



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE PLANNING COMMITTEE - SKYPE**

**MONDAY 1ST JUNE 2020**  
**AT 6.00 P.M.**

**MEMBERS:** Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), S. J. Baxter, A. J. B. Beaumont, S. P. Douglas, A. B. L. English, M. Glass, S. G. Hession, J. E. King, P. M. McDonald and P.L. Thomas

### **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 2nd March 2020 (Pages 1 - 12)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 20/00095/FUL - Two storey rear extension and single storey rear extension - 24 Silver Birch Drive, Hollywood, Worcs, B47 5RB - Mr & Mrs C. Casey (Pages 13 - 30)
6. 20/00106/FUL - Redevelopment of the site to provide four dwellings - Brookfield Nurseries, Quantry Lane, Belbroughton, Stourbridge, Worcs, DY9 9UU - Mr D. Howell (Pages 31 - 52)

7. 20/00282/FUL - Erection of dwelling - Townsend Mill, 29 Beechcroft Drive, Bromsgrove, B61 0DS - Mr & Mrs M & C Marston and Hopkins (Pages 53 - 72)
8. 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

21st May 2020

**If you have any queries on this Agenda please contact**

**Pauline Ross**

**Parkside, Market Street, Bromsgrove, Worcestershire, B61 8DA**

**Tel: 01527 881406**

**email: [p.ross@bromsgroveandredditch.gov.uk](mailto:p.ross@bromsgroveandredditch.gov.uk)**

## **BROMSGROVE DISTRICT COUNCIL**

### **PLANNING COMMITTEE**

# **GUIDANCE ON VIRTUAL MEETINGS** **AND PUBLIC SPEAKING**

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Due to the current Covid-19 pandemic Bromsgrove District Council will be holding this meeting in accordance with the relevant legislative arrangements for remote meetings of a local authority. For more information please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police Crime Panels meetings) (England and Wales) Regulations 2020.

The meeting is open to the public except for any exempt/confidential items. Where a meeting is held remotely, “open” means available for live viewing. Members of the public will be able to see and hear the meetings via a video conferencing tool. Details of the website for Councillors and members of the public to use, and any access codes/passwords will be made available separately.

If you have any questions regarding the agenda or attached papers please do not hesitate to contact the officer named below.

#### **PUBLIC SPEAKING**

The usual process for public speaking at meetings of the Planning Committee will continue to be followed subject to some adjustments for the smooth running of virtual meetings. For further details a copy of the amended Planning Committee Procedure Rules can be found on the Council’s website at [Planning Committee Procedure Rules](#).

The process approved by the Council for public speaking at meetings of the Planning Committee is (subject to the discretion and control of the Chair), as summarised below:

- 1) Introduction of application by Chair
  - 2) Officer presentation of the report
  - 3) Public Speaking - in the following order:-
    - a. objector (or agent/ spokesperson on behalf of objectors);
    - b. applicant, or their agent (or supporter);
    - c. Parish Council representative (if applicable);
    - d. Ward Councillor
- Each party will have up to a maximum of 3 minutes to speak, subject to the discretion of the Chair.

**Speakers will be called in the order they have notified their interest in speaking to the Democratic Services Team and invited to unmute their microphone and address the committee via Skype.**

- 4) Members' questions to the Officers and formal debate / determination.**
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**Notes:**

- 1) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Team on 01527 881406 or by email at [p.ross@bromsgroveandredditch.gov.uk](mailto:p.ross@bromsgroveandredditch.gov.uk) before 12 noon on Thursday 28<sup>th</sup> May 2020.**
- 2) Advice and assistance will be provided to public speakers as to how to access the meeting and those registered to speak will be invited to participate via a Skype invitation. Provision has been made in the amended Planning Committee procedure rules for public speakers who cannot access the meeting by Skype, and those speakers will be given the opportunity to submit their speech in writing to be read out by an officer at the meeting. Please take care when preparing written comments to ensure that the reading time will not exceed three minutes. Any speakers wishing to submit written comments must do so by 12 noon on Thursday 28<sup>th</sup> May 2020.**
- 3) Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues, the case officer's presentation and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view in full via the Public Access facility on the Council's website [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)**
- 4) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Bromsgrove District Plan (the Development Plan) and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the Development Plan and the "environmental factors" (in the broad sense) which affect the site.**
- 5) Although this is a public meeting, there are circumstances when the committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded and for any such items the live stream will be suspended and that part of the meeting will not be recorded.**

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## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE PLANNING COMMITTEE**

**MONDAY, 2ND MARCH 2020 AT 6.00 P.M.**

PRESENT: Councillors P. J. Whittaker (Vice-Chairman), S. J. Baxter, A. J. B. Beaumont, S. P. Douglas, A. B. L. English, M. Glass, J. E. King, H. D. N. Rone-Clarke (Substitute), M. A. Sherrey (Substitute), C. J. Spencer (Substitute) and P.L. Thomas

Officers: Mr. D. M. Birch, Mrs. H. L. Plant, Mr. G. Boyes, Mr T. Ball, Mrs. N. Chana, Miss. E. Farmer, Mr P. Lester, Mr. S. Jones, Ms. A. Scarce, Mrs. S. Sellers and Mr. S. Hawley, Worcestershire County Council, Highways

1/15 **APOLOGIES**

Apologies for absence were received from Councillors R. Deeming, S. Hession and P. McDonald with Councillors C. Spencer, M. Sherrey and H. Rone-Clarke attending as substitutes respectively.

1/15 **DECLARATIONS OF INTEREST**

Councillor A. Beaumont declared in relation to Agenda Item 8, Minute No 76/19), that he had a predetermined view on the matter and would be withdrawing to the public gallery to speak on this item as Ward Councillor under the Council's public speaking rules. Following the conclusion of public speaking, Councillor Beaumont remained in the public gallery for the duration of the Committee's debate and took no part in the Committee's consideration nor voting on the matter.

1/15 **MINUTES**

The Minutes of the Planning Committee meetings held on 9<sup>th</sup> December 2019 and 13<sup>th</sup> February 2020 were received.

**RESOLVED** that the minutes of the Planning Committee meetings held on 9<sup>th</sup> December 2019 and 13<sup>th</sup> February 2020, be approved as a correct record.

1/15 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING (TO BE CIRCULATED PRIOR TO THE START OF THE MEETING)**

The Chairman confirmed with Members that they had received and read the update which had been published and circulated prior to the commencement of the meeting.

1/15 **TREE PRESERVATION ORDER (NO 7) 2019 - TREES ON LAND AT RUSHLEIGH ROAD, MAJORS GREEN B90 1DH**

The Committee considered a report which detailed proposals to confirm, without modification, Tree Preservation Order (No 7) 2019, relating to trees on land at Rushleigh Road, Majors Green B90 1DH.

Officers drew Members' attention to the Supplementary Documentation agenda pack and the photographs of the trees on pages 1 to 4. It was noted that notwithstanding objections made to the order, officers had concluded that the trees were of very good quality and worthy of protection.

**RESOLVED** that Provisional Tree Preservation Order (No.7) 2019, relating to trees on land at Rushleigh Road, Majors Green B90 1DH be confirmed without modification from the Provisional Order, as raised and shown on the plan and scheduled in Appendix (1) .

1/15 **TREE PRESERVATION ORDER (NO 9) 2019 - TREE ON LAND AT MILTON DRIVE, HAGLEY, DY9 9LS**

The Committee considered a report which detailed proposals to confirm, without modification, Tree Preservation Order (No 6) 2019, relating to trees on land at Milton Drive Hagley DY9 9LS.

Officers drew Members' attention to the Supplementary Documentation agenda pack and the photographs of the trees on pages 5 to 9. Officers summarised the objections to the order as set out in Appendix 2 and highlighted the key issues identified in arboricultural report at Appendix 3 and officers reasons for reaching different views on these matters and on the TEMPO score.

**RESOLVED** that Provisional Tree Preservation Order (No.6) 2019, relating to trees on land at Milton Drive Hagley DY9 9LS be confirmed without modification from the Provisional Order as raised and shown in Appendix (1) .

1/15 **14/0408 - RESIDENTIAL DEVELOPMENT COMPRISING THE ERECTION OF 26 DWELLINGS - OUTLINE APPLICATION (INCLUDING DETAILS OF ACCESS, LAYOUT, SCALE AND APPEARANCE) - LAND REAR OF ALGOA HOUSE, WESTERN ROAD, HAGLEY, WORCESTERSHIRE - MR. D. BILLINGHAM**

Officers presented the report and explained that although approved at Planning Committee in November 2014, the planning permission had never been issued due to delays finalising the section 106 agreement relating to highways matters. Members were referred to the previous 2014 committee report at Appendix 1. At the request of the applicant, the updated application before Members had been expanded to cover outline planning permission for all matters save for landscaping.



Members were referred to the updates on page 1 of the Update Report.

It was noted that the site formed the last remaining parcel of land in Hagley that had been identified under the Bromsgrove District Plan (policy BDP5(B) Other Development Sites) and had been identified as a housing development site. The application proposed 26 two storey dwellings split between 2, 3 and 4 bedrooms, including 10 affordable dwellings.

The access from the site would be from Western Road and Members were referred to the layout plan, and more detailed information regarding the type of dwellings proposed. In officers assessment the application met the relevant requirements for design and layout and residential amenity, and there were no objections from County Highways or Worcestershire Regulatory Services. Impact on existing facilities in Hagley would be mitigated by the provisions of the proposed section 106 contributions as detailed on pages 61 to 62 of the agenda.

At the invitation of the Chairman Mrs L. McGrath addressed the Committee in objection to the application and Councillor S. Colella spoke in his capacity as Ward Councillor.

In responding to points made during public speaking, the County Council's Highways Officer confirmed that further traffic modelling for this site had not been required in light of assessment work previously carried out for the adjacent site. The Highways Officer further clarified that the section 278 Highways Agreement would not attract financial contributions from the applicant.

Officers confirmed that the 50/50 split of the section 106 contributions to Hagley Community Centre and Clent Parish Hall had been based on the geographical location of the site.

In debating the application Members expressed their general support for the scheme subject to some reservations regarding future management of the public open space. This centred on concerns that use of a private management company could potentially lead to expense for the future occupiers, and that there might be other alternatives that had not been considered. Following further discussion it was moved that an additional recommendation be added to give delegated authority to officers to enter into discussion with the applicant regarding ownership of the public space being taken on by the council or Hagley Parish Council.

**RESOLVED** that

- (1) Minded to approve planning permission;
- (2) That delegated powers be granted to the Head of Planning and Regeneration to determine the outline planning application following the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:

**Highways**

- Active Travel and Public Transport Infrastructure within Hagley contribution:  
£25,534.90

## Education Infrastructure

- A contribution towards Hagley Primary School based on the cost per open market dwellings as per the following tariff:  
£3,230 open market 2 or 3 bedroom dwelling  
£4,845 open market 4 or more bedroom dwelling
- A contribution towards Haybridge High School and sixth form based on the cost per open market dwellings as per the following tariff:  
£4,213 open market 2 or 3 bedroom dwelling  
£6,252 open market 4 or more bedroom dwelling

## Medical Infrastructure

- A financial contribution towards Worcestershire Acute Hospitals NHS Trust to help support the provisions of acute primary healthcare:  
£TBC
- A financial contribution of towards Redditch and Bromsgrove CCG-Hagley Surgery  
£9,936

## The improvement of Hagley Community Centre and Clent Parish Hall:

£21,044.66 (split on a 50%/50% basis: £10,522.33/£10,522.33)

## Car-Parking Enhancement in Hagley:

£2104.35

## Waste Management Contribution:

Waste and recycling bins calculated as follows:

- £25.49 per 240 litre standard capacity grey receptacle (waste)
- £26.75 per 240 litre standard capacity green receptacle (recycling)

## Planning Obligation Monitoring Fee:

£TBC

And:

The securing of 10 on-site affordable dwelling units

The provision and future maintenance in perpetuity of the on-site play space and open space provision

- (3) That **delegated powers** be granted to the Head of Planning Regeneration to agree the final scope, detailed wording and numbering of conditions as set out on pages 79 to 85 of the agenda;
- (4) And that delegated powers be granted to the Head of Planning and Regeneration to enter into negotiations with the developer for an alternative scheme for management of the public open space and to discuss the option of ownership being transferred to the District Council or Hagley Parish Council.

1/15 **19/01023/FUL - ERECTION OF STABLE BUILDING AND MENAGE, INCLUDING IMPROVEMENT OF ACCESS, CONSTRUCTION OF DRIVEWAY AND LAYING OF HARDSTANDING - LAND SW OF SALT BAY FARM, YARNOLD LANE, DODFORD, BROMSGROVE, WORCESTERSHIRE - MR. N. NUNN**

Officers outlined the application which was for the demolition of an existing structure located in the Green Belt and the erection of a stable building, a ménage and the laying of stone and grasscrete to create a turning area. The stables structure would consist of a timber building with two loose boxes and a tack room.

Officers had assessed the application as being compliant with policies BD15 and BDP4 of the District Plan and paragraphs 145 and 146 of the NPPF in that the proposed stables would not be considered to be inappropriate in the Green Belt as they would be in a suitable position on the site and replace a structure of similar scale. The design had been deemed to be suitable in terms of scope and style, and it was considered by officers that the building would not harm the openness of the Green Belt. No objections had been received from County Highways or from North Worcestershire Water Management.

Objections had been received from the Parish Council and local residents as to the height of the proposed stables and animal welfare issues. Members were referred to the response received from the applicant with regard to the design and dimensions of the building as set out in the Update Report. With regard to animal welfare issues, there were exceptions under which it would be possible to house two horses on a plot of 0.5 hectares in area and Members were referred to the relevant provisions of the Animal Welfare Act 2006.

At the invitation of the Chairman Mr. K. Taylor and Mrs A. Hill addressed the Committee in objection to the application and Mr. P. Brown the applicant's agent addressed the Committee on behalf of the applicant. Parish Councillor R. Jennings on behalf of Dodford and Grafton Parish Council and District Councillor Andrew Beaumont (Ward Councillor) addressed the Committee in objection to the application.

In debating the application Members referred to a number of concerns raised during public speaking including the small size of the site, whether it would be suitable for two horses from an animal welfare point of view, the proposed scale of the stables including the proposed roof height, that the new stables structure would be in a more prominent location than the existing building, the impact on the openness of the Green Belt and highways issues.

In response officers clarified that loss of a view was not a material planning consideration, animal welfare issues were regulated under separate legislation and that from a highways perspective the changes were regarded as a betterment.

Following further debate Members remained concerned as to the scale and location of the stables and the impact on the openness of the Green Belt and an alternative recommendation for refusal was moved and seconded.

RESOLVED that Planning Permission be refused for the following reasons:-

1. The proposed development would not preserve, and would harm the openness of the Green Belt by reason of the prominent position of the proposed building visible from public views from Yarnold Lane. No very special circumstances have been put forward, or exist, to outweigh the harm identified. The development is therefore inappropriate development in the Green Belt. The proposal would therefore be contrary to BDP4 of the Bromsgrove District Plan and the guidance contained in Paragraphs 143, 144, and 145 of the National Planning Policy Framework 2019.
2. The NPPF requires new buildings for equine development consist of appropriate facilities. By reason of the proposed height of the building and size of the plot the proposed stable and ménage are considered to exceed what are appropriate facilities on site. The proposal would therefore be contrary to BDP15 of the Bromsgrove District Plan and the provisions contained in the National Planning Policy Framework 2019.

1/15 **19/01610/FUL - PROPOSED DEMOLITION OF FORMER BROMSGROVE DISTRICT COUNCIL HOUSE, BBC HEREFORD & WORCESTER BUILDING AND HOSTEL, AND PROPOSED DEVELOPMENT OF 61 NO. DWELLINGS COMPRISING OF 18 NO. HOUSES, 4 NO. MAISONETTES AND 39 NO. APARTMENTS - THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE, B60 1AA - MR. M. BOUGH**

Officers presented the report and outlined the application made by Bromsgrove District Council to re-develop the land at the site of the former Council House on Burcot Lane for residential use.

The location of the site provided a number of constraints including the irregular boundary line, the proximity to the A38, the presence of the Spadesbourne Brook passing along the western boundary and the location close to significant existing buildings including the Police and Fire Station and All Saints Church.

Officers explained the proposed layout with reference to the relevant plans and it was noted that 18 two storey houses were proposed to be built on the footprint of the Council House building with 4 maisonettes behind. The hostel building on the eastern side of the site would be demolished and that part of the site would be used for the construction of 39 apartments as part of a 4 storey block. The mix of tenure would include affordable rent, shared ownership, private rented and market units. The scheme as a whole would provide 30% affordable housing, made up of 66% social rented and 34% intermediate affordable housing.

# Agenda Item 3

Planning Committee  
2nd March 2020

The site was located in flood zones 2 and 3 but additional flood alleviation measures had been incorporated to mitigate issues with surface water flooding. Working in conjunction with North Worcestershire Water Management, the applicant had included additional features to address this including cellular storage and permeable paving.

The application site was defined as previously developed land and the proposed use of the site for residential development accorded with the relevant policies and was acceptable. A transport statement had been submitted and there were no objections on highways grounds.

Members were referred to the proposed amendments to the conditions and section 106 requirements as set out on pages 4 to 5 of the Update Report.

At the invitation of the Chairman Ms Bonnie Carswell, agent of the applicant, addressed the Committee in support of the application.

In response to questions from Members officers clarified the following:-

- That BDHT would be taking steps to mitigate the loss of the hostel as set out on page 144 of the agenda;
- That it was possible that the same contractor for both the demolition and construction phases could be used;
- That full details of what construction methods would be used, including the recycling of any material from the demolished buildings would not be available yet although re-use of material would potentially be possible where appropriate.
- That there was insufficient space on the site to include on site play facilities and to mitigate this an off-site play contribution would be included in the section 106 agreement.

In debating the application, the overall response of Members was supportive of the proposal. In particular Members highlighted the benefits of bringing the site back into use and the advantages of being able to provide additional housing in a town centre location, including affordable housing.

**RESOLVED** that

- (1) Minded to approve planning permission;
- (2) That delegated powers be granted to the Head of Planning and Regeneration to determine the Full planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following:

Contributions towards off-site Sport and Recreational facilities due to increased demand from future residents, required in compliance with SPG11

- Toddler and Junior Play - (Recreation Road play area) TBC
- Junior Sport - (Barnsley Hall Playing Pitches) TBC
- and Adult Fitness - (Recreation Road) TBC

- and any open space requirements TBC (Officers request therefore that the final detail of the offsite sum and the nature of these provisions listed above be Delegated to the Head of Planning and Regeneration Services)

Contributions towards Education provision by way of;

- First School Contribution=£68,032
- Middle School Contribution primary phase =£34,016
- add secondary phase = £23,302
- High School and Sixth Form Contribution = £69,906

Contributions for refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy

- 1 x 240 litre green wheeled bin @ £26.75 x 22 = £558.50
- 1 x 240 litre grey wheeled bin @ 25.49 x 22 = £560.78
- 8 x 1100 litre domestic waste wheeled bins @£252.43 = £2,019.44
- 8 x 1100 litre recycling wheeled bins @£252.43 = £2,019.44

Contributions towards GP Surgery Contribution

- Capital funding to increase capacity within the GP Catchment Area = £27,761.

Contributions towards Worcestershire Acute Hospital Trust Contribution

- (WAHT)Agreement of a final sum not exceeding £82,654.00 to be Delegated to the Head of Planning and Regeneration Services (subject to verifying any deductions based on services already provided by the WAHT)

Planning Obligation Monitoring Fee: (Contribution amount to be confirmed)

The provision of 30% (18 units on the site to be restricted to Affordable Housing in perpetuity

The provision of on-site SuDS facilities, with associated trigger points for adoption and the management and maintenance of the on-site SuDS facilities by Bromsgrove District Council or another appropriate party (Cost to be confirmed)

The provision of the on site open space provision, with associated trigger points for adoption and the management and maintenance of the on-site open space provision by Bromsgrove District Council or another appropriate party (Cost to be confirmed);

- (3) That delegated powers be granted to the Head of Planning and Regeneration to agree the final scope, wording and numbering of conditions and informatives as set out on pages 153 to 162 of the agenda, including the additional condition relating to provision of written details/drawings of the soft landscaping areas, as set out on page 3 of the Update Report.

[Mr Dale Birch, Development Management Manager for the Council, left the meeting for the duration of this item]

1/15

**19/01625/FUL - APPLICATION TO VARY CONDITION 2 OF PLANNING PERMISSION 17/01429/FUL, MADE UNDER S.73 OF THE TOWN AND COUNTRY PLANNING ACT 1990, TO ALLOW REVISIONS TO FENESTRATION LAYOUT, REVISIONS TO ROOF DESIGN (RETAINING PERMITTED MAXIMUM HEIGHT), ALONG WITH GAS COOLING UNIT TO ALLOW A REDUCTION IN THE CHIMNEY HEIGHT AND AMENDMENTS IN THE SITE LAYOUT RESULTING IN A REDUCTION IN HARDSTANDING ACROSS THE SITE - LAND ADJACENT NEW INNS LANE, RUBERY, BIRMINGHAM - WESTERLEIGH**

Officers outlined the application which was for minor amendments to be made to the planning permission allowed on appeal in 2019 (reference 17/01429/FUL). The background was that the applicant had now worked through the technical requirements of the building with a prospective operator, and this had led to a number of proposed changes being identified.

The changes consisted of the addition of a cooling unit, reduction in the height of the approved chimney flue, changes to the roof profile, changes to some of the windows and doors and reduction in the amount of the proposed hard surfacing.

Members were referred to a plan depicting the changes to the roof levels and officers set out the details of the proposed cooling unit which would be located in a screened service yard. Members were also referred to the additional information in the Update Report.

At the invitation of the Chairman Mr. Robert Clarke addressed the Committee in support of the application and Councillor Peter McDonald spoke in his capacity as Ward Councillor to object to the application.

In response to questions from Members officers clarified the following:-

- That the control of emissions was a separate issue from the question of granting planning permission, and was controlled under separate legislation.
- The relevant regulations were set by DEFRA (Department for Environment Food and Rural Affairs) and compliance would be enforced by WRS (Worcestershire Regulatory Services). The operator

would have to apply for an annual licence and demonstrate evidence to show that the crematorium equipment was being operated lawfully.

- The Inspector at the appeal had found that there was no evidence to show that the operation would harm air quality and WRS had made no objections to the application for minor amendments.
- The most recent appeal decision had acknowledged the need for the facility.

In debating the application Members noted the long history of the site and outcome of the 2019 appeal.

**RESOLVED** that Planning Permission be granted, subject to the Conditions as detailed on pages 168 to 174 of the main agenda report.

1/15 **19/01636/FUL - NEW DWELLING - 2 DODFORD ROAD, BOURNEHEATH, BROMSGROVE B61 9JR - MR. & MRS. D. BARNES**

Officers presented the application which was for the construction of an additional two storey dwelling in the curtilage of number 2 Dodford Road. The site would be divided to create an “L” shaped plot with access from the existing drive off Fairfield Road. The house would be oriented to face Dodford Road and as such complied with the provisions of policy BDP4 of the Bromsgrove District Plan regarding infilling in settlements in the Green Belt.

A number of objections had been received to the application from local residents which had been considered by officers. On the issue of overlooking, officers were satisfied that the application was acceptable due to the differences in level. A proposed pedestrian access to the front of the house had been removed from the application and there were no objections from County Highways.

At the invitation of the Chairman Mr. Will Lane, local resident, addressed the Committee in objection to the application.

Officers answered questions from the Members relating to points raised in public speaking and confirmed the following:-

- Worcestershire Wildlife Trust had not objected to the application as set out on page 5 of the Update Report.
- Although the public speaker had referred to legal mechanisms to preserve the hedgerow, advice from officers was that for a domestic hedge it was not considered necessary, appropriate or enforceable to impose restriction on the retention of the hedge. An advisory note regarding wildlife obligations would be included if the application was granted.
- That to install a new pedestrian access at the front of the property in the future would not need planning consent, but to install a vehicular access would, unless permitted development rights were removed.



# Agenda Item 3

Planning Committee  
2nd March 2020

- That notwithstanding Members questions regarding the hedge, the applicant was planning to retain the hedge. Any additional controls imposed through the planning permission would come into effect once planning permission was granted.

In debating the application Members commented that the proposed dwelling appeared to conform with the street scene and fit in well in terms of size and appearance.

Members expressed concerns regarding the retention of the hedge and the potential for the applicant to make changes in the future that might affect the amenity of nearby residents. Accordingly, it was proposed that two additional conditions be added with regard to removal of permitted development rights and imposing a requirement for a Construction and Environmental Management Plan (CEMP).

**RESOLVED** that Planning Permission be granted, subject to:-

- (1) The conditions and informatives set out on pages 180 to 181 of the main agenda;
- (2) An additional condition to remove permitted development rights (classes A to F) from the new dwelling; and
- (3) An additional condition to require the applicant to submit a Construction Environmental Management Plan (CEMP).

The meeting closed at 9.10 p.m.

Chairman

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# Agenda Item 5

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr & Mrs Ciaran Casey	Two storey rear extension and single storey rear extension  24 Silver Birch Drive, Hollywood, Worcestershire, B47 5RB	15.06.2020	20/00095/FUL

**RECOMMENDATION:** That planning permission be Granted

**Councillor Baxter has requested that this application be considered by the Planning Committee rather than being determined under delegated powers**

## Consultations

**Cllr Baxter**, Consulted 05.02.2020

On reflection and further studying of the plans and local area, I would like to call in this application on the grounds of loss of amenity to neighbouring properties, over development of site (bearing in mind that there has already been a two storey side extension), and local concerns.

**Wythall Parish Council** Consulted 05.02.2020

No objection

## Publicity

Six neighbours consulted 05.02.2020 Expired 29.02.2020

## Neighbour Responses

Three representations received in objection to the application, raising comments as summarised below:

- Property already considerably extended over two storeys at the NE side
- Would overlook back garden and reduce privacy and would compromise/reduce natural light to the house and garden
- Out of proportion to the original property
- Would be out of keeping with the immediate group of cottage-type properties
- Would be intrusive and inappropriate
- Proposal would harm outlook
- Would compromise/reduce the level of natural light reaching nearby dwellings
- It would set a dangerous precedent for future development and progressively dilute the feel and charm of the neighbourhood
- Negative affect on air quality through dust and debris migration and noise pollution during the building works

## **Relevant Policies**

### **Bromsgrove District Plan 2011-2030**

BDP1 Sustainable Development Principles  
BDP19 High Quality Design

### **Others**

NPPF National Planning Policy Framework (2019)  
Bromsgrove High Quality Design SPD

## **Relevant Planning History**

B/2007/0493	Two storey side extension	Granted 03.07.2007
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## **Assessment of Proposal**

### **The site and its surroundings**

The property lies within a modern housing estate with access via Silver Birch Drive to the west. No.24 is an end of terrace two storey four bedroomed dwelling and is attached to No.22 Silver Birch Drive which is situated to the south.

### **The proposed development**

Planning permission is sought to create a two storey rear extension measuring approximately 2.24 metres from the existing rear wall, together with a single storey element measuring approximately 3.38 metres from the proposed two storey element. The overall height of the single storey extension would be 3.57 metres (to ridge). The overall height of the two storey extension would be 6.85 metres. In order to accommodate the development, an existing conservatory which projects to the rear of the property would be demolished.

The first floor extension would form an enlargement to an existing bedroom whilst the ground floor extension would create an enlarged kitchen / dining area.

The walls would be constructed in a red/brown brick to match the existing dwelling. The roof to both the two storey and single storey extensions would be tiled (dark grey tile) to match the existing.

## Assessment

### **Character and appearance**

Policy BDP.19 of the Bromsgrove District Plan (BDP) requires development to be of high quality design. This is re-enforced within the Councils High Quality Design SPD. The design of the extension is considered to respect that of the existing dwelling with materials to be used matching those of the existing dwelling.

The location of the proposal is such that views of the development would be largely limited to those taken from the applicants' rear garden and adjoining rear gardens. I am satisfied that the proposed development would not give rise to harm to the established character and appearance of the area.

### **Residential amenity**

Objections have been received from nos. 20, 22 and 26 Silver Birch Drive which have been summarised above.

Under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, two storey extensions may be added to the rear of a property without the need to apply for planning permission where they project no more than 3 metres (in depth) from the rear wall of an existing dwelling; where no part of the two storey extension would be within 7 metres of any boundary of the curtilage of the dwelling opposite the rear wall of the dwelling and where no part of the enlarged dwelling falls within 2 metres of a shared boundary.

In this case, the two storey element would project 2.24 metres to the rear, would exceed the 7 metre distance (as stated above) with the nearest part of the two storey extension being 2.1 metres from the shared boundary with No. 22 Silver Birch Drive. As such the two storey part of this proposal does not require planning permission and does not need to be considered further.

If such a proposal DID require planning permission, it would be assessed against the 45 degree line guidance contained within the Councils Supplementary Planning Document (SPD): High Quality Design where a 45 degree line is drawn from the closest edge of the nearest habitable window of the neighbouring property, in the direction of a proposed two (or higher) storey extension. It should be noted that the two storey extension comfortably meets the SPD guidance and officers are therefore satisfied that overshadowing leading to a material loss of light to nearby properties would not occur in this case. Two rooflights would provide additional light and ventilation to the proposed first floor bedroom extension but neither would result in a loss of privacy owing to their location in a high position within the roofslope.

With regard to the single storey element of the application which requires consent, the total projection to the rear would be 5.62 metres. The development would project no further to the rear than that of the existing conservatory (to be demolished), albeit the extension would be wider than that of the existing conservatory. Like the proposed two storey extension, the proposed single storey extension would be situated 2.1 metres from the shared boundary with No.22. The existing conservatory is situated a little further from

the shared boundary (2.85 metres). Whilst the proposal would be nearer to neighbouring properties than that of the conservatory, officers are satisfied that a structure of this size would not give rise to a material loss of outlook. Single storey extensions are not assessed against the 45 degree line guidance as set out in the SPD above and it should be noted that single storey extensions with a depth not exceeding 3 metres may be erected directly onto a shared boundary without needing to apply for planning permission under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Other matters such as dust and debris migration and noise pollution during the building works have been raised within the representations received. Although such disturbance during the construction period is an inevitable consequence of granting permission for new development, such matters are temporary and do not constitute reasons to refuse a planning application.

I am therefore satisfied that the proposal would not harm the amenities enjoyed by the occupiers of adjoining residents having taken into consideration the provisions of Policies BDP.1 and BDP.19 of the Bromsgrove District Plan (BDP) and the Councils High Quality Design SPD.

## Conclusion

The extensions proposed are considered to be in accordance with the Council's SPD: High Quality Design; Policies BDP.1 and BDP.19 of the Bromsgrove District Plan and the provisions of the National Planning Policy Framework and would not cause harm to residential or visual amenity. As such the application can be supported.

**RECOMMENDATION:** That planning permission be **GRANTED**

## Conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Drawing no: PL 01 Rev E - Existing and Proposed Elevations and Floor Plans, Location Plan and Block Plan (as amended and received 24.02.2020)

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

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

Reason:- To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area and in accordance with Policies in the Local Plan.

**Case Officer:** Sue Lattimer Tel: 01527 881336  
Email: [s.lattimer@bromsgroveandredditch.gov.uk](mailto:s.lattimer@bromsgroveandredditch.gov.uk)

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# **Bromsgrove District Council**

## **Meeting of the Planning Committee**

**1st June 2020**

20/00095/FUL

24 Silver Birch Drive, Hollywood, B47 5RB

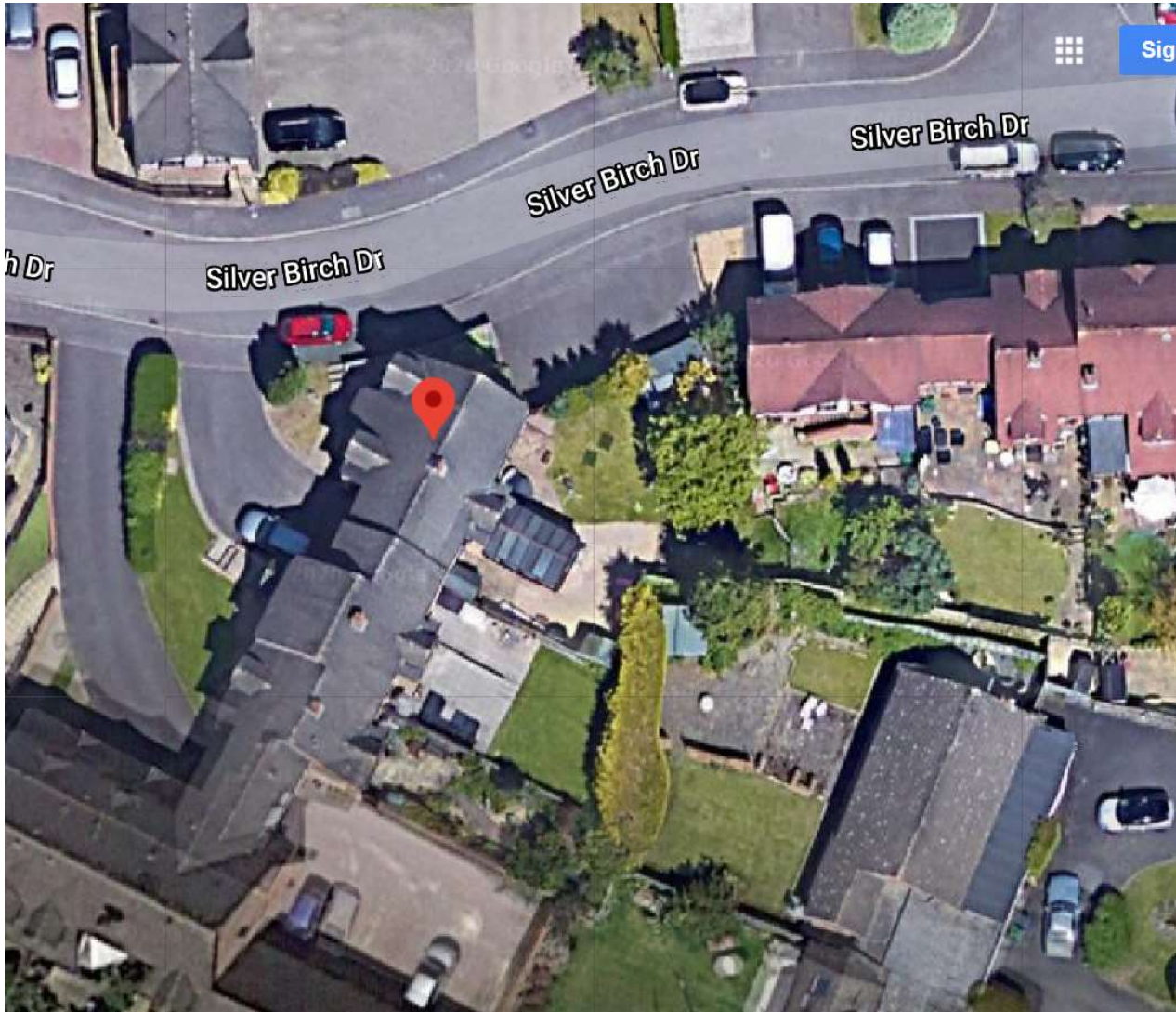
Two storey rear extension and single storey rear extension

Recommendation: Approve

# Site Location



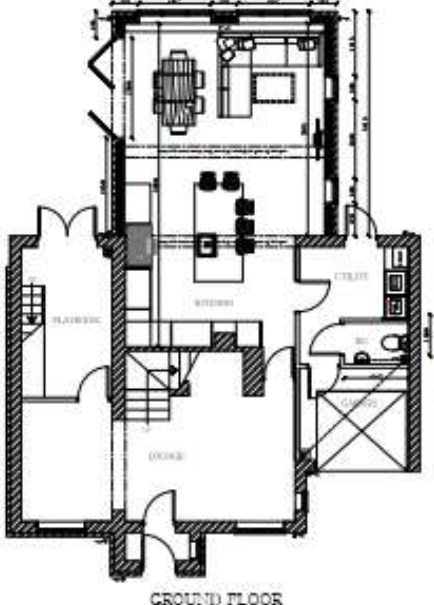
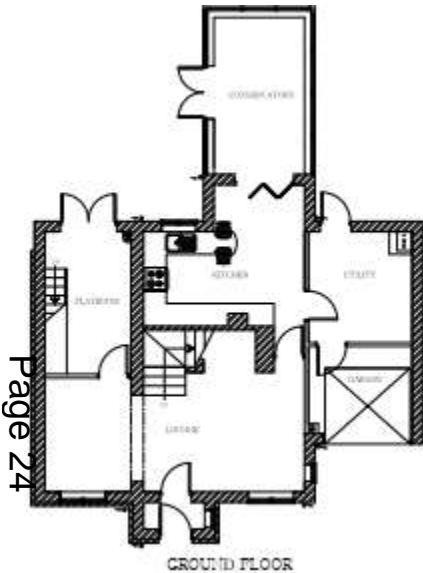
# Satellite View



# Street view



# Existing and proposed floor plans



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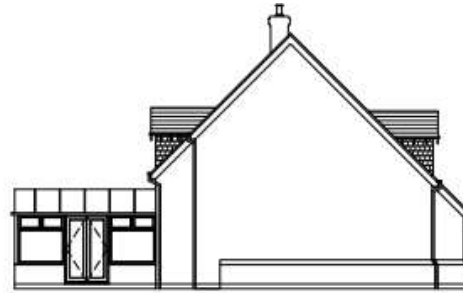
# Existing and proposed elevations



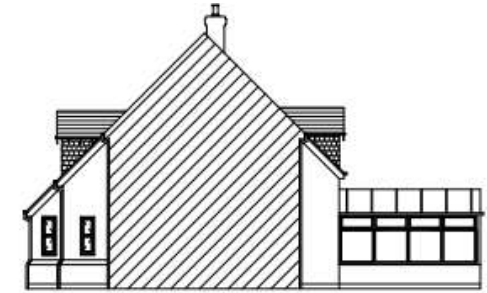
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



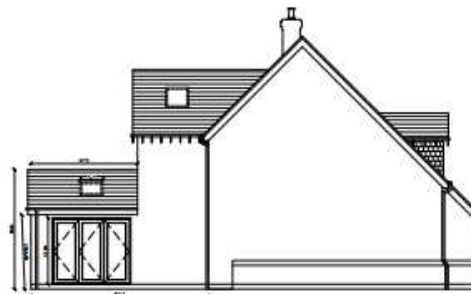
SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION











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# Agenda Item 6

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr David Howell	Redevelopment of the site to provide four dwellings.  Brookfield Nurseries, Quantry Lane, Belbroughton, Stourbridge, Worcestershire DY9 9UU	24.03.2020	20/00106/FUL

**RECOMMENDATION:** That planning permission be **REFUSED**

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

## Consultations

**Kernon Countryside** Consulted 04.03.2020

It is recommended that, based on the information submitted and from my own researches that the evidence does not indicate that the site is now, or has been for 10 years, a retail (A1) use and should be considered as an agricultural nursery.

**Belbroughton And Fairfield Parish Council** Consulted 13.02.2020

The Parish Council neither objects to nor recommends approval of the application.

**Highways - Bromsgrove** Consulted 13.02.2020

Objection. The site is not accessible by sustainable modes of transport and future occupiers will be reliant on private car use. There is a lack of infrastructure in terms of footway provision in the surrounding areas to enable safe access to key amenities and facilities which are all in excess of the recommended walking distances as per Manual for Streets. The lack of infrastructure means the site is not accessible by sustainable modes which are contrary to NPPF Paragraphs 108 and 110.

**North Worcestershire Water Management** Consulted 13.02.2020

No objection subject to condition.

**Arboricultural Officer** Consulted 13.02.2020

No objection subject to condition.

**WRS - Contaminated Land** Consulted 13.02.2020

No objection subject to condition.

## **Publicity**

One site notice was placed onsite 10<sup>th</sup> March 2020 and expired 3<sup>rd</sup> April 2020. 7 neighbour letters were sent to neighbouring properties on 13<sup>th</sup> February 2020 and expired on 8<sup>th</sup> March 2020.

## **Representations**

Three representations have been received as a result of this public consultation writing in support of this proposal.

The comments have been summarised as follows;

- Applicants and his sons health issues makes running the business long term unsustainable
- Competition with local supermarkets
- Houses are an appropriate use onsite
- Reduction in traffic/delivery vehicles
- Removal of polytunnels increase green space/visual amenity
- New dwellings provides opportunity for more people to join local community
- Safeguard against unwanted future development onsite

## **Councillor May**

Wishes to call the application into committee on the grounds of public interest.

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP12 Sustainable Communities

BDP19 High Quality Design

### **Others**

NPPF National Planning Policy Framework (2019)

Bromsgrove High Quality Design SPD

## **Relevant Planning History**

B/2004/0717	Agricultural dwelling.	Granted	27.07.2004
B/2004/0351	Polytunnel.	Granted	14.05.2004
B/1999/1083	Erection of double bay, plastic covered, domed greenhouse 12M x 28.8M long.	Granted	07.12.1999
B/1996/0611	Erection of agricultural glasshouses	Granted	11.11.1996

## **Assessment of Proposal**

The application site is located within the Green Belt. The site currently comprises of 11 structures predominately consisting of polytunnels with one brick structure to the rear of the site. The existing site is a Nursery selling plants and some pots currently run by the applicant. There is a parking area to the north of the site and a single vehicular access from Quantry Lane central to the site. The site fronts Quantry Lane along its north boundary and slopes steeply from north to south down to The Gutter. The proposal is to redevelop the site to provide four two storey dwellings and two detached garages.

The four dwellings are proposed to be sited in a linear form facing north towards Quantry Lane. The dwellings will be of traditional design with pitched roofs and front gables with a mix of materials including brick and render. The dwellings consist of two house types, type 1290 which is a 4 bed property with integral garage on each end of the run and house type 1175 which is a smaller 4 bed property positioned in the centre of the run and which will be served by a detached garage to the rear of the dwellings.

The proposal utilises the existing access from Quantry Lane and also creates two new access points either side to serve the development. The existing hardstanding will be reduced on site for parking and turning areas and the rest of the site will be landscaped as garden.

It is proposed that all the existing structures onsite will be removed in replacement of the dwellings. No information have been provided to confirm the future use of this part of the site. The applicants contend in their planning statement that this part of the site will remain open and undeveloped.

## Green Belt

New buildings within the Green Belt are considered to be inappropriate development. There is a closed list of exceptions to inappropriate development outlined in Paragraphs 145 and 146 of the National Planning Policy Framework and Policy BDP4 of the Bromsgrove District Plan. The applicants make reference to exceptions 145 (e) and (g) within their Planning Statement. These exceptions refer to the limited infilling in villages and the redevelopment of previously developed land subject to preserving openness respectively.

## Limited Infilling

BDP4 allows for limited infilling in Green Belt settlements. This policy is compliant with the NPPF and sets out the intended 'villages' for limited infilling within the Settlement Hierarchy in Policy BDP2. The term 'limited infilling' is not defined, however it normally comprises of the development of a modest size gap in an otherwise substantially built-up frontage which is broadly linear in formation. It is acknowledged that the site sits within a run of development however this exception is only for limited infilling in villages. The application site does not fall within any of the settlements outlined within BDP2 or any villages outlined on the Councils proposal Map and as such the proposed development would not fall into this exception.

## Previously Developed Land

The NPPF defines Previously Developed Land (PDL) as the following; *“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously*

*developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”.*

To fall under this exception to inappropriate development the applicant has put forward that the existing use onsite is a Garden Centre and as such falls under an A1 retail use rather than a Nursery which falls under an agricultural use. The evidence provided consists of a letter from BHGS Horticultural Suppliers and Impulse Plants confirming they have been providing plants to the business on site for resale for a period of 12 years. The applicant has referred to the payment of business rates, with the description held for the property by the Valuation Office Agency as *garden centre and premises*.

## Nursery or Garden Centre?

Advice has been sought from the Councils Independent Agricultural Consultant on this matter. Plants grow, so both nurseries and garden centres contain plants that are growing. The principal difference is whether the plants are being grown-on with the expectation of an increase in value, or are bought-in for quick onward sale. If a site keeps plants for a period of time when they are growing-on, and especially if they are being potted-on into larger pots, the use will be a nursery, which is an agricultural use. It may be that part of the site is where plants that have been grown-on are sold, and that part might also sell purchased-in composts, pots, tools etc. The proportion of non-plant goods sold may be important in assessing whether a site is a nursery or garden centre, or whether there are different parts of the site in different uses.

Having been through the planning history for the site, the Council accepted that the use onsite was agricultural in 2004 when it approved a new agricultural workers dwelling to assist the Nursery under application B/2004/0717. All subsequent planning applications onsite are for polytunnels for the purposes of agriculture.

In respect of the evidence provided by the applicants the fact that plants are brought into the site for sale and the fact that they run as a business does not in themselves confirm a change of use from a Nursery. The courts have held (in *Allen v SSE* and *Reigate and Banstead BC(1990) JPL340*) that those sales are regarded as ancillary to the primary agricultural use. From the Officers site visit there was evidence of some pots and compost for sale however this was very small scale and on a proportionate basis would not form a significant part of the sales onsite. It is perfectly plausible that the Valuation Office Agency interpretation of the business use is different to that detailed under The Town and Country Planning (Use Classes) Order 1987 (as amended) in planning legislation. Contrary to the view of the applicant, the description of the business held by the Valuation Office Agency is therefore not considered to be the decisive factor in the interpretation of the existing use of the site.

Having considered this issue and on the basis of the level of evidence submitted, including the advice provided by the Council’s Agricultural Consultant, it is more likely that the existing use on site is still a nursery and it has not crossed the line into becoming a Garden Centre.

## Whether the development is Inappropriate Development



Given the site has been determined to be in an agricultural use it would not be considered as Previously Developed Land having regards to the NPPF definition outlined earlier in this report. No other exception within Paragraphs 145 and 146 of the NPPF would be relevant to this development. The proposal is therefore considered to be inappropriate development by definition. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

## Very special circumstances

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The applicant has not advanced any very special circumstances in support of this application.

It is noted that within the letters of support received from the neighbouring properties support has been provided to the applicants personal and health circumstances. Given the permission would run with the land and not the applicant these would not be material planning considerations and therefore limited weight is afforded to this. Support has been put forward on the visual amenity of the area and preference for housing in this location. As outlined within this report no objections are raised to the design of the properties. Good design would be required from a development of any nature and therefore this would not be sufficient to overcome the harm to the Green Belt. Only limited weight is afforded in favour of the scheme on this matter.

## Openness

The application site currently consists of 11 'structures' consisting of polytunnels and a brick structure. These structures are low lying at single storey and most are of unsubstantial construction consisting of no more than a wired frame and mesh. Given the slope of the land and the high hedge along the front boundary the visual impact of these structures is considered to be minimal.

The applicant has stated within their Planning Statement that openness would be preserved given the rear of the site will be left undeveloped and the footprint of built form onsite would be reduced. This may be true; however in respect of openness there is both a spatial and visual assessment to be made. The proposed dwellings will be two storey, sited along Quantry Lane at the highest level of the site. The proposed dwellings would be more visible from public views and therefore are considered to have a greater impact on openness than the existing situation. The existing structures are of such a form that the reduction in footprint is less weighted and given the land levels and lack of public views to the rear of the site the overall visual extent of built form would be greater. Taking all these matters into consideration it is considered that the proposal would have a substantial impact on openness.

## Character

The application site sits within a small run of dwellings in a rural setting. The dwellings along the run consist of a mix hipped and gable roofs and a mix of materials including red brick and render. The proposed dwellings have been designed to reflect this character and consist of two different house types to create some interest in the street scene. The space between the dwellings reflects the density locally and the plot sizes are appropriate to the location.

Policy BDP7 states that proposals for housing must take account of identified housing needs in terms of size and type of dwellings. It further states that developments need to focus on delivering 2 and 3 bed properties. Both dwelling types proposed are four bed properties and therefore these do not meet the identified need within the District. The proposal is therefore considered to be contrary to this policy.

### Amenity

Given the spacious plots and orientation of the surrounding properties no concerns are raised in respect of neighbour amenity.

### Sustainability

Policy BDP2 of the Bromsgrove District Plan 2011-2030 (BDP) establishes the settlement hierarchy for the district focusing new development in locations which support sustainable communities such as Bromsgrove town, large settlements and small settlements set out within BDP 2.4 Table 2 of the BDP. Bell Heath is not identified within the above table as being suitable for development. For planning policy purposes, the application site is located within the open countryside.

The application site is located within a rural location outside of any of the defined settlements in BDP2. The site is not accessible by sustainable modes of transport and future occupiers will be reliant on private car use. There is a lack of infrastructure in terms of footway provision in the surrounding areas to enable safe access to key amenities and facilities which are all in excess of the recommended walking distances as per County Council Manual for Streets.

A bus stops is located approx. 240m from the proposed development on Farley Road, however a check has revealed the frequency of service being provided by this bus operator is unacceptable and the bus service being provided would not be suitable for daily commuting. It is noted Quantry Lane benefits from a single footpath on the development side with no street lighting. The bus stop is located on Farley Lane, this lane does not benefit from footpaths or street lighting which has a national speed limit. It would not be acceptable for pedestrians and vulnerable users to be walking in this environment, such as families with young children or those with disabilities. The lack of adequate footway provision and street lighting will deter journeys on foot particularly during winter months and in times of adverse weather conditions and similarly the environment on a busy, high speed route is not conducive to cycling in the vicinity.

Having regards to this, the application site is not within a suitable location for residential development. The proposal is contrary to the locational strategy of Policies BDP1 and BDP2 of the BDP, which, amongst other matters seek to direct development to settlements, reduce the need to travel and promote sustainable development. There

would also be conflict with the Framework, which requires the planning system to contribute to the achievement of sustainable development, with accessible services, and avoiding isolated new homes in the countryside. The lack of infrastructure means the site is not accessible by sustainable modes which are contrary to BDP2, NPPF Paragraphs 108 and 110 and the County Council Streetscape Design Guide.

## Highway Considerations

Comments have also been put forward on the reduction of traffic. Members will note the Highways Authority has raised no objection in terms of highway safety matters but has objected to the proposal on its unsustainable location.

## Ecology

The Wildlife and Countryside Act 1981 (WCA) protects a number of species and their habitats in England, Scotland and Wales. The Local Planning Authority are obligated by law (Natural Environment and Rural Communities (NERC) Act 2006) to make sure that they have all the information on the presence of protected species at a site before they make a decision on a planning application. In the absence of such definitive information the Local Planning Authority are unable consider the likely impact on protected species and their habitat and would be failing in its legal duty if it was recommended that planning permission was granted until this information was forthcoming. In this instance the applicants have provided a written response from Dunelm Ecologists who have confirmed that given the site characteristics that a survey is not required. They have however outlined some enhancement measures which could be conditioned.

## Housing Supply

The Council cannot currently demonstrate an up-to-date 5 year housing land supply. Where this is the case, paragraph 11 of the Framework, which is a material consideration of significant weight, advises that as the application site does not fall within an area or asset of particular importance as defined by the Framework, the proposal need to be considered through the balancing exercise set out in paragraph 11(d)(ii) of the NPPF. However, this does not automatically lead to the granting of planning permission.

The primary aim of paragraph 11 of the NPPF is to promote sustainable development. The NPPF at paragraph 8 defines sustainable development as having three dimensions: economic, social and environmental. The proposal would make a contribution, albeit small to the Council's supply of housing. It is also acknowledged that there would be some economic benefits associated with the proposal during the construction phase. However, because of the limited scale of the proposal such benefits would be limited.

The proposal is not considered to fulfil the environmental or social dimensions of sustainable development due to the unsustainable location of the site and therefore the requirement to travel by private vehicle and the limited local services and facilities. Furthermore, as set out in the discussion above, the sites location in the Green Belt gives rise to a clear reason for refusal due to its inappropriateness and as such would warrant the refusal of the application on these grounds.

## Conclusion

Taking all these matters into consideration, and the other considerations which arise it is considered that these do not clearly outweigh the totality of the harm identified to the Green Belt. Consequently, very special circumstances do not exist and planning permission should be refused.

**RECOMMENDATION:** That planning permission be Refused

## **Reasons for Refusal**

1. The proposed dwelling does not fall within any of the categories of appropriate development specified at Policy BDP4 of the Bromsgrove District Plan (BDP) or at paragraph 145 and 146 of the National Planning Policy Framework 2019 (NPPF). The proposal therefore constitutes inappropriate development in the Green Belt which would be harmful by definition. No very special circumstances exist to clearly outweigh the significant harm caused to the Green Belt. This is contrary to BDP4 of the Bromsgrove District Plan and Section 13 of the NPPF
2. Although the proposal results in the loss of the existing polytunnels onsite, when taking into consideration the public views of the site, the changes in land level and the lightweight structures that exist onsite the proposal is considered to have a substantial impact on openness. This is contrary to BDP4 of the Bromsgrove District Plan and Section 13 of the NPPF
3. The proposed dwelling by reason of its distance from essential services, job opportunities and the future occupier's reliance upon motor vehicles as a means of transport would result in an unsustainable form of development which would fail to enhance or sustain the vitality of the rural community. The proposal would therefore be contrary to Policies BDP1 and BDP2 of the Bromsgrove District Plan (2011-2030) and paragraphs 7 and 79 of the National Planning Policy Framework (2019).
4. Contrary to Policy BDP7.1 of the Bromsgrove District Plan, the proposal would consist of less than 10 dwellings but would fail to provide any 2 or 3 bedroom house types, and therefore would not contribute to the housing mix or vibrancy of the local community and paragraph 61 of the NPPF.

**Case Officer:** Emily Farmer Tel: 01527 881657  
Email: emily.farmer@bromsgroveandredditch.gov.uk

# **Bromsgrove District Council**

## **Meeting of the Planning Committee**

**1st June 2020**

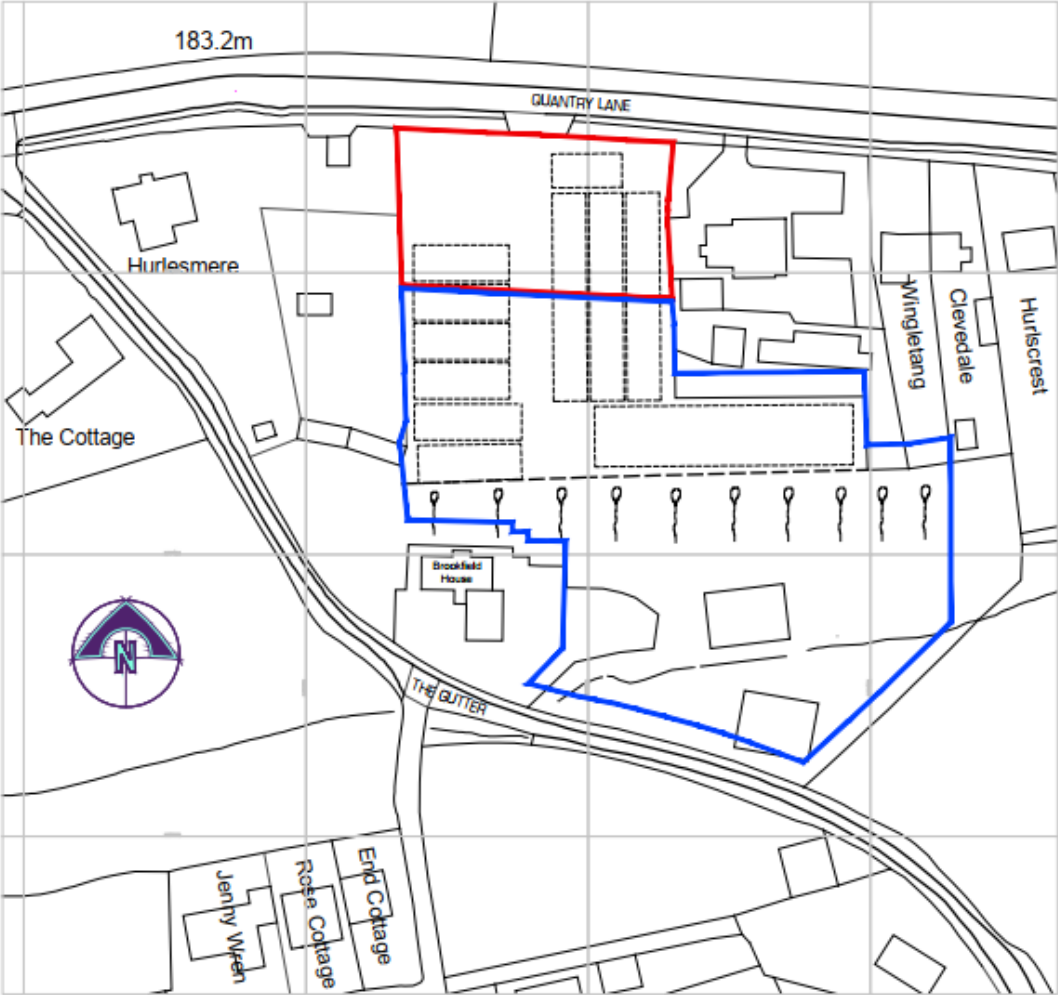
20/00106/FUL

Brookfield Nurseries, Quantry Lane,  
Belbroughton, Stourbridge, Worcestershire,  
DY9 9UU

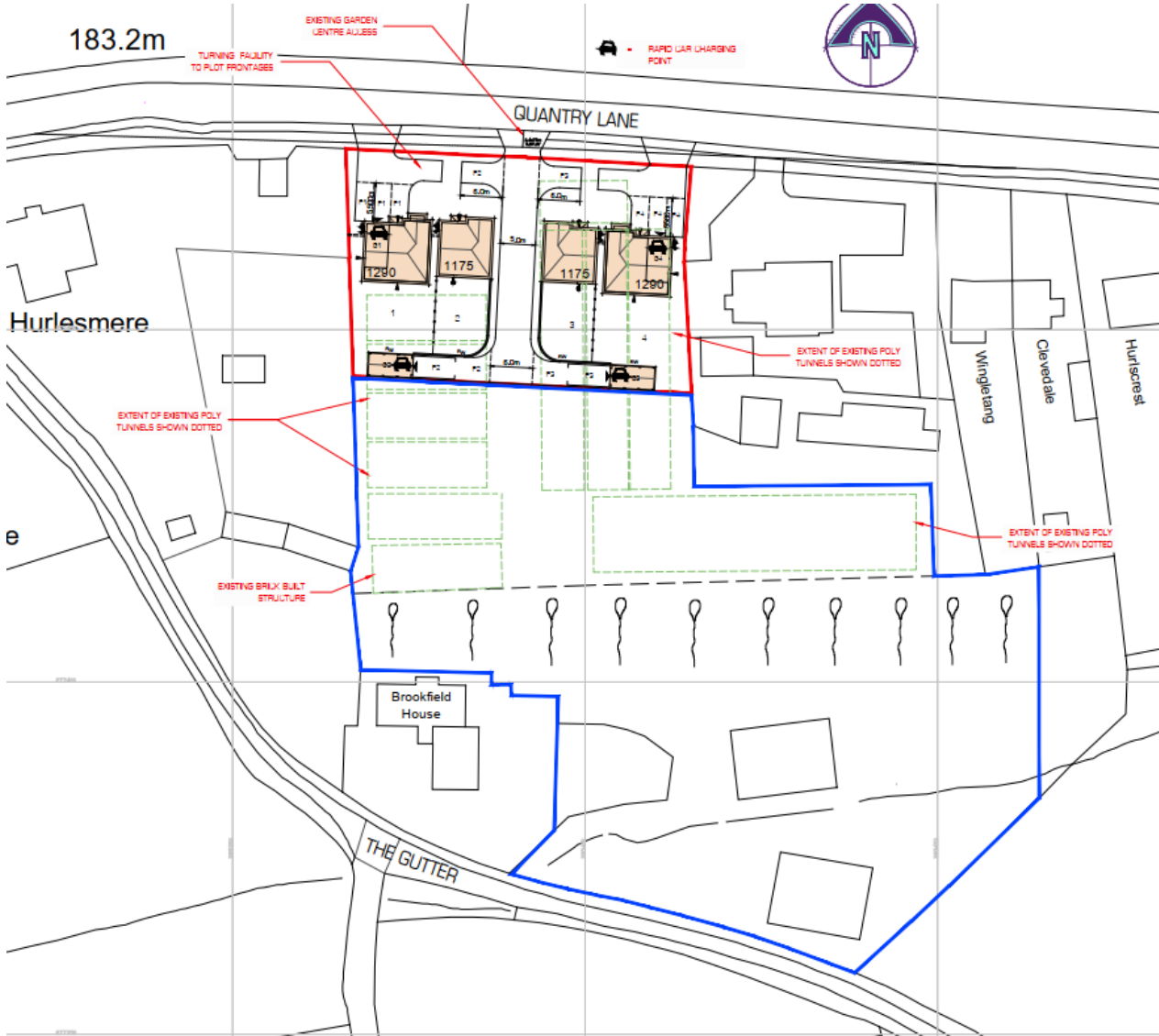
Redevelopment of the site to provide four  
dwellings.

Recommendation: Refuse

# Location Plan



# Site Plan





# Plot Type 1175 – Elevations

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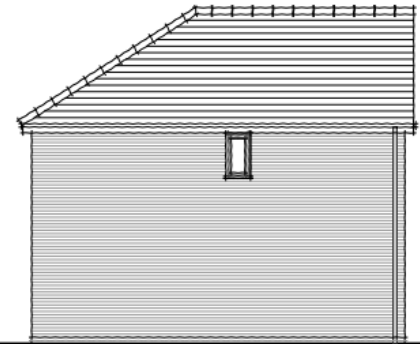
FRONT ELEVATION  
Type 1175



SIDE ELEVATION



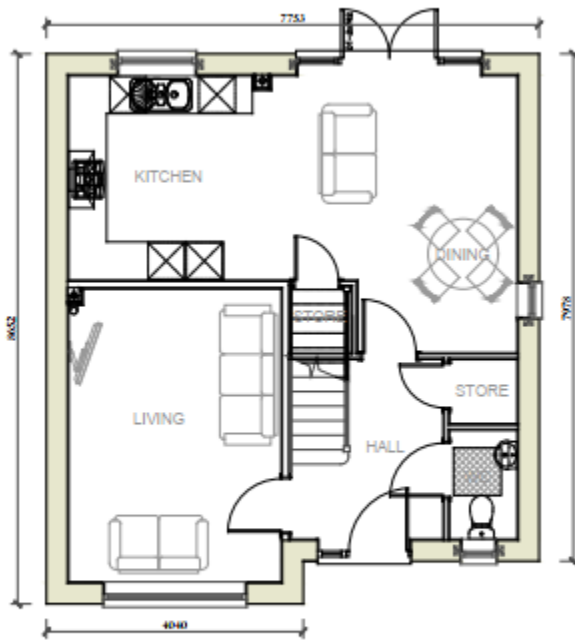
REAR ELEVATION



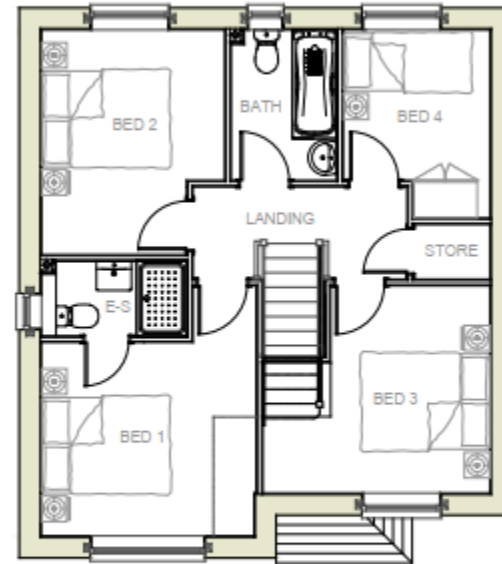
SIDE ELEVATION

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# Plot Type 1175 – Floor Plans



GROUND FLOOR PLAN



FIRST FLOOR PLAN

# Plot Type 1290 – Elevations



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FRONT ELEVATION  
TYPE I350

SIDE ELEVATION



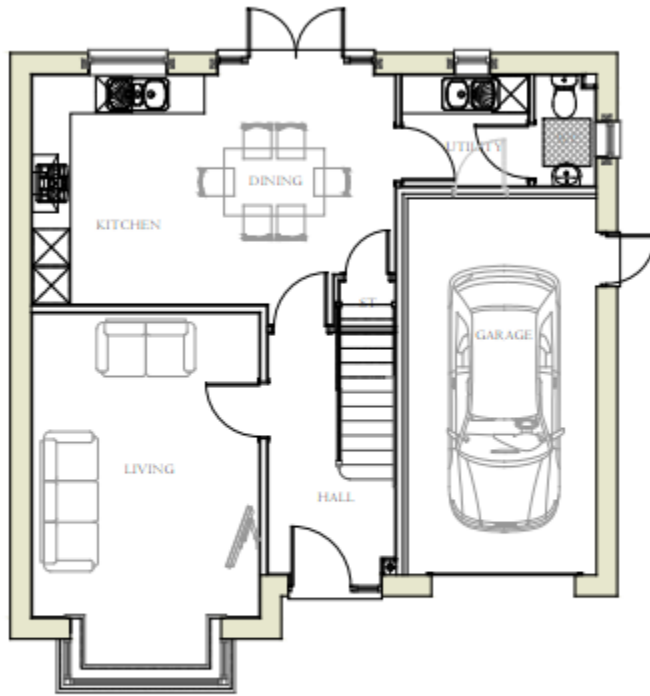
SIDE ELEVATION

SIDE ELEVATION

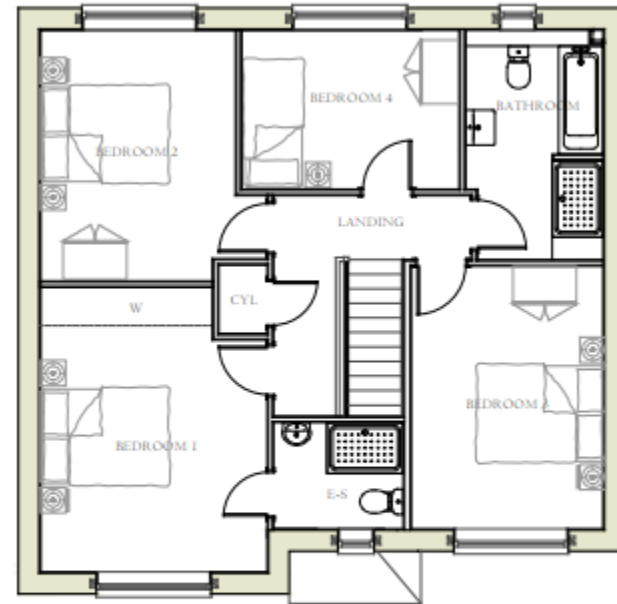
Agenda Item 6

# Plot Type 1290 – Floor Plans

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GROUND FLOOR PLAN



FIRST FLOOR PLAN

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# Street Scene

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FRONT ELEVATION  
TYPE 1350

FRONT ELEVATION  
Type 1175

FRONT ELEVATION  
Type 1175

FRONT ELEVATION  
TYPE 1350

PLOT 4

PLOT 3

PLOT 2

PLOT 1

STREET SCENE ONTO QUNTRY LANE

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# Aerial View



# Site Photos



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# Site Photo

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# Site Photo



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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr & Mrs Michael & Carole Marston & Hopkins	Erection of dwelling Townsend Mill , 29 Beechcroft Drive, Bromsgrove, B61 0DS	27.04.2020	20/00282/FUL

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

**RECOMMENDATION:** That planning permission be **REFUSED**

### **Consultations**

#### **Worcestershire Archive and Archaeological Service**

- No objections subject to a condition for the submission of a programme of archaeological works.

#### **Conservation Officer**

- Objection
- The Conservation Officer considers that the proposed dwelling would fail to preserve or enhance the setting of the Grade II listed Townsend Mill, and the adjacent mill pool, and as such would cause harm to the affected heritage assets.

#### **Highways - Bromsgrove**

- No objections subject to conditions relating to the surface of the access, visibility splays, and the provision of cycle parking and an electric vehicle charging point.

#### **North Worcestershire Water Management**

- Objection
- The site of the proposed dwelling falls within flood zone 3 (high risk of fluvial flooding associated with the Spadesbourne Brook) and is shown to be susceptible to surface water flooding which has potential to be deep and fast flowing. The estimated flood level in the Flood Risk Assessment provided with the application is too conservative and compensation storage has not been included within the Flood Risk Assessment and within the design of the proposal. As development in high flood risk areas is discouraged, the Flood Risk Assessment should include an exception test in order to comply with the NPPF. North Worcestershire Water Management therefore object to the proposal in its current form.

#### **WRS - Contaminated Land**

- No objection to the proposal subject to the inclusion of a condition for the reporting of any unexpected contamination.

#### **Arboricultural Officer**

- Objection
- Concerns have been raised over the routes to be taken and the level of excavation required to install any utility services to the site and the potential impact this might

have on a number of trees. Based on the information provided to date, the Tree Officer therefore objects to the proposal.

## **Campaign to Protect Rural England (CPRE)**

Objection to the proposal raising the following concerns:

- Impact to the setting of the listed building
- Insufficient amenity space
- Potential for flooding
- Green Belt

## **Publicity**

Ten neighbour letters sent 16.03.2020 (expired 09.04.2020)

One site notice posted 17.03.2020 (expired 10.04.2020)

One neighbour representation received:

- Concern with the creation of the access and the excavation of ground to provide services to the proposed dwelling and the potential impact this would have to neighbouring properties in terms of causing landslip.

## **Councillor Hunter**

Councillor Hunter has requested that this application is considered by Planning Committee so that material planning considerations can be discussed further, having regard to the particular characteristics of the site and the existing surrounding development.

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP20 Managing the Historic Environment

BDP21 Natural Environment

BDP23 Water Management

### **Others**

NPPF National Planning Policy Framework (2019)

NPPG National Planning Practice Guidance

Bromsgrove High Quality Design SPD

## **Relevant Planning History**

18/00555/FUL	Proposed New Retaining Wall & Driveway adjacent to existing Mill Pond to Provide Safe Access to rear	Granted	31.08.2018
B/2000/0932	New first floor and loft conversion to create additional bedrooms and	Granted	16.11.2000

external dormer windows. Listed Building Consent

B/2000/0933	New first floor and loft conversion to create additional bedrooms with external dormer windows.	Granted	16.11.2000
B/15595/1987	Restoration and extension to Mill to form residential use (Listed Building Consent). (As amended by plan received 7.10.87).	Granted	22.01.1988
B/15251/1987	Extension to Townsend Mill to form residential use. (As amended by plans received 27.8.87 & 7.10.87)	Granted	22.01.1988
B/4172/1977	Conversion of mill to house.	Refused	27.02.1978

## **Assessment of Proposal**

The application site forms part of the curtilage of Townsend Mill, a grade II listed former water corn mill. The proposed development is a three bedroom detached dwelling which would be situated on an infilled area of the associated mill pond to the north east of the site. The mill pond is considered to be a non-designated heritage asset in its own right. The proposed dwelling would be accessed off Beechcroft Drive, and lies in relatively close proximity to Bromsgrove Town Centre, however the site itself is designated Green Belt.

Given the constraints of the site, the main issues to consider with this application are whether the proposal would constitute inappropriate development in the Green Belt, the impact on the openness of the Green Belt, design and appearance, impact on designated and non-designated heritage assets, residential amenity, and impact to highways, water management, contaminated land, trees and ecology.

## **Green Belt**

Whilst the former mill building is situated within the residential area of Bromsgrove, the proposal site lies wholly within the Green Belt. Dwellings to the north of the site, the A38 to the east and open land beyond this are also washed over with Green Belt. New buildings within the Green Belt are considered inappropriate development, unless they fall within a limited number of exceptions found within a closed list. Paragraph 145(e) of the National Planning Policy Framework (NPPF) lists one of these exceptions to be limited infilling in villages, and Bromsgrove District Plan Policy BDP4(f) broadly reiterates this. Although the NPPF does not define the term "village", given the size of the nearest settlement area, Bromsgrove Town, the site could not reasonably be described as being within a "village". There is also no definition of "infill" development found within the NPPF; however, within a previous Bromsgrove District Council appeal decision (APP/P1805/W/17/3188719), a Planning Inspector considered a reasonable definition of infill development to be "The development of a modest sized gap in an otherwise substantially built-up frontage which is broadly linear in formation". Taking this into

account, it is noted that existing development fronts the Birmingham Road in a linear formation to the west of the application site. Similarly, the houses positioned along the cul-de-sac Beechcroft Drive also follow a closely positioned arrangement following the form of the road. Although there are buildings reasonably close to the north and south of the application site, the proposed dwelling would not integrate into either of the development frontages previously described and therefore would not reasonably fall within the definition of infill development.

As the proposal would not fall under the exception of limited infilling within a village, or any of the other Green Belt exceptions, it would be considered inappropriate development in the Green Belt. Paragraphs 143 & 144 of the NPPF are clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm, and "very special circumstances" will not exist unless Green Belt harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Further to the development being inappropriate by definition, the large proposed dwelling would clearly have an adverse impact to the openness of the Green Belt, by occupying a significant area of the site which is currently undeveloped. The concept of Green Belt openness is considered to comprise of a spatial and visual element, and given the extent of the footprint of the dwelling and its height and massing, the proposed dwelling would have both a spatial and visual impact to the openness of the Green Belt. As openness is the most important attribute of the Green Belt, substantial harm is attached to this.

Very special circumstances have not been put forward in this case, and there does not appear to be any present.

### **Design and Impact to Heritage Assets**

Policy BDP19(e) of the Bromsgrove District Plan (BDP) seeks a high standard of design which would enhance the character of the local area, and this high bar for design reflects the aspirations of the NPPF. In addition to this, the development would be located within the curtilage of a grade II listed building, Townsend Mill, and adjacent to the partially infilled millpond, which is considered a non-designated heritage asset in its own right, having regard to the criteria set out in the Local Heritage List Strategy (2016). Paragraph 184 of the NPPF states that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance and paragraph 200 of the NPPF requires new development within the setting of heritage assets to enhance or better reveal their significance. This is supported by Policy BDP20 of the BDP which requires development proposals to sustain and enhance the significance of heritage assets including their setting.

Townsend Mill dates back to the 18th century and is a three storey, L-shaped building constructed of red brick and a slate roof. The building was converted to a dwelling in the 1990s, and has since been altered internally. Within the curtilage is the millpond, which is moderate in size and is contained within a stone built retaining wall. The pond is also likely to be 18th century by association. The corn mill remained in operation until 1954 and is considered to be the most complete mill remaining in Bromsgrove. The mill pond is a significant feature of the setting of the listed building, and is fundamental to the origin and historic use of Townsend Mill. It is one of the last surviving historic features of the Bromsgrove Mill system which illustrates a phase of local and economic history.

Together, the building and pond remain as a symbol of the industrial heritage of Bromsgrove.

The proposal is to erect a large two storey detached dwelling in the now infilled northern portion of the former mill pool. As the development would significantly alter the way in which both the designated and non-designated heritage assets are experienced in their setting, the Conservation Officer has objected to the principle of development. It is considered that the proposed development would fail to preserve the legibility of the relationship between the Grade II listed Townsend Mill and the mill pool, the historic land use, and views from and towards the assets. Furthermore, the proposed design would fail to sustain or enhance the setting of the heritage assets. The scale and height of the new dwelling would conflict with the dominance of the former mill building. Further to this, the proposed 'boat house' type design with glazed balustrades, Juliet balconies and large decking areas would fail to be sympathetic to the industrial character of the listed former mill and the mill pond.

In view of the above, and in the context of paragraph 196 of the NPPF, the proposal would lead to "less than substantial" harm to the affected heritage assets, and this harm should therefore be weight against the public benefits of the proposal. As there are no public benefits apparent, the proposal would fail to accord with the provisions of the NPPF. The proposal would also be contrary to Policy BDP20 of the BDP and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990,

Archaeology have also commented on the proposal, and due to the historic interest of the site, and as the interior of the pond and the pond banks could contain well preserved archaeological deposits, they have requested that a programme of archaeological works is secured by condition should planning permission be granted.

### **Residential Amenity**

Policy BDP1(e) of the District Plan states that regard should be had to residential amenity and paragraph 127(f) of the NPPF states that planning decisions should seek a good standard of amenity for existing and future occupants of land and buildings. Further to this, the Council's High Quality Design SPD outlines spacing standards for new development.

The closest existing dwelling to the proposed development would be 168a Birmingham Road. The flank elevation on the north west side of the of the proposed dwelling would be in excess of 16 metres from the windowed elevation of 168a Birmingham Road, which would exceed the 12.5 metres separation distance set out within the Council's SPD. Notwithstanding this, the proposed dwelling would be sited in close proximity to the rear garden boundary of number 168a, measuring 3 metres to the shared boundary at its nearest point. As there would be only one small window serving an en-suite on this elevation, which could be controlled by condition to be fitted with obscure glazing, overlooking would not be a concern. However, the proposed dwelling would stand at a height of 8.9 metres, and in view of this substantial height and the close siting of the proposed development to the neighbour's boundary, the new dwelling would appear overbearing when viewed from the private amenity space and would cause a moderate degree of overshadowing during the midday hours of sun.

It is also necessary to consider the amenity of the future occupiers of the proposed dwelling. The Council's High Quality Design SPD states that a minimum garden area of 70 square metres, and a minimum garden length of 10.5 metres should be provided for new dwellings. In addition to this the SPD suggests that gardens should be in scale with the plot and reflect the existing local density, and should be located to the rear of buildings. In the case of the proposal, having regard to the indicative boundary of the site outlined on the location plan, the rear tapered garden area would be 6.5 metres in length at its maximum point and would provide approximately 50 square metres of garden area. Taking into account that this would serve a large three-bedroom dwelling, and in view of the local density and the awkward shape of the proposed garden area, this provision is considered unsatisfactory.

Overall the proposal would fail to provide a good standard of amenity for existing neighbours and future occupiers if the proposed development.

## **Highways**

The Highways Officer has not objected to the proposal, noting that the site is located within a sustainable location, close to local facilities and bus stops, and benefits from an existing vehicular access with acceptable visibility in both directions.

The Highways Officer has commented that the gravel finish to the vehicular access would not be acceptable, however has recommended a condition to resolve this. A number of other conditions have also been recommended should planning permission be granted.

## **Drainage**

The site of the proposed dwelling falls within flood zone 3, which is considered to be high risk for fluvial flooding and is associated with the nearby Spadesbourne Brook. The site is also shown to be susceptible to surface water flooding, which has potential to be deep and fast flowing.

The Drainage Officer has provided comments and notes that the site of the proposed dwelling was, until fairly recently, within the footprint of the pond, before this area was filled in. Reducing the storage capacity of the pond may increase the risk of flooding and therefore the Drainage Officer has raised concerns that the estimated flood level in the Flood Risk Assessment provided with the application is too conservative and also does not include allowances for climate change. Concerns were also raised that compensation storage has not been included within the Flood Risk Assessment and within the design of the proposal, which is generally required for any permanent structure proposed within flood zone 3. Furthermore, as development in high flood risk areas is discouraged, the Flood Risk Assessment should include an exception test in order to comply with the NPPF.

With regards to the design of the proposal, although the dwelling is proposed to be built on stilts, the majority of the finished floor levels would still be at ground level. Furthermore, as there are no level details of the access road in relation to the maximum flood level, the safe entry and exit of the site cannot be ensured.

Based on the above issues, and as the development would be contrary to local and national policies relating to building within high flood risk areas, the Drainage Officer has recommended that planning permission should be refused.



## **Contaminated Land**

Worcestershire Regulatory Services have reviewed the site for any potential land contamination issues. Whilst no objections have been raised, as there is potential for the presence of ground contamination, a condition has been recommended.

## **Trees**

A tree survey was submitted alongside the application, which makes a number of recommendations in relation to the proposal. The Council's Tree Officer has considered the proposal and in agreement with the recommendations made within the tree survey considers that the vehicular access should be constructed using a no dig method and should be formed of a porous material, and an "Air Spade" excavation methodology should be adopted for the installation of the foundations of the retaining wall in order to inform the siting of the piles around the nearby Alder trees. These details can be secured by condition if planning permission was granted.

Notwithstanding the above the Tree Officer has raised concerns with the potential routes and level of excavation required to install utility services to the site which may impact the route protection area of the group of Alder trees and also a mixed species hedgerow. In view of the likely extent of a conventionally dug open trench required to install such services, it is highly likely that extensive root damage could be caused. In the absence of further information in relation to this, the Tree Officer objects to the proposal.

## **Ecology**

Given the close proximity of the proposed development to the pond, brook and a number of trees, an ecological appraisal is needed to support the proposal.

A baseline ecological survey was carried out on site which investigated the likelihood of the presence of a number of protected species including water voles, badgers, bats, and great crested newts. Based on the findings of these surveys the report concluded that protected species were unlikely to be impacted by the proposal.

Notwithstanding the findings of this report, it is noted that the surveys that are referred to within the report were undertaken on the 17th April 2018, and CIEEM guidance (April 2019) states that ecological reports and surveys are usually valid for up to 12-18 months following the date of when the survey was undertaken. Given the ecological features of the site, and the time that has elapsed since the survey, it is considered that there is a reasonable likelihood that the ecological status of the site has changed. In view of this it is considered that unsatisfactory information is available to rule out potential harm that could arise to protected species.

## **Planning Balance**

The Council cannot currently demonstrate a 5 year supply of housing land. Paragraph 11(d) of the NPPF states that where policies that are most important for determining the application are out-of-date, planning permission should be granted unless:

(i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development. Footnote 6 clarifies that includes Framework policies relating to Green Belt and heritage assets.

(ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

In view of limb (i) the proposal would result in inappropriate development within the Green Belt, which is harmful by definition, and would also cause substantial harm to the openness of the Green Belt. Furthermore, the development would result in less than substantial harm to heritage assets which would not be outweighed by public benefits. Given that other considerations would not outweigh the total harm that would arise to the Green Belt, heritage assets, residential amenity, water management, and the potential harm that could arise to trees and protected species, very special circumstances do not exist. Therefore, having regard to limb (i) outlined above, Green Belt and Heritage policies provide a clear reason for refusing development, and there are no material planning considerations that would warrant otherwise.

## **Representations**

Campaign to Protect Rural England (CPRE) have objected to the proposal raising concerns in relation to Green Belt, insufficient amenity space, potential for the flooding on site, and the impact of the development on the setting of the listed building. These matters have been addressed within the report.

One neighbour letter has been received raising concerns with the potential impact of landslip arising to neighbouring properties during the construction phase of the development and during installation of services to the new dwelling. The responsibility of ensuring that property damage did not occur during these phases of the development would rest with the land owner and would not be a consideration in the determination of this planning application.

## **Conclusion**

Taking all material planning considerations into account, including those raised within the representations that have been received, the scheme is considered unacceptable.

**RECOMMENDATION:** That planning permission be **REFUSED**

## **Reasons for Refusal**

- 1) Having regard to the location of the application site and the relationship to existing development, the proposed dwelling would not fall under the definition of limited infill within a village, and would not fall under any other Green Belt exception. The proposed development would therefore be inappropriate in the Green Belt by definition. Given its scale and massing, the proposed dwelling would also cause substantial harm to the openness of the Green Belt by occupying a significant area of the site which is currently undeveloped. Other considerations would not outweigh the harm that would arise by reason of inappropriateness and other harm that has been identified. Therefore there are no very special circumstances present in this case and the proposal would be contrary to Policy BDP4 of the Bromsgrove District Plan and paragraph 143, 144 and 145 of the National Planning Policy Framework and.

- 2) The proposed dwelling would fail to preserve or enhance the setting of the Grade II listed Townsend Mill and the adjacent mill pool by significantly altering the way in which both are experienced within their setting, failing to preserve the relationship between Townsend Mill and the mill pool, and harming views from and towards the assets. Furthermore, the scale, height and design of the proposed dwelling would dominate and would be unsympathetic to the former mill building. The proposed development would lead to less than substantial harm to heritage assets, which would not be outweighed by public benefits, contrary to Policy BDP20 of the Bromsgrove District Plan, the provisions of the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3) The site of the proposed dwelling falls within Flood Zone 3 and is also shown to be susceptible to surface water flooding. The Flood Risk Assessment provided with the application does not allow for climate change or address the reduction in storage capacity of the pond that has taken place, and does not include compensation storage within the design of the proposal. Furthermore, the Flood Risk Assessment does not include an exception test to justify the location of the proposed development within a high flood risk area and therefore the proposal would be contrary to Policy BDP23 of the Bromsgrove District Plan and paragraphs 155 and 160 of the National Planning Policy Framework.
- 4) Insufficient information has been provided in relation to the routes that would be taken and the level of excavation required to install any utility services to the site, and the potential impact this would have on existing trees which have been identified to be of a quality and prominence that would warrant retaining. The proposal would therefore be contrary to Policy BDP19(p) of the Bromsgrove District Plan and paragraph 4.2.58 of the Council's High Quality Design SPD, which seek to ensure that appropriate trees are retained and integrated within new development.
- 5) The proposed dwelling, by reason of its height, massing, and close proximity to the rear garden boundary of number 168a Birmingham Road would be overbearing and would cause overshadowing during the midday hours of sun. The proposal would therefore have an unacceptable impact to neighbouring amenity contrary to Policy BDP1 of the Bromsgrove District Plan, paragraph 127(f) of the National Planning Policy Framework and the Council's High Quality Design SPD.
- 6) By reason of its length and area the proposal would provide an unacceptable provision of amenity space to serve a large three-bedroom dwelling, which would result in a poor standard of amenity for the future occupiers of the dwelling, contrary to Policy BDP1 of the Bromsgrove District Plan, paragraph 127(f) of the National Planning Policy Framework and the Council's High Quality Design SPD.

- 7) The site has a number of features which could provide a suitable habitat for protected species. A baseline ecological survey has been provided with the application, however it is more than 18 months old. Given the time that has elapsed since this survey, there is a reasonable likelihood that the ecological status of the site has changed and therefore adequate protection and enhancement of biodiversity cannot be secured. In this respect the local planning authority is unable to discharge its legal duty under paragraph 40 of the Natural Environment and Rural Communities Act 2006. Insufficient information has therefore been submitted to demonstrate that the proposal would not cause harm to protected species, contrary to Policy BDP21.1(b) of the Bromsgrove District Plan and paragraph 170 of the NPPF.

**Case Officer:** Charlotte Wood Tel: 01527 64252 Ext 3412  
Email: [Charlotte.Wood@bromsgroveandredditch.gov.uk](mailto:Charlotte.Wood@bromsgroveandredditch.gov.uk)

# **Bromsgrove District Council**

## **Meeting of the Planning Committee**

**1st June 2020**

20/00282/FUL

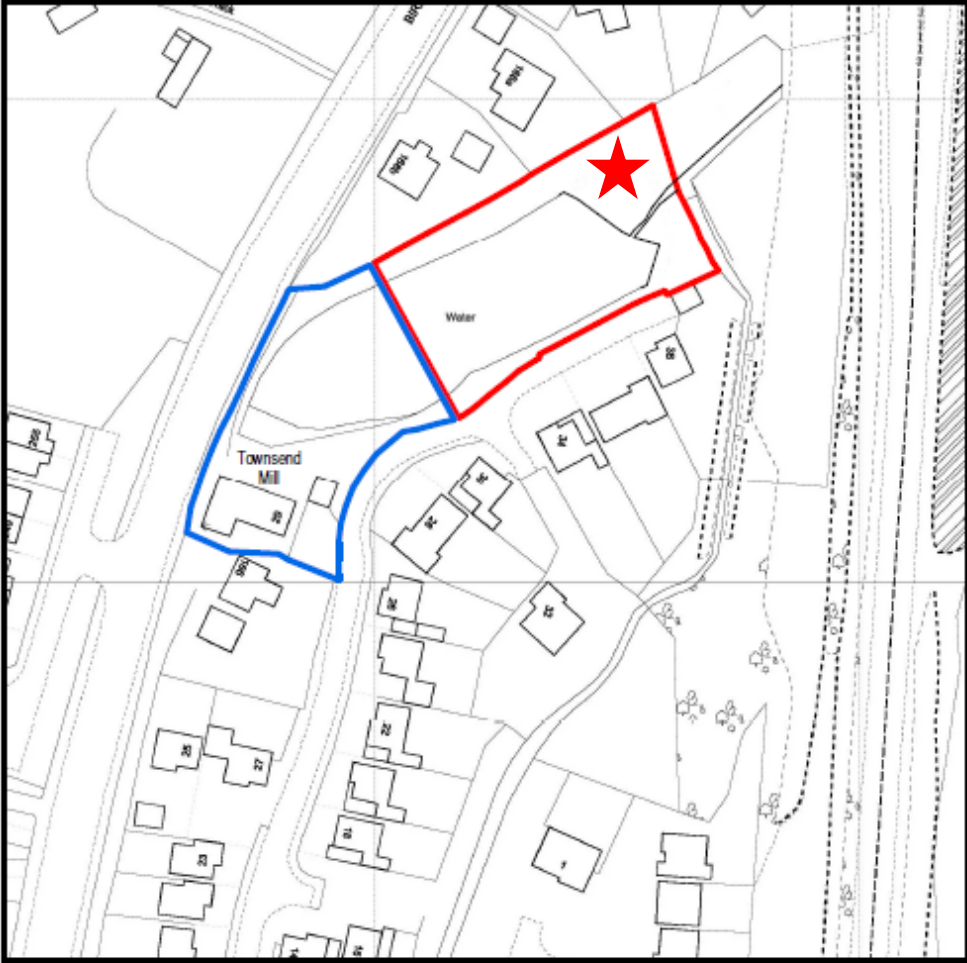
Erection of dwelling

Townsend Mill, 29 Beechcroft Drive,  
Bromsgrove

B61 0DS

Recommendation: Refuse

# Location Plan

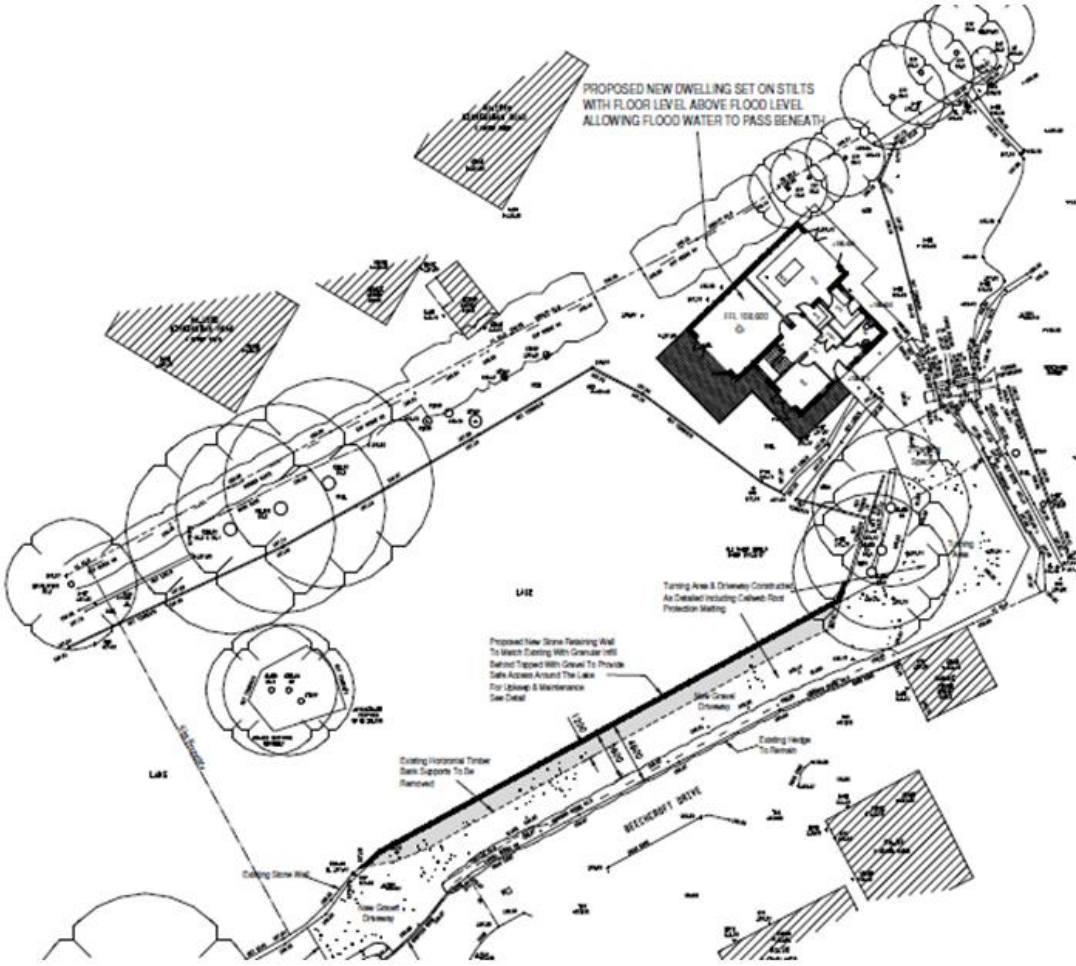


# Satellite View





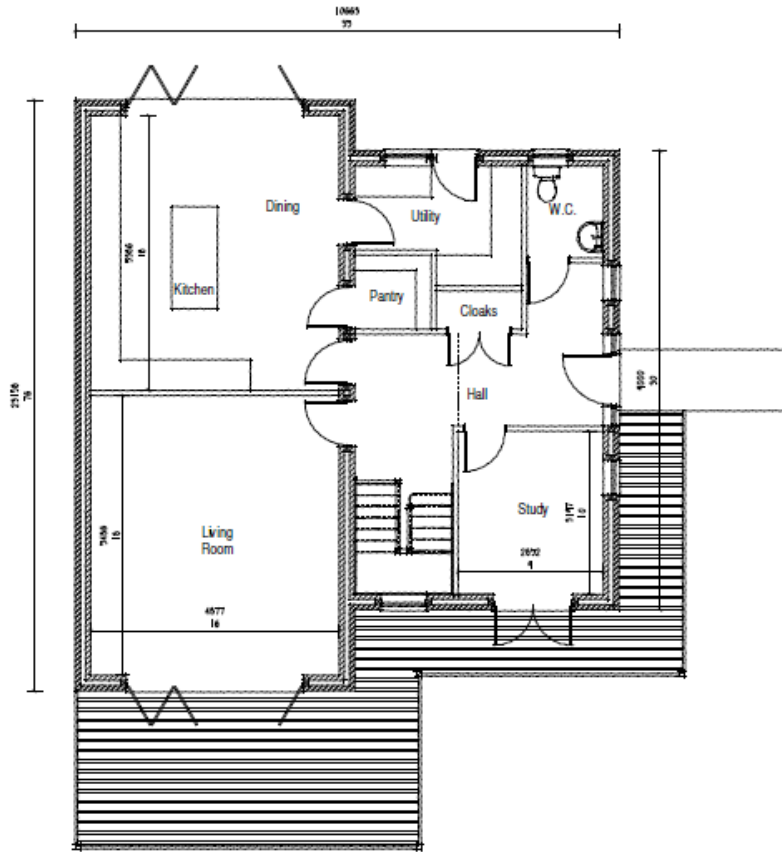
# Site Plan



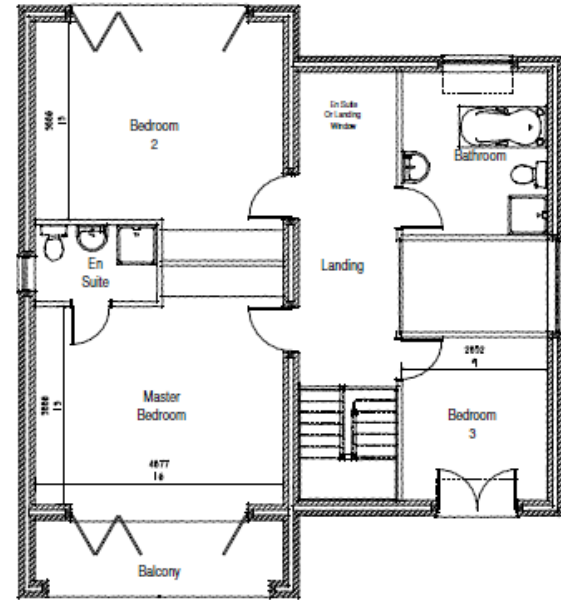
# Extract from Proposals Map



# Proposed Floor Plans

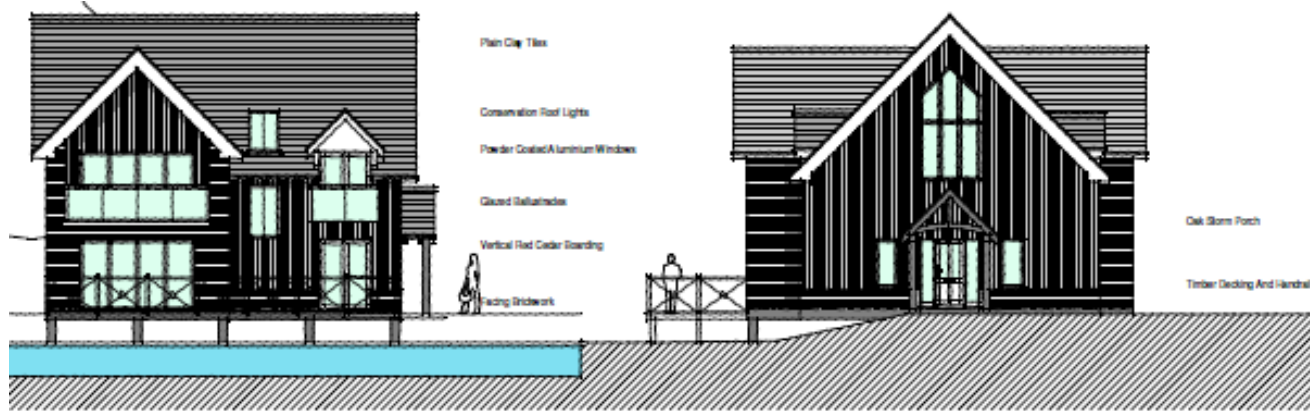


Proposed Ground Floor Plan



Proposed First Floor Plan

# Proposed Elevations



Proposed Front Elevation

Proposed Side Elevation (East)



Proposed Rear Elevation

Proposed Side Elevation (West)

# Photos of the Site



Alder Trees



Mixed hedgerow along boundary

# Photos of the Site



View towards Townsend Mill



View towards the proposal site