



## **BROMSGROVE DISTRICT COUNCIL**

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

**TUESDAY 27TH APRIL 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. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
4. Tree Preservation Order (19) 2020 Trees On Land Off Birkdale Avenue, Blackwell, Bromsgrove (Pages 1 - 26)
5. 20/01565/FUL - Demolition of no's. 163 & 165 Birmingham Road and construction of eight detached dwellings, 163 - 165 Birmingham Road, land to the rear of 151 and 157 Birmingham Road and 73 All Saints Road, Bromsgrove, W & J and R & S Thorn and Hughes (Pages 27 - 64)
6. 20/01635/FUL - Variation of planning conditions 2 (approved plans), 3 (materials) and 4 (joinery) attached to planning permission 18/01593/FUL to allow adjustments to the approved dwelling design including the addition of a chimney and front elevation changes and landscaping - 11 Cherry Hill

Avenue, Barnt Green, Birmingham, Worcestershire, B45 8LA - Mr. B. Hasnain  
(Pages 65 - 86)

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

15th April 2021

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

**Pauline Ross  
Democratic Services Officer**

**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 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 above.

#### **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 Microsoft Teams.

- 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 Friday 23<sup>rd</sup> April 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 Friday 23<sup>rd</sup> April 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](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.

### PLANNING COMMITTEE

27<sup>th</sup> April 2021

#### Tree Preservation Order (19) 2020 Trees On Land Off Birkdale Avenue Blackwell, Bromsgrove

Relevant Portfolio Holder	Cllr A. Sherry
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Environmental Services
Ward(s) Affected	Blackwell 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 (19) 2020 relating to Tree/s on Land Side of 37 -38 Birkdale Avenue, Blackwell, Bromsgrove.

#### 2. RECOMMENDATIONS

- 1.2 2.1 It is recommended that provisional Tree Preservation Order (19) 2020 on Land Side of 37 -38 Birkdale Avenue, Blackwell, Bromsgrove 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 19<sup>th</sup> November 2020 in view of a perceived threat brought to the Councils attention by residents in Birkdale Avenue of a risk of further tree clearance on the site due to a future alternative use for the land.

## PLANNING COMMITTEE

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3.5 One objection has been received in respect of the provisional TPO having been raised as follows:

1. A letter dated 5<sup>th</sup> December 2020 from Mr Bill Batchelor ( the owner of the land) as shown in appendix (2)

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

Item 1:

From the evidence gained from a inspection of the site leads me to believe that there have been trees removed from an area of the ground adjacent to the side of number 37 Birkdale Avenue since the land was purchased in the 90's

Item 2:

I believe that the sale and subdivision of this land into parcels of land for garden use will lead to tree loss and increased risk of future development on the site.

Item 3:

The issue of access and made-up status of the ground and Green Belt status of the land could be overcome to achieve potential future development on the site.

Item 4:

This land would and the tree stock contained within it provides a buffer strip, screening and noise barrier from the local railway and a valuable wildlife corridor to the local estate and Birkdale Avenue. Therefore, any further depletion of the tree stock on the land influenced by this TPO would have a detrimental influence on the residents in Birkdale Avenue.

Item 5:

Personal information status information that has no major bearing on the issue of the TPO.

Item 6:

I have received no information directly from any resident in Birkdale Avenue confirming that they wish to own any of the land affected by the TPO as an extension to their existing garden space.

Item 7:

The highlighted negotiation over access rights to the land via land owned by number 37 Birkdale Avenue confirms that there is scope to overcome the access issue mentioned in item ( C) above and the potential future risk of alternative use of this land.

## **PLANNING COMMITTEE**

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Item 8:

The ransom strip is not within the land affected by the TPO and access across it would be a civil legal matter.

Item 9:

I believe that points listed in items 1-8 listed above and that trees have already been removed proves a suitable level of risk exists to the remaining tree stock on the site.

Item 10:

The quality, species, and size of trees on the site and their distance from the railway is suitable for the nature of the site. I have seen no evidence to suggest that although this land slope down to the road at the side of the railway that it is unstable. The root plate development of trees on the slope of the land will help to secure and made up ground.

Item 11:

The quality, species and size of the trees on the site and the nature of the ground on the site shows no evidence to suggest that they are unstable and therefore represent any threat to the local properties or the railway line.

Item 12:

I believe that this strip of land is an important buffer strip from the railway for the residents of Birkdale Avenue and in view of the density and general character of the area designated as Woodland within the order that this designation is warranted.

One letter of support has been received from Mr Chris Kirkman in respect of the provisional TPO having been raised as shown in appendix (4)

- 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

## **PLANNING COMMITTEE**

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### **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) Letter of Objection from Mr Bill Batchelor  
Appendix (3) Completed TEMPO Evaluation Sheet  
Appendix (4) Letter of Support from Mr Chris Kirkman  
Appendix (5) Photographs of trees with the order

### **6. BACKGROUND PAPERS**

None

### **7. KEY**

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

#### 7.1 Conclusion and recommendations:

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 and by my application of this assessment method the group of tree scored between 15 - 17 as shown in appendix (3). Any trees scoring over 12 under this method is deemed potentially suitable for Tree Preservation Order protection.

The trees are highly prominent to users of the railway and visitors to the area of Birkdale Avenue local to number 37 and 38 therefore offer a high degree of visual amenity value to passers-by on the train pedestrians and visitors to Birkdale Avenue, they add greatly to the character of the area.

Therefore, I recommend to the committee that Tree Preservation Order (19) 2020 is confirmed and made permanent without modification as shown in appendix (1) of this report.

## **PLANNING COMMITTEE**

27<sup>th</sup> April 2021

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### **AUTHOR OF REPORT**

Name: Gavin Boyes

Email: [Gavin.Boyes@bromsgroveandRedditch.gov.uk](mailto:Gavin.Boyes@bromsgroveandRedditch.gov.uk)

Tel: 01527 883094

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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 (19) 2020**  
**Tree/s on land at Land Side Of 37 - 38 Birkdale Avenue, Blackwell, Bromsgrove.**

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 (19) 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 19th day of November 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>
T1	Silver Birch	399322, 272093	On land between the front of the properties
T2	Oak	399343, 272107	Land Side of 37 Birkdale Avenue
T3	Oak	399347, 272112	Land Side of 37 Birkdale Avenue

### Trees specified by reference to an area

(within a dotted black line on the map)

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

### Groups of Trees

(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
G1	4 x Silver Birch	399354, 272112	Land side of 37 Birkdale Avenue

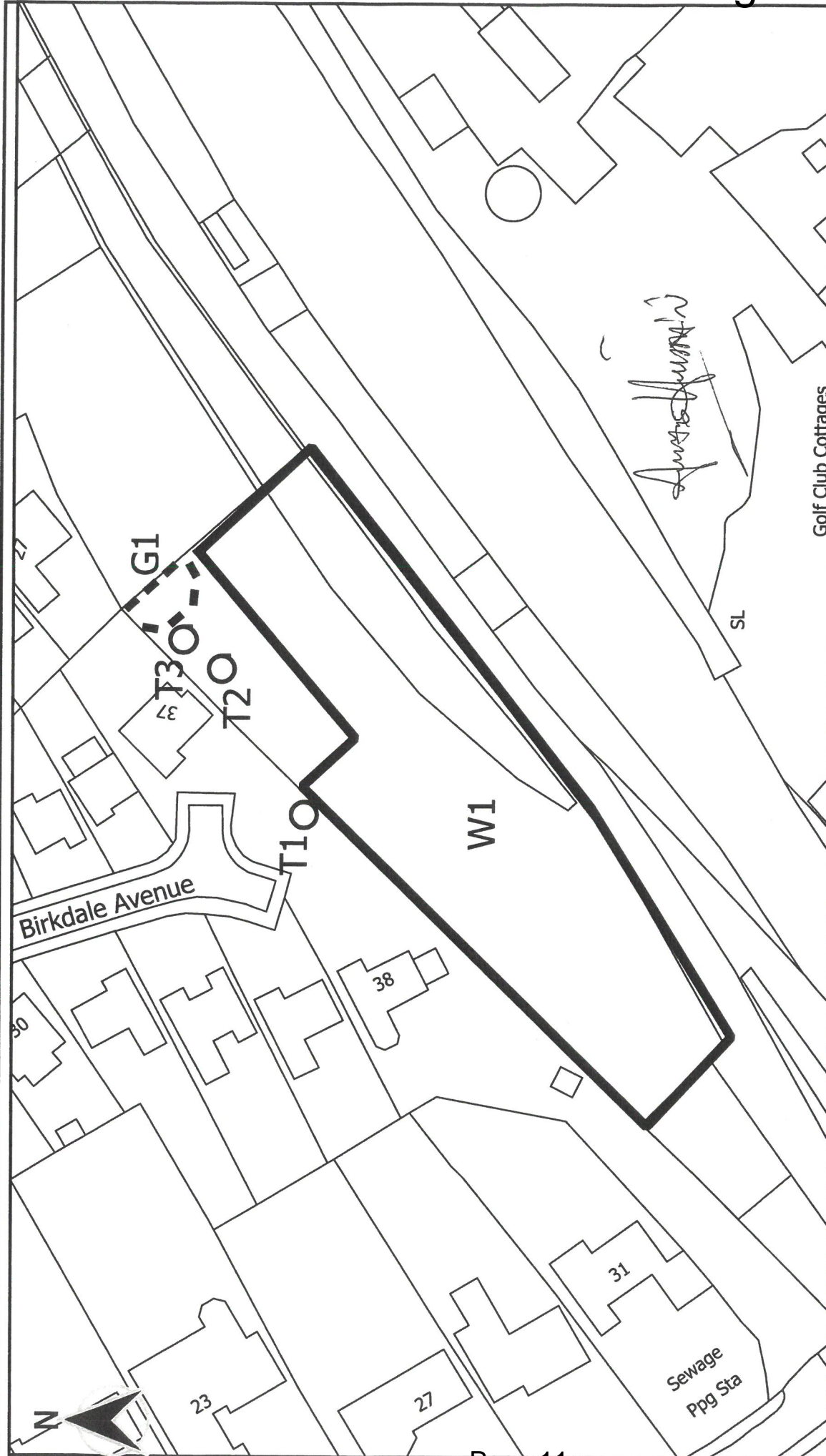
# Agenda Item 4


## Woodlands

(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
<b>W1</b>	<b>Mixed Species Ash, Sycamore, Silver Birch, Oak, Willow, Hawthorn</b>	<b>399308, 272063</b>	<b>Land side of 37-38 Birkdale Avenue</b>





 <b>Redditch Borough Council</b> making difference <a href="http://www.redditchbc.gov.uk">www.redditchbc.gov.uk</a>		<b>Bromsgrove District Council</b> <a href="http://www.bromsgrove.gov.uk">www.bromsgrove.gov.uk</a>	
		Bromsgrove District Council TPO (19) 2020 Land Off Birkdale Avenue, Blackwell Drawing No.: 1	Drawn: G.B. Scale: 1/800 @ A4 Date: 6/11/2020





## OBJECTION TO TREE PRESERVATION ORDER (19) 2020

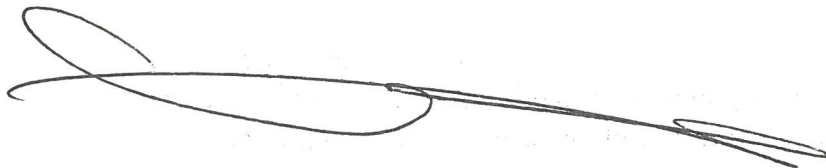
I provide the following background and protest at the unwarranted involvement of the local authority in a private business transaction:

1. This land was purchased in the early 90's since when it has been left completely undisturbed.
2. Recently I have been working on a plan to divide the land into parcels with the intention of selling them to the neighbours as a communal garden and garden extensions (as I did some years ago with an adjacent area).
3. The land is 'made ground', in the green belt, covered in trees with no access and with the only potential as gardens.
4. No. 37 and No. 38 would both benefit from garden extensions with the middle area of interest to other neighbours as a communal garden.
5. Negotiations with No. 37 were recently stalled as I was involved in an accident but are now suspended by No. 37 for their own personal reasons.
6. I understood that No. 38 were interested in a garden extension and that other neighbours were interested in the middle section.
7. I have been negotiating access rights over No. 37's front garden to enable the sale of the middle section of land to other neighbours.
8. The estate developer owns an access ransom strip but I reason they would not pursue neighbours going to a communal garden.

As such I object to the referenced TPO on the following grounds:

9. The TPO is unnecessary as the trees are not under threat.
10. The individual tree and group TPO are on an area of made ground which is unstable and not suited for such large trees in close proximity to the railway line.
11. The individual tree and group TPO are on an area which is unstable and in close proximity to houses which are put at risk of damage in the event the trees uproot.
12. I object to the woodland designation as it is an inappropriate designation for what is in effect garden land.

Bill Batchelor.



5/12/2020

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

Appendix 3

Evaluation by: Gain Hayes Date: 10/7/2020 Sheet No. 4 of 4

Address/Site Details:

Tree Ref	Species	DBH (mm)	Amenity Assessment				Sub	Trees must have accrued 7+ points (& no zeros) to qualify					TPO Y/N?	Notes
			a - Condition	b - Longevity	c - Visibility	d - other factors		Expediency	Score					
71	Silver Birch	400	3	4	4	11	1	2	15	Y				
72	Oak	400	3	5	4	12	1	2	16	Y				
73	Oak	*700	3	5	4	12	1	2	16	Y				
74	4x Silver Birch	300	3	4	3	10	4	2	16	Y				
75	Mixed Sp.		3	4	4	11	4	2	17	Y				

**Part 1: Amenity assessment**

**a) Condition**

- 5) Good (highly suitable)
- 3) Fair (suitable)
- 1) Poor (unlikely)
- 0) Unsafe
- 0) Dead

**b) Longevity**

- 5) 100+
- 4) 40 - 100
- 2) 20 - 40 (suitable)
- 1) 10 - 20 (just suitable)
- 0) <10 (unsuitable)

**c) Relative public visibility**

- 5) Very large trees, or large trees that are prominent features (Vlg=200sqm+)
- 4) Large trees, or medium trees clearly visible to the public (lge=100-200sqm)
- 3) Medium trees, or larger trees with limited view only (suitable, med=25-100sqm)
- 2) Small trees, or larger ones visible only with difficulty (unlikely, small = 5-25sqm)
- 1) Young/v.small or not publicly visible regardless of size (prob unsuitable, <5sqm)

**d) Other factors**

- 5) Principal components of arboricultural features, or veteran trees
- 4) Members of groups of trees that are important for their cohesion
- 3) Trees with significant historical or commemorative importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

**Part 2: Expediency assessment**

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

**Part 3: Decision guide**

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

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Mr Gavin Boyes  
Environmental Services,  
Bromsgrove District Council,  
Crossgate House Crossgate Road,  
Redditch,  
Worcestershire,  
B98 7SN

Dear Mr. Boyes

**Bromsgrove District Council**  
**Tree Preservation Order No.(19) 2020**

I am pleased to see that Bromsgrove District Council has placed TPO's on the trees at the head of Birkdale Drive, Blackwell.

For thirty years this area of ground has been relatively undisturbed. It contains mature trees, emerging trees, scrub, rotting trunks, unmown grass and other vegetation in variety. It is bordered by the railway which is regularly denuded of vegetation. Beyond the railway is heavily mown golf course which has a number of islands of trees. Beyond this is largely farm land regularly ploughed, releasing carbon. Insects and wild plants are excluded from the crops grown. The south, west and north sides are bordered largely by residential property with manicured gardens. The area containing the trees in question therefore provides a useful habitat for insects, birds and other wildlife. You will be aware that Oak trees are recognised as particularly valuable as host to a large number of species. The two mature oaks (perhaps sixty or seventy years old) lock up carbon and left alone will continue to do so for at least another sixty or seventy years.

There is a Tawny Owl nest box on one of the Sycamore Trees at the bottom of the cutting.

Thirty years ago Bryant Builders, followed by Severn Trent left the top surface of the ground upon which the trees now grow, devoid of most vegetation and covered 70cm deep in sand. I planted three of the Birch trees ringed, the fourth is a seedling.

Approximately one third of my garden is given over to trees and wild woodland plants as you will see if you would like to look at Google Earth.

I wish to lend my total support to the TPO and hope that it may become permanent.

You will be aware that Bryant Builders were prevented from developing the land, I understand because of its proximity to the railway and the vibrations and noise created by trains passing over the points adjacent and just below the area in question.

Yours faithfully,



Chris Kirkman  
27 Wentworth Drive.

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Appendix 5

Group G1

10/07/2020 12:44



Appendix 5





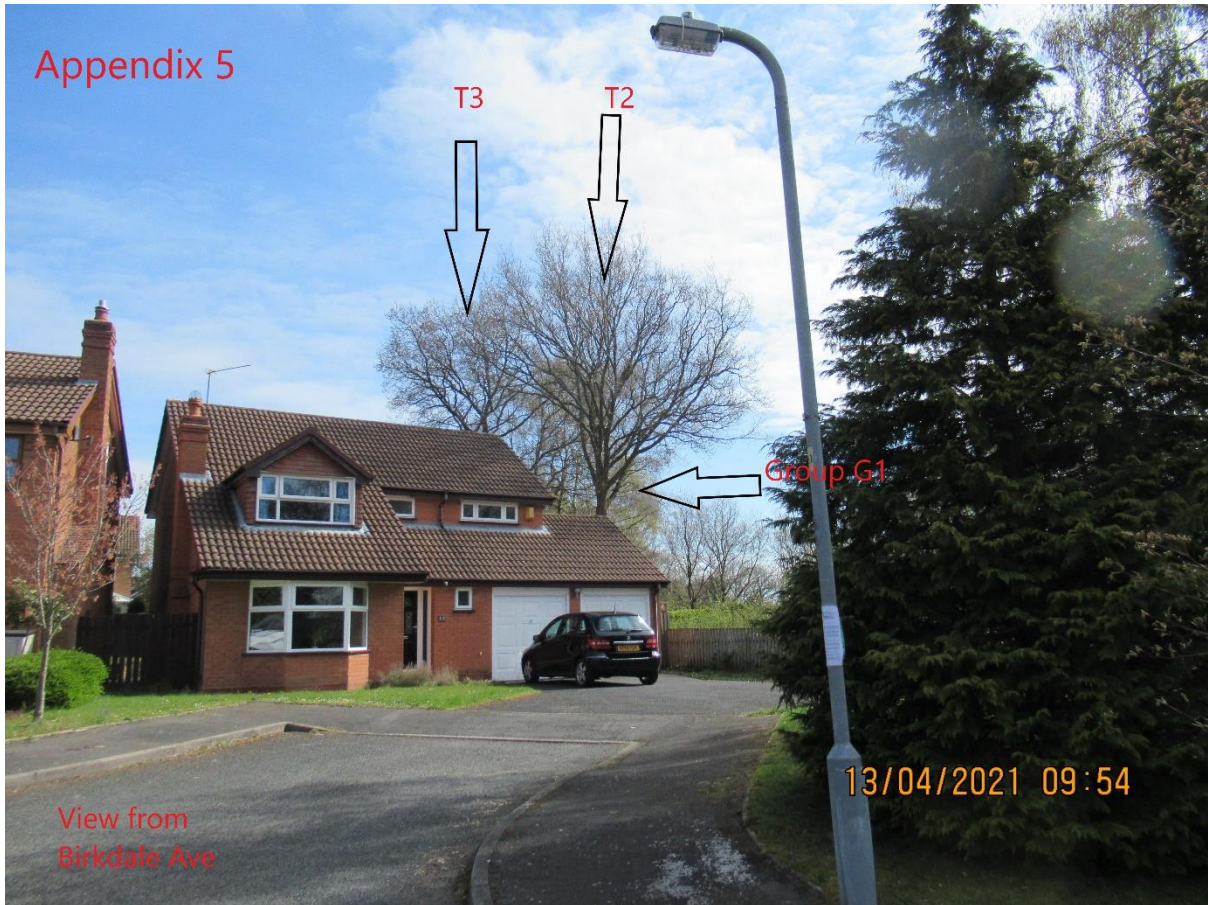
Appendix 5





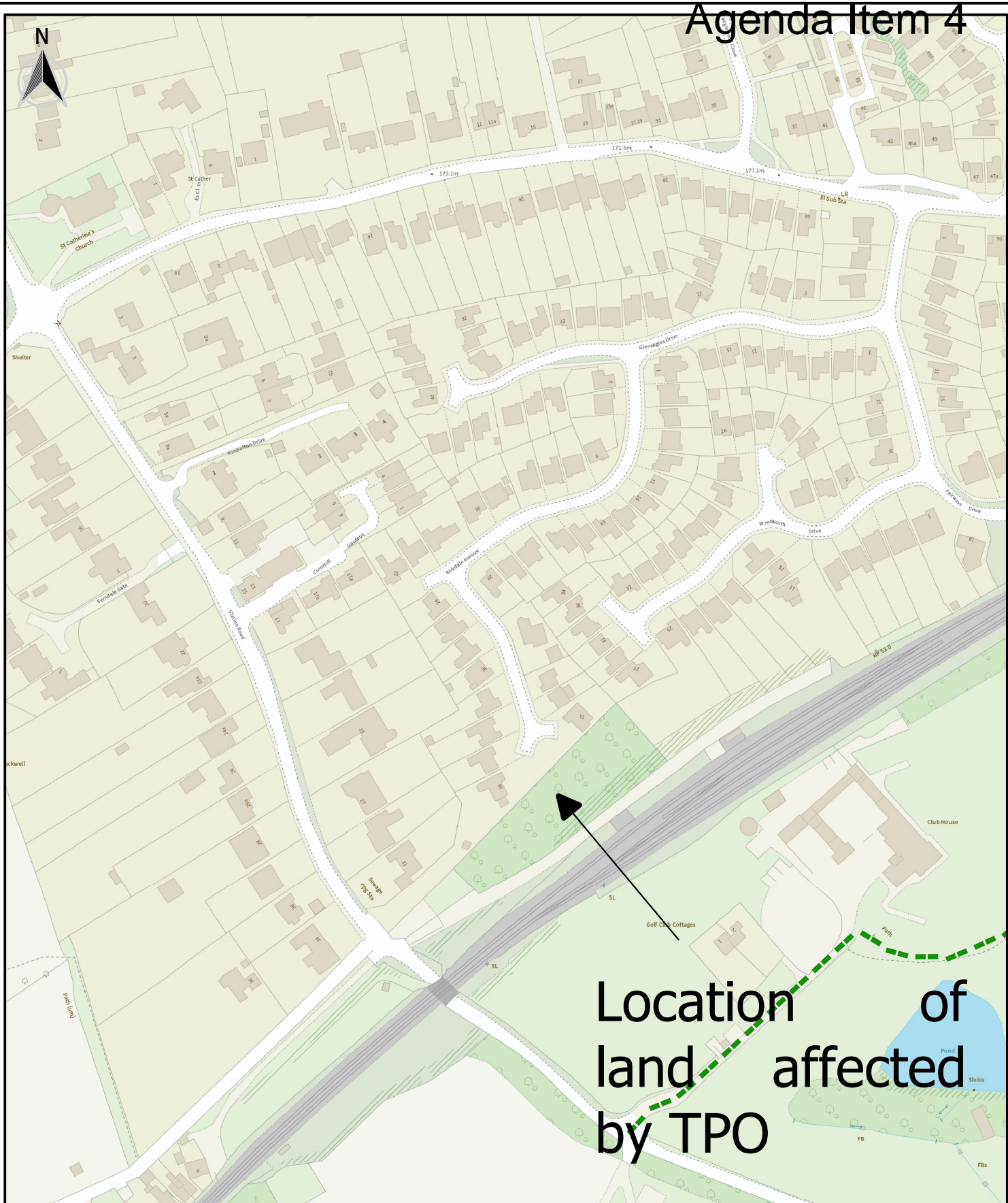






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Location of land affected by TPO



**Bromsgrove District Council**

[www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)



*making a difference*

[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

Project: Bromsgrove District TPO (19) 2020

Drawing: Land side of 37 -38 Birkdale Avenue

Drawing No.: 1 of 1

Drawn: Gavin Boyes - Arboricultural Team



Scale: 1:2500 @ A4

Date: Page 25 APPENDIX 6

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

@ Crown copyright and database rights 2020  
Ordnance Survey  
100023252

### Legend

-  NEW BDC/RBC Ownerships
-  County Adopted Highways

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
William & Jane and Roy & Susan Thorn and Hughes	Demolition of no's. 163 & 165 Birmingham Road and construction of eight detached dwellings.  163 - 165 Birmingham Road, land to the rear of 151 and 157 Birmingham Road and 73 All Saints Road, Bromsgrove		20/01565/FUL

**The floor area of the development exceeds 1000 square metres, and therefore, under the Council's Scheme of Delegation it is referred to the Planning Committee for determination.**

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

### **Consultations**

#### **Community Safety**

No objection

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

The application site is judged to potentially impact heritage assets of archaeological interest that would be lost or damaged by the development. No objection subject to conditions:

1. Programme of archaeological work
2. The development shall not be occupied until the site investigation and post investigation assessment has been completed

#### **Conservation Officer**

The principle of redeveloping this site has been established by the granting of planning permission 20/00483/FUL. As the additional houses are located to the south west of the original site and further away from the listed building, it is not considered that on their own they would further harm the setting of Bartlett House.

#### **Crime Risk Manager**

No objection or comments regarding the above application.

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

No objection subject to conditions relating to:

1. Surface water strategy condition
2. Permeable paving shall be maintained
3. Finished floor levels

## **WRS - Contaminated Land**

No objection, subject to unexpected contamination condition.

## **WRS - Noise**

No objection

## **Highways - Bromsgrove**

The Highways Authority has no objection subject to the conditions relating to;

1. Conformity with submitted details
2. Bound Material
3. Electric vehicle charging points
4. Existing access closure / reinstatement

## **Waste Management**

No objection

## **Arboricultural Officer**

I have no objection to the proposed development as shown on drawing 10F regard to any tree issues.

I request that further detail of the species and grade of planting to be used is submitted for the Councils consideration and agreement and that all trees planting pits include a watering tube system.

## **The Bromsgrove Society**

Object to the proposal for the following reasons:

1. The development will lead to the loss of back gardens and increased hard landscaping in an area prone to flooding
2. The proposal is back land development, contrary and the Councils High Quality Design SPD(2019) guide 4.1(b); 'Back land or rear garden development will be resisted in line with Policy BD19(n) unless it fully integrates into the residential area, is in keeping with the character and quality of the local environment'
3. The development will increase traffic onto one of the busiest roads in the town
4. The development will fail to satisfy the requirements of NPPF108, 109 & 110
5. The development will fail to satisfy the requirements of the Local Heritage Strategy

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy  
BDP7 Housing Mix and Density  
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

## **Publicity**

53 letters sent to surrounding properties on 18<sup>th</sup> February 2021 and expired 14<sup>th</sup> March 2021.

1 site notice was displayed on 18<sup>th</sup> February 2021 and expired 14<sup>th</sup> March 2021.

An advert was placed in the Bromsgrove Standard on 26<sup>th</sup> February 2021 and expired on 15<sup>th</sup> March 2021.

15 letters of objection have been received, which raise the following:

- Residential amenity
- Archaeological Impact
- Impact on listed Bartlett House
- Loss of historic buildings
- Impact on listed wall through building works
- Impact on services, in particular school places
- Noise
- Loss of security
- Drainage
- Loss of privacy/overlooking
- Loss of sunlight
- Garden/backland development
- Loss of a view/visual impact
- Highway safety in relation parking and access to Birmingham Road.
- Increase in traffic
- Loss of wildlife
- Loss of trees/Vegetation
- Disruption during the build/potential to effect air quality
- Cumulative impact of development with All Saints Garage (18/01123/FUL), Burcot Lane (19/01610/FUL) and the erection of 3 dwellings in the car park at Bartleat House (20/01486/FUL).

Other issues have been raised but these are not material planning considerations and have not been reported.

## **Relevant Planning History**

20/00483/FUL      Demolition of nos. 163 and 165      Approved      08.09.2020  
Birmingham Road and construction of  
five detached dwellings.

## **Assessment of Proposal**

### **Proposal**

There is an extant planning permission for 5 dwellings on part of the application site (20/00483/FUL). This was approved by members of the Planning Committee on 7th September 2020. This was on a site that comprised two residential dwellings fronting Birmingham Road (No. 163 and 165) and their rear garden curtilages.

The application site has been enlarged to include part of the rear curtilages of 151 and 157 Birmingham Road and 73 All Saints Road.

This application seeks planning permission to demolish the two existing dwellings and erect 8 detached dwellings. This would result in a net increase of 6 dwellings. Plots 1,2 and 8 would have five bedrooms. Plots 5-7 would each have three bedrooms and plots 3 and 4 would be 4 bedrooms.

The development would be served by a two access points onto Birmingham Road. Off street parking would be provided for each of the dwellings.

### **The Site and its Surroundings**

The site (0.34ha) is located between several residential dwellings fronting Birmingham Road, with dwellings within Oakland Grove and All Saints Road backing onto the site. Surrounding properties vary in scale, design, and age. To the north of the site set back from the road with parking in front is a large 3 storey office building. This is built in the Georgian style with brick and render. To the south are detached properties set back from the road that vary in age and style. The properties on Oakland Grove are semi-detached and are on smaller plots. The properties on All Saints Road are on larger plots with long narrow back gardens. On the opposite side of Birmingham Road are semidetached properties that are set back from Birmingham Road behind Spadesbourne Brook, a hedge and an access road, Burcot Avenue.

### **Housing Land Supply**

Paragraph 73 of the NPPF requires the Council to identify and update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition there must be an additional buffer of between 5% and 20%, depending on the particular circumstances of the LPA.

The Council has identified that (inclusive of the 5% buffer required by the NPPF) it can currently demonstrate a housing land supply of 3.18 years. Therefore, despite progress which has been made in identifying sites and granting planning permissions the Council still considers that it cannot demonstrate a five year housing land supply.



As such, the absence of a five year housing land supply triggers the paragraph 11 "tilted balance" of the NPPF which for decision-taking is the presumption in favour of sustainable development, where permission should be granted unless, and applicable to this case, "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Bromsgrove is identified as a Main Town under the BDP2 Settlement Hierarchy, BDP2.1 (a) new development is supported on previously developed land or buildings within existing settlement boundaries which are not in the designated Green Belt. The site includes residential gardens, which does not fall within the previously developed land definition.

The following report explains why the scheme is broadly compliant with the Development Plan.

## **Housing Mix**

Policy BDP7 states that to ensure mixed and varied communities are created development proposals need to focus on delivering 2 and 3 bedroom properties. The supporting text to the policy says that there is likely to be a sustained demand for family housing but notes that Bromsgrove has a high proportion of large 4 and 5 bedroom homes. To help redress the balance between large homes and the ageing population there needs to be a significant change in building patterns across the District to provide realistic alternatives for the increasing elderly population.

This proposal seeks to provide 3x 3bed, 2x 4bed, 3x 5bed properties. Whilst in policy terms this would be a negative factor, albeit minor, in the planning balance, given the small number of dwellings proposed and the continued demand for family homes, I consider that it would be unreasonable to refuse the application for this reason alone.

## **The effect of the proposal on nearby designated and non-designated heritage assets**

The application site comprises 163 (Albert Cottage) & 165 (Brook Cottage) Birmingham Road. These are two brick built detached dwellings which date from the mid-19th century and are located adjacent, thus in the setting of, the Grade II listed Bartleet House (List Entry Number: 1099538). 163 and 165 Birmingham Road, together with the former boundary wall to Bartleet House are non-designated heritage assets in their own right. Bromsgrove District Council does not currently have a definitive list of non-designated heritage assets, and non-designated heritage assets are not limited to those on an identified local list.

The proposed scheme must therefore be assessed regarding the impact on the 3 non-designated heritage assets and the setting of the Grade II listed Bartleet House, a designated heritage asset. Albert Cottage, 163 Birmingham Road is a two storey detached house of red brick in Flemish bond, under a hipped clay tile roof. The building dates to the mid-19th century. The building is of roughly square plan form with a symmetrical front elevation. The front elevation has been subject to several 20th century

alterations with the addition of two storey bay windows and the replacement of windows. The building, whilst not purpose built for, was occupied by Harry Holloway, Clerk to the Poor Law Guardians for the adjacent former workhouse, Bartleet House and therefore is of some historic interest. Whilst the building is of limited local historic interest, its integrity and its contribution to the townscape of the area has diminished over time and by alterations.

Brook Cottage, 165 Birmingham Road is a two storey detached house of red brick in a Flemish bond, under a hipped pantile roof. The building dates to the mid-19th century. The building was originally constructed in an L-shaped plan form with the rear projection later extended. The principal elevation is polite in architectural style with symmetrical detailing, over 3 bays. The building retains its original stone cills and headers, which featuring a classical inspired corbelled pediment. The central entrance door has a glazed fan light and arched brick detailing. The building's significance derives from the character and appearance of the building as a rare survival of a largely complete mid-19th century classically proportioned residence in this area of Bromsgrove which retains its architectural interest; and its positive contribution to the townscape of the area.

The boundary wall which runs along the northern boundary of 165 Birmingham Road and perpendicular to Birmingham Road is the former boundary wall to Bartleet House, the former workhouse, and is therefore of historic interest and is a rare surviving structure of the former workhouse. The wall is to be retained as existing, it is noted the concern raised by residents regarding the wall, it is considered that it can be suitably protected by a condition.

The principle of the demolition of the non-designated heritage assets has been established with the grant of planning permission under 20/00483/FUL. The new application does not alter the assessment and conclusions were made at that time. This is that following a balanced judgement exercise under para 197 of the NPPF the benefits of the proposed redevelopment (efficient use of land, contribution to the housing supply within the District, limited employment during the construction of the proposed scheme) outweighed adverse impacts. The proposal therefore contributes to public benefits which deliver economic, social or environmental progress as identified within the NPPF. Their proposed demolition is not considered to be unacceptable when a balanced judgement is made in accordance with paragraph 197 of the NPPF.

### **The Impact on the Setting of nearby Designated Heritage Asset**

In regard to the setting of the Grade II listed Bartleet House, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF defines the setting of a heritage asset as the surroundings in which the asset is experienced, pointing out that the extent of the setting may change as the asset and its surroundings evolve. Preservation in this context means not harming the interest in the building or setting.

The Conservation officer considers the townscape value of the two properties, with a greater extent to 165 Birmingham Road, positively contribute to the setting of the Grade II

Bartleet House and are the last surviving buildings of an age contemporary to Bartleet House within its immediate setting. However, as the additional houses are located to the south west of the original site and further away from the listed building, it is not considered that on their own they would further harm the setting of Bartlett House.

The proposal would result in less than substantial harm to a designated heritage asset and therefore, in accordance with paragraph 196 of the NPPF, this harm should be weighed against the public benefits of the proposal. This attracts considerable weight and importance in the planning balance. In assessing the public benefits of the proposal, it is noted that the proposed scheme makes efficient use of land and contributes to the housing supply within the District, for which there is a recognised shortfall. The proposal would also give rise to limited employment during the construction of the proposed scheme. The proposal therefore contributes to public benefits which deliver economic, social or environmental progress as identified within the NPPF and these public benefits are considered to outweigh the less than substantial harm arising from the proposal. The proposal results in less than substantial harm to the significant of a designated heritage asset, which carries significant weight against the proposal in the planning balance. However, in my view this harm is balanced by the social and economic benefits (through the provision of new housing and employment opportunities during construction) of the scheme. Therefore, it is concluded that the identified less than substantial harm is outweighed by the public benefits of the proposal.

### **The effect of the proposal on the character and appearance of the area**

BDP19 (n) seeks to resist the development of garden land unless it fully integrates into the residential area and is in keeping with the character and quality of the local environment. The Council's High Quality Design SPD provides design guidance to assist with interpreting these policies.

The site will be accessed off Birmingham Road via 2no. new vehicular access points. The site fronts onto Birmingham Road with a run of dwellings running to the south and several commercial buildings to the north. To the opposite side of Birmingham Road is Spadesbourne Brooke. There is a cul-de-sac development accessed to the north of the site, Oakland Grove that sits between 165 Birmingham Road & Bartleet House. The proposal would be adjacent to Oakland Grove and near to further back land development in the form of the garage redevelopments at Somerville and Hollyfields located off All Saints Road. Therefore, it is considered that the proposed development of this back land site would not appear out-of-character with the area.

The development of the site would result in the loss of planting and trees. However, this character is localised and is only really appreciated from within the application site and neighbouring gardens. A detailed tree survey by Indigo Surveys indicates the trees to be retained as part of this development. While some trees and landscaping will be lost, it is considered that that any harm as a result of the loss of the existing planting and trees would not be so severe that it would significantly harm the character and appearance of the area. The Tree Officer has raised no objection to the scheme subject to conditions. Tree matters are also considered in more detail later in this report.

The properties take design cues from the wider locality. Facing materials will reflect areas of the local character comprising of red brickwork facades, twinned with feature bay

windows with tile hanging and chimneys. The properties fronting Birmingham Road will be taller to reflect the character of the existing dwellings, continuing the stepped building heights from Bartleet House to 157 Birmingham Road. The properties will also incorporate feature stone cills to windows and feature brick headers to the windows. The roofs will comprise of brown clay roof tiles with black PVCU fascias and soffits to the eaves and verges. The proposed dwellings fronting Birmingham Road will have oversized taller windows to reflect the sash windows to Bartleet House and the existing dwellings 163 and 165 Birmingham Road, that the scheme looks to replace. The external design respects the local character and would contribute to the varied dwelling types already found in the area. The development plots (3,4) have sought to mirror the plots in the adjoining cul-de-sac, it is considered that the properties would not appear overly dominant or unreasonably squeezed in, in this setting.

The Design SPD recommends a minimum garden depth of 10.5m for a two-storey dwelling with an absolute minimum area of 70 sq m. The rear gardens of each property would comfortably exceed the Council's minimum requirements, allowing for satisfactory living conditions. The plots would maintain a more than adequate degree of spaciousness to allow a satisfactory degree of amenity and privacy levels for occupiers and neighbours from both within and outside of the site.

The density of the proposal, at 23.5 dwellings per hectare (dph), is entirely lower than the adjacent Oaklands Grove development which has a higher density of 44.3 dph. The site would involve the development of garden land. However, Policy BDP19 (n) allows such development providing it fully integrates into the residential area and is in keeping with the character and appearance of the local environment. Therefore the proposed development would not significantly harm the character and appearance of the area. As such, it would accord with Policies BDP1, BDP7 and BDP19 of the BDP, which, amongst other things, seek to ensure that development respects visual amenity and maintains character and local distinctiveness and is of a high quality design in line with the High Quality Design SPD.

### **The effect of the proposal on the living conditions of the occupiers of neighbouring properties and future occupiers**

Policy BDP 1.4 (e) requires developments to be compatible with adjoining uses and the impact on residential amenity. The High Quality Design SPD assists with interpreting this policy. Concerns have been expressed relating to additional noise disturbances close to neighbouring garden boundaries.

The proposed dwellings would be surrounded by existing dwellings. Gardens and the access road would run along an existing garden. Vehicular movements within the site would be closest to the side of number 157 Birmingham Road, but it is noted that this property will lose part of its rear garden to facilitate the site proposal compared to the previous approval. Allocated parking and turning areas within the site would be surrounded by boundary fences, trees and planting, which would minimise noise disturbance. In addition, whilst the properties would be within proximity of each other, there would be sufficient distance between them to ensure that any activities taking place within them would have no increased harmful effect than one would normally expect when living in a built-up residential area. Moreover, the existing site is comprised of domestic gardens. Therefore, they could be used for various domestic activities that

would not be materially different to the proposed development. I appreciate the concerns regarding noise and disturbance, and I accept that the introduction of new dwellings onto the site would inevitably lead to an increase in noise. However, the issue is not whether there would be an increase in noise and light but whether this increase would have a significantly harmful effect on the living conditions of the neighbouring residents. Based upon comments from WRS Noise, the increase in noise would not result in a significantly harmful effect. The site is bound on three sides by residential developments.

The site abuts 1,9,11, 11a, 15 Oakland Grove, 151 and 157 Birmingham Road and 71, 73, 75,77, 79 and 81 All Saints Road. The agent has provided a compliance plan, which indicates numerous separation distances between the existing and proposed properties. On the basis of the High Quality Design SPD, these distances are considered acceptable.

It is noted that Plot 3 is in proximity (2.5m) to 1 Oakland Grove as well as 7,9,11 and 11a. The position of plot 3 and its design, with a large projecting rear ground floor element, is not considered to cause significant overshadowing or overbearance. Its 1st floor rear windows do not directly face other windows and are sufficient distance away to not overlook other properties' garden areas and maintain reasonable levels of residential amenity. Overall, with regards to privacy, there would be sufficient distance between the windows in the proposed dwellings and the existing properties to ensure that any overlooking would not have a significantly harmful effect on the living conditions of the neighbouring occupants.

The residents of Hollyfields and Somerville have also objected, in particular to the dwelling proposed in plot 8. The proposed dwelling side elevation does not directly face either of these dwellings windows and is 12.6m to these properties' gardens and less than 19m from the properties. This is considered acceptable and will not have a harmful effect on the living conditions to these neighbours.

Concerns have been raised that the development will result in an increase of crime. However, there is no evidence that this would likely result in an increase in crime. It is also worthwhile noting that additional dwellings can provide increased natural surveillance and thus reduce the risk of crime. WRS Noise have no objection but recognise that there may be some short term disruption to neighbours during the construction/demolition phase, as such they direct the applicant to the WRS Contractor guide. This will protect existing and new occupiers of residential areas from the unreasonable effects of noise, vibration, light, and dust nuisance during any construction period.

In summary, the overall resulting separation distances, garden depths and design would ensure amenity and privacy levels would not be harmed between properties and there would be no harm to neighbour amenity by way of overshadowing, overlooking or overbearing impacts. Subject to the imposition of relevant conditions relating to obscure glazing, landscaping and boundary treatment, the proposal is considered to accord with Policies BDP1 and BDP19 of the BDP and the High Quality Design SPD.

### **Highways and Parking**

Policy BDP16 requires that development should comply with Worcestershire County Council's Transport policies, design guide and car parking standards as well as a series of more specific development requirements.

A Transport Technical Note has been submitted as part of the application. The Highways Officer has provided comments in relation to the proposal and notes that the site is in a sustainable location, within walking distance of amenities and bus stops. The applicant has indicated 2.4m x 43m vehicular visibility splays which is acceptable since a footpath fronting the site is more than 2.5m width and visibility is not impeded in either direction. With regards to parking provision, three car parking spaces have been indicated on the site plan for the 4 and 5 bed properties and two car parking spaces for the 3 bed properties which would meet the standards set out in Worcestershire County Council's Streetscape Design Guide. Several properties also have a garage proposed for extra parking/storage. Based upon this, it is not considered that the development will impact on site street parking within Oakland Grove.

In view of the above the Highways Officer raises no objections to the proposal subject to conditions.

Given the above, and with the application of the recommended conditions, the scheme is compliant with Policy BDP16 of the Bromsgrove District Plan.

## **Drainage**

The site falls within flood zone 1 (low risk of fluvial flooding) but does lie adjacent to an area covered by flood zones 2 & 3 (high risk of fluvial flooding associated with the Spadesbourne Brook). North Worcestershire Water Management (NWWM) note that they hold no reports of flooding on the site itself, but NWWM records do indicate instances of flooding in the local vicinity, associated with both the Spadesbourne Brook and surface water runoff. This suggests that plots 1 & 2 may be at risk of flooding, however the proposed measures to raise the finished floor levels 600mm above this are acceptable.

NWWM have no objections to the proposals, however, before any work commences a full drainage investigation report should be produced to assess the viability of the site for infiltration drainage as well as other conditions.

## **Trees and Landscaping**

Following initial comments from the Tree officer, further detailed landscaping plans have been submitted. It is considered that the attached details of the planted scheme and proposal for the tree pit watering systems are acceptable and will ensure a suitable level of longer-term sustainability. The planting scheme will create a suitable level of structure with the proposed size of the stock to be provided and interest throughout the year.

The Tree Officer has no objection to the proposal subject to a condition securing the proposed landscaping.

## **Ecology**

The applicant has undertaken surveys to ascertain the presence of protected species on the site. The Ecological Assessment Report confirms the presence of brown long eared bat (by AMPA Associates Limited) within the roof void of 163 Birmingham Road. Roost

features for crevice dwelling bat species are also confirmed within 163 Birmingham Road. No other significant habitats or potential for protected species relating to the Site are identified within the Ecological Assessment Report. Ecology issues remain largely unchanged from the previous approval and in that instance sufficient ecological information had been submitted, including addressing third party concerns, to enable determination of the application in line with the law and planning guidance, subject to conditions. The proposal is therefore compliant with Policy BDP21 of the Bromsgrove District Plan.

## **Contamination**

WRS have reviewed records and documents associated with the above application, the site is adjacent to a site with a contaminated land history and as such an unexpected contamination condition is recommended.

## **The Planning Balance**

Paragraph 8 of the NPPF defines sustainable development as having three dimensions: economic, social and environmental. In this case, given the 5 year housing supply shortfall, the presumption in favour of sustainable development for decision taking means, the 'tilted balance' under paragraph 11 d) ii) applies. This does not change the statutory status of the Local Plan as the starting point for decision making.

In view of the above assessment, it is considered that the proposal is District Plan compliant apart from the housing mix policy, and reason is given above as to why the application should not be refused on this ground alone. Furthermore, application of the 'tilted balance' means applying a presumption in favour of sustainable development and granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole. In terms of economic benefits, the proposal would make a contribution, 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 and from occupants supporting local shops and services. The proposal would also fulfil the environmental and social dimensions of sustainable development, because the site is in a sustainable location, therefore reducing the requirement to travel by private vehicle and would contribute to supporting a sustainable community.

In conclusion, the adverse impacts of this proposal, as discussed above and raised by third parties, would not significantly and demonstrably outweigh the benefits.

**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:

120\_01A\_LOCATION PLAN  
120\_10F\_PROPOSED SITE PLAN  
120\_20C\_PLOT 1  
120\_21A\_PLOT 2  
120\_22B\_PLOT 3  
120\_23B\_PLOT 4  
120\_24A\_PLOT 5+6  
120\_25B\_PLOT 7  
120\_29\_PLOT 8  
120\_28\_PLOT 1+2+8 GARAGE  
Landscape Plan – M20 1425/L01B- BIRMINGHAM RD BROMSGROVE FFC LAYOUT  
Planting Proposals – M20 1425/L02- BIRMINGHAM RD BROMSGROVE FFC LAYOUT  
Access Plan - SK01

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

- 3) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

- 4) The landscaping scheme detailed on Landscape Plan – M20 1425/L01B and Planting Proposals – M20 1425/L02 - shall be carried out in the first planting and seeding season following the first occupation of any dwelling or the completion of the development, whichever is the sooner.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area.

- 5) Any trees or plants which within a period of 5 years from the completion of the development or completion of the landscaping scheme pursuant to condition 4 (whichever is later) die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written



consent to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Reason: To ensure the environment of the development is improved and enhanced.

- 6) All trees and hedges that are to be retained should be afforded protection in accordance with BS5837:2012 recommendations and as defined within the Indigo Surveys Ltd BS5837:2012 Tree Survey, Arboricultural Impact Assessment and Method Statement provide with the application throughout any demolition, ground or development work on the site.

Reason: To ensure the environment of the development is improved and enhanced.

- 7) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- a) The programme and methodology of site investigation and recording.
  - b) The programme for post investigation assessment.
  - c) Provision to be made for analysis of the site investigation and recording.
  - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - e) Provision to be made for archive deposition of the analysis and records of the site investigation
  - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework.

- 8) No works or development shall take place until a scheme for a surface water drainage strategy for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of surface water drainage measures, including for hard-standing areas, and shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS). The scheme should include run off treatment proposals for surface water drainage. Where the scheme includes communal surface water drainage assets proposals for dealing with the future maintenance of these assets should be included. The scheme should include proposals for informing future home owners or occupiers of the arrangements for maintenance of communal surface water drainage assets. The

approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

Reason: The agreement of a scheme of surface water disposal prior to the commencement of development is fundamental to safeguard against pollution and flooding.

- 9) The permeable paving areas shall be maintained to facilitate the optimal functionality and performance of the surface water drainage scheme. Permeable surfaces shall not be replaced by impermeable surfaces without prior written approval from the Local Planning Authority.

Reason: To safeguard against flooding.

- 10) Finished floor levels within the development shall be set no lower than 600 mm above the modelled 1 in 100 annual probability flood level, including an allowance for climate change.

Reason: To safeguard against flooding.

- 11) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme commencing.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 12) The development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

Reason: In the interests of highway safety.

- 13) The development hereby permitted shall not be first occupied until the each of the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN

61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To encourage sustainable travel and healthy communities.

- 14) The development hereby approved shall not be occupied until the existing vehicular accesses is permanently closed / reinstated (as required) in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 15) All proposed works shall be carried out in accordance with the recommendations as set out in the Ecological Assessment Report and the Further Ecological Information by AMPA Associates Limited.

Reason: To ensure that the proposal results in a net gain of biodiversity.

- 16) No development shall take place until a survey report and a method statement setting out how the existing boundary walls are to be protected, maintained, repaired, and stabilised during and after demolition and construction works, and including details of any temporary support and structural strengthening or underpinning works, shall have been submitted to and approved in writing by the Local Planning Authority. The demolition and construction works shall be carried out and completed fully in accordance with the approved method statement.

Reason: To ensure a satisfactory appearance to the development.

**Case Officer:** Mr Paul Lester Tel: 01527 881323  
Email: paul.lester@bromsgroveandredditch.gov.uk

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# 20/01565/FUL

163 - 165 Birmingham Road, land to the rear of  
151 and 157 Birmingham Road and 73 All Saints  
Road, Bromsgrove

Demolition of nos. 163 and 165 Birmingham  
Road and construction of eight detached  
dwellings.

Recommendation: Grant subject to conditions



# Site Location Plan



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# Satellite View







# Photographs



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163 Birmingham  
Road



165 Birmingham  
Road

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# Photographs

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163 & 165  
Birmingham  
Road



Rear of 163 &  
165 Birmingham  
Road

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# Photographs



Rear Garden of 163  
Birmingham Road  
and view towards 1,  
3, 5, 7 & 9 Oakland  
Grove



Rear of 163  
Birmingham Road  
and view towards  
9, 11, 11a and 15  
Oakland Grove

# Photographs



157, 163 and 165  
Birmingham Road



Bartleet House



# Proposed Site Layout



# Plot 1



Proposed Front Elevation  
Scale 1:50

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Proposed Side Elevation  
Scale 1:100



Proposed Side Elevation  
Scale 1:100



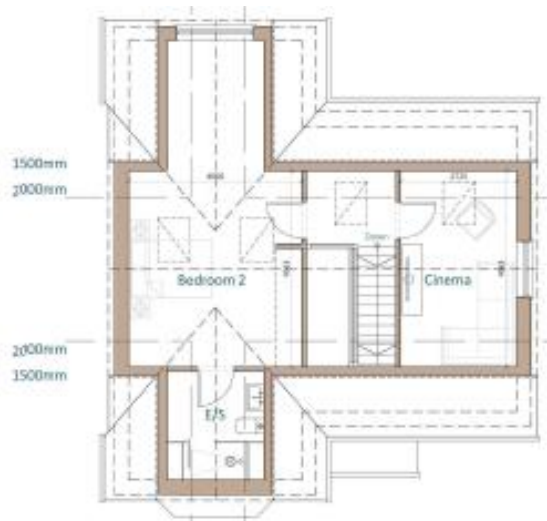
Proposed Rear Elevation  
Scale 1:100



Proposed Ground Floor Plan  
Scale 1:50



Proposed First Floor Plan  
Scale 1:50



Proposed Second Floor Plan  
Scale 1:50

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# Plot 2

Scale 1:50



Proposed Front Elevation  
Scale 1:50

Scale 1:50



Proposed Side Elevation  
Scale 1:100

Scale 1:50



Proposed Side Elevation  
Scale 1:100



Proposed Rear Elevation  
Scale 1:100

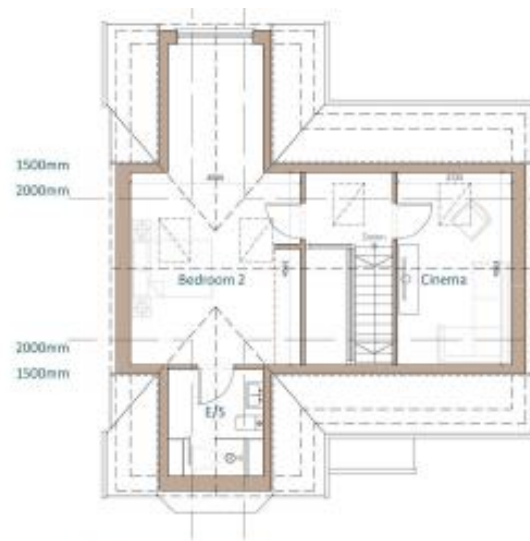
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Proposed Ground Floor Plan  
Scale 1:50



Proposed First Floor Plan  
Scale 1:50



Proposed Second Floor Plan  
Scale 1:50

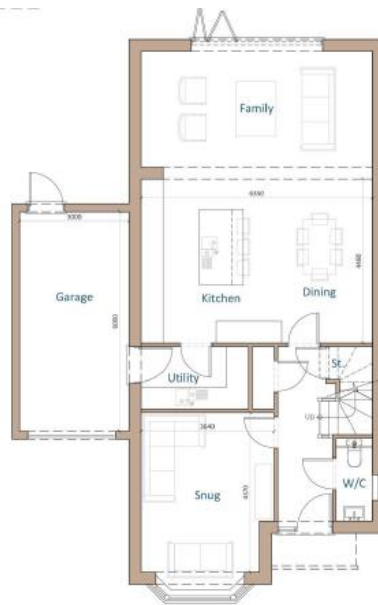
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# Plot 3



Proposed Front Elevation  
Scale 1:50



Proposed Ground Floor Plan  
Scale 1:50



Proposed First Floor Plan  
Scale 1:50



Proposed Side Elevation  
Scale 1:100



Proposed Side Elevation  
Scale 1:100



Proposed Rear Elevation  
Scale 1:100

# Plot 4

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Proposed Front Elevation  
Scale 1:50



Proposed Ground Floor Plan  
Scale 1:50



Proposed First Floor Plan  
Scale 1:50



Proposed Side Elevation  
Scale 1:100



Proposed Side Elevation  
Scale 1:100



Proposed Rear Elevation  
Scale 1:100

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# Plot 5 & 6

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Proposed Front Elevation  
Scale 2:50



Proposed Ground Floor Plan  
Scale 1:50



Proposed First Floor Plan  
Scale 1:50



Proposed Side Elevation  
Scale 1:100



Proposed Side Elevation  
Scale 1:100



Proposed Rear Elevation  
Scale 2:100

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# Plot 7

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Proposed Ground Floor Plan  
Scale 1:50



Proposed First Floor Plan  
Scale 1:50



Proposed Side Elevation  
Scale 1:100



Proposed Side Elevation  
Scale 1:100



Proposed Rear Elevation  
Scale 2:100

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# Plot 8



Proposed Front Elevation  
Scale 1:50

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Proposed Side Elevation  
Scale 1:200



Proposed Side Elevation  
Scale 1:100



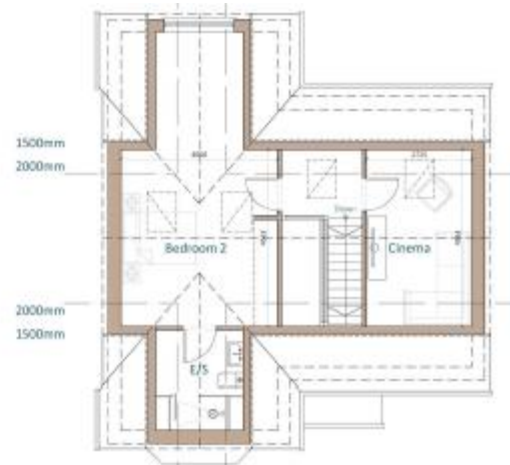
Proposed Rear Elevation  
Scale 1:100



Proposed Ground Floor Plan  
Scale 1:50



Proposed First Floor Plan  
Scale 1:50



Proposed Second Floor Plan  
Scale 1:50

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# Plots 1,2 & 8 Garages



Proposed Front Elevation  
Scale 1:50



Proposed Side Elevation  
Scale 1:100



Proposed Rear Elevation  
Scale 1:100



Proposed Side Elevation  
Scale 1:100



Proposed Front Elevation  
Scale 1:50



Proposed Side Elevation  
Scale 1:100



Proposed Side Elevation  
Scale 1:100



Proposed Rear Elevation  
Scale 1:100

# Landscaping Plan

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drawing title landscape proposals  
Residential development at

# Compliance Plan



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# Compliance Plan



# Illustrative View





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# Agenda Item 6

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Bob Hasnain	Variation of planning conditions 2 (approved plans), 3 (materials) and 4 (joinery) attached to planning permission 18/01593/FUL to allow adjustments to the approved dwelling design including the addition of a chimney and front elevation changes and landscaping.  11 Cherry Hill Avenue, Barnt Green, Birmingham, Worcestershire, B45 8LA		20/01635/FUL

**This application was requested by Councillor Hotham to be considered by Planning Committee rather than being determined under delegated powers.**

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

## Consultations

### **Barnt Green Parish Council**

No objection.

### **Conservation Officer**

There are no conservation objections. Although it is noted that Condition 4 required that 'Prior to the insertion or works commencing on windows and doors details of all new joinery at a scale of 1:5 together with details of proposed finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.' The applicant is therefore still required to provide these window joinery details before this condition can be discharged.

### **Highways - Bromsgrove**

No objection, the plans provided confirm the parking and visibility approved is not affected by the above proposals - no highway implications.

### **Arboricultural Officer**

It is my preference that this landscaping area is included within the scheme and that it contains at least one suitable grade and species of tree.

The garden area to the rear of the property appears to be largely grass with one retained tree. This area is fairly small and therefore limits the potential planting options especially for trees. However, as the removal of a number of unsuitable sized Leylandii trees from the rear boundary of the site was required to achieve the garden space, I request that consideration is given to including some suitable species replacement planting on this boundary within the scheme.

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles  
BDP2 Settlement Hierarchy  
BDP 7 Housing Mix and Density  
BDP19 High Quality Design  
BDP20 Managing the Historic Environment  
BDP21 Natural Environment

### **Others**

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

### **Publicity**

A total of 19 neighbour notification letters were sent on 18.01.21 expired 11.02.21  
A further 19 notifications were sent out as part of a reconsultation on 05.03.21 expired 29.03.21

A site notice was displayed on 22nd January 2021 and expired 15th February 2021.

A press notice was published on 29th January 2021 and expired 15th February 2021.

### **Representations**

A total of 21 objections have been received and summarised as below:

- Detrimental impact on character and appearance of the area including the streetscene
- Overdevelopment of the plot/ Housing density is too high
- Increase in height is detrimental and will facilitate conversion to 3 storey property
- Footprint, volume of the dwelling is too large
- Loss of amenity and overlooking/separation distances inadequate
- Loss of privacy
- Overshadowing
- Potential to convert roof to increase the number of bedrooms

Other non-material planning considerations have also been raised; these do not form part of the assessment of the proposal.

### **Councillor Hotham**

The application should be called in before the committee on the basis that this was a committee decision and thus any significant amendment should be with their approval.

## Relevant Planning History

TPO20/194	Removal of 6nr Leylandii trees (H1) Become unmanageable. Redundant as screen due to reduced approved reduced site levels. Removal of Larch (T5) Tree roots have engulfed drainage system unable to repair drain due to proximity of tree roots without damage to roots.	Approved	21.10.2020
18/01593/FUL	Demolition of existing house and garage and construction of new dwelling.	Approved	07.11.2019
18/00652/FUL	Demolition of existing house and garage and construction of new dwelling. Re-submission of planning ref 17/01199/FUL	Refused	19.07.2018
17/01199/FUL	Demolition of existing house and garage with the construction of new dwelling	Withdrawn	26.03.2018

## Assessment of Proposal

### **Application and Description of the Site**

Application ref. 18/01593/FUL was considered at planning committee on 4<sup>th</sup> November 2019 for the demolition of the existing bungalow and detached garage and the erection of a two storey 4-bedroom dwelling. The application was approved on 7<sup>th</sup> November 2019.

The existing house has been demolished and the works have started on the new home. The site is a large plot along Cherry Hill Avenue. The properties in the area are predominately two storeys and consist of a mixture in terms of their age and design. The site is within the Barnt Green Conservation Area.

When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. New issues may arise after planning permission has been granted, which require modification of the approved proposals, and under section 73 of the Town and Country Planning Act 1990 an application can be made to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

Any planning permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. A new permission would sit alongside the original permission, which remains intact and unamended. Any new permission should set out all the conditions

imposed and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect.

Condition 2 of 18/01593/FUL agreed drawings / plans by which the development would be implemented and condition 3 (materials) and 4 (joinery).

The application proposes the following changes to the approved scheme, a chimney, an increase in the ridge height of the property with the main ridge height being limited to no higher than the forward ridge of 15 Cherry Hill Avenue, 1 window on the rear ground floor elevation changing from a patio to standard window, 1 flat roof dormer to the rear has been removed and adjusting the front dormers so they are now the same height. These changes are proposed as well as providing information regarding materials and front door joinery details.

## **Appraisal**

The key issues to be determined in this case are:

- Principle of development;
- Character and appearance;
- Impact upon the Conservation Area;
- The effect of the proposal on the living conditions of the occupiers of neighbouring properties;
- Removal of Permitted Development Rights

## **Principle of Development**

The principle of the demolition of the existing house on the site and the replacement with a new house has previously been approved and is an extant permission (18/01593/FUL). Furthermore, the previous permission which granted the replacement house, has already been implemented and works are ongoing.

Therefore, the principle of development has already been deemed acceptable. This application deals only with the changes being sought, which is an increase in the ridge height of the approved house from 8.53 metres to 8.58 metres, which is an increase in ridge height by 50mm (it is noted that the height of the approved house from the Finished Floor Level datum point is 8.3m in height), as well as confirming the materials and providing joinery details in relation to the proposed front door.

## **Character and Appearance**

The Cherry Hill Avenue area is characterised by individually designed dwellings insubstantial plots therefore there is no one set design criteria to be adhered to and there is an eclectic mix of dwelling types, sizes and heights.

In terms of design, it is considered that the elevation fronting onto Cherry Hill Avenue is appropriate in terms of design and scale. The dwelling still has a two storey appearance on the front elevation, which due to the design features and the retention of the dormer over the single garage not only breaks up the overall bulk of the development but creates a good level of visual interest to the building. Furthermore, the use of brick on the ground



level and render on the first floor further adds to the visual interest of the building. There is no objection to the inclusion of the chimney to the side elevation.

The siting, scale and design of the proposed dwelling is still considered to be acceptable. It is not considered the proposal would appear visually intrusive, but positively integrates with the development along Cherry Hill Avenue and the surrounding area. Nor would it represent a cramped form of development resulting in an over development of the site.

The increase in ridge height will have little discernible effect on the wider character and appearance of the area due to the wide-ranging built form in and around Cherry Hill Avenue. With the ridge height being no higher than front wing roof of 15 Cherry Hill Avenue and lower than overall height of this property. The materials and joinery details regarding the front door are considered acceptable.

## **Impact upon Conservation Area**

As this proposal is situated within the Barnt Green Conservation Area, the development must be considered against paragraph 193 of the NPPF and Policy BDP20 of the Bromsgrove District Plan in terms of its impact on the significance of designated heritage assets.

It was considered that the approved scheme would have a neutral impact on the character and appearance of the Conservation Area as required by the 1990 Act and Policy BDP20 the Bromsgrove District Plan.

As part of this application the conservation officer has reviewed the revised scheme and has no conservation objections.

## **The effect of the proposal on the living conditions of the occupiers of neighbouring properties**

Policy BDP 1.4 (e) requires developments to be compatible with adjoining uses and the impact on residential amenity. The High Quality Design SPD assists with interpreting this policy. The relationship between the dwelling as proposed and existing dwellings has been examined.

The comments are noted with regards to loss of privacy, overshadowing & loss of light. However, the principle of the new house has already been agreed, this was considered acceptable and is extant and in progress.

The footprint of the built form, albeit the increase in ridge height, will be like that as the approved house under 18/01593/FUL.

The proposed increase in ridge height will not have a detrimental impact on the occupiers of the neighbouring properties through increased visual intrusion, loss of light and increased loss of privacy and overlooking due to the highest part of the roof being set further into the plot.

## **Removal of Permitted Development Rights**

Several objectors have raised concerns that the roof of the replacement dwelling (and the proposed increase in height) could be converted to increase the number of bedrooms/rooms for the property. This application does not propose any rear dormers in the roof nor any roof lights.

As part of the consideration of the original application it was noted in the committee report that as the site is within a conservation area, roof extensions under Class B (additions to the roof such as the installation of dormer windows) are not permitted development and will require an application for planning permission.

In relation to Class C (other alterations to the roof, for example the installation of roof lights/windows), following discussions by members that further development could cause a detriment to the amenity of nearby occupiers, a condition removing Class C permitted was included as part of the planning approval.

This planning application does not alter this set of circumstances and a condition removing Class C permitted development rights has been retained.

## **Other Matters**

In relation to the retaining wall conditions that were included in the original permission, the under intention was to construct the retaining wall along the boundary line. Following consultation with the applicant's structural engineer, this construction was not seen as possible. Details have been provided retaining the structures (a reinforced retaining wall) that have been erected. This provides both the retaining structure and external wall to the garage. The agent has confirmed that these been designed by a structural engineer. The wall is constructed with steel reinforcing within the core and masonry units inside & out. the design has been checked by the building control inspectorate and they are satisfied with the design. On this basis it is considered that those conditions previously applied are no longer required.

The Highways Authority has raised no objection to the proposal. The Tree officer has made comments regarding a detailed landscaping plan, this is still appropriate to condition this element.

## **Conclusion**

The proposed changes are considered to comply with Bromsgrove District Plan Policies BDP1, BDP7, BDP19, BDP20, the Bromsgrove High Quality Design SPD and the provisions of the NPPF. Therefore, in conclusion, the application is recommended for approval, subject to conditions.

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

## **Conditions**

1. This permission must be implemented before the time limit imposed on planning permission 18/01593/FUL, which is 7th November 2022.

Reason: To conform with the requirements of Sections 73 and 91 of the Town and Country Planning Act 1990 (as amended).

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

Existing Floor Plans & External Elevations Location / Block Plans (20)M-201 Rev A  
A106 PROPOSED FRONT ELEVATION V.3  
A107 PROPOSED REAR ELEVATION V.3  
A125 NW ELEVATION  
A109 SE ELEVATION  
A105 SECTION 15 CHERRY HILL AVE BOUNDARY & SITE LANDSCAPE V.1

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

3. Development shall be carried out in accordance with the materials specified on the approved plans, Alderley Burgundy brick and the Pirnar Door details (Model PR2020-66414) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the building is satisfactory.

4. Prior to the insertion of windows, details of all new joinery at a scale of 1:5 together with details of proposed finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

5. The development hereby permitted shall not be first occupied until the proposed dwelling have been fitted with an electric vehicle charging point and thereafter the charging point shall be kept available for the charging of electric vehicles.

Reason: To encourage sustainable travel and healthy communities.

6. All retained trees and their Root Protection Areas must be protected during clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate. No storage of plant/materials within the Root Protection Areas of any retained trees.

Reason: In order to protect the trees which form an important part of the amenity of the site.

7. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
  - a. details of all hard surfacing;
  - b. details of all boundary treatments;
  - c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory.

8. Prior to first occupation of the development hereby permitted 2 cavity bat boxes will be installed in the sides of the new house. Evidence shall be provided that the bat boxes have been installed to the Local Planning Authority prior to occupation to ensure that they have been installed.

Reason: To ensure the creation of wildlife habitat and wildlife corridors within development and minimize impact of the development on the biodiversity.

9. All bathroom and en-suite windows to be installed shall be fitted with obscure glazing and any opening lights shall be at high level and top hinged only. The obscure glass and any opening lights shall be maintained in the said window in perpetuity.

Reason: To protect the amenities of neighbouring residents.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Class C shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development.

Case Officer: Mr Paul Lester Tel: 01527 881323  
Email: paul.lester@bromsgroveandredditch.gov.uk





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# 20/01635/FUL

11 Cherry Hill Avenue, Barnt Green, B45 8LA

Variation of planning conditions 2 (approved plans),  
3 (materials) and 4 (joinery) attached to planning  
permission 18/01593/FUL to allow adjustments to  
the approved dwelling design including the addition  
of a chimney and front elevation changes and  
landscaping.

Recommendation: Grant

# Location Plan



# Proposed Front Elevation

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# Proposed Rear Elevation

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1 Proposed Rear Elevation  
1 : 100

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# Proposed Side Elevation (facing 9 Cherry Hill Ave.)

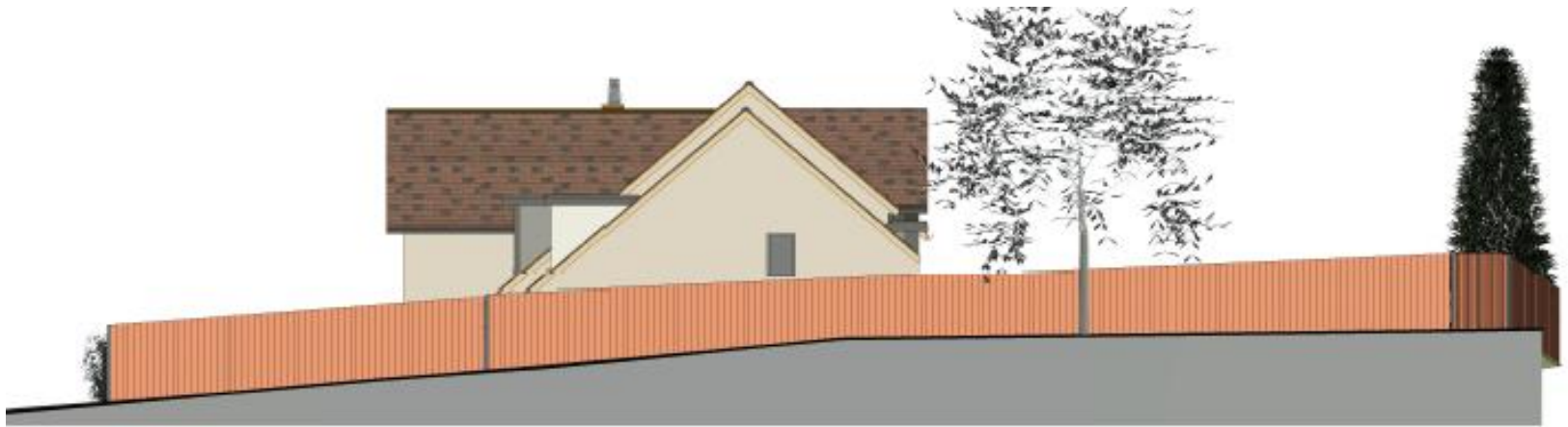
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# Proposed Side Elevation (facing 15 Cherry Hill Ave.)

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1 Proposed North West  
1:100

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# Measurements

Proposed

8.58m from ground level to highest ridge.

7.49m from garage ground level to lower ridge.

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Approved

8.53m from ground level to highest ridge.

7.14m from garage ground level to lower ridge.

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# Measurements



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Proposed

8.58m from ground level to highest ridge.

7.92m from ground level to 1<sup>st</sup> floor ridge, 0.66m to main ridge

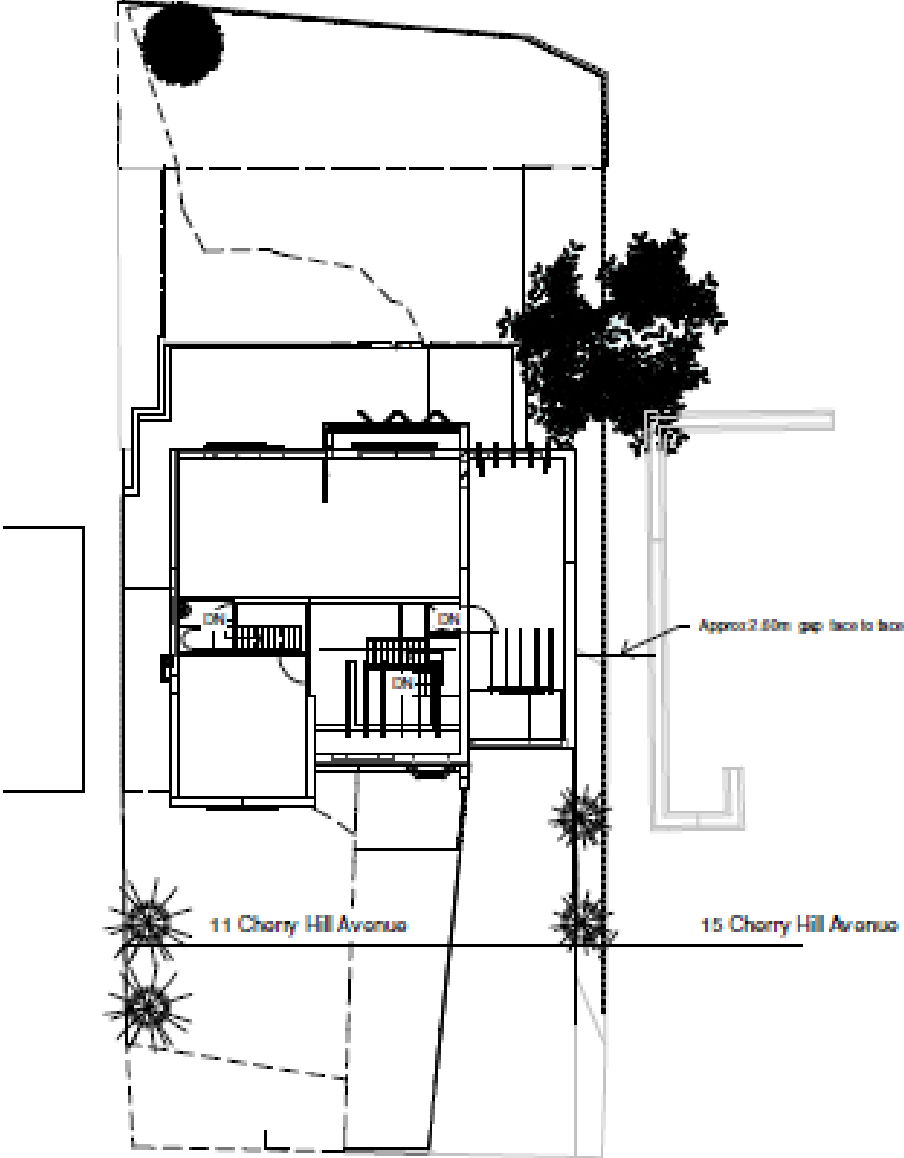
Approved

8.53m from ground level to highest ridge.

7.92m from ground level to 1<sup>st</sup> floor ridge, 0.23m to main ridge

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# Proposed Layout







# Approved Front and Rear Elevation Plans



# Approved Side Elevation Plans

DEMOLISHED RIDGE  
+ 195.160

PROPOSED RIDGE  
+ 194.295

FOOT OF GARDEN  
+ 188.780

FRONT GARDEN  
+ 86.590

DEMOLISHED RIDGE  
+ 95.160

PROPOSED RIDGE  
+ 194.260

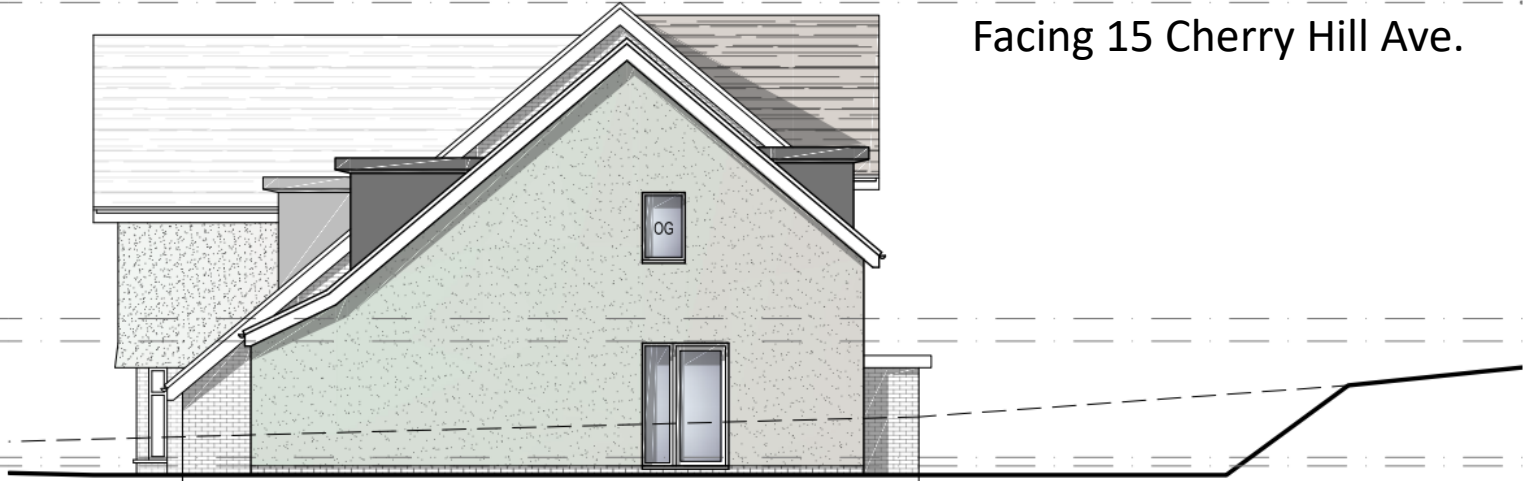
RIDGE NO. 9  
+ 193.750

EAVES NO. 9  
+ 189.310

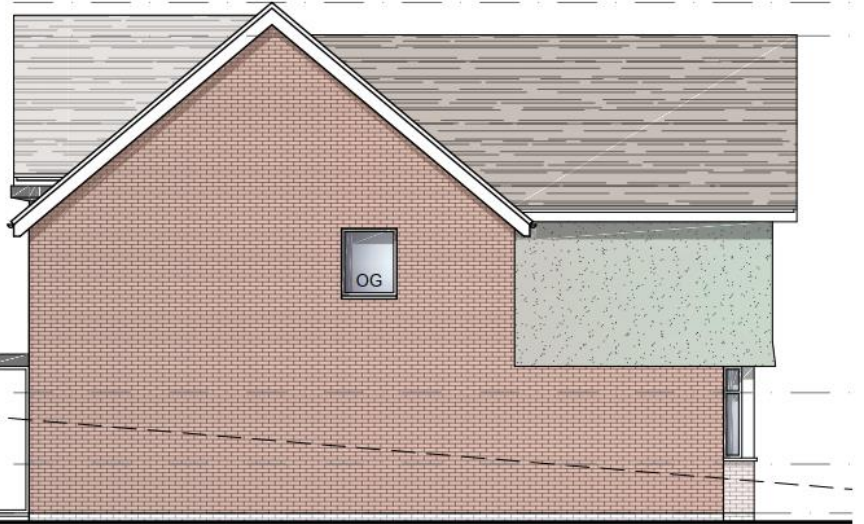
FOOT OF GARDEN  
+ 187.920

FRONT GARDEN  
+ 185.200

Facing 15 Cherry Hill Ave.



Facing 9 Cherry Hill Ave.



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