Officers and BDHT housing staff in 2006 and 2010.
- 3.7 Despite the suggestions of the letter received by residents, the condition of the roadway does not appear to be the result of damage by the tree or its roots. It appears that, originally, a 'collar' of cobbles was laid in a circle around the tree and some of these have been displaced by the growth of the trunk but no other damage attributable to the tree is evident. All other damage to the road surface appears to be the consequence of the other factors as described above.

Representations

- 3.8 One formal letter of objection to the TPO and one email supporting the TPO have been received from residents in Lyttelton Place. Two verbal communications of support were also received from residents of properties immediately adjacent to the tree but who wished to remain anonymous. The points raised in these representations are discussed below:

PLANNING COMMITTEE

4th September 2017

Objection (Appendix B)

The tree has no special amenity value

- The TEMPO assessment of the trees amenity value gives the tree a score of 21 out of a possible 25 points. The breakdown of these is detailed below.

A hazard, maintenance issues, telephone cables & fallen branches

- No evidence has been provided that the tree is in a hazardous condition. The tree is in good physiological condition and no structural defects were observed.
- Access to the tree is good, thus facilitating maintenance should it be required.
- No specific details of the fallen branches have been provided. Some natural loss of limbs upto 50mm diameter would be expected as a result of natural shading or storm damage but this would be small or infrequent with little ability to cause damage or injury. More major defects can typically be identified by routine inspection and dealt with as required and it is understood that BDHT do already have such routine inspections carried out though there is no evidence of any work being required or carried out in recent years.
- Given the size and age of the tree, the telephone cables appear to have been deliberately run through the tree canopy in full knowledge and acceptance of the risk of damage. Any repair or relocation of cables will therefore be the responsibility of the telephone company. All the cable run off a single telephone pole which appears to be due for replacement. Relocation of this pole and/or the addition of a 2nd pole would enable all telephone cables to be located away from the tree.

Damage to road surface – as discussed above, this does not appear to be the result of tree root action nor does retaining the tree prevent repair of the road surface.

Road narrowing and obstruction to traffic. – away from the ‘crossroads’ where the tree is located, Lyttelton Place is already a ‘T’ shaped narrow single width unclassified road unsuitable to large or long vehicles. The tree undoubtedly forms an obstacle to movement of such vehicles but the narrowness of the roadway is also exacerbated by encroachment of neighbouring hedges by upto 1m into the roadway and the lack of turning heads at the ends of the ‘T’. During site visits, two residents commented that they welcomed the retention of the tree as it helped protect them by discouraging or slowing large or fast traffic driving past their properties. Even disregarding the tree, the crossroads is a tight turn with poor visibility because of the overgrown hedgerows. It is considered that removal of the tree will not significantly improve this situation.

PLANNING COMMITTEE

4th September 2017

3.9 Email in support (Appendix C)

- significant feature & focal point of the close
- home to wildlife
- large feature tree providing visual & aural benefit
- loss would impact negatively on landscape and wellbeing of local residents
- tree is not causing damage or is in a dangerous condition.

Amenity Assessment

3.10 The TEMPO Assessment (Appendix D) gives the tree a conservative score of 21 out of a possible 25 points broken down as follows:

Amenity

- Condition - 3 / 5 – Fair – The tree is in good physiological condition and no structural defects could be observed.
- Longevity – 4 / 5 - 40 – 100 years remaining life expectancy
- Visibility – 4 / 5 – Medium size tree clearly visible locally.
- Other factors – 5 / 5 – Tree of good form and a principal historic focal feature of Lyttelton Place.

Expediency

5 / 5 – Known threat to tree – without the TPO, the owner intends to fell the tree or may carry out works to roadway in a manner which causes damage to the root system.

The provisional TPO expires on 13th September 2017.

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

1 Objections has been received in respect of the TPO

1 formal & 2 verbal representations were received in support of the TPO.

Policy Implications

3.11 Policy Implications - None

Council Objective 4 - Environment, Priority C04 Planning

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

Customer / Equalities and Diversity Implications

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

PLANNING COMMITTEE

4th September 2017

3.14 Equalities and Diversity implications- None

4. RISK MANAGEMENT

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

5. APPENDICES

Appendix A – Copy of TPO
Appendix B – Objection letter
Appendix C – Email in support
Appendix D – TEMPO Amenity Assessment

6. BACKGROUND PAPERS

None

7. KEY

TPO - Tree Preservation Order

AUTHOR OF REPORT

Name: Andrew Bucklitch
Email: andrew.bucklitch@bromsgroveandredditch.gov.uk
Tel: (01527) 64252 x 3075

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

Appendix A

Town and Country Planning Act 1990

Tree Preservation Order (3) 2017

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

Citation

1. This Order may be cited as Tree Preservation order (3) 2017

Interpretation

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

Effect

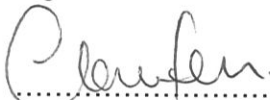
- 3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to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

Application to trees to be planted pursuant to a condition

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

Dated this 13th March 2017

Signed on behalf of Bromsgrove District Council



Claire Felton

Authorised by the Council to sign in that behalf

First Schedule

Trees specified individually

(encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T1	Lime	391297,280697	Centre of Lyttleton Place, Hagley

Trees specified by reference to an area

(within a dotted black line on the map)

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

NONE

Groups of Trees

(within a broken black line on the map)

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

NONE

Woodlands

(within a continuous black line on the map)

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

NONE



Clare fu. HEAD OF LEGAL EQUALITIES AND DEMOCRATIC SERVICES
Bromsgrove District Council
Tree Preservation Order (3) 2017.

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Tree Preservation) (England) Regulations 2012

BROMSGROVE DISTRICT COUNCIL
TREE PRESERVATION ORDER (NO. 3) 2017
Tree on Land at Lyttleton Place
NOTICE OF MAKING

To:
**The Owner and Occupier of the land
to which this Notice relates and any other
person who has an interest**

THIS IS A FORMAL NOTICE to let you know that on the 13th March 2017 the Bromsgrove District Council (hereinafter referred to as "the Council") made an Order under Section 198 of the Town and Country Planning Act 1990, entitled Bromsgrove District Council Tree Preservation Order (No.3) 2017.

A copy of the Order is attached. In simple terms, it prohibits you from cutting down, topping, lopping, uprooting, wilfully damaging or wilfully destroying any of the trees/the tree specified in the First Schedule and shown on the map without the consent of the Council.

Some explanatory guidance on Tree Preservation Orders is provided in the enclosed leaflet, "*Protected Trees: A Guide to Tree Preservation Procedures*", produced by the Department for Communities and Local Government.

The Council's reasons for making the Order are as follows:

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

The Order came into force, on a temporary basis, on 13th March 2017 and will remain in force for six months. During this time the Council will decide whether the Order should be given permanent status.

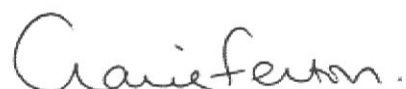
People affected by the Order have a right to object or make comments on the tree/on any of the trees or woodlands included in the Order before the Council decide whether the Order should be made permanent.

If you would like to make any objections or comments, please make sure the Council receives them in writing by **13th April 2017**. Your objections or comments must meet Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (a copy is attached).

Please send your comments to the Head of Legal, Equalities and Democratic Services, Bromsgrove District Council, Parkside, Market Street, Bromsgrove, B61 8DA. The Council will carefully consider all objections and comments before deciding whether to make the Order permanent.

The Council will write to you again when it has made its decision. In the meantime, if you would like any more information or have any questions about this Notice, please contact Mrs R Sultana, Legal Equalities and Democratic Services, Bromsgrove District Council, Market Street, Bromsgrove, B61 8DA. (Tel: 01527 881745).

Dated the 13th March 2017



Head of Legal Equalities and Democratic Services

The Council House,
Burcot Lane,
Bromsgrove,
Worcestershire,
B60 1AA.

EXTRACT FROM TOWN AND COUNTRY PLANNING (TREE PRESERVATION)
(Town and Country Planning (Tree Preservation) (England) Regulations 2012

REGULATION 6

Objections and representations

6.—(1) Subject to paragraph (2), objections and representations—

(a) shall be made in writing and—

(i) delivered to the authority not later than the date specified by them under regulation

5(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time

that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in

respect of which such objections and representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

5

(2) The authority may treat as duly made objections and representations which do not comply

with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance

with those requirements could not reasonably have been expected.

APPENDIX B

Lyttelton Place
Hagley
Stourbridge
[REDACTED]

15 March 2017

Head of Legal, Equalities and Democratic Services
Bromsgrove District Council
Parkside
Market Street
Bromsgrove
B61 8DA

Dear sirs/ma'ams,

RE: Tree Preservation Order No. 3, 2017: Tree on land at Lyttelton Place

We would like to kindly contest the plans to place a preservation order on this tree, as of 13th March 2017. We argue that although it does provide some amenity to the road, it does not provide 'special amenity value' and it is more of a hazard.

This tree is large and as such is difficult to maintain. There are overhead cables passing through its canopy and in bad weather, moderately sized branches have fallen on to the road. The roots themselves may have also contributed to the poor condition of the road surface and may continue to do so. Bromsgrove District Housing Trust (BDHT) had organised essential and extensive maintenance work to the road to make it safe. This work may cause some disturbance to the roots of the tree, although this is only our opinion.

The road is narrow and having been planted in the junction of the cul-de-sac, the tree is an obstruction. Long vehicles are not able to access properties distal to the tree and it can be problematic for drivers, especially when refuse bins are left in the road, cars meet head on or when reversing.

In summary, we feel that this tree possesses limited amenity value, is difficult to maintain and poses a significant hazard and obstruction risk.

Thank you for your consideration,



Andrew Bucklitch

From: Andrew Bucklitch
Sent: 22 August 2017 15:25
To: Andrew Bucklitch
Subject: FW: FAO CLAIRE FELTON Ref RS/TPO(3)2017

APPENDIX C

From:
Sent: 12 April 2017 22:21
To: Rasma Sultana
Subject: FAO CLAIRE FELTON Ref RS/TPO(3)2017

Dear Mrs Felton

I write in connection with the Tree Preservation Order put into place on land at Lyttelton Place, reference RS/TPO(3)2017.

As a resident of Lyttelton Place I feel that the lime tree is a significant feature of the close, and provides significant visual amenity and a natural focal point for all residents. It also offers a nesting and gathering place for rooks which congregate there at certain times of the year.

It is the only large tree that can be seen when looking along each aspect of Lyttelton Place and due to its height provides a striking natural feature giving some much needed colour in the Summer; my young children also enjoy listening to the wind whistling through its branches on stormy autumn and winter nights.

I feel that the loss of the lime tree would impact negatively on the immediate landscape and wellbeing of local residents, and I am not aware that the tree is causing damage to property or is in a dangerous condition - therefore the presumption should be in favour of preservation and protection.

Yours sincerely

Lyttelton Place
Hagley

APPENDIX D

T.E.M.P.O Tree Evaluation Sheet

Evaluation by: **AHB** Sheet No. **1** of **1** Date: **24th July 2017**

Address/Site Details: **Lyttelton Place, Hagley**

Tree Ref	Species	DBH (mm)	Amenity Assessment			Sub	d - other factors	Exped iency	Score	TPO Y/N?	Notes
			a - Condition	b - Longevity	c - Visibility						
T1	Lime	800	3	4	4	11	5	5	21	Y	
						0			0		
						0			0		
						0			0		
						0			0		
						0			0		
						0			0		
						0			0		
						0			0		
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						0			0		
						0			0		
						0			0		

Trees must have accrued 7+ points (& no zeros) to qualify

Part 2: Expediency assessment

- 5) Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Known as an actionable nuisance

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1 - 6 TPO indefensible
- 7 - 11 Does not merit TPO
- 12 - 15 Possibly merits TPO
- 16+ Definitely merits TPO

Part 1: Amenity assessment

- a) Condition**
 - 5) Good (highly suitable)
 - 3) Fair (suitable)
 - 1) Poor (unlikely)
 - 0) Unsafe
 - 0) Dead
- b) Longevity**
 - 5) 100+
 - 4) 40 - 100
 - 3) 20 - 40 (suitable)
 - 1) 10 - 20 (just suitable)
 - 0) <10 (unsuitable)
- c) Relative public visibility**
 - 5) Very large trees, or large trees that are prominent features (V tge=>200sqm+)
 - 4) Large trees, or medium trees clearly visible to the public (tge=100-200sqm)
 - 3) Medium trees, or larger trees with limited view only (suitable, med=25-100sqm)
 - 2) Small trees, or larger ones visible only with difficulty (unlikely, small = 5-25sqm)
 - 1) Young/v.small or not publicly visible regardless of size (prob unsuitable, <5sqm)
- d) Other factors**
 - 5) Principal components of arboricultural features, or veteran trees
 - 4) Members of groups of trees that are important for their cohesion
 - 3) Trees with significant historical or commemorative importance
 - 2) Trees of particularly good form, especially if rare or unusual
 - 1) Trees with none of the above additional redeeming features

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PLANNING COMMITTEE

4th September 2017

TREE PRESERVATION ORDER (NO. 4) 2017 - Trees on land at 5 – 9 Station Road, Hagley.

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

1. **SUMMARY OF PROPOSALS**

The Committee is asked to consider whether it is Expedient in the interest of Amenity to confirm with modification Tree Preservation Order (No.4) 2017 relating to trees on land at 5-9 Station Road, Hagley.

2. **RECOMMENDATIONS**

It is recommended that Tree Preservation Order (No.4) 2017 relating to trees on land at 5-9 Station Road, Hagley is Confirmed with modifications.

3. **KEY ISSUES**

Financial Implications

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

Legal Implications

3.2 The Town and Country Planning (Tree Preservation) (England) Regulations 2012 cover this procedure.

Service / Operational Implications

3.3 **Background**

The provisional TPO (Appendix A) was made on the 23rd March 2017 to protect trees at the above properties from removal or damage during site investigations and/or development works on land at the rear of 5/7 Station Road.

PLANNING COMMITTEE

4th September 2017

- 3.4 Planning permission for a dwelling at the rear of 5/7 Station Road was granted in 2011. Although this has now lapsed and an application for an office development in 2017 was refused, the principle of development on the site was established. Over this period and particularly since the refusal of the latest application, discussions over development of the site have been taking place between the owner & the Planning Department with consultations sent to the Tree Service. Since the 2010 application, the site had become heavily vegetated with bramble & scrub preventing access to and assessment of the trees. Clearance of this vegetation was carried out in early 2017 to facilitate surveying of the site & trees although ground conditions still made access difficult.
- 3.5 Some degree of protection of trees on the application site and the adjacent garden of 9 Station Road (whose branches & roots extent over the site boundary) is already provided by the existing Conservation Area status of the site and by Conditions on the lapsed planning permission, which could be reapplied on any future development. However, both of these measures hold weaknesses or limitations in creating or enforcing permanent protection of all trees on the site and so government guidance advises the making of a TPO where permanent protection of specific trees is desired.
- 3.6 While the owner of the site has been cooperative & helpful during discussions and previous applications, given the ongoing development history of the site, the clearance works and amenity & screening value of the trees, it was evident that on ongoing risk of tree damage or removal still exists. It therefore appeared expedient at this point to make a TPO to provide immediate, clear & comprehensive protection of all trees during ongoing pre-application discussions and ultimately to provide permanent protection in the event of future development being granted & taking place.
- 3.7 Due to ongoing discussions of the development of 7 Station Road, and staffing and health constraints at this time, a detailed assessment of individual trees and the extent of their branch and Root Protection Areas could unfortunately not be carried out at or before the provisional stage. A temporary Area designation was therefore used to cover all the trees on both properties for the provisional period of the TPO.

Representations Received

- 3.8 One Objection has been received from Westside Forestry on behalf of the owner of 9 Station Road, Hagley. (included as Appendix B)
- 3.9 Westside Forestry were acting as an Agent for the owners of 9 Station Road for a Notification of Works to Trees in the Conservation Area received on 2nd February 2017. Prior to this, on 19th October 2016, a site visit and pre-application advice was given to the owners over works to the trees on their property.

PLANNING COMMITTEE

4th September 2017

- 3.10 Following receipt of the Notification, as the works detailed had some variations from the earlier advice given, a second site visit was made on 22nd February 2017. During this visit, the main items discussed with the owner were the removal of the Apple tree to facilitate a prospective side extension to the house and works to the trees on the boundary with 7 Station Road which provided screening from any prospective development.
- 3.11 The outcome of these discussions and advice was that it appeared possible to carry out the prospective extension without needing to remove the Apple tree and that it was desirable to retain the Hazel trees as coppice so that the regrowth could provide additional screening should development take place next door. As a consequence of this discussion, it was understood that this variation was agreed, and consequently the final specification was amended from that on the initial notification.
- 3.12 The final processing of the Notification for works at 9 Station Road, took place concurrently with the discussions over the prospective development at 7 Station Road and the making of the provisional TPO coincided with the issuing of the decision notice for the Notification. As the TPO was expected to be in force when the decision notice was received, this was issued as a consent for works under the TPO so that the agreed work could still go ahead.
- 3.13 Unfortunately, due to a large number of other cases during this time and subsequent issues, these changes and the reasons for them were not clearly communicated to the owners & Westside Forestry and this misunderstanding is believed to have led to this objection for which I apologise. A subsequent application to fell the Apple tree has been approved.

Recommendation

- 3.14 Following further pre-application discussions over prospective development at the rear of 5/7 Station Road and a closer assessment of the adjacent trees, it is considered that only a small number of trees closest to the area of proposed development are of both sufficient amenity value, and are potentially under threat of loss or damage, that it is expedient to include them in a confirmed TPO.
- 3.15 Amenity Assessment
The TEMPO Assessment (included as Appendix C) details the trees recommended for inclusion in the confirmed TPO. This comprises two trees at the rear of 5/7 Station Road and three trees on the south-east boundary of 9 Station Road.
- 3.16 It is recommended that it is considered expedient in the interests of amenity to protect the 5 trees listed and that Tree Preservation Order (4) 2017 is Confirmed with amendment as detailed in the revised Plan & Schedule.

PLANNING COMMITTEE

4th September 2017

Policy Implications

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

Customer / Equalities and Diversity Implications

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

4. RISK MANAGEMENT

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

5. APPENDICES

- A – Current Provisional TPO
- B – Objection from Westside Forestry on behalf of 9 Station Road
- C – TEMPO Amenity assessment
- D – Revised Schedule
- E – Revised Plan

6. BACKGROUND PAPERS

None

7. KEY

TPO - Tree Preservation Order

AUTHOR OF REPORT

Name: Andrew Bucklitch
Email: andrew.bucklitch@bromsgroveandredditch.gov.uk
Tel: (01527) 64252 x 3075

APPENDIX A

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

Town and Country Planning Act 1990

Tree Preservation Order (4) 2017

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

Citation

1. This Order may be cited as Tree Preservation order (4) 2017

Interpretation

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

Effect

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

Application to trees to be planted pursuant to a condition

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

Dated this 22nd March 2017

Signed on behalf of Bromsgrove District Council



Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually
(encircled in black on the map)

NONE

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

<u>No. On Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
A1	All trees of whatever size or species within A1	390339, 280461	Land at 5-9 Station Road, Hagley

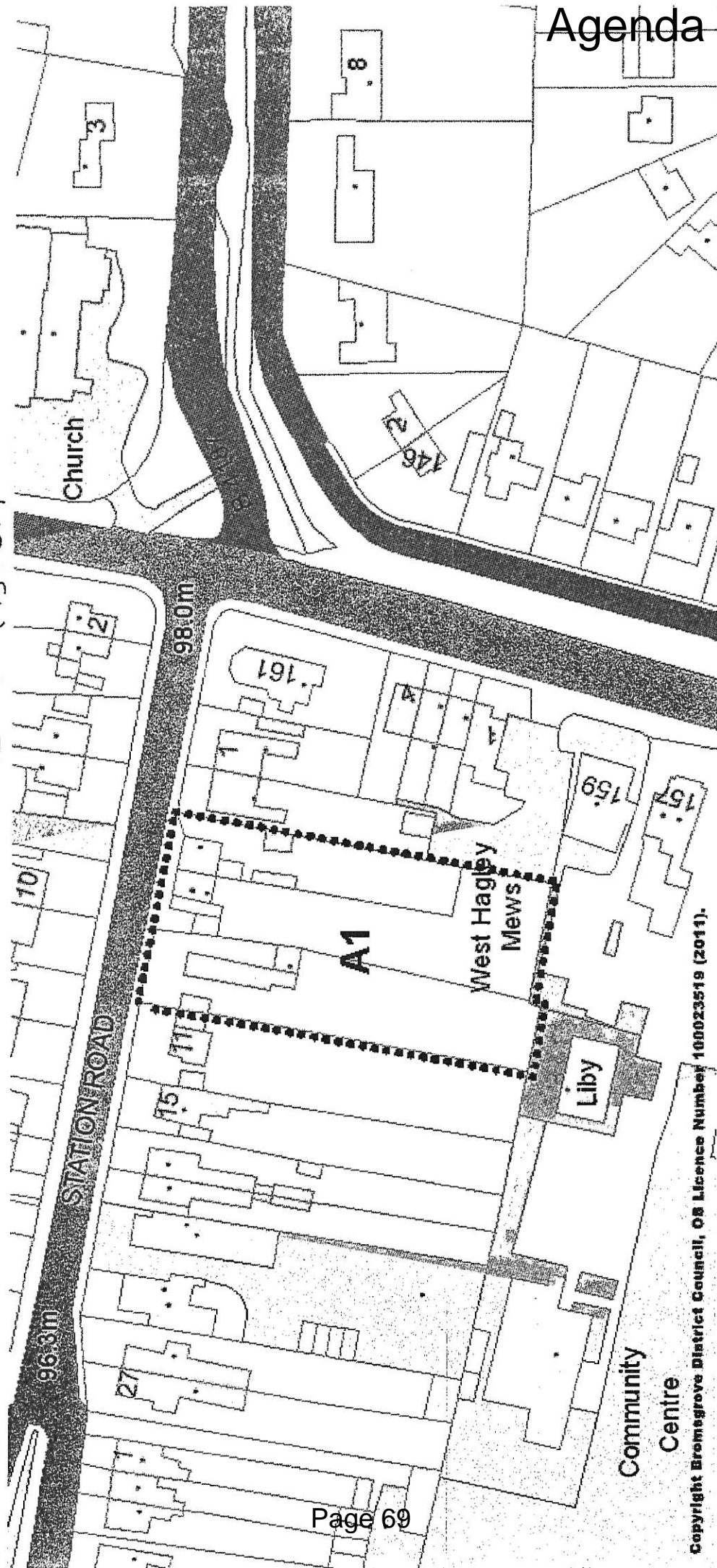
Groups of trees
(within a broken black line on the map)

NONE

Woodlands
(within a continuous black line on the map)

NONE

BEOMSGROVE DISTRICT COUNCIL TPO (4) 2017



DATED: 22nd MARCH 2017

S. Sellers

APPROVED SIGNATORY

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Appendix B

Claire Felton
Head of Legal, Equalities & Democratic Services
Bromsgrove District & Redditch Borough Council
Parkside
Market Street
Bromsgrove
B61 8DA.

Monday 3rd April, 2017

Dear Claire,

RE: OBJECTION TO BROMSGROVE COUNCIL TREE PRESERVATION ORDER (NO.4) 2017 TREE/S ON LAND AT 5-9 STATION ROAD, HAGLEY

We act on behalf and have been instructed by [REDACTED] the owner of no. 9 Station Road, Hagley, in relation to submitting a formal objection to the recently served Tree Preservation Order (TPO) at her property.

Background

Following on site discussions with the owner of no. 9, Westside Forestry were instructed to undertake various trees works in January 2017. We understand from the owner that Andrew Bucklitch, your Tree & Landscape Officer, had previously attended the site and discussed the trees with the owner.

Consequently, we submitted a Conservation Area (CA) Notification (Section 211 Notice) on 23rd January 2017, via the Planning Portal (Ref: PP – 05774474). We received a formal acknowledgement of the notification from Bromsgrove Council on the 2nd February 2017.

Following the cessation of the 6-week period, we contacted Andrew Bucklitch via email on the 17th March requesting confirmation we could undertake the works, and again on the 20th March 2017. We received a reply on 21st March 2017 which included a formal TPO Consent Notice (dated 21.3.2017) detailing various works (attached). Importantly the approval had altered the work which was originally notified in terms of an Apple tree which was intended to be felled but the approval altered to 'Retain, Reduce and reshape by up to 20%' and instead of felling 9no Hazel it had been altered to 'Coppice at 100mm to regenerate'. At no point did we as Agent or the Applicant receive any formal request to alter our Section 211 Notice. It is understood that Andrew had discussions with [REDACTED] during his site visit and indicated that he would allow pruning of the Apple but not for it to be felled.

Given that the Hazel stems are less than 75mm measured at 1.5m in height the Conservation Area does not afford them protection and the Council cannot prevent their felling in any event.

The Council has a Statutory period of 6 weeks to either allow the works or prevent them by the serving of a TPO:

"A section 211 notice is not, and should not be treated as, an application for consent under an Order. So the authority cannot:

- refuse consent; or
- grant consent subject to conditions.

Paragraph: 118 Reference ID: 36-118-20140306"



Given that we had received a formal TPO consent not a Conservation Area consent, we sought to clarify if the trees were either protected by a TPO or a CA and confirmed the owner's intention to have the Apple tree felled, via an email to Andrew on the 21st March 2017.

Andrew replied on the 23rd March 2017 indicating that the trees were subject to both TPO and CA protection which had been severed as an Area designated TPO on no. 5-9 Hagley Road on 22nd March 2017.

Following receipt of the TPO I contacted Andrew via telephone (23rd March 2017) to clarify and he indicated that the TPO had been served to both prevent the felling of the Apple tree and to improve the protection of the trees in respect of development to the rear of no.7.

In its self, the Consent Notice is confusing with a variety of mixed reference numbers and no plan to which they refer and is subject to conditions which are not allowed under the CA legislation (attached).

It should be noted that the rear garden of no. 9 contains at least 15 other trees which are proposed to be retained and therefore screen the majority of the property when viewed from the rear.

Discussion

All trees within the garden of no. 9 which have a stem diameter of greater than 75mm are afforded statutory protection by virtue of their location within the CA, providing them with exactly the same level of protection as trees subject to TPO in terms of breaches. It would therefore only be expedient to serve a TPO to prevent the removal of a tree following a Section 211 Notice. As all other works appear to have been approved under the Section 211 Notice it is understood that the Council is only concerned with protecting the Apple tree.

The Apple tree (see photos below) which was subject to the Section 211 notice and is intended to fell is approx. 6m in height, has a branch spread of approx. 4m and bifurcates at 0.5m with stem diameters of 310mm and 230mm and is situated approx. 4.3m from the rear southern corner of the dwelling. Its condition is considered fair, despite the presence of a decaying branch wound at approx. 1m. It is situated approx. 30m from the front public footpath with Station Road and at least 50m from the car park of the Community centre to the South. It is therefore considered to have very limited public visual amenity, as it cannot easily be seen from any public vantage point (see photos). It is not considered to have any significant species, ecological or historical attributes. Its removal would have no significant impact on the Conservation Area. Whilst it may be considered an attractive Apple tree when viewed from within the garden it is not considered to provide public amenity benefit nor does it make a significant contribution to the Conservation Area.

The Council's 'Hagley Conservation Area Appraisal (June 2014)' details trees which are subject to TPO and those which it considers make a positive contribution to the Conservation Area, however the Apple tree in question is not identified and as such the Council acknowledges it makes no significant contribution.

Following receipt of the Section 211 Notice the Council has up to six weeks to consider making a TPO to prevent works applied for being undertaken (i.e. prior to 16th March 2017). The Council visited the site twice and discussed the trees with the owner but did not serve a TPO nor did they seek to formally amend the Section 211 notice but provided a Consent notice which is not in accordance with the relevant legislation.

The trees have been made subject to an 'Area' designation which should normally be used in an emergency situation. The Council visited the site at least twice previously and had six weeks to serve a suitable TPO identifying the individuals or groups of trees but failed to do so. I am not aware that any objective amenity assessment has been undertaken prior to the serving of the TPO.



It is not clear if the Consent notice issued by the Council is valid to allow the works which were subject to Section 211 Notice, as a TPO has been served as an 'Area' designation protecting all trees subsequent to the issuing of the Consent notice?

It appears that the Council have viewed the trees to the rear of no. 7 and 9 on numerous occasions and did not consider a TPO appropriate despite granting planning permission for a dwelling to the rear of no. 7 (2010) and indeed refusing a more recent application (2017).

Conclusion

The Council have not acted in accordance with their duty in the handling of the recent Section 211 Notice, resulting in the inappropriate serving of a TPO.

The trees within garden of no, 5, 7 & 9 Station Road are already subject to statutory protection by virtue of their location within the Conservation Area.

The Apple tree which the Council have sought to retain by the serving of the TPO is not of sufficient amenity value to warrant a TPO nor does it make a significant contribution to the Conservation Area. Its removal would have no significant detriment to public amenity.

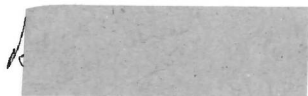
A formal application to fell the Apple tree was submitted on the 24th March 2017 under the recently served TPO, should the Council refuse this application then an appeal to the Secretary of State will be submitted.

The recently served TPO should not be confirmed.

I look forward to your reply clarifying the above points made.

I would be happy to discuss any of the above and elaborate further if required, however please do not hesitate to contact us should you have any queries.

Yours sincerely



Andrew Needham, BSc. Dip Biol, N. Dip. Arb.
Consultant Arboriculturist

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Apple tree viewed from rear garden towards back of no.9.



Apple tree viewed from rear of house down rear garden (note Apple tree within 4.3m of house and ends of branches almost touching house).



View from Hagley Community Centre Car Park to rear.



View from Station Road to front.



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Hagley
DY9 0NU

Species	Location	Proposed Work	Reason
Apple	- see plan below	- fell to just above ground level;	Redesign of garden to allow for new plantings and aid light and views to householder. To allow future potential development of property



Agenda Item 7



Bromsgrove
District Council

www.bromsgrove.gov.uk

Town and Country Planning Act 1990
Town and Country Planning (Tree Preservation)
(England) Regulations 2012

TREE WORKS DECISION NOTICE

Application No: TPO17/012

Agent
Allan Kenward
Westside Forestry Ltd.
The Stables, Harbours Hill
Belbroughton
DY9 9XE

Applicant
[REDACTED]
9 Station Road
Hagley
Worcestershire
DY9 0NU

Particulars of Application

APPLICATION REFERENCE:	TPO17/012		
LOCATION:	9 Station Road	Hagley	Worcestershire
PROPOSAL:	G1 - Cypress, Staghorn & Wisteria, 3x Holly, Apple, 9x Hazel, 2x Birch, Cherry - Fell		
	T1 - Blue Spruce - Raise canopy to just above BT Cables		

CASE OFFICER: Andrew Bucklitch 01527 548348 a.bucklitch@bromsgrove.gov.uk

Particulars of Decision

DECISION DATE: 21st March 2017

Bromsgrove District Council, as the Local Planning Authority, grants permission for the following works:

T1	Cypress	Located on frontage of property - of limited amenity value - Fell
T2	Blue Spruce	Raise canopy to give 1m clearance from phone lines
G1	Staghorn & Wisteria	Located at side of property - of limited amenity value & affecting garage roof - Fell
G2	3x Holly, Laurel	Located at side of property - of limited amenity value & heavily shading property - Fell
T5	Apple	Retain, Reduce & reshape by upto 20%
G3	2x Birch, 1x Cherry	Cambial dieback to trunk & poor form - Fell
G4	9x Hazel	Coppice at 100mm to regenerate

This decision has been reached for the following reasons: **In the interests of safety & amenity.**

This decision is subject to conditions which must be complied with and are set out below:

<u>Ref</u>	<u>Condition</u>	<u>Reason</u>
1	<i>The permission is valid for a period of 2 years from the decision date. Any works for which permission has been granted may only be done once within that period.</i>	<i>To define the consent and allow for satisfactory monitoring of the work.</i>
2	<i>The Local Planning Authority shall be given at least 14 days notice of the applicant's intention to commence the approved works and the identity of the contractor</i>	<i>To ensure that the works are carried out to an acceptable standard and can be monitored.</i>
3	<i>All works shall be carried out in accordance with British Standard BS 3998:2010.</i>	<i>To regulate the standard of the authorised work.</i>

If you would like any further information about our decision, please contact the Case Officer named above.

Agenda Item 7



Ruth Bamford
Head of Planning and Regeneration

Notes

- Please note that this consent only applies in regard to any Planning constraints upon the tree(s) or the land in which they are growing. Permission from a landowner to enter their property and carry out any proposed works must still be obtained. Consent in respect of other constraints such as restrictive covenants within the title deeds of the property may also be required.
- The applicant is advised to be aware of their obligations under the Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000) to avoid disturbance of nesting wild birds and protected species such as bats, badgers and dormice when carrying out these works.

Your Right of Appeal

If you disagree with our decision, under certain grounds you may appeal to the Secretary of State provided you do so within 28 days from the date you receive this decision. Forms and further information may be obtained from The Environment Appeals Team, Trees and Hedges, Room 3/25 Hawk Wing , Temple Quay House , 2 The Square, Temple Quay, Bristol, BS1 6PN

Compensation

If you suffer any loss or damage as a result of any refusal of consent, or approval subject to conditions, you may, in those situations as detailed in Part 6 of the Regulations, be entitled to recover compensation from the Council. Any claim must be made within 12 months of the date of this decision and should be made in writing to the Head of Planning Services.

T.E.M.P.O Tree Evaluation Sheet

Evaluation by: AHB		Date: 15th August 2017							
Address/Site Details:		5-7 Station Road, Hagley							
Sheet No. 1 of 1									
Tree Ref	Species	DBH (mm)	Amenity Assessment				TPO Y/N?	Notes	
			a - Condition	b - Longevity	c - Visibility	d - other factors			
T1	Pear	400	3	4	2	9	13	y	
T2	Hazel	1000	3	5	3	11	16	y	
T3	Ash	400	3	4	3	10	14	y	
T4	Cherry	400	3	4	3	10	14	y	
T5	Ash	400	3	4	3	10	14	y	
						0	0		
						0	0		
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Trees must have accrued 7+ points (& no zeros) to qualify

- Part 1: Amenity assessment**
- a) **Condition**
 - 5) Good (highly suitable)
 - 3) Fair (suitable)
 - 1) Poor (unlikely)
 - 0) Unsafe
 - 0) Dead
 - b) **Longevity**
 - 5) 100+
 - 4) 40 - 100
 - 2) 20 - 40 (suitable)
 - 1) 10 - 20 (just suitable)
 - 0) <10 (unsuitable)
 - c) **Relative public visibility**
 - 5) Very large trees, or large trees that are prominent features (V (ge=200sqm+)
 - 4) Large trees, or medium trees clearly visible to the public (ge=100-200sqm)
 - 3) Medium trees, or larger trees with limited view only (Suitable, med=25-100sqm)
 - 2) Small trees, or larger ones visible only with difficulty (Unlikely, small = 5-25sqm)
 - 1) Young/v.small or not publicly visible regardless of size (prob unsuitable, <5sqm)
 - d) **Other factors**
 - 5) Principal components of arboricultural features, or veteran trees
 - 4) Members of groups of trees that are important for their cohesion
 - 3) Trees with significant historical or commemorative importance
 - 2) Trees of particularly good form, especially if rare or unusual
 - 1) Trees with none of the above additional redeeming features
- Part 2: Expediency assessment**
- 5) Known threat to tree
 - 3) Foreseeable threat to tree
 - 2) Perceived threat to tree
 - 1) Precautionary only
 - 0) Known as an actionable nuisance
- Part 3: Decision guide**
- Any 0 Do not apply TPO
 - 1 - 6 TPO indefensible
 - 7 - 11 Does not merit TPO
 - 12 - 15 Possibly merits TPO
 - 16+ Definitely merits TPO

APPENDIX C

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First Schedule

APPENDIX D

Trees specified individually

(encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T1	Pear	390350, 280469	Rear of 5/7 Station Road, Hagley
T2	Hazel	390350, 280447	Rear of 5/7 Station Road, Hagley
T3	Ash	390332, 280451	Rear boundary of 7 & 9 Station Road, Hagley
T4	Cherry	390330, 280442	Rear boundary of 7 & 9 Station Road, Hagley
T5	Ash	390328, 280432	Rear boundary of 7 & 9 Station Road, Hagley

Trees specified by reference to an area

(within a dotted black line on the map)

NONE

Groups of Trees

(within a broken black line on the map)

NONE

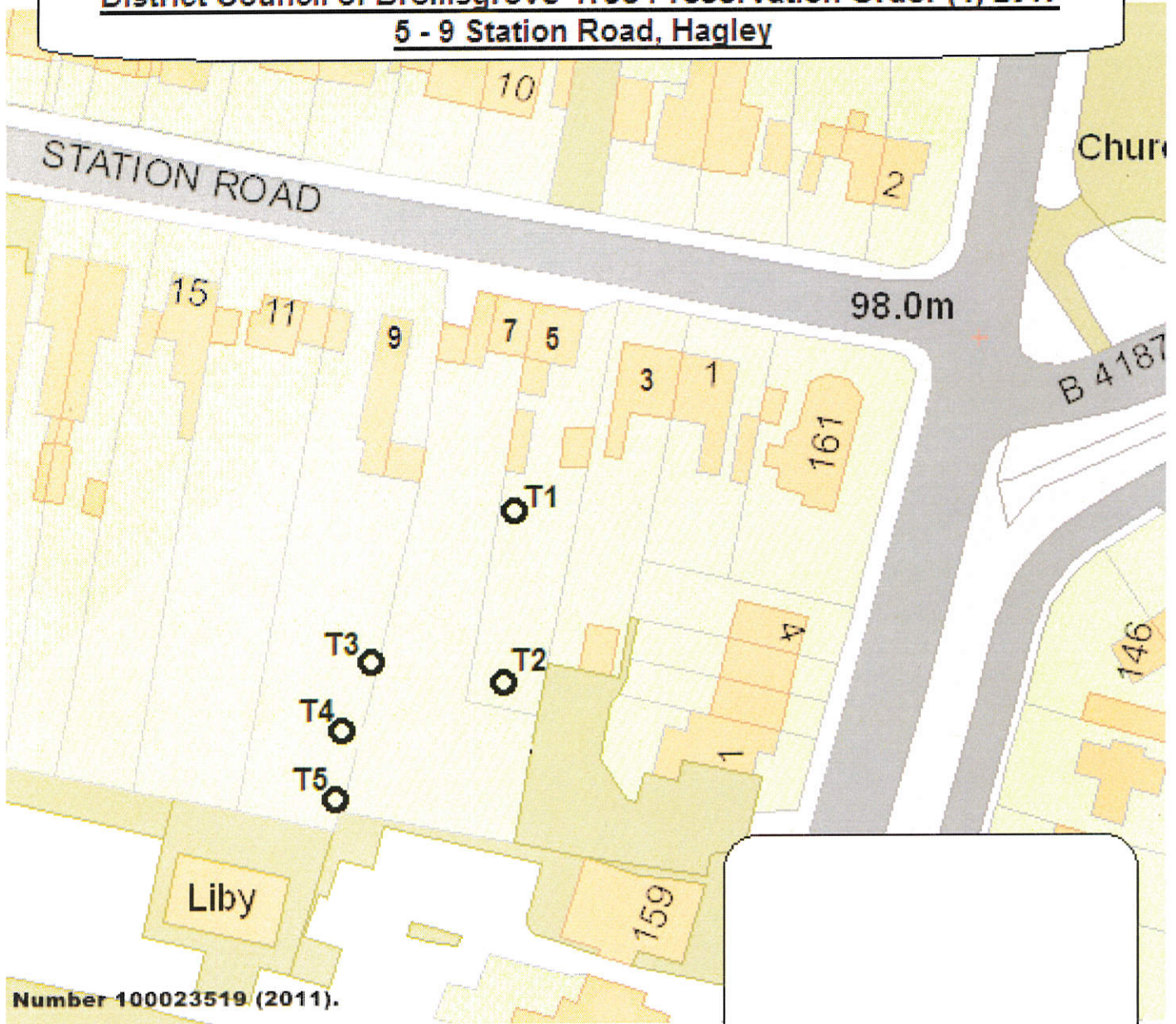
Woodlands

(within a continuous black line on the map)

NONE

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District Council of Bromsgrove Tree Preservation Order (4) 2017
5 - 9 Station Road, Hagley



Number 100023519 (2011).

APPENDIX E

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Agenda Item 8

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr & Mrs T Jennings	Two-storey side extension and pitched roof over existing garage 342 Alcester Road, Burcot, Bromsgrove, Worcestershire, B60 1BH	17.07.2017	17/00550/FUL

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

RECOMMENDATION: That planning permission be **Refused**

Consultations

No consultation required

Public notifications

One site notice was posted 16.06.2017 and expired 07.07.2017: No response received.

Two neighbour letters sent 15.06.2017 and expired 06.07.2017; No response received.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP19 High Quality Design

Others

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SPG1 Residential Design Guide

Relevant Planning History

17/0144	Demolition of a single storey detached garage and workshop, attached toilet extension and attached conservatory and replacement with a two storey kitchen and bathroom extension, single storey garage and conservatory.	Withdrawn	11.05.2017
---------	--	-----------	------------

Plan reference

BU/237/1969	Garage.	Granted	18.06.1969
	Proposed garage.	Granted	13.04.1960
	Proposed house.	Granted	09.07.1952

Assessment of Proposal

The application site is located within the defined village envelope of Burcot, which is an area designated as Green Belt. Burcot Village Hall is situated to the west side of the site, and there are residential properties to the east and opposite the site.

The host dwelling was constructed around the early 1950's and historical records show that the porch, the conservatory, and the garage are later additions.

The current proposal is for a two storey side extension, which would attach to the existing detached garage and store room. Part of the existing garage building would be demolished as part of the scheme. The proposal would also include the addition of a pitched roof over the garage and the replacement of the raised patio to the rear.

Given that the property lies within the Green Belt the main issues to consider with this application are whether the proposal would constitute inappropriate development within the Green Belt, and whether it would have any adverse impact on the openness of the Green Belt. Further to this the impact of the proposal on the character of the dwelling and the local area, and the impact on residential amenity will need to be considered.

Green Belt

There is a presumption against development within the Green Belt; however paragraph 89 of the National Planning Policy Framework (NPPF) lists a number of exceptions that may not be inappropriate within the Green Belt, which include a proportionate addition to an original building. Policy BDP4.4c of the Bromsgrove District Plan states that an extension of up to a 40% increase of the original dwelling may be appropriate provided it has no adverse impact on the openness of the Green Belt. The NPPF defines an **original building** to be a building as it was originally constructed or as it existed on the 1st July 1948; whichever is later. In this case the building as originally constructed comprised floor space totalling 132.16 sqm.

Additions to the original building would include the existing conservatory and porch extensions, which are modest in scale, and the proposed additions of the two storey extension and the retained part of the non-original garage. Calculations for previous and proposed extensions are shown in the table below.

	Sq metres	%
Floor space of the original dwelling	132.16	
Previous extensions		
Conservatory	12.96	9.8%
Porch	3.30	2.5%

Agenda Item 8

Plan reference

Retained part of garage (not including demolished part)	25.97	19.65%
Proposed extensions		
Two storey extension	(3.7x5.9x2) 43.66	= 33.04%
Minus original toilet to be demolished in place for extension	-6.84	-5.2%
Total additional floor space above that of original	79.05	59.81%

The proposal, accounting for the partial demolition of the existing garage, would result in additional floor space totalling 79.05 square metres above that of the original or a 59.8% increase. Given that this would exceed the 40% tolerance set out in Policy BDP4.4c and given that the additions would have a moderate impact on openness by visibly filling the open space on the west side of the dwelling, the proposal would be considered inappropriate development within the Green Belt.

In accordance with the NPPF inappropriate development is harmful by definition and should not be approved except in very special circumstances. Any harm to the Green Belt is assigned substantial weight. A number of considerations summarised below have been put forward by the applicant, however it is felt that these would not amount to a very special circumstance that would clearly outweigh the harm to the Green Belt.

Summary of consideration put forward	Officer's assessment
There was an original garage built with the house, which has since been demolished. This should be included within the original floor space calculations.	As the building no longer exists today, the floor space cannot be counted within the calculations. Notwithstanding this there is insufficient evidence to prove its existence or understand its size.
The application site is located within a built up area of ribbon development.	The assessment of whether an extension is proportionate and therefore appropriate development within the Green Belt, does not take into account whether the building is within a ribbon of development.
There would not be any visual harm arising from the proposed development.	Lack of visual harm would not outweigh the definitional harm arising through the development being inappropriate.
Subservience of the extension to the original property.	Policy BDP4.4c defines proportionate to be a maximum of 40% increase in floor space above the original, and not whether the design appears subservient.
Limited impact of previous extensions	Previous extensions, even if modest, would contribute towards to 40% tolerance set out in Policy BDP4.4c.
Location within a village where new infill development is acceptable	Infill development is a different exception within the NPPF and Development plan, and is therefore irrelevant to the determination of this application.

Compatibility with Green Belt purposes	Although the development does not conflict with Green belt purposes, it would still amount to inappropriate development, which must be given substantial weight.
Scope to extend the property under permitted development	The permitted development 'fall back' position would not be equivalent to the proposal in terms of location, and no information has been put forward to suggest that building this alternative would be a likely prospect.
Improved design of the dwelling	The limited design improvements would not outweigh the substantial harm arising through inappropriate development within the Green Belt.

Design

In design terms, the two storey side extension would be of a substantial width and would include a half-hipped roof design, which would not entirely match the more simple hipped design of the main roof. Although both the width of the extension and the proposed roof design would result in a relatively wide looking structure, the two storey extension would be well set back from the front of the dwelling and overall would appear subordinate, meeting the guidance contained in the Council's SPG 'Residential Design Guide'. The replacement of the existing flat roof of the garage with a pitched roof would have some design benefit by harmonising its appearance with the main dwelling. Overall the design merits of the scheme would lead to an enhancement of the character of the local area and would fulfil the requirements of Policy BDP19.

Amenity

Having regard to policy BDP1.4e of the Bromsgrove District Plan, which seeks to protect residential amenity, it is noted that the proposed development would be located on the west side of the application site, where the boundary is shared with the local village hall. Notwithstanding this the two storey element of the proposal would be positioned a minimum of 1.7 metres from the common boundary, and addition of the roof to the garage would only create a single storey development of a relatively modest height. Given the relationship of the proposed balcony and the raised patio area to the adjacent village hall building, there would not be a loss of privacy as a result of the proposal.

Conclusion

The limited enhancement to the appearance of the dwelling, and the lack of harm arising to neighbouring amenity would not outweigh the substantial weight that is assigned to harm to the Green Belt through inappropriateness and loss of openness. The other considerations put forward as part of this application would not amount to a very special circumstance that would outweigh harm arising to the Green Belt.

RECOMMENDATION: That planning permission be **Refused**

Reasons for Refusal

- 1) The site is identified as an area falling within the Green Belt where there is a presumption against inappropriate development. The proposed extensions, in

addition to previous extensions, would result in disproportionate additions and would therefore amount to inappropriate development within the Green Belt, which is, by definition harmful. The proposal would also have a moderate impact on the openness of the Green Belt. Considerations put forward would not amount to a very special circumstance that would outweigh the harm that would be caused to the Green Belt. The proposal is therefore contrary to policy BDP4 of the Bromsgrove District Plan (2011-2030) and the provisions of the National Planning Policy Framework.

Case Officer: Charlotte Wood Tel: 01527 64252 Ext 3412
Email: Charlotte.Wood@bromsgroveandredditch.gov.uk

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Ms Lorna McNeil	Two storey side and rear extension 99 New Road, Bromsgrove, Worcestershire, B60 2LL,	01.08.2017	17/00615/FUL

RECOMMENDATION: That planning permission be **Refused**

Councillor Spencer has requested that this application be considered by Planning Committee rather than being determined under Delegated Powers for Committee Members to consider the merits of the proposal.

Public Consultation

8 neighbour notification letters sent out on 28.6.2017 (Expired on 19.7.2017)
No comments received.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP16 Sustainable Transport
BDP19 High Quality Design

Others

SPG1 Residential Design Guide
NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

Relevant Planning History

None

Assessment of Proposal

99 New Road, Bromsgrove is a detached property situated within an area designated as residential in the Bromsgrove District Plan, where the principle of development is considered acceptable.

The main things to consider in the determination of this application are the design of the proposal, its impact on the character and appearance of the street scene and its impact on the amenities of the neighbouring occupiers.

Design and character and appearance of area

The proposal is for a two storey side and rear extension and a single storey rear extension. The two storey side extension would be set off the boundary with the

neighbouring property by 1 metre, leaving a gap of just over 2 metres between the two properties. This gap would enable the properties to maintain their detached appearance and would not affect the character of the locality.

The proposed extension is shown to be flush with the front wall and in line with the roof line of the existing house. The proposal would not therefore be in full accordance with the design guidance set out in SPG,1 as it would not be set back or set down from the existing house. However due to the variety of properties in the street scene, it is not considered that the proposal would affect the overall character or local distinctiveness of the area. Therefore in this case it is considered that it would accord with policy BDP19 of the Bromsgrove District Plan.

Amenity

There are ground and first floor windows situated within the side elevation of the neighbouring property which face onto the existing gable end wall of No.99. Most of these windows appear to be either secondary windows or windows which serve non habitable rooms; although one of the first floor windows is the sole window serving a bedroom/dressing room, which is considered to be a habitable room.

There is currently a significant gap between this window and the existing two storey gable wall of No. 99. The proposed extension would reduce this gap down to just over 2 metres. It is considered that the scale and bulk of the proposed extension so close to this window would have an overbearing impact on the neighbouring occupiers causing a loss of light and outlook. It is therefore considered that the proposal would adversely affect the existing amenities of neighbouring occupiers contrary to policy BDP1 of the Bromsgrove District Plan.

Conclusion

Overall it is considered that the proposal would not alter the character or appearance of the area, but that it would have an adverse impact on the amenities of the neighbouring occupiers. As such it is considered that the proposal would not accord with the policies in the Bromsgrove District Plan or the NPPF and as such would not be acceptable.

RECOMMENDATION: That planning permission be Refused

Reasons for Refusal

- 1) The scale, bulk and sitting of the proposed extension would have an overbearing impact and cause a loss of light and outlook upon the neighbouring occupiers. This would have an adverse impact on their existing amenities contrary to policy BDP1 of the Bromsgrove District Plan 2017, the guidance contained in SPG1 Residential Design Guide, and the guidance within the National Planning Policy Framework.

Case Officer: Julie Male Tel: 01527 881338
Email: j.male@bromsgroveandredditch.gov.uk

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Julian Lewis	Demolition of conservatory and erection of a two storey extension and porch Bridge House, Fish House Lane, Stoke Prior, Bromsgrove, Worcestershire B60 4JT	17.08.2017	17/00710/ FUL

RECOMMENDATION: That planning permission be **REFUSED**

Cllr Glass has requested that this application be considered by Planning Committee rather than be determined by Delegated powers, for the Applicant to have an opportunity to speak to outline why the scheme was acceptable.

Consultations

Stoke Parish Council Consulted 12.07.2017
No Comments Received To Date

Highways - Bromsgrove Consulted 12.07.2017
No Comments Received To Date

Worcestershire County Council Countryside Service Consulted 12.07.2017
No Comments Received To Date

Drainage Engineers Internal Planning Consultation Consulted 12.07.2017

The site falls within flood zones 2 & 3 (high risk of flooding) and is also shown to be susceptible to surface water flooding which has potential to be deep (over 300mm) and fast flowing (over 0.25m/s). We do hold reports of flooding in the vicinity.

While I acknowledge that the proposed extension is located over where a conservatory is currently located, it is still important to ensure that surface water for the development is appropriately managed and that no increase in flood risk is caused elsewhere.

The FRA mentions that water-butts will be utilised as a method of sustainable drainage; these are not considered to be appropriate drainage alone since they may not be emptied regularly enough or sized appropriately to capture sufficient water to ensure no increase in runoff from the site. They could however be used in conjunction with other drainage techniques - clay soils do not necessarily mean that SuDS are not possible, just that more bespoke solutions are needed. I presume the existing storm water system will be utilised and therefore have no major concerns regarding this.

I also would like to draw attention to the fact that while the FRA uses local data for the modelled flood depths, **the Climate Change allowances used relate to the Humber river basin district, not the Severn** - therefore the climate change limits included are lower than they should be (30-50% instead of 40-70%) and the on-site risk when climate change is included is going to be higher than is stated.

Since the application relates to an extension of an existing dwelling, raising floor levels of this alone will not alter the overall flood risk of the dwelling as a whole, and therefore following the EA's 2016 guidance on minor developments and extensions in flood zones 2 & 3, it would be appropriate to set floor levels no lower than existing levels, AND to flood proof the development to the 1:100 (1%) fluvial flooding level including an appropriate climate change allowance. This could include measures such as anti-flood air-bricks as well as resilience measures such as raised electricity sockets.

The FRA does mention these measures, however the Climate Change allowances included are not suitable, I would therefore like to suggest that should you be minded to grant permission, the FRA as it stands is not included as one of the approved documents, and that the following condition is attached to your decision notice:

Finished floor levels within the development shall be set no lower than existing levels AND flood proofing of the development has been incorporated to the 1:100 (1%) fluvial flooding level including an appropriate climate change allowance.

WRS - Contaminated Land Consulted 12.07.2017

No Comments Received To Date

4 Neighbours notified, -no responses received

Site notice posted 20.7.17 expires 10.8.17

Press notice Posted 17.7.17 expires 7.8.17

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP19 High Quality Design

BDP22 Climate Change

BDP23 Water Management

Others

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SPG1 Residential Design Guide

SPG 4 Conversion of Rural buildings

Relevant Planning History

B16508	Conversion of out buildings to dwelling	Approved	15.8.88
B/18328	Conversion of conservatory to lounge (amendment to Plan No. B16508).	Approved	09.10.1989

Plan reference

B/2005/0321	First floor link extension.		18.05.2005
16/0466	Demolition of rear conservatory and Erection of 2 storey extension	Refused	12.08.2016

Assessment of Proposal

Green Belt

Paragraph 89 of the National Planning Policy Framework explains that the construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to a number of exceptions. One of these exceptions is the extension or alteration of a building provided that it does not result in a disproportionate addition over and above the size of the original building.

Original Converted stable building	126.68m ²
Previous Extension	112.31m ²
This Extension	64.85m ²
Total extensions of	177.16m ²
This equates to an increase of	139.84%

Historically the buildings comprised a single storey garage and a stable building.

As part of the 1988 conversion, new floor space was created above the garage, a glazed conservatory was formed linking the buildings and the first floor of the stable building was extended further to create an en-suite.

In 1989 permission was granted retrospectively for a brick infill replacing the conservatory with a lounge.

In 2005 permission was granted for a first floor infill above the lounge to provide a first continuous access along the first floor.

Members will note that despite the removal of permitted development rights as part of the original consent (reference B16508 condition 3), a conservatory and porch have also been added in the interim years. The LPA is satisfied that whilst these are unauthorised they were constructed more than four years ago and are therefore exempt from any enforcement action.

The proposal is to further enlarge the dwelling to the northern elevation, replacing the single storey conservatory and porch with a mainly two storey extension with a single storey element. This results in an increase of 177.16m² which would equate to an increase of 139.8% and represent a disproportionate addition.

Your adopted Policy BDP4 specifies that extensions that exceed 40% would be considered disproportionate. Disproportionate additions in the Green Belt represent inappropriate development and inappropriate development is by definition considered harmful to the openness of the Green Belt. The NPPF requires LPA's to attach substantial weight the potential harm to the Green Belt and to consider whether there are any very special circumstances that may outweigh the harm the proposal causes in this instance.

Very Special Circumstances

The applicant has provided justification for the works in terms of what they consider to be very special circumstances. The statement outlines that there will be:

- (1) Little or no harm to the openness or visual amenity as the property is in a secluded or little use location at over 30m away from any listed buildings and the neighbouring properties have written letters of support for the proposal.
- (2) The increase of the slab level for the extension will improve flood attenuation of the house as it replaces an existing conservatory.
- (3) There are other examples of the over large extensions and replacement dwelling granted in the District.

Harm to openness

In response, the Local Planning Authority do not consider there is no harm to openness or any impact to visual amenity in this instance. Whilst it is acknowledged that neighbouring properties have written in support of the works the works remain clearly disproportionate. The works will still clearly be seen.

It is acknowledged that the site is fairly isolated and this, in the LPA's opinion makes the extension more harmful to this location rather than as stated. If views are obscured this again does not overcome harm.

Sustainability

The new extension may be effectively flood resistant however this does not overcome the harm to openness by itself.

The Local Planning Authority are not contending that the extension is harmful to the setting of a listed building (located over 30m away) or in fact to other properties however lack of harm in these instances do not outweigh the harm of inappropriate development

The size the original conversion/extensions

The applicant maintains that there was a link between the original buildings, however, the existing floor plans submitted under the conversion application 1988 (ref B16508) simply show a brick wall link. The report of 1989 refers to 'a plain brick wall with a parapet'. Even if the LPA were minded to take a link into consideration when calculating the original floor space of the building, the remaining and proposed extensions would still equate to a floor area of 153.79m, an increase of 102.2%.

Design Appearance

When considering Policy BDP15 and BDP 19 of the adopted District Plan and the Council's SPG4 guidance on conversions it could be argued that the traditional form and distinctive character of the original stable building has already been compromised to a certain degree. The proposed extension would continue the linear form of the original building and would reflect the gable fronted design of the original garage element. It would result in a more sympathetic addition than the existing glazed conservatory which it would replace in terms of design and materials.

Whilst the proposed extension would not be visible from Fish House Lane it would be visible from the public bridleway, however, no objections have been received and it would not be considered harmful to the character of the area. Due to the buildings orientation and the mature screening surrounding the majority of the application site, the proposal would only be visible from the adjacent property Needle Mill Cottage.

It is not considered that the proposal would be clearly visible from or detract from the listed building which is located more than 30 metres away.

Amenity

The nearest property is adjacent and it Needle Mill Cottage. The orientation of Needle Mill Cottage, however, means that it faces towards the southern end of the building rather than the northern end where the proposal would be situated. Whilst there would be no overlooking or overshadowing, the proposal is most visible from the garden of Needle Mill Cottage.

Flooding

The dwelling is located within flood zones 2 and 3 due to its close proximity to the River Salwarpe. It is a national requirement within the NPPF that a flood risk assessment be undertaken, even for minor developments in flood zones 2 and 3, prior to determination. Given the previous application and association reason for refusal, the applicant has now submitted a full Flood Risk Assessment. The flood risk assessment provided contains modelling data which is based on the incorrect catchment however the North Worcestershire Water Management Team have indicated that subject to floor levels to address the correct data then conditions may be imposed to ensure the development complies with BDP 1 and 23 of the BDP.

Access and Parking

Members will note that Highways engineers did not raise any objections to the scheme previously (reference:16/0466) and access and parking arrangements remain unchanged therefore the scheme would be considered acceptable in terms of policy advice for access and parking

Other issues / approved applications

The applicant has provided examples of other approved extensions in the Green Belt. However members will appreciate that every application is based on its own merits.

13/0120 is for a replacement dwelling and is not comparable in this instance as other factors were considered in terms of outbuildings and cellarage areas which were considered in this assessment

16/0704 – Fish House Mill is a property with ‘Permitted Development Rights’ intact and 8m rear extension (while it is accepted is disproportionate) was constructed under the householder Prior Notification Scheme. PD rights are not applicable to this converted rural building as these rights have been removed.

17/0058 - Fish House Mill. This further permission was approved given the ability to again extend under standard Permitted development rights of Class A given the ability to provide a larger extension than the application as submitted so again Members will appreciate the ‘fallback’ position in this case.

Conclusion

In conclusion the proposal would represent a disproportionate addition and disproportionate additions represent inappropriate development in the Green Belt. In this instances the VSC outlined and the lack of harm to residential amenity clearly do not outweigh the significant harm to the openness of the Green Belt this extension proposal would cause in this case.

RECOMMENDATION: That planning permission be Refused

Reasons for Refusal

1. The extension represents a disproportionate addition in the Green Belt. Disproportionate additions represent ‘inappropriate development in the Green Belt’ and ‘inappropriate development’ is by definition fundamentally harmful to the openness of the Green Belt in this location.

Whilst there is no perceived harm to residential amenity and the circumstances of other approved extensions outlined by the applicant, these do not represent ‘very special circumstances’ that overcome the harm of the development or its inappropriateness and the harm to the openness of the Green Belt in this instance. The proposal is considered contrary to Policy BDP4 of the Bromsgrove District Plan 2011-20130 and the advice and guidance contained in the NPPF (Para 87-89).

Case Officer: Sarah Willetts Tel: 01527 881607
Email: Sarah.willetts@bromsgroveandredditch.gov.uk

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Geoff Ellis	Extension to garage Poultry Farm Cottage, Agmore Lane, Tardebigge, Bromsgrove, Worcestershire B60 1PS	10.08.2017	17/00728/ FUL

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

RECOMMENDATION: That planning permission be Refused

Consultations

Tutnall and Cobley Parish Council Consulted 29.06.2017
No Comments Received To Date

Publicity

1 neighbour notified 29.06.2017, expires 20.07.2017: No response received.

1 site notice was posted 05.07.2017, expires 26.07.2017 : No response received.

Councillor Deeming – Would like members to consider the planning merits.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP19 High Quality Design

Others

NPPF National Planning Policy Framework

Relevant Planning History

B/2005/0670	Single storey rear extension	Allowed on Appeal	13.10.2005
B/2001/0025	Extension to dwelling.	Approved	02.03.2001
B/2000/1049	Extension to dwelling and detached garage. Change of use of land from agricultural to domestic for repositioned drive access.	Approved	27.11.2000

Assessment of Proposal

Poultry Farm Cottage is one of a pair of semi-detached dwellings located off Agmore Lane in a remote position. The planning history shows extensions to the dwelling in excess of 40%, including a rear extension allowed on appeal, and a separate detached garage.

The main issues are whether or not the proposal would be inappropriate development in the Green Belt; the effect of the proposal on the openness of the Green Belt and, if the development is inappropriate, whether the harm, by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development. In addition to this, whether its design would be in keeping with the character of the rural building and whether the proposal would be detrimental to the visual amenities and character of the area.

The site is in the Green Belt. The National Planning Policy Framework is a material consideration and states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 89 of the Framework says that the construction of new buildings should be regarded as inappropriate in the Green Belt.

Policy BDP4 of the adopted local plan seeks to protect the character of the Green Belt and states that the development of new buildings in the Green Belt is considered to be inappropriate except in certain circumstances. BDP4.4 point c) permits extensions up to 40% of the original dwelling. There is no allowance in respect of outbuildings although replacement buildings within the curtilage can be considered acceptable if they are not materially larger than that existing. In this case the existing building is a double garage with a pitched roof, 6.3 metres by 6.1 metres and a height of 2.7 metres to eaves and 5.2 metres to the ridge.

The proposed garage as extended is of significant size of 8.6 metres by 6.3 metres, 2.7 metres high to eaves and an overall ridge height of 5.7 metres, with an additional floor within the roof space. Therefore the garage would be materially larger both in terms of footprint and scale and is, by definition, inappropriate development in the Green Belt, thus harming the openness of the Green Belt and contrary to the NPPF, Policy BDP4 of the BDLP.

The applicant has put forward that, 'this is for a games room for my grandchildren, who I collect from school every day, they don't have the room at home to enjoy indoors games activities'. However this argument could be repeated elsewhere and I do not consider that these comprise the very special circumstances required to overcome the harm to the Green Belt.

It is concluded that the development is inappropriate and by definition harmful. Its bulk and additional height above the existing structure add to this harm and reduce openness so undermining one of the key purposes of Green Belt designation. It is considered that there are no very special circumstances to outweigh the harm to the Green Belt. In addition this is well in excess of the 4 metre height that could in other circumstances be allowable under permitted development for single storey curtilage buildings. In this case it

Plan reference

is a two storey building and therefore no realistic permitted development fall-back position would apply.

No very special circumstances exist that would outweigh the harm that would be caused to the Green Belt. The proposal would therefore be contrary to BDP4, and BDP19 of the Bromsgrove District Plan and the guidance contained in Paragraph 89 of the NPPF.

RECOMMENDATION: That planning permission be Refused.

Reasons for Refusal

- 1) The proposed development is inappropriate and by definition harmful. Its bulk and additional height above the existing structure add to this harm and reduce openness so undermining one of the key purposes of Green Belt designation. There are no very special circumstances to outweigh the harm to the Green Belt. The proposal would therefore be contrary to BDP4 and BDP19 of the Bromsgrove District Plan and the guidance contained in Paragraph 89 of the NPPF.

Case Officer: Sally Price Tel: 01527 881683
Email: sally.price@bromsgroveandredditch.gov.uk

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr John Godwin (for Bromsgrove District Council)	<p>Signage 1 - Large extrude aluminium lettering (BSLC) back lit white illumination to the left hand side of the climbing wall block to the western elevation of Bromsgrove Sport and Leisure Centre</p> <p>Signage 2 - Extruded aluminium lettering (BSLC) white illuminated directly above the main entrance on the western elevation of Bromsgrove Sport and Leisure Centre</p> <p>The Dolphin Centre, School Drive, Bromsgrove, Worcestershire, B60 1AY</p>	11.09.2017	17/00810/ADV

RECOMMENDATION: That advertisement consent be **GRANTED**

Consultations

Highways Consulted 15.08.2017, received 21.08.2017 - No objection

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP19 High Quality Design

Others

SPG2 Shopfronts and Advertisements Design Guide
NPPF NPPF National Planning Policy Framework

Relevant Planning History

15/0919	New Sport and Leisure Centre including swimming pools, health and fitness suite, climbing wall, multiuse studio/function and community spaces, wet and dry changing, offices, associated building and car park, accessible parking, car park access, servicing and landscaping.	Approved	15.12.2015
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Assessment of Proposal

This application relates to proposed signage to the front entrance of the new Bromsgrove Sport and Leisure centre. Two signs are proposed, one would comprise large projecting lettering spelling out the acronym for the centre down the length of the far left wall of the

western front elevation, the other would also comprise projecting lettering but would be on a much smaller scale above the entrance doors on the same western elevation. Both signs would comprise internal white LED halo illumination. The luminance level would not exceed 375 cd/m². The lettering of the larger sign would be dark grey and would project a maximum of 28cm. The height of the individual letters would be 2.35 metres and the overall width of the acronym would be 8.1 metres. The lettering of the smaller sign would be white and the height of the individual letters would be 60cm and the width of the acronym 2.8 metres.

In accordance with para 67 of the NPPF the control of advertisement should be efficient, effective and simple in concept and operation. As such, they should be subject to control only in the interests of amenity and public safety.

In terms of visual amenity, the signage would appear simple in design and proportionate to the scale of the building to which it would be fitted. It comprises typical signage expected on a building of this use both to identify it to the public from a distance and to identify the pedestrian entrance.

The principle of illuminated signage is considered acceptable in this location because the elevation on which the signage would be installed would be perpendicular to the residential units and would be sufficient distance away. Furthermore, the level of internal halo luminance would not exceed 375 cd/m² and would not therefore harm residential amenity. The Highways Officer has raised no objection to the proposal. In addition to the level of luminance, the lighting would be static and set far back from the classified Stratford Road so as to not give rise to any highway safety concerns.

In conclusion the proposal is considered to be acceptable as it would not give rise to any concerns in respect of amenity or public safety.

RECOMMENDATION: That advertisement consent be **GRANTED**.

Conditions

- 1) This consent shall remain valid for a period of five years from the date hereof.

Reason: In accordance with Regulation 14(7) of the Town and Country Planning (Control Of Advertisements) (England) Regulations 2007.

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:

7957-PL001 Site Location Plan

7957-PL002 Proposed Signage Site Plan

7957/A(71)010 Proposed External Signage

BSLC\#####\FirstFixDetails\Item-001 1st Fix Details

BSLC/BROMSGROVE/PROP/A1 Rev D Proposed Sign Details

BSLC/BROMSGROVE/PROP/A2 Rev C Proposed Sign Details

BSLC/BROMSGROVE/PROP/A3 Rev C Proposed Sign Details

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

- 3) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission

Reason: In accordance with the requirements of Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 4) No advertisement shall be sited or displayed so as to;

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: In accordance with the requirements of Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: In accordance with the requirements of Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 6) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: In accordance with the requirements of Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 7) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with the requirements of Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Case Officer: Laura Russ Tel: 01527 534122
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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Das	To extend the Ground Floor to provide a Utility Room to the existing Kitchen and extend above this and the existing Ground Floor W.C. to provide a First Floor En-Suite to the existing Master Bedroom 10 Monument Lane, Lickey, Birmingham, Worcestershire, B45 9QQ	13.09.2017	17/00833/ FUL

RECOMMENDATION: That authority be delegated to the Head of Planning and Regeneration Services to **REFUSE** planning permission upon expiry of the publicity period on 7th September 2017.

Cllr Deeming has requested that this application be considered by Planning Committee rather than be determined under Delegated powers given the personal circumstances outlined

Consultations

Lickey And Blackwell Parish Council Consulted 07.08.2017
No Comments Received To Date

3 neighbours notified – no responses to date
Site notice posted 17.8.17 Expires 7.9.17

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP19 High Quality Design

Others

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
SPG1 Residential Design Guide

Relevant Planning History

17/0043	To extend the Ground Floor to provide a Utility Room to the existing Kitchen and extend above this and the existing Ground Floor W.C. to provide a First Floor En-Suite and Dressing Area to the existing Master Bedroom.	Withdrawn	15.02.2017
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Plan reference

16/0024	Replacement 'verandah' at the rear of the property. (Permitted development)	Approved	09.03.2016
B/2008/0096	Erection of two storey extension to side of existing dwelling to include accommodation for elderly relative.	Approved	03.04.2008
B2001/0512	Two Storey Side Extension	Approved	07.06.2001

Site Description

This particular site relates to a well enclosed detached property situated well back from the road on the North Eastern side of Monument Lane. The site appears level from the front, however it slopes down towards the rear of the plot in more of a substantive manner. This allows for cellar access below the rear conservatory.

Monument Lane itself is elevated and commends views over the Lickey Hill towards the conurbation. The property is located in Green Belt

Assessment of Proposal

Green Belt

Paragraph 89 of the National Planning Policy Framework explains that the construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to a number of exceptions. One of these exceptions is the extension or alteration of a building provided that it does not result in a disproportionate addition over and above the size of the original building. This is outlined as follows:

The original property was		151m2
Previous extension 2001	Ground and first floor	64m2
Previous extension 2008	Ground and First floor Garage	123.3m2 49.5m2
This extension	Ground and First Floor (9.6)2	19.2m2
TOTAL EXTENSIONS		256m2

This equates to 169.5 % increase

Your adopted Policy BDP4 specifies that extensions that exceed 40% would be considered disproportionate. Disproportionate additions in the Green Belt represent inappropriate development and inappropriate development is, by definition, considered harmful to the openness of the Green Belt. The NPPF requires LPA's to attach substantial weight the potential harm to the Green Belt.

In this instance the cumulative total of all the previous and this extension equate to an increase of 169.5%, which represents inappropriate development in the Green Belt and causes significant harm to the openness of the Green Belt.

Very Special Circumstances

In this instance the applicant has cited 'very special circumstances' in order to outweigh the harm. The 'very special circumstances (VSC) offered relate to personal circumstances relating to a medical requirement for the extension. Whilst mindful of and sympathetic to the personal circumstances and medical condition of the applicant, individual personal circumstances should not outweigh the harm by way of inappropriateness particularly in this instance.

Members will also appreciate that the previous extension, under reference B/2008/0096 which approved the current size of the building (as an annex), evidenced an internal layout inclusive of an en-suite in the main bedroom area. Whilst it is clear that the Internal spaces were not created as originally approved, it could still be adapted / altered to provide both an en-suite at first floor and utility space at ground level, without the need for further extensions.

Therefore it is considered that the very special circumstances as outlined do not clearly outweigh the significant harm to the openness of the Greenbelt.

Design and Appearance

The extension has been designed with a hipped roof in line with the original dwelling and follows the same roofline height as the current extension.

Whilst not specifically set down or back the main bulk of the extended area is set down from part of the main house, it is set within a large plot and materials are proposed to match the existing.

Whilst the cumulative extent of the main extension area may be set down from the original roof height of the dwelling it will now be considerably larger visually, larger in volume and floor area, and the extent of this and previous works, will become visually dominant over the host dwelling. This consequently does not contribute positively to the character of the property or location and is therefore contrary to Policy BDP1, BDP19 or comply with the guidance the Residential Design Guidelines (SPG).

Amenity

Given the context of the site and the location of the extension whilst still clearly visible over the garage there would be no impact to neighbouring houses by way of overlooking or loss of amenity and therefore this is considered acceptable in this instance.

Conclusion

In conclusion, the proposal would represent a disproportionate addition and disproportionate additions represent inappropriate development in the Green Belt. In this instances the VSC outlined and the lack of harm to residential amenity clearly do not

outweigh the significant harm to the openness of the Green Belt this extension proposal would cause.

The resulting cumulative impact of the extensions now visually overwhelm the original / host dwelling and do not positively contribute to the character of the property or in fact the location

RECOMMENDATION: That authority be delegated to the Head of Planning Services to refuse Planning Permission upon expiry of the publicity period on 7th September 2017.

Reasons for Refusal

1. The extension represents a disproportionate addition in the Green Belt. Disproportionate additions represent 'inappropriate development in the Green Belt' and 'inappropriate development' is by definition fundamentally harmful to the openness of the Green Belt in this location.

Whilst there is no perceived harm to residential amenity and the personal circumstances as outlined by the applicant do not overcome the harm of the development or its inappropriateness and the harm to the openness of the Green Belt in this instance. The proposal is considered contrary to Policy BDP4 of the Bromsgrove District Plan 2011-20130 and the advice and guidance contained in the NPPF (Para 87-89).

2. The resulting cumulative impact of the extensions now visually overwhelm the original/host dwelling and do not positively contribute to the character of the dwelling or in fact the location and therefore the proposal is considered contrary to Policies BDP1, BDP19 of the Bromsgrove District Plan 2011-2030 and the guidance contained in Supplementary Guidance Note 1.

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