



BROMSGROVE DISTRICT COUNCIL

VIRTUAL MEETING OF THE PLANNING COMMITTEE

MONDAY 1ST MARCH 2021
AT 6.00 P.M.

MEMBERS: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), A. J. B. Beaumont, G. N. Denaro, 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 1st February 2021 (Pages 1 - 12)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. Tree Preservation Order (14) 2020 - Tree(s) on land at 11 Plymouth Road, Barnt Green, B45 8JE (Pages 13 - 28)
6. 20/01281/FUL - First storey extension to provide self contained flat to be used with existing business as extended family accommodation - Hylton Hound Hotel, Middle Lane, Kings Norton, Worcestershire, B47 6LD - Mr. D. Taylor (Pages 29 - 46)

7. 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

18th February 2021

If you have any queries on this Agenda please contact

**Pauline Ross
Democratic Services Officer**

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BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

GUIDANCE ON VIRTUAL MEETINGS AND PUBLIC SPEAKING

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 live stream on the Council’s YouTube channel, which can be accessed using the link below:

[Live Streaming of Planning Committee](#)

Members of the Committee, officers and public speakers will participate in the meeting using Microsoft Teams, and details of 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 Officer and invited to unmute their microphone and address the committee via Microsoft Teams.

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

Notes:

- 1) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Officer on 01527 881406 or by email at p.ross@bromsgroveandredditch.gov.uk before 12 noon on Thursday 25th February 2021.
- 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 Microsoft Teams invitation. Provision has been made in the amended Planning Committee procedure rules for public speakers who cannot access the meeting by Microsoft Teams, 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 25th February 2021.
- 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
- 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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1st February 2021

BROMSGROVE DISTRICT COUNCIL

VIRTUAL MEETING OF THE PLANNING COMMITTEE

MONDAY, 1ST FEBRUARY 2021, AT 6.00 P.M.

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

Officers: Ms. C. Flanagan, Mr. A. Hussain, Mr. D. M. Birch, Mr. G. Boyes, Mr. T. Ball, Mr. P. Lester, Ms. K. Hanchett and Mr. N. Gorski, Worcestershire Highways Authority, Mrs. P. Ross and Mrs S. Sellers

75/20

APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

An apology for absence was received from Councillor G. N. Denaro with Councillor S. A. Webb in attendance as the substitute Member.

Apologies for absence were also received from Councillors P. M. McDonald and H. Rone-Clarke. It was noted that Councillor H. Rone-Clarke should have been in attendance as the substitute member for Councillor P. M. McDonald.

76/20

DECLARATIONS OF INTEREST

Councillor A. B. L. English declared in relation to Agenda Item 7, (Minute No 81/20), in that she knew Mr. Bailes in her role as District Councillor from some of Alvechurch Parish Council committee meetings, however, she had not discussed planning application 19/00976/HYB – Land at Brockhill East, Weights Lane, Redditch, Worcestershire, with Mr. Bailes.

Councillor S. A. Webb declared in relation to Agenda Item 5, (Minute No 79/20, in that the site lay within her County Councillor Division.

Councillor P. J. Whittaker declared in relation to Agenda Item 7, (Minute No 81/20), in that the planning application 19/00976/HYB – Land at Brockhill East, Weights Lane, Redditch, Worcestershire, was within his district ward area.

77/20

MINUTES

The minutes of the Planning Committee meeting held on 21st December 2020, were received.

RESOLVED that the minutes of the Planning Committee meeting held on 21st December 2020, be approved as a correct record.

78/20

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING

The Chairman announced that a Committee Update had been circulated to all Planning Committee Members prior to the meeting commencing.

79/20

TREE PRESERVATION ORDER (NO. 12) 2020 - TREES ON LAND AT 19 GREEN LANE, CATSHILL, BROMSGROVE, WORCESTERSHIRE, B61 0LD

The Committee considered a report which detailed proposals to confirm, without modification, Tree Preservation Order (No.12) 2020, relating to trees on land at 19 Green Lane, Catshill, Bromsgrove, Worcestershire, B61 0LD.

Officers provided a detailed presentation.

Officers informed the Committee that the tree in question was a mature Oak that had long predated the construction of both Beehive Close and Green Lane.

Officers drew Members' attention to the objection received and the officer's comments in relation to the points raised within the objection, as detailed on pages 10 and 11 of the main agenda report.

Officers further informed the Committee that since the TPO order had been raised, officers had received an application consenting to do work on the Oak tree; namely for a reduction in the density of the crown of the tree, this application had been granted. Officers clarified that there would be a time limit of two years for the work to be carried out; however, officers could not enforce this.

RESOLVED that Tree Preservation Order (No.12) 2020 relating to trees on land at 19 Green Lane, Catshill, Bromsgrove, Worcestershire, B61 0LD, be confirmed without modification, as detailed in the Provisional Order on Appendix 1 to the report.

80/20

TREE PRESERVATION ORDER (NO. 13) 2020 - TREES ON LAND AT ROMSLEY MANOR FARM, BROMSGROVE ROAD, ROMSLEY, B62 0ET

The Committee considered a report which detailed proposals to confirm, without modification, Tree Preservation Order (No.13) 2020, relating to trees on land at Romsley Manor Farm, Bromsgrove Road, Romsley, B62 0ET.

Officers provided a detailed presentation.

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Officers informed the Committee that the tree in question was a very prominent feature and provided a high level of amenity value to members of the public using either the B4551 or the Green opposite Romsley Manor Farm. In addition, the tree included within the order, added greatly to the character of the area.

Officers drew Members' attention to the objection received and the officer's comments in relation to the points raised within the objection, as detailed on pages 22 and 23 of the main agenda report.

Officers further informed the Committee that the National Planning Policy Framework stated that in relation to amenity value:

"'Amenity' is not defined in law, so authorities need to exercise judgement when deciding whether it is within their powers to make an Order".

RESOLVED that Tree Preservation Order (No.13) 2020 relating to trees on land at Romsley Manor Farm, Bromsgrove Road, Romsley, B62 0ET, be confirmed without modification, as detailed in the Provisional Order on Appendix 1 to the report.

81/20

19/00976/HYB -HYBRID APPLICATIONS 19/00976/HYB AND 19/00977/HYB FOR UP TO 960 DWELLINGS CONSISTING OF A FULL APPLICATION FOR 128 DWELLINGS ACCESSED OFF WEIGHTS LANE, NEW PUBLIC OPEN SPACE, DRAINAGE SYSTEM, ENGINEERING OPERATIONS ASSOCIATED WORKS AND AN OUTLINE APPLICATION (WITH ALL MATTERS RESERVED WITH THE EXCEPTION OF ACCESS) FOR THE CONSTRUCTION OF THE REMAINING DWELLINGS WITH ACCESS POINTS OFF COOKRIDGE CLOSE, HAWLING STREET AND WEIGHTS LANE AND INCLUDING A NEW DISTRICT CENTRE, NEW PLAY FACILITIES, NEW HIGHWAY NETWORK, PUBLIC OPEN SPACE, NEW DRAINAGE SYSTEM AND SURFACE WATER ATTENUATION, ENGINEERING OPERATIONS AND ALL ASSOCIATED WORKS INCLUDING LANDSCAPING - LAND AT BROCKHILL EAST, WEIGHTS LANE, REDDITCH, WORCESTERSHIRE - PERSIMMON HOMES LTD

Officers reported that there were revised Recommendations and Conditions that superseded those as detailed on pages 81 to 104 of the main agenda report. The outcome of Redditch Borough Council's Planning Committee meeting on 27th January 2021, whereby Planning Committee Members were minded to grant planning permission for the hybrid planning application 19/00977/HYB. The five areas of concern raised by Bordesley Matters and the responses to their concerns from Worcestershire County Council (WCC), Highways and Mott MacDonald. Additional comments received from Councillor Monaco (Redditch Borough Council, Councillor); and 3 further representations received; as detailed in the published Committee Update Report, copies of which were provided to Members and published on the Council's website prior to the commencement of the meeting.

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Officers presented the report and in doing so informed the Committee that the applications had been submitted in hybrid form comprising elements seeking both full and outline planning permission. The application site crossed the boundaries between Redditch Borough Council (RBC) and Bromsgrove District Council (BBC). The applications had been submitted to both local authorities and a decision needed to be made by both local authorities.

The full application consisted of the construction of 128 dwellings with access provided off a realigned Weights Lane, which would also provide access to other development parcels within the outline proposal.

In terms of the split between the two authorities, there was a total of 76 dwellings in Redditch and 52 dwellings in Bromsgrove, with a requirement of 30% affordable housing in Redditch and 40% affordable housing in Bromsgrove.

Officers drew Members' attention to the following presentation slides:-

- Application Site Context, as detailed on page 105 of the main agenda report.
- View of Application Site, as detailed on page 106 of the main agenda report.
- Administrative Boundaries, as detailed on page 110 of the main agenda report.
- Bromsgrove District Plan Allocation, as detailed on page 112 of the main agenda report.

Officers referred to the Strategic Planning Background, as detailed on pages 60 to 62, and in doing so informed the Committee that the result of joint working and assessment between RBC and BDC; was the proposal of two large sites to the northwest of Redditch and within Bromsgrove District as the most suitable and sustainable sites which could deliver the homes needed.

Officers further drew Members' attention to the following presentation slides – the 'Full Element of Hybrid Application, the 'Highways - Weights Lane improvement scheme', and the 'Capacity plan', as detailed on pages 119, 133 and 113 of the main agenda report.

Officers reiterated that the hybrid application for up to 960 dwellings consisted of a **Full** application for 128 dwellings accessed off Weights Lane, new public open space, drainage system, engineering operations, associated works, and an **Outline** application for a further 832 dwellings, with all matters reserved, as highlighted on page 103 of the main agenda report,

Officers highlighted that Condition 34 had been amended as follows "No more than 85 dwellings hereby approved shall be brought into use until the highway improvements to the Weights Lane corridor have been

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approved”; as agreed by Members at the RBC Planning Committee meeting held on 27th January 2021, and as detailed on the Committee Update report.

Officers further informed the Committee that as part of the Weights Lane Improvement Scheme (S278), that the scheme would include a continuous footway along the south side of the Weights Lane carriageway, as detailed in Condition 34 on page 98 of the main agenda report.

Officers highlighted that both WCC Highways and Mott MacDonald had no objections to the proposals, however, the Council had received detailed objections from Bordesley Matters. Bordesley Matters was a group of local residents and their objections had been prepared by a local transportation consultant. Additional comments had also been received from Bordesley Matters and these had been summarised in the Committee Update report, as well as the responses prepared by WCC Highways and Mott MacDonald which confirmed no change to their advice.

Officers reiterated the outcome of Redditch Borough Council (RBC) Planning Committee meeting on 27th January 2021 and that this was a cross boundary planning application. RBC had considered hybrid application 19/00977/HYB, whereby Members had agreed to grant hybrid planning permission, as detailed on page 1 of the Committee Update report.

Officers highlighted that the updated Recommendations, which superseded page 83 and 84 of the main agenda report, now included the town centre contribution and the final planning obligation monitoring fee, as detailed on pages 1 to 5 of the Committee Update report.

At the invitation of the Chairman, Mr. S. Shetty, and Mr. A. Bailes, speaking on behalf of Bordesley Matters addressed the Committee in objection to the application; and Mr. D. Onions, the Applicant’s agent also addressed the Committee.

The Committee then considered the Application, which Officers had recommended for approval.

Officers clarified that with regards to the conditions imposed by RBC on hybrid application 19/00977/HYB, that both RBC and BDC (should planning permission be granted), would issue their own individual decision notice and that the s106 agreement would refer to both decision notices.

With regards to the adoption of the open spaces, the s106 agreement would outline the provision and future management, in perpetuity, of the on-site play space, drainage and open space. This provision would also be a mechanism for the later adoption of the open space. However,

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ultimately the decision to allow the Council to adopt the open space would rest with the developer.

In response to Members, officers explained that a detailed landscape appraisal had been submitted and had been considered acceptable by Worcestershire County Council (WCC).

Officers from WCC Highways further explained that the internal road network would be adopted by WCC. The concerns raised by the public speakers in respect of speeding issues on the A441, were currently being looking into, due to previous concerns raised by Alvechurch Parish Council. An ongoing study was taking place.

With regards to the construction traffic, a robust Construction Environment Management Plan (CEMP) would be conditioned to the development site, enabling WCC Highways, to review all of the details in advance before construction was started.

The internal site had been designed to be a low-speed residential area with traffic calming features.

The Dagnell End Road junction, the trigger identified of 128 dwellings to be brought into use (Condition 35), for mitigation of the scheme, was due to that fact that it would take time to go through the road safety audit stages 2, 3 and 4 and a full technical appraisal; this would take some time to complete.

The Weights Lane improvement scheme, the trigger of 85 dwellings to be brought into use (amended Condition 34), for mitigation of the scheme, was still going through technical approval. A stage 1 road safety audit had been completed and the scheme was already progressing at speed.

Officers responded to further questions from Members with regards to the provision of a Sustainable Urban Drainage System (SuDs) and the gradient and topography of the development, highlighting the constraints due to the varying levels of the development site.

Members raised a number of questions with regards to:-

- Climate Change – low / zero carbon requirements for new developments.
- Amending Conditions 35 and 35 and imposing a Grampian condition that, the dwellings could be built but not occupied until the highway improvements to the Dagnell End Road / A441 Birmingham Road junction; and Weights Lane improvement scheme had been completed.
- Imposing a timeline condition for the commencement and completion of the highway improvements.

Officers clarified that with regards to low / zero carbon requirements; any new development had to meet the increasing high standards and

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inspection standards demanded through building control regulations, and any new standards introduced at the time construction was taking place.

Condition 34 had been amended by Members at RBC Planning Committee, with no more than 85 dwellings hereby approved and Condition 35 with no more than 128 dwellings hereby approved until highway improvements had been approved in writing and completed to the satisfaction of the Local Planning Authority.

WCC Highways officer further commented that the traffic impact was considered to be minimal once those dwellings were occupied.

The Council's Legal Advisor stated that she supported the comments made by officers. It was normal practice and a general business model of a developer to have dwellings occupied. It would not be a reasonable demand to condition the developer to build dwellings and leave them empty.

In response to Members, the Council's Legal Advisor further commented that the dwellings would go towards meeting RBC housing needs and BDC housing requirements within the Local Development Plan.

WCC Highways officer explained that with regards to applying a timescale for the developer to start and complete the highway improvements, WCC would not want to both sets of improvements occurring at the same time. There needed to be sufficient spacing of roadworks so that it did not give the impression that a focused area of the road network was in constant improvement. There also needed to be sufficient time to deliver the schemes. Road safety audits and full technical approval would have to be carried out and there could be some unforeseen circumstances that would need to be addressed.

Local businesses accessing their premises would also have to be factored in. Network Rail would have to be involved in any discussions. Therefore, it would be very difficult to give an exact timescale. He was confident that the applicant was going to implement the schemes as soon as possible because they would obviously want to build out their site. Other road improvements and other things happening on the road network would also need to be considered and programmed in, months in advance.

The Council's Legal Advisor commented that, it was not reasonable to expect a rigid deadline to be met, which did not allow for all of the matters and considerations as highlighted by the Highways officer. Such a condition would not meet the test of being 'reasonable'.

Having considered the officer's report, the information provided by all public speakers and the detailed responses from officers with regard to the concerns raised both by Members and public speakers; Members were minded to approve the hybrid application.

RESOLVED that hybrid planning permission be granted.

(a) that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the hybrid planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following:

i) Highways

- **Bromsgrove & Redditch IDP** £780,000 (Redditch) and £469,429.03 (Bromsgrove)
- **TRO Application** The processing cost for a TRO for Weights Lane, in seeking to change the speed limit from 40mph to 30mph.
- **Community Transport.** Contribution £40,000 over 5 years
- **Bus Service Strategy** Contribution £324,000
- **Bus Service Infrastructure** Based on 3 pairs of stops with associated shelters only in the inbound direction. Contribution £40,000.

ii) Education Infrastructure

Transfer of a strip of land adjacent the new first school site to support the expansion of the school.

First school contribution calculated on a per plot basis

- £2,307 per open market 2 or 3 bed dwelling
- £3,461 per open market 4 or more bed dwelling
- £ 923 per open market 2 or more bed flat

A Middle school contribution calculated on a per plot basis

- £2,308 per open market 2 or 3 bed dwelling
- £3,462 per open market 4 or more bed dwelling
- £ 923 per open market 2 or more bed flat

iii) Off-site Open Space £405,000

iv) Waste Management Contribution

Waste and recycling bins calculated as follows:

- Dwellings within the Redditch BC authority - Refuse bins (1 x green bin / 1 x grey bin) £31.29 per dwelling
- Dwellings within the Bromsgrove DC authority - Refuse bins (1 x green bin / 1 x grey bin) £52.24 per dwelling

v) Planning Obligation Monitoring Fee £7,500

vi) Redditch Town Centre (Enhancement Contribution) £520,320

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- vii) **Bromsgrove and Redditch CCG** Contribution £363,370
- viii) **Worcestershire Acute Hospitals Trust (WAHT)** Contribution £459,390.86

And:

- ix) The securing of a 30% provision of on-site affordable dwelling units for dwellings Redditch BC authority
- x) The securing of a 40% provision of on-site affordable dwelling units for dwellings Bromsgrove DC authority
- xi) The provision and future maintenance in perpetuity of the on-site play space, SuDs facilities and open space provision with appropriate mechanism (including commuted sum) to adopt the open space
- xii) District Centre, outlining specification (including uses) and Marketing Plan
- xiii) Explore Worcestershire County Council monitoring fee

And:

- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of Conditions as set out in the report; with the following revised Conditions, as detailed in the Committee Update Report:-

Timeframes and Compliance

1. With the exception of Phase 3 (approved in full as part of this permission - 128 dwellings accessed off Weights Lane, new public open space, drainage system, engineering operations associated works) a detailed phasing plan for the development shall be submitted to and approved in writing by the local planning authority prior to the submission of the first reserved matters application. The phasing plan shall specify the proposed timing for delivery of the housing and other build elements of the development. The development shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority. Any subsequent amendment to the phasing of the development shall be submitted in the form of a revised phasing plan to the Local Planning Authority for approval in writing and the development shall be carried out in accordance with the approved revised details.

Reason: In order to secure a satisfactory delivery of development.

Approved Plans

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

Hybrid Scheme:

- P-01Rev A – Location Plan
- 8506-L-02 RevJ Framework Plan
- DAS RevB

Full Element:

- P-04 Rev D – Affordable Housing Plan
- P-05 Rev D – Tenure Plan
- P-06 Rev E – Storey Heights Plan
- P-08 Rev A – Gas Main Plan
- P-03 Rev B - External Materials
- P-02 Rev V- Scheme Layout
- Sub-station (SS-01)
- Pumping station (PS-01 RevA)
- Gas governor (GG-01 RevA)
- P-H-19 Gisburn
- P-H-01 Corfe
- P-H-02 Himbleton
- P-H-03 Leicester
- P-H-04 Clayton
- P-H-05 Hatfield
- P-H-06 Hanbury
- P-H-07 Alnwick
- P-H-14 Clayton Corner
- P-H-17 Dalby
- P-H-18 Lumley
- P-H-08 HQI 65
- P-H-09 HQI 79
- P-H-10 HQI 84
- P-H-11 HQI 73
- P-H-12 HQI 60
- P-H-13 HQI 50
- P-H-15 HQI 114
- P-H-16 HQI 83

Technical Drawings:

- FRA – 19039 Drainage Strategy – Sheet 1A & Sheet 2A
- 2809-12-P4 Dagnell End Road –GA
- 2809-TR-03-06 Highway Improvements Access

Reason: To define the permission and in order to secure the satisfactory delivery of the development.

Foul and surface water sewerage

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15. No dwelling on any development phase shall be occupied until a drainage system to allow for the disposal of foul and surface water sewerage has been completed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable drainage system is place.

Housing Mix

28. Plans and particulars of the Reserved Matters referred to in Condition 2 shall include a plan identifying the number and location of the market housing units to be provided within each relevant phase. The plan shall confirm the size (bedroom numbers) and type of market housing. The development shall be carried out in accordance with the approved details.

Reason: To ensure the creation of a mixed and vibrant community.

Weights Lane Improvement Scheme (S278)

34. No more than 85 dwellings shall be brought into use or on completion of the s278 works whichever is the sooner, until the highway improvements to the Weights Lane corridor as shown in the PJA Drawing Ref: 02809 TR 03 Rev P6, or similar scheme acceptable to the Highway Authority, has been approved in writing and completed to the satisfaction of the Local Planning Authority (in consultation with the Local Highway Authority) and is open to traffic. The scheme is to include a continuous footway along the south side of the Weights Lane carriageway between the development site and connecting to existing footways running alongside the A441 Birmingham Road carriageway, by tying into the consented Brockhill Phase 4 footway proposals.

Reason: To ensure the safe and free flow of traffic onto the highway.

The meeting closed at 8.12 p.m.

Chairman

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PLANNING COMMITTEE

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Tree Preservation Order (14) 2020 Trees On Land At 11 Plymouth Road, Barnt Green B45 8JE

Relevant Portfolio Holder	Cllr A. Sherry
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Environmental Services
Ward(s) Affected	Barnt Green Ward
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Committee is asked to consider the confirmation without modification of Tree Preservation Order (14) 2020 relating to Tree/s on land at 11 Plymouth Road, Barnt Green B45 8JE

2. RECOMMENDATIONS

- 2.1 It is recommended that provisional Tree Preservation Order (14) 2020 relating to trees on land at 11 Plymouth Road, Barnt Green B45 8JE is confirmed without modification as in the provisional order as raised and shown in appendix (1).

3. KEY ISSUES

Financial Implications

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

Legal Implications

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

Service / Operational Implications

Background:

- 3.4 The provisional order was raised on 11th September 2020 in view of a suspected / perceived threat to the trees by potential risk of development work at the site.

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3.5 The following one objection has been received in respect of the provisional TPO having been raised;

1. A letter attachment to an email dated 8th August 2020 and hard copy of the same attached letter delivered to the Council offices at Crossgates House on the 9th August 2020 from Mr N Wykes, 11 Plymouth Road, Barnt Green B45 8JE shown in appendix (2)

My comments in relation to the points raise within the objection are as follows:

- a. Trees on the frontages of other properties in Plymouth Road have been protected when a similar perceived threat to them has become known. Therefore, there has been no biased approach taken in this case.
- b. I do not envisage that the laying of a new drive on the footprint of the existing drive would have a detrimental effect on the trees to be protected. It is highly likely with modern engineering options that any improvement to the drive could be carried out in a sympathetic manner and without causing any detrimental influence on the trees within the order. If there is a need to widen the drive, there is ample scope to do this on the opposite side of the drive and away from the trees to be protected.
- c. The order defines the trees as a group not an area and the schedule of the order provides specific details of the number of trees and their species within the group.
- d. There is a statutory time period for the issuing of a decision notice on a TPO application once it is registered and validated of 8 weeks. However, applications are often processed far sooner than the permitted 8 weeks and an application could be prioritised where there is a known urgent need to do so. There is no financial cost to making a TPO application for consent to carryout work.
- e. I feel that the trees are of an appropriate distance from the front elevation of the property so as they do not have majorly adverse influence on the natural light level to the property.

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

Customer / Equalities and Diversity Implications

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

4. RISK MANAGEMENT

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

5. APPENDICES

List Appendices.

Appendix (1) Plan & Schedule of Provisional Order
Appendix (2) Email & Letter of Objection from Mr N Wykes.
Appendix (3) Completed TEMPO Evaluation Sheet
Appendix (4) Photographs of tree group subject to the order

6. BACKGROUND PAPERS

None

7. KEY

TPO - Tree Preservation Order
TEMPO – Tree Evaluation Method for Preservation Orders

- 7.1 Conclusion and recommendations:

PLANNING COMMITTEE

1st March 2021

A Tree Evaluation Method For Preservation Orders (TEMPO) assessment of the group of trees was carried out to aid the decision making process of evaluating the trees suitability for protection was carried out and by my application of this assessment method the group of tree scored 18 as shown in appendix (3). Anything scoring over 14 under this method is deemed suitable for Tree Preservation Order protection.

The group of trees are highly prominent to users of Plymouth Road therefore offer a high degree of visual amenity value to passers-by both pedestrians and road users, they add greatly to the character of the street and the area.

Therefore, I recommend to the committee that the order is confirmed and made permanent without modification as shown in appendix (1) of this report.

AUTHOR OF REPORT

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

Bromsgrove District Council Tree Preservation Order (14) 2020
Tree/s on land at 11 Plymouth Road, Barnt Green, Birmingham, Worcestershire,
B45 8JE

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

Citation

1. This Order may be cited as **Tree Preservation Order (14) 2020**

Interpretation

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

Effect

- 3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

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

Dated this 11th September 2020

Signed on behalf of Bromsgrove District Council



Authorised by the Council to sign in that behalf

First Schedule

Trees specified individually

(encircled in black on the map)

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

Trees specified by reference to an area

(within a dotted black line on the map)

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

Groups of Trees

(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
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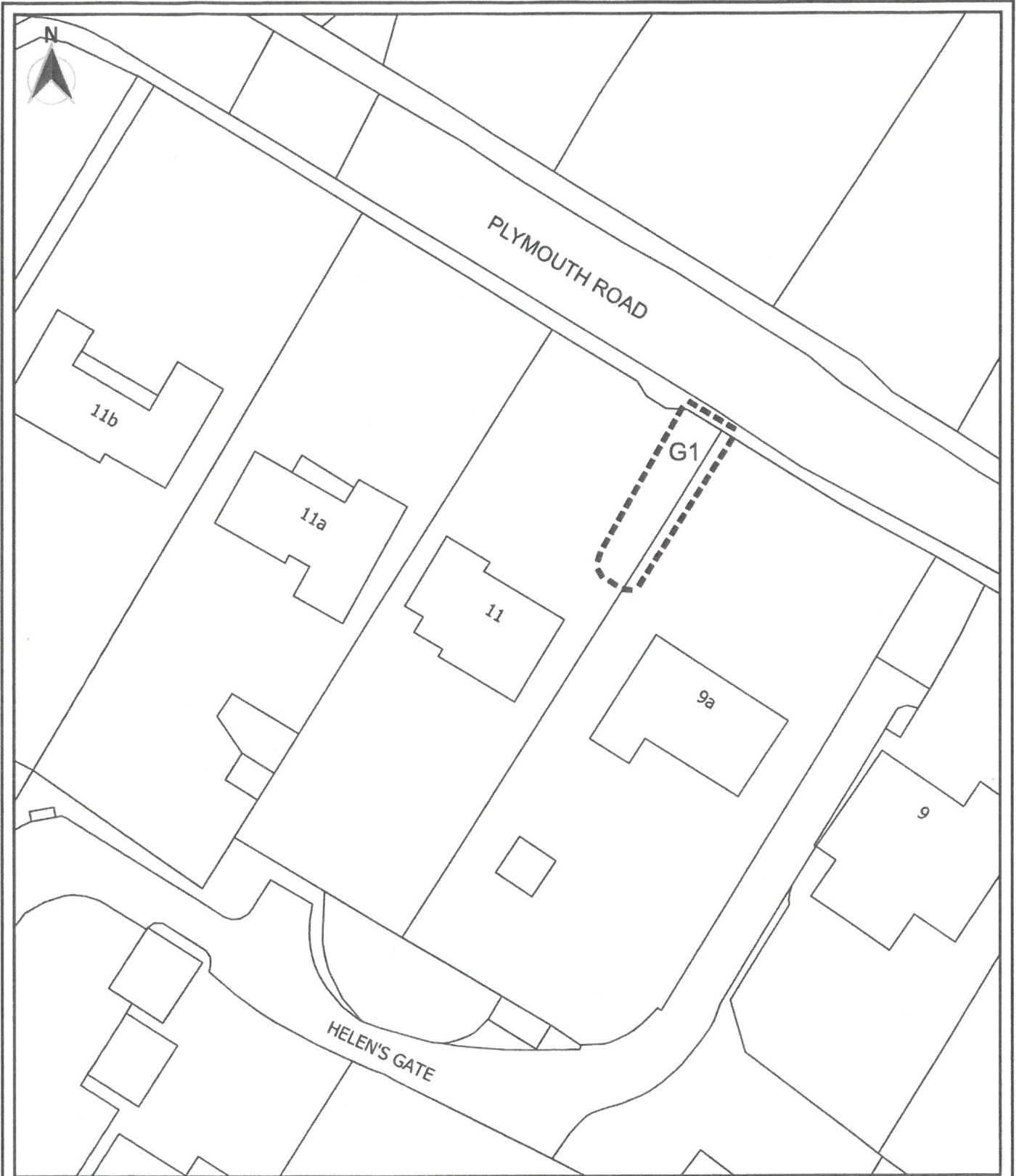
G1	3x Yew, 1x Pine	399483, 273862	Front garden area of 11 Plymouth Road
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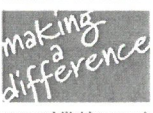
Woodlands

(within a continuous black line on the map)

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



 <p>Bromsgrove District Council www.bromsgrove.gov.uk</p>  <p>REDDITCH BOROUGH COUNCIL</p>  <p>making a difference www.redditchbc.gov.uk</p>	Project: Bromsgrove District Council TPO (14) 2020	Drawn: T.B.	Enviromental Services Town Hall Walter Stranz Square Redditch Worces B98 8AH	<i>Maree Obanagaw</i> 11th. September 2020
	Drawing: 11 Plymouth Road Bant Green	Scale: 1/500 @ A4		
	Drawing No.: TQ/00019	Date: Sept 2020	@ Crown copyright and database rights 2020 Ordnance Survey 100023252	

BROMSGROVE DISTRICT COUNCIL**TREE PRESERVATION ORDER NO. (14) 2020****Tree/s on Land at 11 Plymouth, Barnt Green B45 8JE**

With regard to the aforementioned TPO placed on my property on 11th September 2020, I would like to make the following points:

- Many properties are being improved/renovated in the neighbourhood, this TPO prevents me from improving mine. Why should I be singled out in this way?
- Currently, I am legally obliged (deposit paid) to go ahead with the laying of a new drive to the front of my property. This contract was agreed two months prior to this temporary TPO being activated
- This TPO is blanket in nature and gives no specific detail regarding the individual preservation value of each species
- If this TPO were to become permanent, it would be very inconvenient and costly in terms of time to keep applying for permission to cut back the vegetation
- The trees covered by the TPO block light to the front of the property and will need regular pruning

I request that this TPO be removed as soon as possible.

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APPENDIX (4)







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Name of Applicant	Proposal	Expiry Date	Plan Ref.
David Taylor	First storey extension to provide self - contained flat to be used with existing business as extended family accommodation Hylton Hound Hotel, Middle Lane, Kings Norton, Worcestershire, B47 6LD	18.01.2021	20/01281/FUL

Councillor Denaro has requested that this application is considered at Planning Committee rather than being determined under Delegated Powers.

RECOMMENDATION: That planning permission be **Refused**

Consultations

Wythall Parish Council

Object to the application which represents inappropriate development in the Green Belt as it is an increase of more than 40% of the original dwelling, do not consider that very special circumstances exist.

North Worcestershire Water Management

No objections.

Highways - Bromsgrove

Object to the application due to its unsustainable location.

Public Consultation

Site Notice erected 22.12.20 expired 15.01.21

1 letter of support

As a neighbouring occupier, the proposal will have no detrimental impact on my own property. It will not cause any issues with highways, there is ample parking available. It will not impact on the openness of the green belt.

Councillor Denaro

Application has been called in by Cllr Denaro who believes that the application is vital to the continuation of a local business.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP16 Sustainable Transport

BDP19 High Quality Design

Others

NPPF National Planning Policy Framework (2019)
 NPPG National Planning Practice Guidance
 Bromsgrove District Council High Quality Design SPD

Relevant Planning History

13/00014/REF	Proposed dog grooming building ancillary to existing kennels.	Dismissed at Appeal	05.07.2013
12/0873	Proposed dog grooming building ancillary to existing kennels. Appeal dismissed on 05.07.13 under appeal reference 13/00014/REF.	Refused 24.01.2013	24.01.2013
11/00005/REF	Proposed change of use of land to provide additional dog play area and stockyard: Retention of waste disposal unit and oil tank, Proposed portacabin and container, retention of parking area and entrance improvements Re submission of B/2009/0282.	Dismissed at Appeal	06.05.2011
10/0944	Proposed change of use of land to provide additional dog play area and stockyard: Retention of waste disposal unit and oil tank, Proposed portacabin and container, retention of parking area and entrance improvements Re submission of B/2009/0282- Appeal Dismissed: 6/5/11	Refused	01.12.2010
09/0282	Change of use of land to provide additional dog play area, stockyard, waste disposal unit, oil tank, portacabin, container parking area and entrance improvements (As amended by plans received 09.04.2009, 12.03.2010, 24.03.2010 and augmented by plan received 06.04.2010)	Refused	06.05.2010
B/16212/1988	Extension of existing kennels to form 11 additional kennels and enclosures. (As amended by letter received 11.4.88)	Approved	11.04.1988

B/12125/1984	Erection of office/storage building for use by kennel staff in connection with existing kennels during racing and breeding of greyhounds. (as amended by plans received 10.8.84 and 15.10.84)	Refused	12.11.1984
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Site Description

The site forms part of a dog kennel business with dog grooming facility that operates from the premises. The site has off street car parking for the business, a large grassed area that forms part of the site is used to exercise the dogs in boarding. The building is well screened from the road with a mature hedgerow. The site is within an area designated as Green Belt in the Bromsgrove District Plan.

Proposal Description

A first floor extension is proposed comprising of the same floor area as the existing ground floor. The extension is proposed to provide self-contained living accommodation with three ensuite bedrooms to be used with the existing business as extended family accommodation. The extension would have a hipped roof with 2 No. large dormers to provide office accommodation in the loft area. The extension would be finished in bricks and tiles to match the existing property.

Assessment of Proposal

Permission is sought for an extension to provide self-contained residential accommodation above the existing business premises and Members will note the description of the application. The applicant indicates that the accommodation is needed in association with the existing business use. However, given the self-contained nature of the new accommodation, the absence of any documentation accompanying the application that would link the use of the new accommodation to the business and lastly, the retention of the existing flat for the business, I consider that the scheme equates to the formation of a new dwelling

The site lies within the Green Belt as designated under policy BDP4 of the District Plan and is outside any settlement. Therefore, the main issues to consider in the determination of the application are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the policies of the Bromsgrove District Plan and the National Planning Policy Framework (NPPF);
- If the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Whether inappropriate development:

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. There is a presumption against the construction of new buildings in the Green Belt save for a number of exceptions outlined at paragraphs 145 and 146 of

the NPPF. The three exceptions raised as part of this application are; paragraph 145(c) for extensions to a building, 145(e) for the limited infilling in villages and 145(g) for the redevelopment of Previously Developed Land which would not have a greater impact on the openness of the Green Belt.

Paragraph 145 (c) permits the "extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building".

Policy BDP4.4d) of the Bromsgrove District Plan (BDP) similarly permits "proportionate extensions to non residential buildings taking into account the potential impact on the openness and the purposes of including land within the Green Belt. Proposals that can demonstrate significant benefits to the local economy will be considered favourably".

The existing building is single storey with a shallow pitch roof and an approximate floorarea of 135 sqm. The building currently comprises a reception, kitchen, store and WC for the kennel and dog grooming business. A one bedroom flat is also provided within the building for the purposes of the kennel business. This will be retained.

The proposed extension would comprise of a first floor extension providing 3 bedroomed self-contained residential accommodation. Access to the accommodation would be via a new flight of stairs within the existing building on the ground floor. The accommodation would have a first floor balcony off the living area, and another flight of stairs would provide access to an office area in the loft space. Whilst the roof would be hipped, two large dormers would be provided to achieve useable floorspace within the loft area. The total floorarea of the extension would amount to approximately 181sqm, resulting in a 134.5% increase in floorspace. Given the scale of the works proposed, the additional floorspace would be excessive in comparison to the original floorspace, and as such would result in a disproportionate addition over and above the size of the original building.

Due to the self-contained nature of the proposed extension, I am of the view that the scheme equates to the formation of a new dwelling. Policy BDP4 allows for limited infilling in Green Belt settlements. This policy is compliant with the NPPF (paragraph 145 (e)) and sets out the intended 'villages' for limited infilling within the Settlement Hierarchy in Policy BDP2.3. 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. The building is positioned on open land with only Brizlincoat Farm as its neighbour. The proposal does not comply with the limited infilling term as defined above. In addition, the proposed development is outside any nearby village envelope. The site is located next to a road that is unlit with no footpaths, meaning occupiers of the dwelling would be relying on private transport to get to nearby amenities and services given its unsustainable location. As such the proposal would not fall within this exception. Members will note that Worcestershire Highways has raised an objection to the scheme due to the unsustainable location of the scheme.

Paragraph 145(g) of the NPPF allows for the limited infilling or the partial or complete redevelopment of previously developed land (PDL). This is providing the development would not have a greater impact on the openness of the Green Belt than the existing development, or that it would not cause substantial harm to the openness of the Green Belt where the development would contribute to meeting an identified affordable housing need.

The new self-contained accommodation would be above the existing building and being 2 storey, the proposed unit would be substantially taller than the existing single storey building currently on site. As mentioned above the floorarea of the extension proposed is larger than the existing floorarea resulting in an extended building that would have a larger mass. Due to the scale and design of the self-contained accommodation, the resultant building would be materially larger than the existing, having an effect on the openness and purposes of the Green Belt.

The NPPF indicates that openness is an essential characteristic of the Green Belt. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. The extended building would be of a greater mass and height than the existing. As such, the proposal would have more of an impact on the openness of the Green Belt in spatial terms than the existing circumstances.

For the above reasons the proposal does not fall within the exceptions set out in the NPPF, and Policy BDP4 of the District Plan, and would be inappropriate development. 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 a planning application, substantial weight should be given to any harm to the Green Belt, and also whether the harm by reason of inappropriateness, and any other harm, can be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

The boarding kennels have been run by the applicant's father who currently resides in the single bedroom flat at present. The applicant's father is retiring, and the applicant is taking over the day to day management of the business. Due to the nature of the business and the rules of the licence, the applicant has claimed that it is necessary to live on site for safety and security reasons. The applicant's family which includes his partner and 2 children would move into the premises too. The existing 1 bedroom flat would not be sufficient for family accommodation. The new plans would resolve this issue. The existing flat would be retained and used to house auxiliary staff when the applicant's family take annual leave and at peak times of trading.

The applicant states that the past year has been challenging for the business due to the Covid-19 outbreak. The core business is the boarding of dogs. However, due to all of the different restrictions, turnover has reduced by 60%. To combat this, the applicant is planning to diversify the business into different areas. Such as incorporating a day-care centre where they look after dogs when people are at work; and the possibility of opening a dog park where people would hire an allotted time to exercise their dogs without the worry of other dogs and people around them. The applicant believes that these new ventures will require a lot of time and work for them to be successful.

The applicant had 12 members of staff but due to the low demand for boarding and the furlough scheme ending in October 2020, the number of staff will be reduced. The applicant proposes to operate apprentice schemes for present members of staff with the development of the new business ventures. The applicant's partner runs the Wash & Go Grooming Salon (WAGGS) that operates out of the Hylton Hound Hotel.

Whilst I fully understand the exceptional circumstances that have been put this local business as a result of Covid-19, the extent of the extension would have a detrimental impact on the openness of the Green Belt due to the scale of the development in terms of additional floorspace but also increase in height. The NPPF indicates that openness is an essential characteristic of the Green Belt. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. The proposed extension would be of a greater mass and height than the existing building. As such, the introduction of the additional floor and hipped roof with large dormers would have more of an impact on the openness of the Green Belt in spatial terms than the existing circumstances.

In addition, given the potential business opportunities that the applicant is now considering, dog daycare, dog exercising, as well as the existing dog grooming business, these are ventures that would not necessarily require 24 hr surveillance and as such 24 hour residential accommodation on site would not necessarily be essential.

I have thus noted the arguments put forward by the applicant but consider that they do not amount to very special circumstances that would outweigh the harm identified to the Green Belt.

Consultation

Comments from the Parish Council on Green Belt have been considered and Green Belt has been fully assessed earlier in this report.

County Highways object to the application given its unsustainable location. The lack of street lighting in the immediate vicinity will deter journeys on foot particularly in times of darkness and adverse weather conditions. The site is located off a classified fast flowing narrow road. Most of the key amenities are not within acceptable walking distances and those that are, are not connected by adequate infrastructure and therefore it is unlikely to encourage residents to walk to these facilities. Due to these factors the trips would become car-based trips which would be unacceptable. Whilst adequate car parking can be provided for the scheme, the provision of an electric charging point and secure cycle storage has not been provided. The proposal would be contrary to Policy BDP2 of the District Plan and paragraphs 108 and 110 of the NPPF.

1 letter of support has been submitted from the occupier of Brizlincoat Farm. For the reference of Members, the occupier of the Farm concerned is the mother of the applicant.

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 needs 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 carry limited weight. Substantial weight should be afforded to inappropriate development in the Green Belt and as set out in the discussion above, Green Belt gives rise to a clear reason for refusal due to the developments inappropriateness and as such would warrant the refusal of the application on these grounds.

Conclusion

Contrary to the description of the application, due to the self-contained nature of the proposals I consider that the scheme equates to the formation of a new dwelling in the Green Belt. The proposal does not fit within the closed exceptions set out in NPPF paragraph 145 and would be contrary to Policy BDP4 of the District Plan. The proposal by reason of its distance from essential services and amenities would result in the future occupier's reliance on private transport and result in an unsustainable form of development contrary to Policy BDP2 of the District Plan, and paragraphs, 7, 8 and 110 of the NPPF.

The proposal would have a greater impact on the openness of the Green Belt than the existing development and therefore the proposal is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. Substantial weight must be given to any harm to the Green Belt as set out at paragraph 144 of the NPPF. Whilst arguments have been put forward, they do not amount to very special circumstances required to justify a proposal that would outweigh the harm identified to the Green Belt.

RECOMMENDATION: That planning permission be Refused

- 1 The proposed development 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 The larger scale of development proposed over and above the existing and its prominence in the street scene is considered to have a moderate impact on openness. This is contrary to BDP4 of the Bromsgrove District Plan and Section 13 of the NPPF.
- 3 The proposal by reason of its distance from essential services, and the future occupier's reliance upon motor vehicles as a means of transport would result in an unsustainable form of development. The proposal would therefore be contrary to Policies BDP1 and BDP2 of the Bromsgrove District Plan and paragraphs 7, 8 and 110 of the National Planning Policy Framework.

Case Officer: Sharron Williams Tel: 01527 534061 Ext 3372
Email: sharron.williams@bromsgroveandredditch.gov.uk

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20/01281/FUL

Hylton Hound Hotel, Middle Lane,
Kings Norton

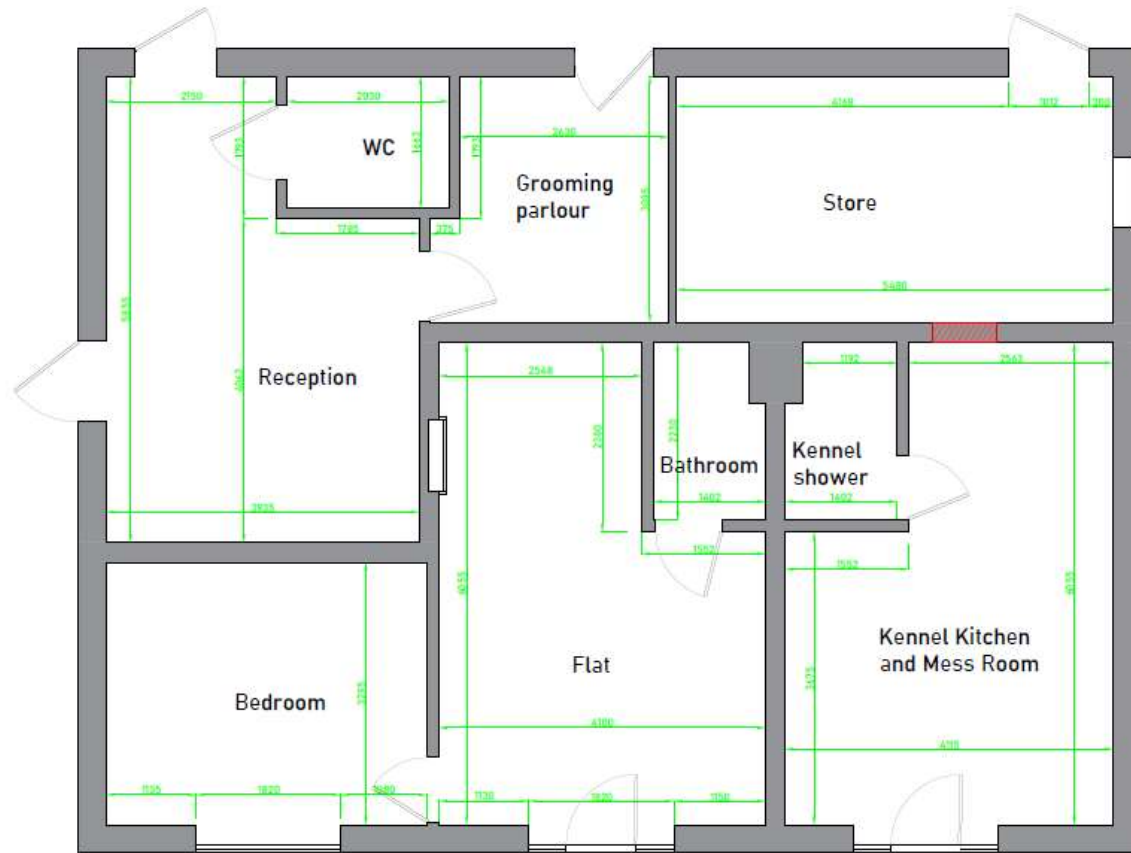
First and second storey extension to provide
self contained flat to be used with existing
business as extended family accommodation

Recommendation: Permission be refused

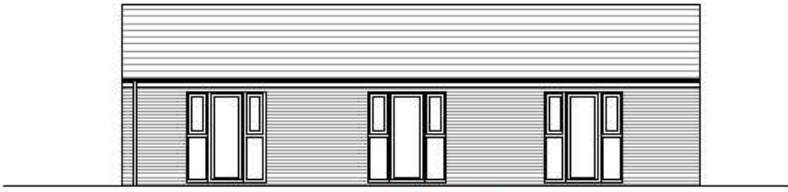
Site location plan and block plan



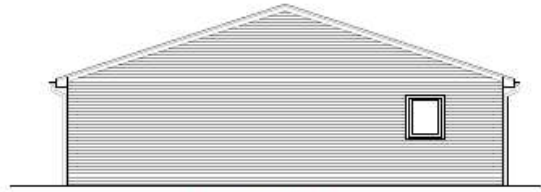
Existing ground floor plan



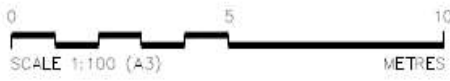
Existing elevations



Existing Front Elevation



Existing Side Elevation



Existing Rear Elevation

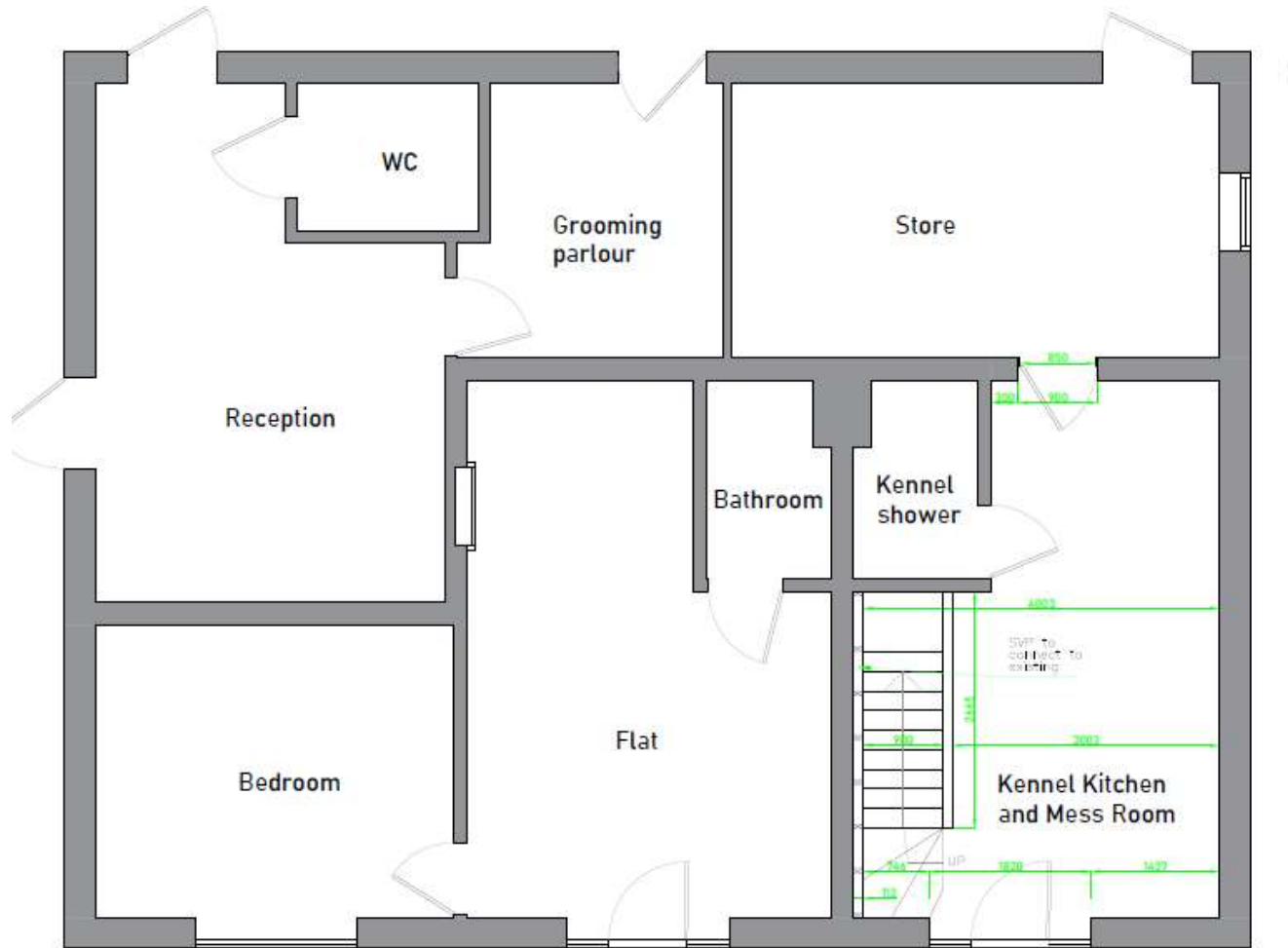


Existing Side Elevation

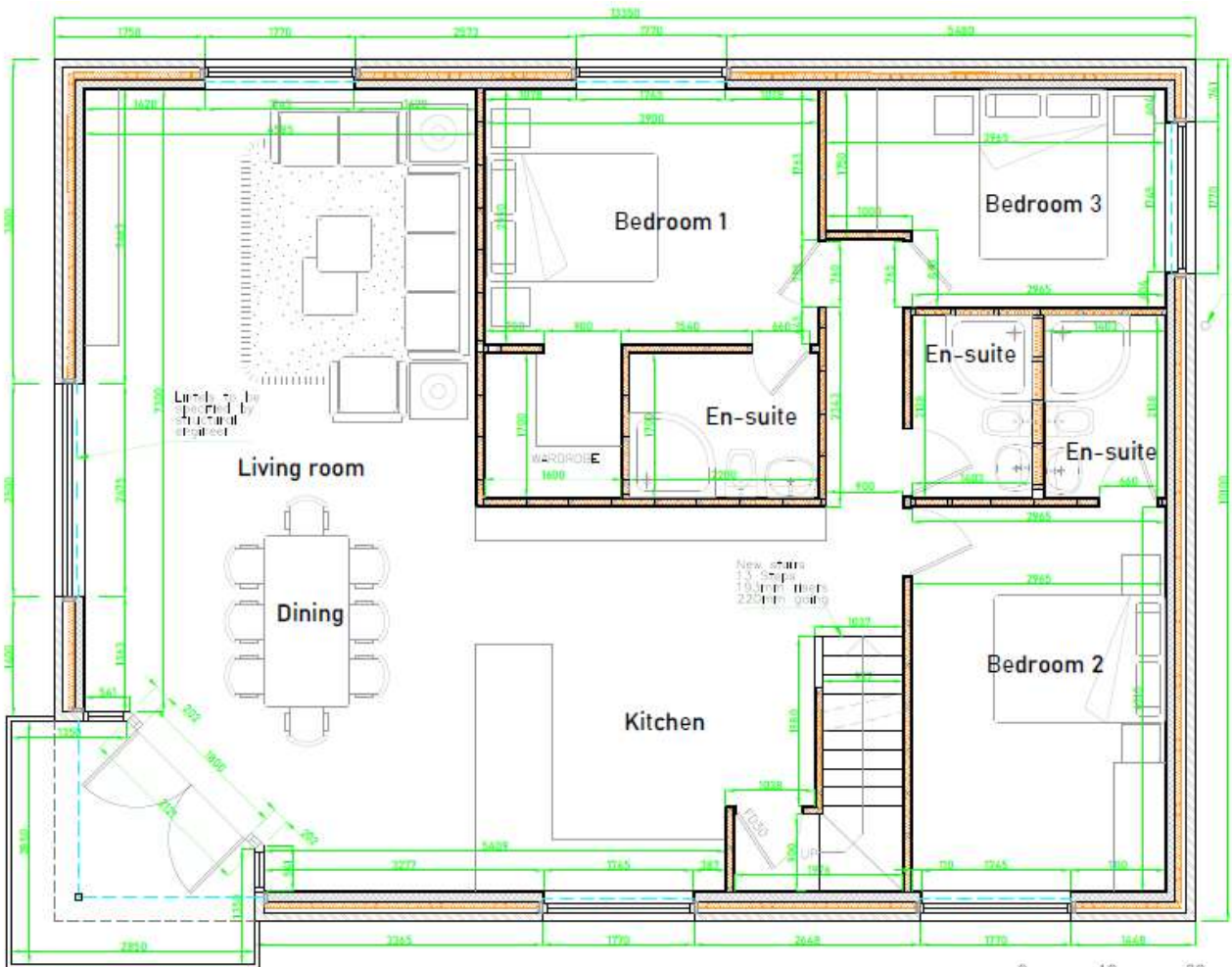
Photograph of the site



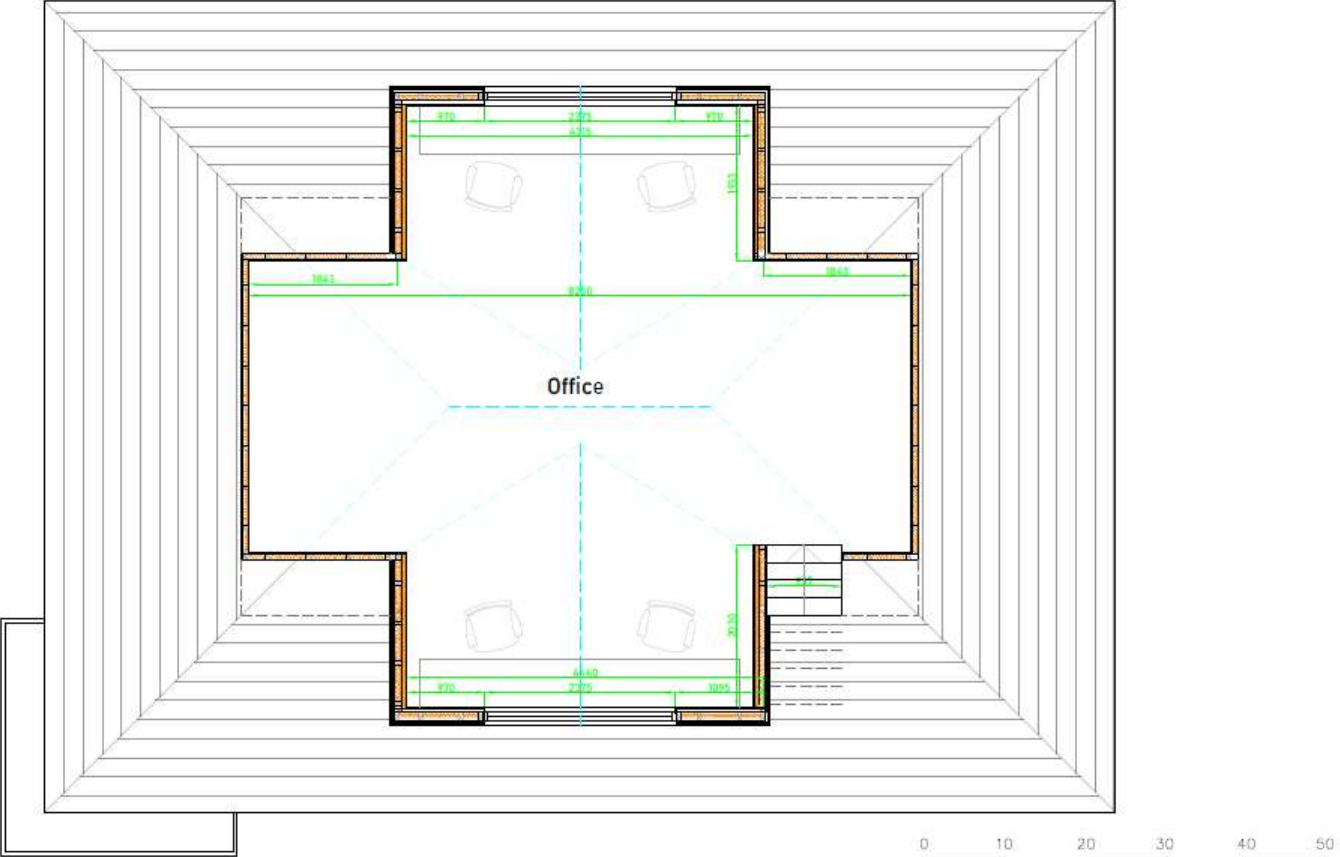
Proposed ground floor plan



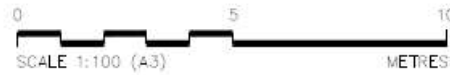
Proposed first floor



Proposed loft area



Proposed elevations



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