



## **BROMSGROVE DISTRICT COUNCIL**

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

**MONDAY 29TH MARCH 2010**  
**AT 2.00 P.M.**

**COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE**

**MEMBERS:** Councillors E. C. Tibby (Chairman), G. N. Denaro (Vice-Chairman), Mrs. J. M. Boswell, Miss D. H. Campbell JP, R. J. Deeming, Mrs. J. Dyer M.B.E., B. Lewis F.CMI, Mrs. J. D. Luck, E. J. Murray, S. R. Peters, C. J. Tidmarsh, P. J. Whittaker and C. J. K. Wilson

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

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

### **AGENDA**

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 1st March 2010 (Pages 1 - 10)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

5. 09/0920-SC - Two storey extension with car port and oak frame conservatory - 1 Pound Lane, Frankley, B32 4BB - Mr. D. Glover (Pages 11 - 16)
6. 09/0983-MT - Extensions and alterations to nursing home to provide additional guest and staff accommodation - Foresters Nursing Home, Walton Pool, Clent, DY9 9RP - Redwood Care Homes Ltd. (Pages 17 - 24)
7. 09/0985-JT - Change of Use to approximately 4,510 sq. m. Use Class B1A and B1C, new access and associated works (renewal of B/2005/0352) - Wildmoor Mill Farm, Mill Lane, Wildmoor, Bromsgrove, B61 0BX - Mr. Richards (Pages 25 - 36)
8. 10/0016-CE - New detached annex for family support, therapy and education - Primrose Hospice & Cancer Help Centre, St. Godwalds Road, Bromsgrove, B60 3BW - Mr. A. Robinson, Primrose Hospice (Pages 37 - 44)
9. 10/0101-MT - Conversion of industrial buildings to residential use (9 units, comprising six 2-bed units, two 3-bed units and one 4-bed unit) with access road, car parking and amenity space - 2/4/6 Hartle Lane, Belbroughton, DY9 9TG - Rowanmoor Trustees Ltd. (Mr. P. Mason / Mrs. C. Mason) (Pages 45 - 56)
10. 10/0140-DK - Proposed refurbishment / upgrade of facilities and new amenity buildings - Houndsfield Lane Caravan Site, Houndsfield Lane, Hollywood, B47 5QR - Mr. D. Hannon (Pages 57 - 62)
11. Breach of Condition - Replacement Tree Planting at The Old Vicarage, Vicarage Close, Finstall, Bromsgrove, B60 2ED (Pages 63 - 74)
12. Appeal Decisions (Pages 75 - 78)
13. 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
14. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item(s) of business containing exempt information:-

**"RESOLVED** that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Item No.</u>	<u>Paragraph(s)</u>
15	2 and 6
16	2 and 6
17	2 and 6 "

15. Enforcement of Planning Control (Ref.: 20100201-02) (Pages 79 - 84)

16. Enforcement of Planning Control (Ref.: 20100329-01) (Pages 85 - 90)

17. Enforcement of Planning Control (Ref.: 20100329-02) (Pages 91 - 96)

K. DICKS  
Chief Executive

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

18th March 2010

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# Agenda Item 3

## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE PLANNING COMMITTEE

MONDAY, 1ST MARCH 2010

AT 2.00 P.M.

PRESENT: Councillors E. C. Tibby (Chairman), G. N. Denaro (Vice-Chairman) (not present during Minute Nos. 123/09 to 128/09), Miss D. H. Campbell JP (not present during Minute Nos. 123/09 to 128/09), R. J. Deeming (not present during Minute Nos. 121/09 to 128/09), Mrs. J. Dyer M.B.E., D. Hancox (substituting for B. Lewis F.CMI), Mrs. J. D. Luck, S. R. Peters (not present during Minute Nos. 123/09 to 128/09), C. J. Tidmarsh (not present during Minute Nos. 123/09 to 128/09) and C. J. K. Wilson

Observers: Councillors R. Hollingworth and D. L. Pardoe

Officers: Mrs. C. Felton, Mrs. D. Warren, Mr. D. M. Birch, Mr. A. Coel, Mr. M. Dunphy, Mr. J. Turner, Mr. P. Michael, Mr. N. Poole, Mr. C. Santoriello-Smith, Mr. S. Hawley (Worcestershire Highways), Ms. R. A. Cole and Mr. A. C. Stephens

#### 112/09 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. J. M. Boswell, B. Lewis F.CMI, E. J. Murray and P. J. Whittaker.

#### 113/09 DECLARATIONS OF INTEREST

The following declarations of interest were made:-

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Councillor R. J. Deeming	09/0959-CE	Personal. Knows the applicant.
Councillor Mrs. J. Dyer M.B.E.	09/0959-CE	Prejudicial. Knows the applicant and has attended charity functions at his home address. During consideration of the application, Councillor Mrs. Dyer M.B.E. left the room and took no part in the discussion or voting thereon.
Councillor D. Hancox	09/0959-CE	Personal. Knows the applicant and has attended one charity function at his home address in the past.
Councillor Mrs. J. D. Luck	09/0959-CE	Personal. Knows the applicant, and his family, having lived in the same village for several years.

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Councillor E. C. Tibby	09/0959-CE	Prejudicial. Knows the applicant and has attended charity functions at his home address. During consideration of the application, Councillor Tibby left the room and took no part in the discussion or voting thereon. The Chair was taken by the Vice-Chairman, Councillor G. N. Denaro.

114/09 **MINUTES**

The minutes of the meeting of the Planning Committee held on 1st February 2010 were submitted.

**RESOLVED** that the minutes be approved and adopted.

115/09 **10/0109-MT - DEMOLITION OF MARKET HALL - ST. JOHN STREET, BROMSGROVE - BROMSGROVE DISTRICT COUNCIL**

The Head of Planning and Environment Services summarised the proposed method of demolition, including details of the safety exclusion zone and each stage of the demolition process.

**RESOLVED:**

- (a) that no objection be raised in respect of the proposed method of demolition of the Market Hall building and the related proposals for the subsequent restoration of the site; and
- (b) that authority to issue the Notice of no objection to the proposals for demolition and restoration of the site be delegated to the Head of Planning and Environment Services upon the expiry of the publicity period on 3rd March 2010.

(NOTE: Under paragraph 17.7 of the Council's Procedure Rules, Councillors Mrs. J. D. Luck, S. R. Peters and C. J. K. Wilson requested that it be recorded that they had voted against the resolution).

116/09 **09/0670-DMB - 28 UNITS WITH 2, 3 AND 4 BED HOUSES - LAND AT BIRMINGHAM ROAD, ALVECHURCH - BROMSGROVE DISTRICT HOUSING TRUST**

The Head of Planning and Environment Services reported the receipt of an amended site plan and a revised Design and Access Statement, and amended the description of the development to reflect this. He also reported the receipt of three additional letters, two in support of the application and one opposed to the development.

At the invitation of the Chairman, Mr. D. Boardman addressed the Committee and spoke in opposition to the proposals, and Mr. M. Brown spoke in support.

Furthermore, Mr. J. Cypher addressed the Committee on behalf of Alvechurch Parish Council and the Chairman read out a prepared statement received from Councillor Mrs. J. M. L. A. Griffiths who had expressed a wish to speak at the Committee but was unable to attend the meeting.

Consideration was then given to the application which had been recommended for refusal by the Head of Planning and Environment Services. Members examined the various issues arising from the proposals, as detailed in the report, including:

- (a) whether the proposals amounted to inappropriate development within the Green Belt and whether there were any 'very special circumstances' which could outweigh the presumption against development in the Green Belt;
- (b) the design, in terms of the form, layout and density, of the development; and
- (c) the potential harmful impact upon future occupiers by virtue of road traffic noise due to the proximity of the M.42 motorway and related air quality in the immediate locality.

Members considered that the 'very special circumstances' submitted by the applicant were insufficient and, therefore, the proposed development should be refused on the basis that it amounted to inappropriate development in the Green Belt. Furthermore, it was felt that the impact of the development, as proposed, would have a detrimental effect on the amenities of the future occupants of the development, especially in the light of the unacceptable levels of noise arising from the close proximity of the M.42 motorway.

**RESOLVED** that permission be refused for the reasons set out on page 39 of the report.

117/09 **09/0989-DMB - CONSTRUCTION OF 72 NO. DWELLINGS WITH ASSOCIATED CAR PARKING, ACCESS INFRASTRUCTURE PROVISION AND LANDSCAPING - ALVECHURCH C OF E MIDDLE SCHOOL, TANYARD LANE, ALVECHURCH - PERSIMMON HOMES SOUTH MIDLANDS**

The Head of Planning and Environment Services reported the receipt of a Desk Study and Site Investigation Report from the Applicant's Agent, and amended the description of the development to reflect this. He also reported (i) that additional views had been received from the Applicant's Agent; (ii) the comments of the Contaminated Land Officer, the Strategic Planning Manager (Open Space) and the Worcestershire County Council's Schools Strategic Planning Officer, together with additional views from Alvechurch Parish Council; and (iii) the receipt of two further letters.

At the invitation of the Chairman, Mr. P. McHugh addressed the Committee and spoke in opposition to the proposals, and Mr. J. Cypher spoke on behalf of Alvechurch Parish Council. Mr. D. Stentiford, the Applicant's Agent, addressed the Committee and spoke in favour of the application.

Consideration was then given to the application, for which the updated recommendation was to delegate authority to the Head of Planning and Environment Services to grant the application following the satisfactory completion of an agreement under Section 106 of the Town and Country Planning Act 1990, as amended, in respect of financial contributions relating to several aspects of the proposed development. However, Members were made aware that, if such an agreement had not been completed by the expiry date on which a decision should have been made on the application; that is, 24th March 2010; the recommendation would be amended to delegate authority to the Head of Planning and Environment Services to refuse the application.

Members examined the issues relating to the proposed development, as detailed in the report, with specific reference to:

- (a) the fact that the site is located on previously developed land, and is within an established residential area designated for residential use;
- (b) the design, form, density and layout of the proposed development;
- (c) the financial contributions which would be required under an agreement under Section 106 of the Town and Country Planning Act 1990, as amended, relating to (i) play space provision; (ii) education provision; (iii) public transport enhancements and other highway improvements; and
- (d) the impact of the development on local amenities and the character of the local area.

As a result, Members considered that the development represented an opportunity to redevelop a previously developed site whilst, at the same time, offering on-site affordable housing units as part of the development.

**RESOLVED:**

- (a) that authority be delegated to the Head of Planning and Environment Services to approve the application upon the satisfactory completion of an agreement under Section 106 of the Town and Country Planning Act 1990, as amended, in respect of financial contributions relating to:
  - (i) play space provision;
  - (ii) education provision;
  - (iii) public transport enhancement, the provision of secure cycle parking at Alvechurch railway station and highway improvement works; and
  - (iv) the securing of 25 affordable housing units; or
- (b) that, in the event of an agreement under Section 106 of the Town and Country Planning Act 1990, as amended, not being completed to the satisfaction of the Council by 24th March 2010, authority to refuse the application be delegated to the Head of Planning and Environment Services.

118/09 **09/0920-SC - TWO STOREY EXTENSION WITH CAR PORT AND OAK FRAME CONSERVATORY - 1 POUND LANE, FRANKLEY - MR. D. GLOVER**

At the invitation of the Chairman, Mr. D. Glover addressed the Committee and spoke in favour of his application.

**RESOLVED:**

- (a) that, at the suggestion of Councillor S. R. Peters, consideration of the application be deferred to a future meeting of the Committee in order that -
  - (i) the 'fall-back' position in respect of permitted development rights issues may be clarified;
  - (ii) the significance of planning issues relating to structures which had previously existed on the site may be investigated;
  - (iii) the issues relating to the habitable floor space in respect of the proposed car-port element of the proposals, and the percentage increase in the floor space of the dwelling, may be clarified; and
- (b) that, in the meantime, arrangements be made for Members of the Committee to undertake an inspection of the site to which the application relates.

119/09 **09/0959-CE - DEMOLITION OF AGRICULTURAL BUILDINGS WHICH HAVE REACHED THE END OF THEIR USEFUL LIFE AND ERECTION OF A NEW MULTI-PURPOSE AGRICULTURAL BUILDING ON PART OF DEMOLISHED SITE - LITTLE RADFORD FARM, RADFORD ROAD, ALVECHURCH - MR. J. GARDINER**

The Head of Planning and Environment Services clarified issues in his report relating to this application in respect of the planning history and ownership of the site. He also reported the receipt of additional information in support of the application and the additional views of the Agricultural Consultant in response to this, together with an additional letter received from the Weatheroak Residents' Association.

At the request of the Vice-Chairman in the Chair, Mr. M. White addressed the Committee and spoke in favour of the proposals.

Consideration was then given to the application, the recommendation for which was to delegate authority to the Head of Planning and Environment Services to refuse the application upon the expiry of the consultation period on 1st March 2010.

However, on the matter being put to the vote, Members considered that there was a genuine agricultural need for the proposed building, that the design and form of the new building would be acceptable, that it replaced an existing structure and that the proposals were an appropriate form of development in the Green Belt.

**RESOLVED** that the Head of Planning and Environment Services be authorised to approve the application upon the expiry of the consultation period on 1st March 2010 subject to any reasonable conditions and notes considered necessary by the Head of Planning and Environment Services, to specifically include -

- (a) a condition relating to the removal of the structure the subject of this application if it ceases to be used for an agricultural use within ten years of completion; and
- (b) a condition to ensure the buildings scheduled for removal are demolished.

(NOTE: During the consideration of this item, Councillors Mrs. J. Dyer M.B.E and E. C. Tibby left the room, having declared a prejudicial interest in the application, and took no part in the consideration or voting thereon. The Vice-Chairman, Councillor G. N. Denaro, took the Chair for the duration of the consideration of this application.)

120/09 **09/0963-DK - ONE DETACHED FIVE BEDROOM HOUSE AND TWO DORMER BUNGALOWS - 57-59 TWATLING ROAD, BARNT GREEN - MR. M. JONES**

The Head of Planning and Environment Services reported the comments of the Tree Officer and Lickey and Blackwell Parish Council. He also stated that an additional letter had been received from the CPRE.

At the invitation of the Chairman, Mr. J. Quine addressed the Committee and spoke in opposition to the proposals, whilst Mr. M. Jones spoke in favour of his application.

**RESOLVED** that permission be granted subject to the conditions and notes set out or referred to on pages 57 to 60 of the report, together with a further appropriately-worded condition to specifically relate to the removal of permitted development rights for extensions and roof alterations to the dwellings the subject of this approval.

121/09 **09/0966-MT - PROPOSED CONVERSION OF BRITISH LEGION HALL INTO 10 NO. ONE-BED FLATS WITH CYCLE AND BIN STORE, AND REFURBISHMENT OF EXISTING DWELLING - 64 BIRMINGHAM ROAD, BROMSGROVE - MR. M. MENDELSON**

The Head of Planning and Environment Services explained that additional neighbour notification letters had been issued, with an expiry date for responses of 16th March 2010. He also reported the receipt of an additional two sets of amended plans. Furthermore, the Committee were informed of issues relating to access for the disabled into the development, and that the comments of the Tree Officer were still awaited.

At the invitation of the Chairman, Mr. J. Dolman addressed the Committee and spoke in favour of the application.

**RESOLVED** that the Head of Planning and Environment Services be authorised to approve the application upon the expiry of the consultation period on 16th March 2010 subject to:

- (a) the satisfactory views of the Tree Officer within the consultation period; and
- (b) the conditions and notes set out or referred to on pages 66 and 67 of the report;

together with two further appropriately-worded conditions and a note attached to the Decision Notice to specifically relate to:

Conditions

- (i) the retention of the two stone plaques to the front elevation;
- (ii) the retention of the existing brick wall and railings to the frontage facing Birmingham Road.

Note

The applicant is encouraged to contact Avoncroft Museum to discuss the salvage of the remaining stained glass windows and retention of these items at the museum for public display.

122/09 **09/1003-JT - ERECTION OF TWO WIND GENERATORS AND CREATION OF ASSOCIATED ACCESS TRACK - LAND AT KIDDERMINSTER ROAD / BERRY LANE, DODFORD, BROMSGROVE - MR. P. HIRONS**

The Head of Planning and Environment Services clarified issues relating to the consultation process undertaken in respect of this application and stated that further photographic evidence had been submitted by the applicant. He reported that additional comments had been received from Wychavon District Councillor Mrs. J. A. Pearce in respect of the impact the related construction traffic would have on the narrow lanes in the area around the application site, and he gave clarification on these issues raised. Finally, Members were informed that four further letters of objection had been received.

At the invitation of the Chairman, Mr. A. Carter addressed the Committee and spoke in opposition to the proposals, whilst Mrs. R. Best spoke in favour of the application. In addition, Mr. R. Harper spoke on behalf of Dodford-with-Grafton Parish Council.

Consideration was then given to the application which had been recommended for approval by the Head of Planning and Environment Services. However, Members considered that the consultation with local residents had not been wide enough and felt that the applicant could have done more to support his application in terms of clarifying issues relating to:

- (a) the siting (and possible siting alternatives) and the scale of the two wind generators the subject of the application; and
- (b) the potential noise arising from the development.

On the matter being put to the vote, Members felt that a decision on the application could not be made without this information, which would also allow time for additional, wider-reaching, consultation with residents of the locality.

**RESOLVED** that consideration of the application be deferred to a future meeting of the Committee in order that -

- (a) further publicity can be given to the application by way of a press notice in a suitable local newspaper and an extraordinary neighbour notification process to encompass identifiable neighbouring occupiers within a 500 metre radius of the proposed wind generator masts;
- (b) a request be made of the applicant to provide clarification of siting and scale issues, to include suitable photographic montage perspective illustrations, together with clarification of issues concerning noise levels arising from the development; and
- (c) a request be made of the applicant to investigate alternative sites for the proposed wind generator masts.

(NOTE: During consideration of this item, Councillors Miss D. H. Campbell JP, G. N. Denaro and S. R. Peters left the meeting before this decision was reached.)

123/09 **TREE PRESERVATION ORDER (NO. 19) 2000 - 27 FIERY HILL ROAD, BART GREEN (REF.: 09/0793-AB)**

Consideration was given to a report which outlined an application which had been received for works to be undertaken to four Corsican Pine Trees on land fronting 27 Fiery Hill Road, Bart Green, which were subject to protection under the Bromsgrove District Council Tree Preservation Order (No. 19) 2000.

**RESOLVED**: that permission be granted subject to the replanting of the Corsican Pine to be felled, as referred to in the report.

124/09 **TREE PRESERVATION ORDER (NO. 1) 2000 - OLD BARNESLEY HALL HOSPITAL SITE (NOW WOODLAND GRANGE), STOURBRIDGE ROAD, BROMSGROVE (REF.: 10/0027-AB)**

Consideration was given to a report which outlined an application which had been received for works to be undertaken to a number of trees on land at the former Barnesley Hall Hospital site (now the Woodland Grange estate), Stourbridge Road, Bromsgrove, which were subject to protection under the Bromsgrove District Council Tree Preservation Order (No. 1) 2000.

**RESOLVED**: that permission be granted subject to the replanting of the trees, as referred to in the report.

125/09 **APPEAL DECISIONS**

Consideration was given to a report which outlined the decisions of a number of planning appeals which had been received since the last meeting of the Committee.

**RESOLVED** that the report be noted.

126/09 **LOCAL GOVERNMENT ACT 1972**

**RESOLVED** that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Minute No.</u>	<u>Paragraphs</u>
127/09	2 and 6
128/09	2 and 6

127/09 **CONFIDENTIAL MINUTES**

The minutes of the meeting of the Planning Committee held in private session on 1st February 2010 were submitted.

**RESOLVED** that the minutes be approved as a correct record.

128/09 **ENFORCEMENT OF PLANNING CONTROL (REF.: 20100301-01)**

The Head of Planning and Environment Services stated that his report in respect of this item had been withdrawn. This was noted.

The meeting closed at 5.36 p.m.

Chairman

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# Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr Glover 'A'	Two-storey extension with car-port and oak frame conservatory - 1 Pound Lane, Frankley, B32 4BB	GB	09/0920-SC 02.03.2010

**Councillor D. Hancox has requested that this application be considered by the Committee, rather than being determined under delegated powers.**

**This application was deferred at the meeting of Planning Committee on 1st March 2010 at the request of Councillor S. R. Peters in order for a Committee site visit to take place.**

**RECOMMENDATION:** that planning be **REFUSED**.

## Consultations

WH	Request for revised designs, removing gate to allow for one car to park on the frontage 27.01.2010.
Forestry Commission	No objection 11.01.2010.
Frankley Parish Council	No response received to date.
Publicity	2 Neighbour notification letters posted 11.01.2010 expire 01.02.2010. No response received to date. Site notice posted 29.01.2010 expires 19.02.2010. No response received to date.

## The site and its surroundings

This particular proposal relates to a fairly isolated semi-detached cottage situated on the eastern side of Pound Lane in Frankley. The cottage and the adjoining property occupy a fairly elevated position overlooking open Green Belt countryside, with views towards Birmingham and the M5 motorway. The property is constructed in traditional red brick with gable details to the front and rear. Its construction pre-dates the planning system, however it appears to be of a circa late 19th century construction. There is a vehicular access and a single parking space to the south of the dwelling house. The domestic curtilage extends to the south approximately 60 metres in length and 11 metres in width. It is noted that given the sloping nature of the surrounding land, the current property is necessarily set slightly into the slope, with the land immediately to the south and on the rear boundary of the existing dwelling approximately 1.5 metres above the property's ground floor level.

The site is located in an area designated Green Belt as defined in the Bromsgrove District Local Plan 2004.

## Proposal

This proposal involves the addition of a two-storey rear and side extension, providing space for an extended dining area and oak framed conservatory on the first floor, with the

addition of a utility room and car-port on the ground floor. The existing small mono-pitched porch will be removed and a new access provided via a front door entrance within the proposed car-port.

Full length oak framed fenestration is proposed for the first floor western, southern and eastern elevations, providing extensive views over the open country side from both the proposed side conservatory and rear extended dining area. Two velux style windows are proposed for the front elevation of the conservatory and a further three on the rear extension. Access to the domestic curtilage land to the south is achieved via full-length glazed doors on the southern elevation of the conservatory and the addition of an external downwards-sloping flight of steps.

### Relevant Policies

WMSS	QE3
WCSP	CTC1, D38, D39
BDLP	DS13, S11
Others	SPG1, SPG7, PPS1, PPG2

### Relevant Planning History

None relevant

### Policy Considerations

The main issues to take into consideration are whether the proposals would constitute inappropriate development in the Green Belt and if so whether any 'very special circumstances' exist to outweigh the harm caused to the openness / visual amenity of the Green Belt. In addition, it will be necessary to establish whether the proposals satisfy, in terms of appearance and design, the requirements of SPG 1, and policies DS13 and S11 of the BDLP 2004.

SPG7 for 'Extensions to dwelling in the Green Belt' states that a maximum extension of 40% of the original dwelling or a maximum total floor space of 140m<sup>2</sup> (i.e. the original dwelling plus extension) may be regarded as a proportionate addition over and above the size of the original dwelling. This relates to all habitable floor space measured externally. Extensions over this size will normally be regarded as disproportionate additions.

### Notes

In determining the additional externally measured habitable floor space, it is necessary to be clear as to whether it is correct to include the proposed car port in the calculations.

A search of planning appeals involving car port extensions within the Green Belt suggests that there is a precedent for their inclusion in floor space calculations. A Planning Inspector viewed a timber clad triple car port proposed for a bungalow within the Chiltern District as amounting to 60% of the floor area of the original bungalow and therefore in breach of policy. It was concluded that the car port would harm openness and intrude on public views (Chiltern DC 25.11.04 DCS No. 037-661-665).

Clearly the implications of not including the proposed car port as habitable floor space are considerable. To suggest that such a substantial structure as the car port proposed should not be included in floor space calculations implies that its bulk and visual impact on the Green Belt should be considered *de-minimis*. Clearly this is not the case and the limited amount of additional work that would be required to convert the car port to an integral room of the dwelling is a clear indication of this.

The use of planning conditions to ensure that the car port remains in its original use also presents problems. The removal of the permitted development rights provided by Class A of the GPDO (2008 amended) would prevent conversion of the car-port. However, given the limited amount of work required to convert the car-port, it would be difficult to argue that the condition was reasonable on the basis of preventing additional harm to the openness of the Green Belt. Therefore, it is clear that the car port proposed should be considered as habitable floor space, as per a garage with use incidental to the main dwelling house.

### What is the original?

The construction of the original dwelling predates the records of the Planning Department and there are no apparent new additions to what is assumed to be the original dwelling.

The 1937 planning history plotting sheet depicts a small structure to the rear of the existing building that has since been demolished. The applicant has indicated verbally that this structure was a small wash house with a floor area of approximately 8 feet square. Given the structure's small size, taking an accurate floor space measurement from the 1937 plotting sheet is difficult. However, it is estimated that the demolished structure had a floor space area of no more than 1m<sup>2</sup>.

The applicant has also indicated verbally that a previously existing outbuilding was demolished in 1989. No written details have been provided and there is no evidence on the planning history plotting sheets of any outbuildings existing on, after or prior to 1st July 1948.

Given this, the original floor space, measured externally, is measured to be approximately 97.08m<sup>2</sup>.

### Green Belt Issues

The completion of the proposed extension will represent an additional floor space (taking into account the demolition of the existing porch), measured externally, of approximately 78.56m<sup>2</sup>.

This would equate to approximately an 80.92% increase over and above the original dwelling, giving a total floor space, measured externally, of approximately 175.64m<sup>2</sup>.

Having regard to SPG7, which states that dwellings within the Green Belt can only be extended by up to 40%, or 140m<sup>2</sup>, for the extension to be considered a proportionate addition, this increase would represent a significantly disproportionate addition and an inappropriate form of development in the Green Belt.

### Are there any Very Special Circumstances?

The application site is neither within a well established run of existing residential properties nor within a designated village envelope. The sloping landscape of the open countryside surrounding the application site inevitably constrains ground floor views to the South and East. The applicant has indicated that the higher level of the surrounding land to the South and East necessitates the need for the conservatory at first floor level. Whilst it is accepted that a first floor conservatory will provide views superior to one at ground floor level, such a consideration cannot be viewed as material when assessing whether very special circumstances exist for exceeding the floor space recommended within Green Belt policy.

It is also worth noting that whilst to the rear and side of the extension the higher land may help to reduce its visibility from certain surrounding vantage points, the extension would still be clearly visible, and fairly prominent, when viewed from other vantage points. In any case, regardless of the extent to which the extension can be seen from outside the site, PPG2 makes no reference to the way in which openness is perceived and it makes no concessions with regard to development which is screened or otherwise hidden from view. Even when a development cannot be seen in the wider context, this does not make it appropriate in terms of Green Belt policy. Thus, it should be noted that, in terms of Green Belt policy, lack of visual harm, in itself, does not amount to very special circumstances.

With regard to assessing to what extent 'Very Special Circumstances' outweigh the harm caused to the openness / visual amenity of the Green Belt, it is worth noting that the adjoining cottage, at 2 Pound Lane, was refused planning permission for a first floor extension in 2006 on the basis of exceeding the floor space recommended by Green Belt policy by 8m<sup>2</sup>. This application exceeds the recommended floor space by approximately 34.5m<sup>2</sup> and whilst every planning application must be assessed individually on its own merits, the harm to the openness of the Green Belt that such an increased scale represents is viewed as significant.

Therefore, it is viewed that the proposed development would represent a significantly disproportionate addition and an inappropriate form of development in the Green Belt.

### Design / Impact on street scene

The Council's SPG 1, Residential Design Guide, provides clear policy guidance with regards to the appropriate design of extensions. SPG 1 (Section 4) guides that, 'Large dominant extensions are not acceptable...' and to 'keep the extension subordinate to the original house'. The 81.76% increase in externally measured floor space does, therefore, raise concerns in terms of this policy guidance.

Whilst the extension is 'set back' and set down from the original dwelling to mitigate the over dominance of the extension, the proposed addition of full length fenestration within an oak frame can not be viewed as sympathetic to the red brick vernacular of the existing building. SPG 1 Section 4.1b guides that extensions should "use materials on the outside of the extension (bricks, roof tiles, types of windows and doors) which match the existing house or bungalow." Given the proposed use of such incongruous materials are on prominent first floor elevations, it is viewed that the extension will represent an over

dominant, unsympathetic and detrimental addition to the existing red brick cottage in terms of visual amenity.

### Residential amenity issues

The proposal would not have any detrimental impact on the residential amenities of the adjoining dwelling (No. 2) in terms of loss of light or overlooking issues. It does not project to the rear to such an extent as to breach the 45 degree code for to the adjoining dwelling, or create any other overlooking issues given its isolated location. The application site has substantial amenity space and the addition of even a sizeable extension does not create any cause for concern.

### Permitted Development Fall Back Position

In making any recommendation for refusal of planning permission, it is necessary to consider whether realistic permitted development alternatives exist.

#### ▪ Permitted Development - Rear Extensions

The permitted development rights in terms of the enlargement, improvement or other alteration of a dwellinghouse are set out under Class A, Part 1, Schedule 2 of the Town and Country Planning General Permitted Development Order 1995 (as amended). With reference to this specific application site, the lack of distance to the rear boundary (less than 7 metres) precludes the construction of two storey rear extensions. Class A allows for a single storey rear extension that extends 3 metres to the rear of this dwellinghouse and is limited to 4 metres in height. If the rear extension would be within 2 metres of the rear boundary, the height of the eaves of the extension would be limited to 3 metres.

#### ▪ Permitted Development - Side Extensions

With reference to side extensions, Class A allows for single-storey extensions limited to 4 metres in height and with a width no greater than half the width of the original dwellinghouse. In terms of this application, clearly the first floor element of the side extension is not permitted development and any single-storey side extension at this site would be limited to 3.85 metres rather than the 5.1 metres or 66% width increase proposed.

### Highways

The Council's Highways Officer has been consulted on the proposed development and has requested that the designs be revised to remove the proposed gates to allow the parking of one car on the frontage.

With reference to this request, it is noted that the proposed designs include a parking space within the car-port and that the construction of gates up to 1 metre in height, in the proposed location, would be permitted development. Given this, it is not viewed as necessary for further revised designs to be provided by the applicant.

## Conclusion

The proposed development would exceed the maximum allowance, in terms of externally measured floor space, for extensions in the Green Belt. By virtue of this, the proposal would be a disproportionate addition in relation to the main dwelling and would constitute an inappropriate form of development in the Green Belt. No 'very special circumstances' that constitute material planning considerations have been put forward to outweigh the harm that would be caused to the openness and visual amenity of the Green Belt. Additionally, given the proposed use of such incongruous materials on prominent first floor elevations, it is viewed that the extension will represent an over dominant, unsympathetic and detrimental addition to the existing red brick cottage in terms of visual amenity.

Taking the above points into consideration and on balance I am of the view that permission should be refused.

**RECOMMENDATION:** that permission be **REFUSED**.

The scale and design of the proposed extension is an over-dominant, unsympathetic and detrimental addition to the existing red brick cottage in terms of visual amenity, representing a disproportionate addition to the main dwelling and constituting inappropriate development in the Green Belt.

The proposal is therefore unacceptable in terms of scale, appearance and design and is viewed as being contrary to policy QE3 of the West Midlands Spatial Strategy, policies CTC 1, D38 and D39 of the Worcestershire County Structure Plan, policies DS13 and S11 of the Bromsgrove District Local Plan, SPG 1 Residential Design Guidance, SPG 7 Extension to Dwellings in the Green Belt and the general provisions of PPG2 - Green Belts.

# Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Redwood Care Homes Ltd 'A'</b>	Extensions and alterations to nursing home to provide additional guest and staff accommodation (as augmented by information received 05.02.2010) - Foresters Nursing Home, Walton Pool, Clent, DY9 9RP	GB LPA	<b>09/0983-MT</b> 24.05.2010

**RECOMMENDATION:** that planning permission is **REFUSED**.

## Consultations

WH	No objection 04.12.2009.
Strategic Planning	Comments received 04.01.2010: Proposal would represent an inappropriate form of development in the Green Belt. It is necessary for the applicant to demonstrate any very special circumstances to outweigh the material harm to the openness of the Green Belt. It is important to assess the landscape impact and sustainability implications of the proposal.
Tree Officer	Consulted: 30.12.2009: no comments received to date.
Drainage Engineer	Comments received 04.01.2010: no objection.
Clent PC	Comments received 21.01.2010: no objection.
WCC Public Rights of Way	Consulted: 30.12.2009: No comments received to date.
Ramblers	Consulted: 30.12.2009: No comments received to date.
WCC Minerals	Consulted: 30.12.2009: No comments received to date.
Publicity	2 letters received: concerns raised in relation to overdevelopment, visual amenity and increased traffic demands on local infrastructure. 1 Neighbour notification letter posted 18.01.2010; expired 08.02.2010 Site Notice Posted 23.02.2010; expired 16.03.2010. Press Notice published 25.02.2010; expired 18.03.2010.

## The site and its surroundings

The application site contains a number of buildings including the main nursing home, a separate single storey building used for ancillary offices and a static caravan used for ancillary staff accommodation. The buildings are set within spacious landscaped gardens.

There is a small cluster of residential development forming the hamlet of Walton Pool to the north east boundary of the site. The remainder of the site is surrounded by open fields. The site is in the Green Belt and within a Landscape Protection Area.

## Proposal

It is proposed to erect a large extension to the east side elevation of the building. The extension would provide an external floor area of 1005m<sup>2</sup> across three stories. An additional 11 bedrooms would be provided along with a communal living area, kitchen and ancillary storage space. The proposal would increase the total bed space provision of the home from 28 to 39. The extension would also provide four staff bedrooms, a staff lounge and a staff kitchen.

## Relevant Policies

WMSS     QE3  
WCSP     SD.4, SD.8, CTC.1, D.38, D.39  
BDLP     DS2, DS13, C1, C4, C17  
Others    PPS1, PPG2, PPS4, PPG13, SPG1

## Relevant Planning History

B/2007/0968    Use of existing static caravan as ancillary staff accommodation (up to 3 staff) in association with Foresters Nursing Home - Granted 30.01.2007.  
B/2006/0210    Use of existing caravan as ancillary staff accommodation (up to 3 staff) in association with Foresters Nursing Home - Granted 21.06.2006.  
B/2005/0869    Amendment to B/2005/0394 to include retention of existing greenhouse / store to rear - Granted 10.11.2005.  
B/2005/0394    Change of use from stables to ancillary use of the Foresters Nursing Home - Granted 20.06.2005  
B/1997/0633    Two storey first floor and single storey extensions - Granted 26.09.1997  
B/1996/0838    Extensions and Alterations - Refused 10.12.1996

## Notes

I consider that the main issues to consider in the determination of this application are those related to Green Belt policy. Would the proposal be an appropriate form of development in the Green Belt and, if not, are there any very special circumstances to justify its approval? It is also important to consider the design of the proposal, its impact on the character of the street scene, its impact on the amenity of the occupiers of the nearby residential properties and its effect on the character of this protected landscape. Furthermore, the proposal would increase travel demand and in this isolated rural location it is important to ensure that this can be achieved through sustainable means. I will deal with each matter under a separate heading below:

### **Green Belt**

The construction of new buildings in the Green Belt is inappropriate development unless it is for one of the purposes set out at policy DS2 of the BDLP and at paragraph 3.4 of PPG2. The extension of a nursing home does not feature on these lists and as such the proposal is considered to be an inappropriate form of development in the Green Belt. PPG2 provides that inappropriate development should not be approved except in very

special circumstances. Such circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The extension would clearly cause harm to the Green Belt by reason of inappropriateness. It is also considered that the additional floor space and volume that would be created by the proposal would significantly increase the built form of the site to the detriment of Green Belt openness.

The applicant's agent has put forward a case for very special circumstances within their Planning Design & Access Statement. In summary the following assertions have been put forward to support the approval of the scheme:

- There is an on-going need in the Bromsgrove area for new and enlarged nursing home facilities, as a result of its aging population. There are no available nursing home beds in the local area.
- Foresters Nursing Home fails to meet the minimum standards set by the Commission for Social Care Inspection (CSCI).
- Without on-site staff accommodation, an inadequate and unreliable supply of nursing staff will result, thereby jeopardising the existence of the nursing home.

I will consider each of these circumstances under separate headings below.

### Need

The applicant argues that there is a need for new and enlarged nursing home facilities in the area due to the District's aging population. Reference is made to the Council's District Level Housing Market Assessment (October 2008). This identifies a projected growth of 8,000 households between 2006 and 2016. Of these, 4,800 are expected to be pensioner households aged 65 - 84 and 1,575 are expected to be households for the older elderly in greatest need of housing with care (85+). Having regard to this document I would agree with the applicant's statement that the District has an ageing population.

It is inferred from these statistics that there is a high demand for accommodation for the elderly in the District. Moreover it is argued that this demand cannot be met by the existing nursing home facilities in the area. A survey of existing nursing homes within a 10 mile radius of Bromsgrove Town Centre has been provided in support of this argument. The survey indicates that there are 27 nursing homes within the search area however information is only provided for 11 of these. Of these 11 homes there were a total of 10 vacant bed spaces out of 452 equating to an average occupancy of 97.7%. The results of this survey would indicate that there are limited bed spaces available in the local area.

It is therefore argued that the demand for nursing home facilities cannot be met in the local area and this justifies increasing provision through the proposed extension at Foresters Nursing Home.

I consider that this argument has a number of limitations. Firstly, it is a well publicised fact that the proportion of the national population falling into the very elderly group is rapidly increasing and I have no evidence to prove that the District of Bromsgrove is in any way unusual in this regard. Therefore this issue is not unexpected and this argument

could consequently be repeated across the country. I therefore do not consider this issue to be "very special".

Secondly, no specific evidence is provided to support the assertion that there is currently a high demand for new nursing home facilities in the District. Instead this is based on an assumption that the forecasted increase in elderly households will result in an increased demand for nursing home facilities. Although I accept that this is a safe assumption to make to a certain extent, I am also mindful of related developments in healthcare and the government's emphasis towards care in the community meaning that elderly people can stay in their own homes for longer (Sources: 'Independence, well-being and choice', Department of Health, 2005; 'Our health, our care, our say: a new direction for community services', Department of Health, 2006). The fact that the District has an ageing population does not necessarily translate into a demand for new nursing home facilities.

Thirdly, I am not convinced that there is a lack of bed vacancies in the local area. The applicant's definition of the 'local area' is limited to a 10 mile radius of Bromsgrove Town Centre. I consider this to be too small and I would expect data to be provided at a sub regional level including the whole of the Bromsgrove District and the near parts of the West Midlands conurbation and adjoining Worcestershire districts. It would seem reasonable for relatives / friends to travel within such an area to visit nursing home residents. It is also noted that information is only provided for less than half of the homes within the 10 mile area. It cannot therefore be concluded that there are a lack of available bed spaces in the area. Furthermore, Members will be aware that planning permission was granted in 2009 for an extension to Moundsley Hall Care Home providing an additional 105 bed spaces (B/2008/0748). This site is located within the applicant's search area. Although it is understood that this permission has not yet been implemented, the potential contribution this extension would make to the supply of bed spaces in the District would certainly weaken the applicant's assertion that there are a lack of bed vacancies in the local area. On the above basis, I am not convinced that the alleged need for nursing home facilities could not be met in the wider area with particular regard to non-Green Belt locations.

In conclusion it is considered that the asserted need for new nursing home facilities in the area is based on somewhat anecdotal evidence. Furthermore, there is no clear case for accommodating the asserted need at Foresters Nursing Home rather than in non Green Belt locations around the area. It is therefore considered that this inappropriate form of development cannot be justified on the basis of need.

### CSCI Standards

It is argued that Foresters Nursing Home fails to meet the minimum standards set by the Commission for Social Care Inspection (CSCI). The CSCI is a regulatory body set up by the Department of Health to inspect and licence any premises where care provision is offered. The CSCI impose national minimum standards on care homes. These are set out in the document 'Care Homes for Older People - National Minimum Standards' (2003).

As Foresters Nursing Home is 'pre-existing' there is no statutory requirement for it to comply with the provisions of the national minimum standards. There is however strong government encouragement to increase the quality of care homes and it is argued that

the level of care provided at Foresters Nursing Home is substandard. It is also argued that there is limited scope for improvement within the physical infrastructure of the existing building and additional space is required to bring the existing facilities up to standard.

I have reviewed the relevant standards and it would appear that some of the existing facilities at the home are not in compliance. It is perhaps accepted therefore that a certain amount of additional space may be required in order to meet the CSCI standards. This would however only amount to a small extension and this matter would not justify the application proposal.

### On site staff accommodation

It is argued that without on-site staff accommodation an inadequate and unreliable supply of nursing staff will result, thereby jeopardising the existence of the nursing home.

The applicant argues that the home has problems attracting and retaining staff due its isolated rural location. If staff cannot live at Foresters they must travel to the site from nearby urban areas. The site is poorly served by public transport and most staff do not have access to a car as nursing and carer salaries are commonly below the national average. It is argued that the cost and time associated with commuting is a disincentive to employment. Furthermore it is argued that the cost of housing in the local area is very high and well beyond the financial capabilities of nursing and care staff.

It is argued that staffing shortages may lead to the closure of the home if the level of care provided falls below the CSCI national minimum standards. The applicant also refers to various other benefits of on site staff accommodation including a reduced need to travel (sustainability benefits) and convenient access to staff to cover absences.

Members should be aware that a temporary planning permission was granted in 2006 (B/2006/0210) to use a caravan on the site for staff accommodation for 3 people. This was renewed in 2007 under application ref B/2007/0968. That permission expired on 15th October 2009. In both of these cases the Council accepted that there was a demonstrable need for on site staff accommodation based on the same circumstances described above. This was not however put forward as a very special circumstance but as justification for approving the scheme contrary to the Council's policy of housing restraint (formerly SPG10). Nonetheless these cases would confirm that there is an existing need for on site staff accommodation. It is however noted that the proposed extension would accommodate 4 nurses whereas the existing caravan provides accommodation for 3 employees. The applicant does not provide any justification as to why an increased amount of accommodation is required. Nonetheless details aside it is not considered that this argument would outweigh the harm caused to the Green Belt by an extension of the proposed scale.

### **Design / Impact on street scene**

It is considered that the form and general design of the extension would respect that of the main building and I do not have any concerns on this issue. Given the siting of the extension and the dense row of conifers running along the north eastern boundary of the site I am not of the view that any harm would result to the character of the street scene.

## **Impact on residential amenity**

The windows in the side elevation of the extension would face the site boundary with the private garden to the adjoining dwelling. It is not however considered that the extension would cause a loss of privacy to the occupiers of this property due to the tall row of conifers running along this boundary. In any case, notwithstanding the conifers there would be distance of 16 metres between the windows and the boundary. Having regard to the guidance contained in SPG1 it is not considered that any unacceptable overlooking would occur.

## **Impact on the landscape**

Due to the topography of the site the existing building occupies a fairly prominent position in the landscape. The extension however would be set at a lower level to the main building and it would not be visible from the lower land to the north and west of the site due to the tall boundary hedges. In any event, regardless of the boundary hedges it is considered that any views gained of the extension from the surrounding land would be set against the existing home and adjoining development. I do not therefore consider that any adverse landscape impact would result.

## **Sustainability**

The applicant has identified the fact that the site is in an unsustainable location that is poorly served by public transport. Whilst it is accepted that the additional residents resulting from the extension would not increase the need to travel directly, it is noted that 6 additional employees would be created and it is considered that the new residents would attract visitors. The proposed extension would therefore increase the need to travel and given the site poor accessibility by public transport I consider that this would involve journeys by the private car. I am mindful of the government's objective of reducing the need to travel by private car advocated in PPS1 and PPG13, but I also note the recognition these documents give of the difficulty associated with achieving this objective in a rural area.

Paragraph 44 of PPG13 advises that *'In determining the appropriate strategy for employment in rural areas it is important to consider the scale, impact and likely catchment area of developments. Local authorities will need to weigh up the policy concerns but in general terms the larger the number of staff employed on site the greater the need to ensure the development is accessible by public transport, walking and cycling'*.

The guidance contained in PPS4 would also apply to this development as it would provide employment opportunities. Policy EC12 of PPS4 advises local planning authorities to *'support small-scale economic development where it provides the most sustainable option in villages, or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport'*.

When considering the scale of the development in employment terms it should be noted that the proposal would increase the number of people employed at the site from 26 to 32. I consider this to be a relatively modest increase and I do not do not consider that the

proposal would materially affect the travel demands of the site. Furthermore, it is not considered that the additional vehicle journeys attributed to the visitors of the 11 additional residents would involve a material change to the travel demands of the site. The Highways Authority has been specifically consulted on the matter of travel demand and sustainable transport and no objection has been raised. On this basis I do not consider that any transport related concerns can be substantiated.

### Conclusion

The proposed extension would be an inappropriate form of development in the Green Belt that would cause clear harm to the openness and visual amenities of the Green Belt. It is not considered that the special circumstances put forward by the applicant would outweigh this harm. Thus, in accordance with policies D.38 and D.39 of the WCSP, policy DS2 of the BDLP and the advice contained in PPG2 I recommend that planning permission is refused.

**RECOMMENDATION:** that planning permission is **REFUSED**.

The proposed extension would represent an inappropriate form of development in the Green Belt contrary to policies D.38 and D.39 of the Worcestershire County Structure Plan 2001, policy DS2 of the Bromsgrove District Local Plan 2004 and the advice contained in PPG2: Green Belts. The proposal would cause clear harm to the openness and visual amenities of the Green Belt and it is not considered that any very special circumstances exist to outweigh this harm.

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# Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Mr. Richards 'A'</b>	Change of use to approximately 4,510 sq. m. class B1A and B1C, new access and associated works (renewal of permission B/2005/0352 approved 22.07.2005) - Wildmoor Mill Farm, Mill Lane, Wildmoor, Bromsgrove, B61 0BX	GB	<b>09/0985-JT</b> 18.02.2010

**RECOMMENDATION:** that permission be **GRANTED**.

## Consultations

Worcestershire Highways Consulted: 20.01.2010. Final response received: 04.03.2010

No objections subject to the imposition of the same highway conditions attached to permission B/2005/0352.

Notes that due to ongoing discussions regarding the s278 agreement for off site highway works, the applicant may need to amend the highway design. This may differ to the extent that a separate planning application will be required.

Natural England Consulted: 20.01.2010. Final response received: 10.02.2010.

No objection to the proposed development subject to the proposal being carried out in strict accordance with the details of the application. To proposed will not have a significant effect on the interest features of the Madeley Heath Pit and Feckenham Forest SSSIs.

Public Rights of Way No objection in relation to protected species as unaware of presence of legally protected species at the site.  
Consulted: 20.01.2010. No comments received.

It is noted that no objections were raised in relation to the previous application for the same proposals on the basis that the proposals would not adversely affect the line of the footpath.

Environment Agency Consulted: 20.01.2010. Final response received: 01.03.2010.

No objections to the proposals. The following comments are made.

Proposed site is located within Flood Zone 1 (low probability). From a visual site inspection, satisfied that the buildings are sufficiently elevated and clearly fall outside the floodplain of the ordinary watercourse running to the east of the site.

However, the proposed access crosses the ordinary watercourse, which is located within Flood Zone 3 (high probability). No objection is raised to the proposed crossing given the size of the watercourse and the surrounding land use. Flood Defence consent under section 23 of the

Land Drainage Act 1991 is not required for open span bridges on ordinary watercourses.

Satisfied with foul drainage for discharge proposals (Klargester unit with discharge via perforated outfall drainage, provided in trenches) subject to separate discharge consent being granted.

Recommends an interceptor is included within the surface water drainage prior to discharge to ground or surface water, due to amount of parking provided. This would protect controlled waters in the event of oil spillage from the hardstanding.

Any disposal of waste from the site during the demolition phase should be disposed of via an authorised waste carrier to an appropriately licensed site.

Ramblers  
Association

Consulted: 20.01.2010. Final response received: 03.02.2010.

A response has been received from the Monarch's Way Association. (NB. The Monarch's Way is a nationally promoted 615 mile long distance footpath which follows the escape of King Charles II after his defeat at the Battle of Worcester in 1651.)

The Monarch's Way (no. FP 544) is adjacent to the site. There will be a direct impact on the public footpath and an increased risk to pedestrians. An increase in traffic on an acute bend in the highway will pose an increased traffic hazard.

Draws the Council's attention to the duty to consider public rights of way in making planning decisions as set out in DEFRA Rights of Way Circular (01/09), PPG7, PPG13 and PPG17. (NB. PPG7 was replaced by PPS7 in 2004. The latter no longer makes reference to public rights of way.)

West Mercia  
Police

Consulted: 20.01.2010. Final response received: 04.02.2010.

No objections to the application. Due to the location, security measures should be seriously considered. This should include perimeter security, doors should conform to LPS 1175 and consideration should be given to the installation of security grilles or shutters inside the windows.

Building  
Control

Consulted: 20.01.2010. No response received.

Commented on the previous application that the structural report submitted reasonably reflects the condition of the buildings. Of the buildings to be retained and converted, the scheme would not appear to require major reconstruction.

Engineers /  
Drainage

Consulted: 20.01.2010. Final response received: 03.02.2010.

No objections subject to imposition of previous conditions.

Also condition requiring that surface water disposal methods are re-established for all hardstanding areas and structures - details required.

	The access road requires a controlled storm water run-off. Adjacent land and highway suffer from surface water holding and not draining away. Adjacent water course has limited capacity.
Environmental Health	Consulted: 20.01.2010. Final response received: 24.02.2010.
Commercial Regulation	No objections subject to imposition of previous conditions. Consulted: 20.01.2010. Final response received: 12.01.2010.
Belbroughton Parish Council	No objection to the application. Consulted: 20.01.2010. No response received.
Publicity	It is noted that the PC objected to the previous application on the following basis: "not change of use but re-development in a fashion unacceptable in a Green Belt area. Buildings proposed were felt to be unremittingly ugly." Site Notice posted 28.01.2009; expired 18.02.2010.  Press Notice (Bromsgrove Standard): 28.01.2010; expired 18.02.2010.  1 objection received on the basis that the complex would be turned into a sizeable industrial site within the Green Belt, and traffic would be increased which would impact on local rural roads.

### The site and its surroundings

The application relates to a site with an area of approximately 1.63 ha. located on the north side of Mill Lane, Wildmoor. The site accommodates a number of single storey former pig sheds and associated equipment. The site is bounded to the north, west and east by agricultural land. According to the applicant's statement, pig farming at the site ceased in 1999.

The area encompassed by the application red line plan includes the majority of the buildings on the former farm, as well as a limb of land stretching eastward towards a bend in Mill Lane. A stream runs in a north-south direction to the east of the main site and subtends this limb. An overgrown track runs from a gated access on the bend back towards the agricultural buildings.

### Proposal

The application is for an extension of time for a permission granted in July 2005 for 'change of use to approximately 4,510 sq. m. class B1(a) and B1(c), new access and associated works' (ref: B/2005/0352). Condition 1 of this permission requires that the development must be begun not later than five years after the grant of permission, meaning that the application expires on 21st July 2010.

The development allowed by this permission is for the reuse of existing buildings for 1804 sq. m. of office (Class B1(a)) and 2706 sq m light industrial (Class B1(c)) uses. The proposals include an improved access to Mill Lane on the line of the existing track, and the provision of 138 car parking spaces.

Off site highway improvements (not forming part of the application) are also proposed, including a passing bay further east on Mill Lane, and alterations to the junction of Mill Lane and Third Road to the west of the site. These are longstanding commitments dating back to previous planning applications (see below).

### Relevant Planning History

The site has a long planning application history. The most relevant applications are as follows:

- B/1991/0093   Erection of slurry weeping wall and storage tank. Approved 11.03.1991.  
B/1991/0463   Steel framed side extension to existing mill / mix storage building.  
Refused 07.10.1991.  
B/1994/0626   Construction of extension for processing pig feed, installation of weighbridge and replacement building to create canteen and improved staff facilities. Approved 10.10.1994.  
B/2001/0379   Change of use of redundant pig units into approx. 6220 sq. m. of use class B1(c) and B8 units together with ancillary work including a new access. Approved 29.10.2001.  
B/2005/0352   Change of use to approximately 4,510 sq. m. class B1A and B1C, new access and associated works. Approved July 2005.

### Relevant Policies

- WMSS    QE1, QE2, QE3, QE6, PA14, PA15  
WCSP    CTC.1, CTC.8, D.16, D.19, D.24, D.29, D.38, D.39, D.43, SD.2, SD.3, SD.4, T.1  
BDLP    C4, C27, C31, C32, DS2, DS13, E9, ES1, ES2, ES4, TR1, TR8, TR11  
Others   PPS1, PPG2, PPS4, PPS7, PPG13, PPS23, SPG4

### Notes

In 2004 section 73 of the Town and Country Planning Act 1990 Act was amended so that an application to vary conditions could no longer be used to extend the time limit for implementation of a permission. Section 91 was also amended, to reduce from five to three years the default time limit imposed on the implementation of planning permissions.

However, the Government has recently expressed a concern that there has recently been a marked reduction in the implementation of schemes that already have planning permission, and that if these schemes lapse, economic recovery could be delayed.

The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 now enables existing planning permissions to be replaced before they expire, in order to allow a longer period for implementation. The Explanatory Memorandum issued with the Order explains that the previous planning permission will not be revoked, rather a new permission granted subject to a new time limit.

The Government is yet to issue formal guidance on how such applications for extension of time are to be determined. However, DCLG advice is that the guidance given in the

June 2009 *Greater Flexibility for Planning Permissions* consultation is to be used in the interim.

This guidance states that:

*"applicants cannot under this provision seek to make any changes to the terms of the planning permission as granted other than an extension of the time allowed for implementation. While the outcome of a successful application will be a new permission with a new time limit attached, the description of the development and all other conditions must remain the same."* (Para. 15)

In relation to the approach that local planning authorities should take on such applications, it is advised that:

*"In current circumstances, local planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date ... Local planning authorities should, in making their decisions, focus their attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of permission ... Local planning authorities may refuse applications to extend the time limit for permissions changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably or if they consider that this is not an appropriate procedure."* (Paras. 17 and 19)

The advice is therefore clear in determining that, unless anything has changed significantly in national or development plan policy, an application to extend the time for the implementation of a permission should be looked upon favourably.

#### Changes to development plan policy and national guidance

It is noted that the current Worcestershire County Structure Plan (WCSP) was adopted in June 2001 and the Bromsgrove District Local Plan (BDLP) in January 2004, both pre-dating the decision on the 2005 permission. Although both plans have expired, the Secretary of State has allowed the majority of policies in each document to be saved and extended.

The following policies applied to the 2005 proposals have not been extended:

- Worcestershire County Structure Plan policies SD.6 (location of development in urban areas), D.20 (employment land portfolio) and D.30 (farm diversification).
- Bromsgrove District Local Plan policy DS6 (locations in the Green Belt).

Although the West Midlands Spatial Strategy (WMSS) was revised in January 2008, no policy applied to the 2005 proposals has changed, and nor has national guidance in the form of PPS1, PPG2 and PPG13. PPG4 and elements of PPS7 were replaced by PPS4 in December 2009. Specifically, three of the four policy objectives set out in PPS7 have been deleted. These are to: i) raise the quality of life and the environment in rural areas through the promotion of sustainable rural communities; ii) promote more sustainable

patterns of development; and iii) promote the development of the English regions by improving their economic performance so that all are able to reach their full potential.

These are replaced by PPS4 policy EC6 (planning for economic development in rural areas). It requires local planning authorities to ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. In rural areas, local planning authorities should specifically:

- a) strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans;
- b) identify local service centres (which might be a country town, a single large village or a group of villages) and locate most new development in or on the edge of existing settlements where employment, housing (including affordable housing), services and other facilities can be provided close together;
- c) support the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside (particularly those adjacent or closely related to towns or villages) for economic development;
- d) set out the permissible scale of replacement buildings and circumstances where replacement of buildings would not be acceptable;
- e) seek to remedy any identified deficiencies in local shopping and other facilities to serve people's day-to-day needs and help address social exclusion;
- f) set out the criteria to be applied to planning applications for farm diversification, and support diversification for business purposes that are consistent in their scale and environmental impact with their rural location;
- g) where appropriate, support equine enterprises, providing for a range of suitably located recreational and leisure facilities and the needs of training and breeding businesses that maintain environmental quality and countryside character.

### Assessment of issues

The main issues in determining the previous 2005 application (B/2005/0352) were:

- 1) Whether the proposed development is acceptable in terms of Green Belt policy;
- 2) Whether the proposed development would be acceptable in terms of the likely impact on the local environment and the amenities of local residences, in particular with regard to highways impact
- 3) Whether the benefits of the proposal in terms of assisting farm diversification and road junction improvements outweigh the disadvantages of the scheme.

### Harm to the Green Belt

In considering the previous application, it was noted that Green Belt policy only defines the reuse of buildings as being appropriate where the proposed use would not materially harm the openness of the land. The application site includes not only buildings but also the hardstanding to allow for parking and servicing.

In determining the application, the Council was satisfied that the existing buildings shown to remain, as well as the existing screening to the site, would help to reduce the visual impact of additional activity (vehicle movements, etc.) on the site. Subject to the

imposition of conditions to prevent outside storage, it was concluded that the development would on balance not harm the openness of the Green Belt and that the proposals were acceptable in Green Belt terms.

The content and interpretation of national and local Green Belt policies has not changed substantively since the determination of the 2005 application, and officers therefore consider that there is no reason to depart from the Council's previous decision. The proposals are therefore considered acceptable in Green Belt terms.

#### Impact on the local environment and residential amenity

At the time the previous application was assessed, concerns were raised over the noise and traffic potentially generated by the proposals. It was determined that the impacts associated with Class B1 office and light industrial uses would not significantly harm the local area. It was also concluded that, subject to the delivery of proposed highway improvements and the imposition of relevant conditions that the highway implications raised by the proposals would not unacceptably affect the amenity of the local area or the highway network.

It is noted that the EHO and WCC highways have both raised no objections to the proposals subject to the imposition of the same conditions applied to the previous application. It is therefore concluded that the proposals would not have the local environment or residential amenity.

#### Benefits of the proposed development

The proposed works to the highway junction and other improvements were previously held to be an advantage to the application proposals. Significant weight was also attached to the encouragement given to farm diversification schemes as set out in PPS7, policy C31 of the BDLP and policy D.30 of the WCSP. The scheme was considered significantly less likely to give rise to impacts on local amenity and the local highway than the previously approved scheme (B/2001/0379, which allowed for 6,220 sq. m. of B1(c) and B8 storage / distribution uses).

It was acknowledged that the site, although close to the urban area is in a relatively rural location, inaccessible by public transport and poorly related to the Bromsgrove urban core. It was concluded that in broad sustainability terms, the site is a poor choice of location for an employment site. It was nevertheless concluded that the benefits of the proposal outweighed any harm caused.

BDLP policy C31 is still extant. WCSP policy D.30 has been deleted, but broadly mirrors the approach set out in C31. Much of PPS7 has been replaced by the new PPS4. However, officers consider that the approach to the rural economy has not changed to the extent to change the previous analysis of the application proposals. Particular mention is made in PPS4 of the need to support the conversion and re-use of existing buildings in the countryside for economic development, and farm diversification schemes where they are consistent in their scale and environmental impact with their rural location.

## Conclusion

In conclusion, the changes to policy since the determination of the previous 2005 application should not fundamentally change the Council's approach to the scheme. It is therefore recommended that the application is approved subject to the imposition of similar conditions to those previously attached.

**RECOMMENDATION:** that permission be **GRANTED** subject the following conditions:

- 1) C001 Standard time - three years
- 2) Prior to the commencement of the development, details of the surface water drainage systems to serve the proposed uses shall be submitted and approved by the Local Planning Authority. The approved system shall be fully operational prior to the site being used for the approved purposes.

Reason: To reduce the risk of flooding and prevent pollution of the water environment in accordance with policies CTC.8 and CTC.9 of the Worcestershire County Structure Plan and policies ES1 and ES2 of the Bromsgrove Local Plan.

- 3) Prior to the commencement of the development, details of the proposed drive, including the bridge and surfacing specifications, shall be submitted to and approved by the Local Planning Authority. The access drive and bridge shall be constructed as approved prior to work commencing on site.

Reason: To reduce the risk of flooding and prevent pollution of the water environment in accordance with policies CTC.8 and CTC.9 of the Worcestershire County Structure Plan and policies ES1 and ES2 of the Bromsgrove Local Plan.

- 4) There shall be no raising of ground levels which would result in loss of flood storage in the floodplain of Battlefield Brook.

Reason: To reduce the risk of flooding and prevent pollution of the water environment in accordance with policies CTC.8 and CTC.9 of the Worcestershire County Structure Plan and policies ES1 and ES2 of the Bromsgrove Local Plan.

- 5) No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the treatment plant has been constructed and is operational.

Reason: To prevent pollution of the water environment in accordance policies CTC.8 and CTC.9 of the Worcestershire County Structure Plan and policies ES1 and ES2 of the Bromsgrove Local Plan.

- 6) Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To enable discharges from individual premises or buildings to be inspected and sampled, in accordance with policy CTC.9 of the Worcestershire County Structure Plan and policy ES4 of the Bromsgrove District Local Plan.

- 7) No materials or any items shall be stored externally on the site.

Reason: To preserve the openness of the Green Belt and in the interests of visual amenity in accordance with policies D.29, D.38 and D.39 of the Worcestershire County Structure Plan and policies DS2 and C27 of the Bromsgrove District Local Plan.

- 8) Prior to the commencement of development the buildings shown to be demolished on the approved plans shall be taken down and all resulting debris removed from the site.

Reason: To preserve the openness of the Green Belt and in the interests of visual amenity in accordance with policies D.29, D.38 and D.39 of the Worcestershire County Structure Plan and policies DS2 and C27 of the Bromsgrove District Local Plan.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no alterations other than those approved by the Local Planning Authority shall be made to the buildings remaining on the site.

Reason: To preserve the openness of the Green Belt and in the interests of visual amenity in accordance with policies D.29, D.38 and D.39 of the Worcestershire County Structure Plan and policies DS2 and C27 of the Bromsgrove District Local Plan.

- 10) No operations associated with the proposed uses including the arrival or departure and loading and unloading of vehicles, delivering or collecting materials or equipment shall be made outside the working hours of:

0730 - 1800 hours weekdays

0730 - 1300 hours Saturday

and no arrivals or departures allowed Sundays and Bank Holidays.

Prior to the commencement of the development commencing a sign shall be erected at the entrance of the site stating that the site will not be open for deliveries or collections outside the above hours. Details of this sign shall be submitted for the Local Planning Authority for approval.

Reason: To protect the amenities of the surrounding area and of nearby residences in accordance with policies DS13 and C27 of the Bromsgrove District Local Plan.

- 11) The proposed road works to the junction of Mill Lane and Wildmoor Road, as well as the provision of a new passing bay as shown in the submitted Preliminary Access Strategy, shall be carried out in full and in accordance with details

submitted to the Local Planning Authority for prior approval, before the proposed development commences.

Reason: In the interests of highway safety in accordance with policy D.29 of the Worcestershire County Structure Plan and policies C27 and DS13 of the Bromsgrove District Local Plan.

12) C010 - Trees - landscaping scheme

13) Within 12 months of the site first being used for the approved purposes trees / shrubs / hedges shall be planted on the land in such positions and of such species as may be agreed in writing with the Local Planning Authority. Any trees / shrubs / hedges removed, dying, being severely damaged or becoming seriously diseased within two years of planting shall be replaced by trees / shrubs / hedges of similar size and species to those originally required to be planted.

Reason: In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.

14) The development hereby approved shall not be brought into use until areas for the manoeuvring, parking, loading and unloading of vehicles has been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety in accordance with policies DS13, TR8 and TR11 of the Bromsgrove District Local Plan.

15) Development shall not begin until details of the junction improvement and passing bay have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

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

16) HC44 - Wheel Washing

17) Means of vehicular access for construction traffic to the development hereby approved shall be via Mill Lane, Wildmoor Road, Top Road and the A491 only.

Reason: In the interests of highway safety in accordance with policies DS13, TR8 and TR11 of the Bromsgrove District Local Plan.

18) Prior to the commencement of this development a detailed study shall be undertaken with respect to the Green Travel Plan and this report and its recommendations shall be submitted to and achieved in writing by the Local Planning Authority. The development shall then be implemented in accordance

with those agreed recommendations, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to achieve sustainable transport options in accordance with policies SD.4, SD.6 and T.1 of the Worcestershire County Structure Plan and policy DS13 of the Bromsgrove District Local Plan.

- 19) Prior to the commencement of the development hereby approved, a detailed plan confirming the use of each of the units hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The proportions of the buildings used for offices shall not exceed 1,804 sq. m. and the proportion used for light industrial use shall not exceed 2,706 sq. m. The proportions and locations shall be retained for the life of the development hereby approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: As this proposal has been considered on the basis of this proportion of use and to change that proportion may lead to unforeseen adverse environmental impacts which may be contrary to policy D.29 of the Worcestershire County Structure Plan and policies DS13 and C27 of the Bromsgrove District Local Plan.

#### Informatives

- 1) HN1 - Mud on Highway
- 2) HN6 - Section 278 Agreement
- 3) HN7 - Section 38 Agreement Details
- 4) HN9 - No Drainage to Discharge to Highway
- 5) HN20 - Extraordinary Maintenance
- 6) West Mercia Police advises that, due to the site's location, security measures should be seriously considered, including perimeter security, doors should conform to LPS 1175 and consideration should be given to the installation of security grilles or shutters inside the windows.
- 7) Natural England advises that planning permission does not absolve the applicant from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences as described in Part IV B of Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System.
- 8) Depending on the final use of the building, the premises will be required to comply with Food Safety and Health and Safety legislation which is enforced by the Council. In this case the premises will be subject to routine inspection to assess compliance. Advice should therefore be sought from the Commercial Regulation Team on 01527 881434 at the earliest opportunity. If food is to be prepared or handled on the premises it is also a legal requirement that the premises be registered with the Council at least 28 days prior to opening the business.

- 9) It should be noted that the grant of planning permission does not authorise the obstruction or diversion of a public right of way.

Note

This decision has been taken having regard to the relevant policies within the West Midlands Spatial Strategy (WMSS) January 2008, the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan (BDLP) January 2004 and other material considerations as summarised below:

WMSS	QE1, QE2, QE3, QE6, PA14, PA15
WCSP	CTC.1, CTC.8, D.16, D.19, D.24, D.29, D.38, D.39, D.43, SD.2, SD.3, SD.4, T.1
BDLP	C4, C27, C31, C32, DS2, DS13, E9, ES1, ES2, ES4, TR1, TR8, TR11
Others	PPS1, PPG2, PPS4, PPS7, PPG13, PPS23, SPG4

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

# Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Mr. Alvin Robinson, Primrose Hospice 'A'</b>	New detached annex for family support, therapy and education (as augmented by survey received 15.02.2010 and information received 01.03.2010 and 02.03.2010, 10.03.2010 and amended by plans received 10.03.2010 and 17.03.2010 and 10.03.2010) - Primrose Hospice and Cancer Help Centre, St. Godwalds Road, Bromsgrove, B60 3BW	GB	<b>10/0016-CE</b> 01.04.2010

**RECOMMENDATION:** that, subject to the satisfactory views of Natural England, permission be **GRANTED**.

## Consultations

WH	Consulted - view received 22.02.2010. No objection.
Strategic Planning	<p>Consulted - view received 29.01.2010.</p> <ul style="list-style-type: none"> <li>▪ PPG2 and BDLP policies DS2 and S28 apply.</li> <li>▪ Although the current proposal may be well contained within the existing building, built extension and vegetation (which is not a permanent feature itself), it is not considered that the cumulative additions are proportionate to the size of the original building or that the building will cause limited harm to the openness of the Green Belt.</li> <li>▪ It is not considered that the reasons provided by the applicant comprise very special circumstances. The applicant fails to explain why extending opening hours or relocating to a bigger property within Bromsgrove town are not options.</li> <li>▪ As the building will be built on an existing pond, it is important to check there will be no harm to biodiversity. The biodiversity value of open water (including man-made ponds) is recognised in the Worcestershire Biodiversity Action Plan.</li> <li>▪ Although the site falls outside the Landscape Protection Area, it is important to ensure that the development will contribute positively to the landscape character of the area.</li> </ul>
Tree Officer	Consulted - initial view received 17.03.2010. Concerns raised regarding the proximity of the development to a protected yew tree. Re-consulted following receipt of amended plans received 17.03.2010 - view received 17.03.2010. No objection subject to conditions.
ENG	Consulted - view received 15.03.2010. No objection subject to a condition requiring the submission of storm water details. No flood risk assessment required.
NE	Consulted 16.02.2010 (expired 09.03.2010). Awaiting a response.
WWT	Consulted - view received 19.02.2010. No objection. A condition is recommended to cover the mitigation and enhancement measures detailed in the ecological report. It is not considered necessary to wait for further information on great crested newts.

Bromsgrove Health Authority	Consulted 25.01.2010 (expired 15.02.2010). No response received to date.
Finstall PC	Consulted 25.01.2010 (expired 15.02.2010). No response received. Re-consulted 08.03.2010 following receipt of amended plans (expires 22.03.2010). No response received to date.
Publicity	1 letter sent 10.02.2010 (expired 03.2010). 1 letter sent 08.03.2010 following receipt of amended plans received 04.03.2010 (expires 22.03.2010). 1 site notice posted 09.02.2010 (expired 02.03.2010). 1 site noticed posted 08.03.2010 following receipt of amended plans received 04.03.2010 (expires 22.03.2010). 1 press notice published 28.01.2010 (expired 18.02.2010). No response received to date.

The amended plans received on 17.03.2010 show the proposed building positioned 2 metres closer to the common boundary with 47 St. Godwalds Road. Due to the separation distance between the proposal and the boundary (31 metres), it is not considered necessary to re-notify the adjoining occupiers.

### The site and its surroundings

Primrose Hospice is located to the east side of St. Godwalds Road on the southern end of a run of development. The hospice building was originally constructed as a rectory in 1868 and has been significantly extended at ground floor level in the last 10 years. The building is located in a good sized plot which benefits from a mature boundary hedge along the roadside boundary. The site contains a number of substantial trees some of which are covered by Tree Preservation Orders. Parking is provided to the north and east of the building, with the remainder of the site providing a formal garden. The site shares its northern boundary with 47 St. Godwalds Road, a residential property. To the south and east, are fields. The site is located in a recognised area of Green Belt.

Primrose Hospice provides the following services:

- i) Support for patients suffering from a range of terminal illnesses.
- ii) The Family Support Service provides advice and counselling to the families of patients and runs a number of support groups.
- iii) Primrose at Home is a team of carers providing basic nursing care and social support for patients and their families in their own homes.
- iv) An in-hospital palliative care unit at the Princess of Wales Hospital.

### Proposal

This application seeks consent for a part single, part two storey detached building to house the Hospice's Family Support Service. The building will comprise of offices, counselling and therapy rooms, a teaching room and library. It will be sited on land between the existing hospice and the road. This application also proposes to provide 8 additional parking spaces.

## Relevant Policies

WMSS	QE1, QE3, QE6, QE7, T2, T7
WCSP	SD.2, SD.4, CTC.1, CTC.5, CTC.12, CTC.14, CTC.15, D.38, D.39, T.1, T.4
BDLP	DS2, DS13, S28, C4, C10A, C17, C19, TR8, TR11
Others	PPS1, PPG2, PPS9, PPG13

## Relevant Planning History

B/2007/0780	Addition of glazed walkway and extension to form single storey spiritual room. Approved 04.09.2007.
B/2006/1367	Addition of glazed extension and walkway. Alteration to existing roof. Approved 08.02.2007.
B/2002/0316	Single storey extension to provide patient care areas. Approved 14.05.2002.
B/2000/0936	Single storey and two storey extension to provide patient care and administrative areas. Approved 16.10.2000.
B/1993/0923	Building and excavating an ornamental pool for the enjoyment of patients. Approved 17.02.1994.
B19223	Change of use of dwelling to day hospice. Approved 10.12.1990.
B1923	Extensions and alterations. Approved 10.12.1990.

## Notes

The main issue with this application is whether the proposed development is appropriate in the Green Belt and, if not, whether very special circumstances exist to outweigh the harm caused. Consideration must also be given to design, residential amenity, landscape, tree, ecological, sustainability, parking and drainage issues.

## **Green Belt**

Policy DS2 of the Bromsgrove District Local Plan 2004 is in accordance with Planning Policy Guidance Note 2: Green Belts in setting out the instances when development may be considered appropriate in the Green Belt. The proposed development does not fall under any of the specified instances and is therefore an inappropriate form of development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt.

PPG2 states that the most important attribute of Green Belts is their openness. The applicant considers that the proposed annex, by reason of its location within the site and its relationship with surrounding development will be of limited harm to the openness of the Green Belt. I appreciate that the overall impact of the development has been reduced by placing it beside the existing building and that it will be seen in the context of the adjoining built development. However, the building is substantial in size especially when considered with the size of extensions already added to the hospice. I therefore agree with the Strategic Planning Officer that the harm is more than limited.

It now follows for me to consider whether any very special circumstances exist to outweigh the harm caused. The application was accompanied by a supporting statement which has been supplemented with further details and information obtained at a meeting with the applicant. This information puts forward a number of issues in support of the proposed development which are summarised as follows:

- a) In 2008, the Department of Health published its End of Life Care Strategy (ELCS). This guidance seeks to improve the quality of care at the end of life for all patients and for their carers and to enable more patients to live and die in places of their choice. The strategy requires end of life care providers, such as the hospice, to provide more counselling and therapy rooms and education facilities, places more emphasis on home care services and the provision of support to families. It is hoped that one of the benefits of the strategy will be reduced pressure on hospital services.
- b) Due to an increase in the number of services provided, patients, staff and volunteers, there is no longer sufficient space within the existing building to provide proper counselling and therapy services. This growth is due to increased awareness, better diagnosis of progressive illnesses, increased expectations that families will support relatives with progressive diseases and an increase in the number of people prone to such diseases. The number of staff is expected to increase further with the implementation of the ELCS and the projected increase in mortality figures. The applicant has provided an example room time table which demonstrates limited capacity to increase service provision within the existing building. The hospice is open 4 days a week to allow one day a week for administration / management.
- c) The proposed annex will meet the increased need for services to the community provided by the hospice and its family support network. It will also increase the range of facilities necessary to meet society's ever increasing requirements in respect of medical and social care, particularly since the introduction of the ELCS. Specifically the proposal will:
  - Provide additional counselling and therapy rooms and additional staff accommodation to meet the increased demand for the hospice's services.
  - Enable the Family Support Service to remain close to, but separate from, the remainder of the hospice. The current location of the Support Service within the hospice can lead to awkward situations (for example, children receiving counselling seeing hospice patients).
  - Provision of more facilities for children (reducing the amount of children's work taking place at home and schools and providing a more suitable environment for children).
  - Provide a teaching and library area to implement the provisions of the ELCS both in terms of educating existing staff and volunteers and extending the knowledge of care throughout North Worcestershire. A lecturer / practitioner will be employed to undertake this work. The hospice is one of only a few places where students are able to gain experience of palliative care. It is understood that the only other hospice in north Worcestershire (KEMP Hospice in Kidderminster) does not have the space to provide the required facilities.

- d) It is not possible to provide the additional facilities elsewhere due to synergy between the activities that will take place in the annex and the existing hospice. This includes staff working in both buildings and patients and family members arriving at the site together. Clinical staff from the hospice will be involved in the delivery of education and students will need to be able to observe the practice of the hospice. The proposed education facilities will also bring healthcare professionals to the site. This will raise the profile of the hospice, generating more appropriate referrals and improve patient access to the hospice's services.
- e) A letter of support has been received from NHS Worcestershire.

In addition to the above, I would note that services offered by the hospice are unique within the District and are of significant value. The Strategic Planning Officer has raised concern that the supporting documentation does not explain why moving to a larger premises is not an option. In response to this, the applicant has advised me that the funding required for the relocation of the hospice would take several years to generate. Further to this, I consider that the tranquil setting of the hospice is an asset given the nature of the work.

In my opinion, the applicant has demonstrated a need for the proposed annex and has justified its location within the hospice grounds. I consider that the issues put forward by the applicant and the unique importance of the services provided, amount to very special circumstances which outweigh the presumption against inappropriate development in the Green Belt and the harm to the openness.

## **Design**

The original Victorian rectory is an impressive building featuring attractive brick detailing. The design of the single storey extension approved in 2001 reflects the basic forms and features of the original building. In contrast, the proposed annex is of a contemporary design. Adjacent to the existing hospice, the annex will be single storey in height allowing it to appear visually subservient to the existing building. The use of a green roof, a covered walkway and large windows along the elevation facing the hospice help to soften the impact between the two differing styles of architecture. The clean simple lines of the annex and the use of render and timber cladding ensure that design of the building does not compete with the level of detailing to the original building. The existing roadside hedge will need to be significantly reduced to make space for the proposed development. However, it is expected that a good level of screening will be retained, preventing views of the whole side elevation from the road.

## **Residential amenities**

47 St. Godwalds Road is located approximately 2 metres below the level of the proposed annex and contains a number of windows which directly face the application site. The separation distance between the annex and the common boundary is some 31 metres and I consider this to be sufficient to adequately protect the amenities of the adjoining occupiers in terms of privacy, light and outlook.

## **Landscape Issues**

The application site adjoins a Landscape Protection Areas to the east and the Landscape Character Area in which it is sited is principal settled farmlands. The proposed development will be mostly screened from the Landscape Protection Area by the existing building and the majority of the vegetation to be removed is not native. I am therefore of the opinion that the development will not adversely affect the landscape character of the area.

## **Trees**

Policy C17 of the BDLP requires development proposals to retain existing trees wherever possible. The proposed car parking spaces require the removal of a few unprotected holly trees. In my opinion, these trees are of limited intrinsic value in their own right. The proposed annex will be located close (minimum 7 metres) to a Yew, an Oak and a Pine, all of which are protected. The Tree Officer has raised no objection to the proposed development subject to conditions. I am therefore of the view that the proposal will not adversely affect the protected trees at the site.

## **Ecological issues**

Planning Policy Statement 9: Biodiversity and Geological Conservation (paragraph 1vi) states that "*The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests.*" Where a proposed development would adversely affect those interests, suitable mitigation measures will need to be secured or, where significant harm cannot be prevented, adequately mitigated against or compensated for, then planning permission should be refused. Article 12 (1) of the EC Habitats Directive requires Member States to take requisite measures to establish a strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites or resting places. This directive is implemented by the Conservation (Natural Habitats, etc.) Regulations 1994.

The applicant has submitted a Phase 1 Habitat Survey and Ecological Survey Assessment. The proposed building is to be located on the site of an existing man-made pond. Due to the loss of the pond, the survey concludes there may be implications with regard to great crested newts (protected under the 1994 Regulations). It is recommended that further survey work is undertaken and mitigation measures be incorporated as appropriate. The submitted Site Plan illustrates a new pond which will be created if great crested newts are found to be present. The views of Natural England have been sought on this matter and I will update Members at the meeting of the Committee on this issue.

## **Sustainability and parking issues**

Policy SD.4 of the WCSP requires development proposals to be located so as to minimise the need to travel and where there is access of different modes of transport. Primrose Hospice is within walking distance of Bromsgrove Station and local bus services and is therefore in compliance with policy SD.4.

Worcestershire Highways has raised no objection to the proposed development and I am therefore satisfied that the site provides adequate parking provision.

## Conclusion

The proposed annex and car parking are inappropriate forms of development in the Green Belt. However, very special circumstances have been identified which outweigh the harm caused. The proposed development is found to be acceptable in all other respects.

**RECOMMENDATION:** that, subject to the satisfactory views of Natural England, permission be **GRANTED**.

1. C99
2. Details of the form, colour and finish of the materials to be used externally on the walls including doors and windows, door frames and window frames as well as rainwater goods shall be subject to the approval, in writing, of the local planning authority before any work on the site commences.
3. C10
4. Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the developer shall erect protective fencing around the Root Protection Areas of the trees on and adjacent to the application site as illustrated by Figure 2 or Figure 3 as appropriate at positions in accordance with Section 5.2.2 of British Standard BS5837:2005 to the satisfaction of the Local Planning Authority. This fencing shall be maintained to the satisfaction of the Local Planning Authority until all development, the subject of this permission, has been completed.
5. No works of any kind, including changes in ground levels, installation of utility services, passage, storage or use of machinery or washing out of mixing or fuel tanks, shall be permitted within the Root Protection Areas of trees on and adjacent to the site without the prior specific written permission of the Local Planning Authority.
6. No materials of any kind shall be stored, installed, burned or disposed of within the Root Protection Areas of trees on and adjacent to the site without the prior specific written permission of the Local Planning Authority.
7. No trees or hedges shall be lopped, topped, felled or uprooted without the specific written permission of the Local Planning Authority.
8. The development hereby approved shall be carried out in accordance with the recommendations set out in the Summary and part 4 Conclusions and Recommendations of the Phase 1 Habitat Survey and Ecological Survey Assessment by Worcestershire Wildlife Consultancy dated January 2010. This includes carrying out the dedicated presence / absence surveys described under part 4.2 Great Crested Newts.
9. The annex building hereby approved shall be used only for purposes connected to and associated with the existing hospice at the application site and for no other purpose (including any other purpose in Class D1 of the schedule to the Town and Country Planning Use Classes (Amendment) Order 2005 or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order).

## Reasons

2. To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001.
4. - 7. In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.
9. To ensure there are sufficient protection and mitigation measures to address the potential presence of protected species on site in accordance with policy C10A of the Bromsgrove District Local Plan 2004.
10. To preserve the character of the area and as any other use of the building would be inappropriate to the site and contrary to policies DS2 and DS13 of the Bromsgrove District Local Plan 2004 and policy D.39 of the Worcestershire County Structure Plan 2001.

## Notes

1. The applicant is reminded that consent will be required from the relevant authority / company for the relocation of the telegraph pole sited in the position of proposed car parking spaces 06 and 07.
2. Attenuation will be required in the form of soakaways or to the new pond with appropriate displacement to accommodate storm conditions.
3. The applicant is advised that this consent does not absolve them from complying with the relevant law concerning protected species, including obtaining and complying with the terms and conditions of any licences required as described in Part IV of the Circular 06/2005.

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

WMSS	QE1, QE3, QE6, QE7, T2, T7
WCSP	SD.2, SD.4, CTC.1, CTC.5, CTC.12, CTC.14, CTC.15, D.38, D.39, T.1, T.4
BDLP	DS2, DS13, S28, C4, C10A, C17, C19, TR8, TR11
Others	PPS1, PPG2, PPS9, PPG13

It is the Council's view that the proposed development does not comply with the provisions of the development plan. However, it is considered that the benefits of the scheme amount to very special circumstances that justify the granting of planning permission.

# Agenda Item 9

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Rowanmoor Trustees Ltd. (Mr. P. Mason / Mrs. C. Mason) 'A'</b>	Conversion of industrial buildings to residential use (9 units comprising 6 x 2-bed units, 2 x 3-bed units and 1 x 4-bed unit) with access road, car parking and amenity space (as augmented by information received 05.03.2010 and amended by drawings received 10.03.2010) - 2 and part of 4 and 6 Hartle Lane, Belbroughton, DY9 9TG	GB Village Envelope	<b>10/0101-MT</b> 05.04.2010

**RECOMMENDATION:** that permission is **REFUSED**.

## Consultations

WH Initial comments received 12.03.2010:

The proposed visibility splays onto Hartle Lane cross 3rd party land. Several splays have been shown, but none are acceptable. I would expect a splay of 2.4 metres x 43 metres to be provided.

Inside the site, pre-application discussions agreed a reduced service strip around part of the turning head, but this has been extended. The parking spaces to the rear of 4 Hartle Lane do not demonstrate appropriate levels of visibility (2.4 metres x 25 metres).

Every access should have a 2 metres x 45 degree splay from the side of the driveway.

The turning head appears far too small. A 14.5 metre carriageway is required, and this is to be tracked. The refuse vehicle shown does not appear to be an appropriate size.

Further comments awaited.

Belbroughton PC Comments received 03.03.2010:

The Parish Council has no objections in principle to the change of use of this site in the centre of Belbroughton, currently used as a jewellery factory, to residential use. However, the Council considers that the current application is very disappointing in that it fails to enhance the appearance of the site; in particular, the Council is concerned about the north elevation which provides a boundary for the village green. The plans envisage leaving this wall untouched which will preserve a factory wall in the centre of the village on the edge of the conservation area.

The Council would like to see a much more attractive design for this boundary, perhaps including additional windows, and the introduction of sympathetic, well-detailed dormer windows in place of the roof lights proposed in order to improve the view from the village green. The current large diameter rainwater gutters and downpipes should also be replaced with materials more domestic in scale. If the planning authority is minded to approve this application the Parish Council would also like to see:

- Removal of permitted development rights from the new dwellings in the interest of safeguarding the openness of the Green Belt.

- A condition to ensure that parking spaces and, in particular, garages cannot be used for any other purpose.

The Council welcomes the reference in the Design and Access statement to a section 106 contribution from the developers to local facilities and would like to be fully involved in any discussions about this.

In conclusion, the site in question is right in the middle of the village of Belbroughton and adjacent to the village green and conservation area. Its development will have a major impact on the appearance of the village for many years to come. The Council would be very concerned to see approval of the present plans which do nothing to improve or enhance the appearance of this site and which preserve an unattractive industrial feature.

EHO  
Contaminated  
Land Officer  
Strategic  
Planning

No objection 04.03.2010.

No objection 24.02.2010.

Comments received 15.02.2010:

This site is located within the village of Belbroughton which is situated within designated Green Belt and therefore policy DS2 of the Bromsgrove District Council Local Plan, policy D.39 of the Worcestershire County Structure Plan and PPG2 all apply.

A change of use can be acceptable within the Green Belt where the change in use causes no additional harm to the openness of the Green Belt. For a change of use to residential policy D.16 of the Structure Plan is particularly relevant.

The proposal is for windfall housing development; therefore PPS1, PPS3, policy S3 of the adopted Bromsgrove District Local Plan (adopted January 2004) and SPG1 apply.

Guidance contained in SPG10 has now been superseded by policies contained PPS3, the adopted Regional Spatial Strategy (RSS) and the revised housing figures published by the Planning Inspectorate in response to the phase 2 revision of the RSS. This revised guidance currently means SPG10 is no longer enforceable and windfall development of this scale would not result in an over-supply of housing.

Due to the number of units SPG11 should be applied to this proposal. The development generates a requirement for 753m<sup>2</sup> of play space. Due to the nature of the site it is clear that this cannot be provided on-site. A commuted sum of £168,672 will therefore be required to deliver off-site play space.

PPS3 emphasises the importance of delivering mixed and balanced communities that contain affordable housing. PPS3 states that "For

smaller sites, the mix of housing should contribute to the creation of mixed communities having regard to the proportions of households that require market or affordable housing and the existing mix of housing in the locality." The PPS allows local authorities the opportunity to set out appropriate targets and thresholds for affordable housing.

The Panel Report into the Phase 2 Revision of the West Midlands RSS sets a regional affordable housing target of 35% and goes on to state district level targets should be between 25% and 40% unless there are exceptional circumstances.

There is a high level of affordable housing need in Bromsgrove that has been identified in both the Strategic Housing Market Assessment and a district level Housing Market Assessment (HMA). Financial viability work carried out as part of the HMA identified that 40% was a viable affordable housing target that would maximise delivery. The data in these studies has been used to inform both the emerging Core Strategy and draft Affordable Housing SPD. Whilst these documents are not adopted they do carry some weight within the planning system. The proposal for 9 units exceeds the thresholds for affordable housing in both the Core Strategy and the SPD and therefore it seems reasonable to request 40% affordable housing from this scheme. In the current economic climate this figure could be negotiated to ensure viability is retained.

Additional comments in relation to affordable housing verbally received 01.03.2010:

The proposal is below the threshold for affordable housing of 15 units (Belbroughton has a population of less than 3,000) set out in the BDLP and PPS3. Although the proposal exceeds the thresholds for affordable housing in both the Core Strategy and the SPD, very little weight can be given to these documents at this stage. As such, affordable housing provision will not be required as part of the development.

Additional comments in relation to play space contributions received 05.03.2010:

The PPG17 study identifies that there is sufficient provision of children's play facilities within the Furlongs Ward and in addition there are facilities within walking distance of the site. On this basis it would seem reasonable to seek only contributions towards maintenance through increased usage of local facilities and the applicants reduced contribution (£42,168) could go towards this. It is difficult to argue with their financial appraisal and it is critical that viability is maintained.

Tree Officer

Consulted 11.02.2010: no comments received to date.

Worcestershire County Council Schools Information and Planning Section  
Comments received 15.02.2010:  
If development goes ahead in this area, there will be a need for a contribution towards local education facilities.  
The schools affected will be Belbroughton CE Primary and Haybridge High. The required contributions will be £5,345 per 2- or 3-bed dwelling and £8,018 per 4-bed dwelling.  
ENG Building Control CO  
Consulted 21.12.2009: no comments received to date.  
Consulted 21.12.2009: no comments received to date.  
Comments received 11.03.2010:

I have no objection to the conversion of this historic building to residential use in principle, however the extensions and external alterations proposed would not preserve the character of the building, which has some historic merit.

Policy S36 of the current local plan states that:

"where development is proposed in or adjacent to a Conservation Area ... A high standard of design will be expected which demonstrates that the relevant aspects of the built form have been taken fully into consideration and that proposals are compatible with the character of the area."

The proposed plans for the rear elevation facing the Talbot PH car park and the High Street, and directly addressing the Conservation Area boundary, includes the infilling of several openings which would have a detrimental impact on the appearance of the building, and the wider conservation area as a result. There may be some security / surveillance issue with the ground floor units, to justify why this has been designed in such a way but the first floor openings should and could remain as is as a minimum.

The front elevation admittedly cannot be seen from within the Conservation Area boundary, however the large bulky extensions and standardised house type detailing proposed lacks any contextual relationship with the surrounding village, and is not of sufficient design quality for what is a sensitive area. The amended plans removed the unsightly high brick walls and close boarded fences originally proposed, which would at least create an active frontage to the development; however the proposed elevation still resembles a modern major house builder type development, rather than a conversion of a historic building in a sensitive area.

NE  
Comments received 15.03.2010:

We note the findings of the consultant's report highlighting uncertainty regarding the use of some of the buildings on the application site by bats. The rural location increases the scope for bats existing in the

locality, evidenced by historic records for the general area. The Council must bear in mind that until the recommended emergence survey data has been gathered and interpreted suitable measures to mitigate or compensate for impacts on bats or their roosts cannot be concluded (see over regarding 'impact assessment', 'mitigation strategy and 'delivery mechanisms'). However the opportunity to carry out suitable, additional survey work is only a few weeks away.

As a result, based on the information provided, Natural England objects to the proposed development. We recommend that the local planning authority refuse or defer planning permission on the grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.

WWT Consulted 21.12.2009: no comments received to date.  
WMC Comments received 19.02.2010: no objections.  
Publicity 8 Neighbour notification letters posted 15.02.2009; expired 08.03.2010;  
4 additional letters posted 24.02.2010; expired 17.03.2010.

Site Notice Posted 05.03.2010; expired 26.03.2010.  
Press Notice published 11.03.2010; expires 01.04.2010.

1 letter received: no objection raised but queries over details on the plans.

### The site and its surroundings

The application site relates to an existing B2 industrial premises at the western end of Hartle Lane close to its junction with High Street. The site contains a mixture of old and new buildings including a traditional building of domestic origins with a modern purpose built extension, and a traditional detached single storey building with modern extensions. The site also includes an ancillary car park and service area.

The site is adjoined by residential development to its western and south eastern boundaries, grazing land to its southern boundary and a pub car park and village green to its northern boundary.

The site is located in the Green Belt. The majority of the site, with the exception of the more modern buildings to the west of the site, is located within the Village Envelope. The site is adjacent to but not within the Belbroughton Conservation Area.

### Proposal

The application proposes to refurbish and extend the buildings to the north and west of the site to allow for their conversion to 9 dwellings. The scheme would involve a mix of house types including 6 no. 2-bedroom houses, 2 no. 3-bedroom houses and 1 no. 4-bedroom house. All of the dwellings will be general market homes. The remainder of the buildings on the site will be demolished to make way for the vehicular access drive, private gardens and communal amenity space.

### Relevant Policies

WMSS	QE1, QE2, QE3, QE5, QE7, CF4
WCSP	SD.3, CTC.1, CTC.19, CTC.15, CTC.20, D.12, D.16, D.38, D.39, D.43, T.1, IMP.1
BDLP	DS2, DS5, DS11, DS13, S35A, S36, S45, C27, C27A, TR8, TR11, RAT5, RAT6, BEL1
Others	PPS1, PPS3, PPS9, PPG13, PPG15, SPG1, SPG11, Belbroughton Village Design Statement, Circular 06/05

### Relevant Planning History

None relevant

### Notes

I consider that this case presents a number of issues. Firstly, it is necessary to consider if the proposal would be an appropriate form of development in the Green Belt and, if not, are there any very special circumstances that would outweigh the proposal's harm to the Green Belt. Secondly, it is important to consider issues relating to design including the impact of the development on the street scene along Hartle Lane and the impact on the development on the setting of the adjacent Conservation Area. Thirdly, it is necessary to assess the layout of the proposal including the provision of amenity space and the relationship with nearby dwellings. Fourthly, the proposal would involve the demolition of buildings thus it is important to establish if any protected species are present. Finally, it is important to consider the views of consultees and other interested third parties and the implications these might have for the granting of planning permission. I will deal with each of these matters under separate headings below.

### The Green Belt

The proposal involves the conversion of an existing building thus it will fall to be considered under policy C27 of the BDLP. This is consistent with the advice contained at paragraph 3.8 of PPG2 and essentially requires that:

- a. the resulting building(s) would not have a materially greater impact than the present use on the openness of the Green Belt;
- b. extensions to any reused building and any associated development (i.e. hardstanding, walls, fencing) will be strictly controlled, where these would conflict with the openness and visual amenities of the Green Belt;
- c. the buildings are of permanent and substantial construction and are capable of major works or complete reconstruction;
- d. the form, bulk and general design of the buildings are in keeping with their surroundings.

With regard to the first two criteria, the proposed development involves a number of extensions and alterations. New gables would be added to the front and side elevations of the building and a garage building would be erected to the south of the site. These additions would create an additional floor area of approximately 43m<sup>2</sup>.

When considering the impact of these additions on the openness and visual amenities of the Green Belt it is important to note the context of the site. The majority of the building is located within the Village Envelope of Belbroughton but the newer part of the building to the west of the site falls outside of its boundaries. There are gardens and an open field located immediately to the south of the site but beyond these lies the recently constructed 'Glebe Fields' development. As such I am of the view that the proposal is located in an enclosed context in which the proposed extensions would not have a material effect on the openness or visual amenity of the Green Belt.

Moreover it is important to note that a number of structures are to be demolished including the large building to the south of the site, lean to extensions to the front and rear elevations and a section of the modern part of the building to the north west of the site. The floor area of these structures is 378m<sup>2</sup>. Thus, considering the scale of the buildings to be demolished I am satisfied that the proposal would not have a materially greater impact than the present use on the openness of the Green Belt.

With regard to criterion (c), a structural survey of the building has been carried out by a qualified Structural Engineer. The report from the survey has been submitted with the application. This confirms that the building is sufficiently stable to be retained and converted to the use proposed. I do not therefore have any concerns in relation to this part of policy C27.

With regard to criterion (d), it is generally considered that the form, bulk and design of the development would be similar to that of the existing building. The only aesthetic changes to the building would result from the gable wall extensions and entrance porches.

The surrounding area is of a very mixed character. There are older, more traditional buildings located to the south east boundary of the site (no.'s 4 - 10 Hartle Lane) and along High Street near its junction with Hartle Lane. The street scene along the opposite side of Hartle Lane is comprised of a mixture of old and more modern buildings. There is also modern development located along The Glebe and Woodhouse Orchard. It is noted that gable walls and canopy porches are a common feature throughout the surrounding area. On this basis I am of the view that the form, bulk and general design of the building is in keeping with its surroundings.

Taking the above points into consideration I am of the view that the proposal is in accordance with policy C27 of the BDLP and the advice contained at paragraph 3.8 of PPG2. The proposal is therefore considered to be an appropriate form of development in the Green Belt.

If however Members decide to take the opposite view and consider the proposal to be inappropriate in the Green Belt then it is considered that the context of the site and the demolition of the existing buildings would outweigh any resulting harm.

#### Design / Impact on Street Scene

I am generally of view that the proposal would be of an acceptable design and I do not have any concerns on this issue. At present the front elevation of the building is not visible from Hartle Lane due to the existing single storey building. This building would however be demolished as part of the scheme and as such a large part of the front

elevation would be exposed to the street scene. I am not however of the view that the proposal would materially detract from the character of the street scene due to its non offending, unobtrusive design. Furthermore it is considered that the removal of the incongruent existing building would enhance the visual amenity of the area.

It is also necessary to consider the aesthetics of the proposal internal to the site. As previously stated I am of the view that the design and detailing of the proposal would be satisfactory. I also consider that an attractive visual setting would be provided through the natural boundary treatments and open amenity areas around the site. Overall I do not have any concerns from an aesthetic or visual amenity perspective.

I note the concerns of the Conservation Officer in relation to the front elevation. I also note however that there are other examples of more modern development stemming off this part of Hartle Lane and I do not consider the proposal to be uncharacteristic of the area.

#### Impact on setting of Conservation Area

The rear elevation of the building is clearly visible from within the Conservation Area. Policy S36 of the BDLP provides that, where development is proposed in or adjacent to a Conservation Area, a high standard of design will be expected which demonstrates that the relevant aspects of the built form have been taken fully into consideration and that proposals are compatible with the character of the area.

The application proposes to infill a number of the existing windows to the older part of the building and insert new windows and roof lights to the newer part of the building. Otherwise the appearance of this elevation would remain the same.

The Conservation Officer's comments in relation to this elevation raise concerns over the infilling of the existing openings to the older building. It is considered that the loss of these openings would have a detrimental impact on the appearance of the building. To address these concerns amended plans showing the retention of the existing windows have been requested. I will update Members at the meeting of the Committee on this issue.

#### Layout / amenity

It is not considered that the layout of the development would result in any adverse impact on the amenity of the nearby occupiers or the future occupiers of the development itself. The west side elevation of the development would contain a number of ground floor windows and a roof light that would face the rear gardens to the residential properties along Church Road. These are not however considered to result in any overlooking due to the retaining wall and large trees running along the site boundary, and the high level of the roof light at 2.15 metres above ground level.

The fenestration of the development would be carefully laid out so as to not cause any overlooking between the individual units of the scheme. Although it is noted that the gables in the front of the development would project beyond some of the new windows in adjoining units, given the south facing orientation of the building I do not consider that any unacceptable loss of light would result.

With regard to private amenity space for the individual dwellings, with the exception of unit 9 all of the units would provide areas below the guidelines set out in SPG1. As a general guide SPG1 advises that dwellings with 6 habitable rooms should provide 70m<sup>2</sup> of private amenity space. Small house types such as one bedroom apartments and flats should provide a minimum garden area of 42m<sup>2</sup>. The area provided varies from between 14m<sup>2</sup> and 39m<sup>2</sup> for the 2 bedroom units (providing 5 habitable rooms), 37m<sup>2</sup> and 43m<sup>2</sup> for the 3 bedroom units (providing 6 habitable rooms) and to 72m<sup>2</sup> for the 4 bedroom unit. The average provision would be 33m<sup>2</sup>.

Appeal decisions on this subject (Hertsmere Borough Council 18.07.1995, Torfaen Borough Council 06.04.1994, St Helens Borough Council 06.07.1993) indicate that below standard private amenity space in residential development should only be a basis for refusal if it would result in harm to interests of acknowledged importance; i.e. residential amenity. As noted above, it is not considered that the layout of the scheme would result in any unacceptable loss of light or privacy and I do not consider that the living conditions of the future occupiers of the properties would be cramped or substandard. I do not therefore consider that any concerns over amenity space provision could be substantiated into a reason for refusing the application.

### Ecology

An ecological assessment of the buildings on the site has been conducted by a qualified ecologist. The results of the assessment indicate that buildings B, C and E (the older white painted buildings to the east of the site) all have some potential for supporting bats, with direct evidence located within building E (the older, single storey white painted building to be demolished).

Due to these findings the report recommends that dedicated bat emergence surveys are undertaken at the appropriate time of year (late April to September) prior to any works taking place.

Natural England has been consulted on the results of this survey. The comments received indicate that, until the recommended emergence survey data has been gathered and interpreted, suitable measures to mitigate or compensate for impacts on bats or their roosts cannot be concluded. It is therefore recommended that the local planning authority refuse or defer planning permission on the grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.

This advice is consistent with national government planning policy and administrative guidance on the subject.

*PPS9 advises that 'Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.'*

The advice on Species Surveys contained in the companion guide to PPS9 (Planning for Biodiversity and Geological Conservation: A Guide to Good Practice) advises that '*Where a development poses a likely risk of harm to a protected or priority BAP species, local planning authorities should ensure that an adequate survey is carried out in advance of a*

*planning application. The results of this survey should be submitted with the planning application and show how the proposal has taken this evidence into account through its design and any mitigation or compensation proposed.'*

Government Circular 06/2005 (Biodiversity and Geological Conservation - Statutory obligations and their impact within the planning system) states that '*The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat... It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'*

Having regard to the comments of Natural England, the policy advice contained in PPS9 and the administrative guidance set out in Circular 06/2005, it is not considered that the Council can make an accurate determination of the application from the information provided.

### Third party representations

Members will note the comments of the Highways Engineer. Amended plans have been requested to address these concerns and I recommend that any planning permission granted in contingent on this.

I note the concerns raised by the Parish Council in relation to the rear elevation of the development. Although I would agree that better efforts could be made to improve the appearance of this elevation, I do not consider that this would warrant the refusal of the application. There would not be any material or adverse harm to the appearance of the older building (subject to the reinstatement of windows discussed above) and I am of the view that the new windows would break up and add interest to what is otherwise a blank unattractive elevation. I note however the unsymmetrical arrangement of these windows and I have requested that amended plans are submitted to show alignment between the ground floor windows and first floor roof lights. Subject to the requested amendments being made to the scheme I would not have any material concerns over the appearance of this elevation.

Members will note the required contributions towards education and play space facilities. The Council has received a draft Section 106 agreement to secure the requested sums. I recommend that any planning permission granted is subject to the satisfactory completion of the agreement. For the record, a reduced contribution of £42,168 towards off site play space provisions has been agreed with the Council's Strategic Planning section on the basis of there being sufficient existing provision of children's play facilities within reasonable walking distance of the site.

### Conclusion

The proposal is found to be in accordance with policy C27 of the BDLP and the advice contained at paragraph 3.8 of PPG2. The proposal is therefore considered to be an appropriate form of development in the Green Belt.

The proposed development is considered to be of an acceptable design and it is not considered that any adverse impact of the character of the street scene would result. Subject to the receipt of amended plans showing the retention and reorientation of the fenestration in the proposed rear elevation I do not have any concerns in relation to the setting of the Conservation Area.

It is not considered that the proposal would harm the amenity of adjoining occupiers and I am satisfied that a suitable level of amenity would be provided to the future occupiers of the development.

Subject to the receipt of amended plans to the satisfaction of the Highways Authority I do not have any concerns over the parking and access provisions of the scheme. I note the concerns of the Parish Council but I do not consider that these could be substantiated into a reason for refusing the application.

Without appropriate mitigation, the development does not meet the requirement of PPS9 to maintain, enhance, restore or add to biodiversity interests. As such I consider the scheme to be contrary to policy QE7 of the West Midlands Spatial Strategy and policy CTC.12 of the Worcestershire County Structure Plan. These policies both refer to nature conservation and biodiversity and the presence of statutorily protected species in the development control process. The policies reinforce the philosophy of both PPS9 and Circular 06/05.

Part IV of Circular 06/05 relating to the Conservation of Protected Species by Law is implicit in stating that the presence of a protected species is a material consideration when a Planning Authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat (paragraph 98).

The submitted ecological survey recommends that bat emergent surveys are undertaken. These additional surveys have not been carried out. As such I am of the view that the applicant has not adequately demonstrated that the scheme would not cause undue harm to protected species and their habitats.

As such, it is not considered that all of the relevant material considerations can be addressed in the determination of this application. I am therefore minded to recommend that the application is refused on the grounds of insufficient information.

**RECOMMENDATION:** that permission is **REFUSED**.

No information has been provided to show that the development would not cause undue harm to protected species and their habitats contrary to policy QE7 of the West Midlands Spatial Strategy, policy CTC.12 of the Worcestershire County Structure Plan and the provisions of PPS9 and Circular 06/05.

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# Agenda Item 10

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. D. Hannon 'B'	Removal of 17 existing amenity blocks and replacement with 23 amenity blocks; erection of five new permanent pitches - Houndsfield Lane Caravan Site, Houndsfield Lane, Hollywood, B47 5QR	GB	10/0140-DK 27.05.2010

**Councillor S. R. Peters has requested that this application be considered by the Committee, rather than being determined under delegated powers.**

**RECOMMENDATION:** that, subject to the satisfactory views of the Drainage Engineer and the Environment Agency, permission be **GRANTED**.

## Consultations

Wythall PC	Consulted: 02.03.2010. Response received 11.03.2010. No objection.
WH	Consulted: 02.03.2010. Response received 15.03.2010. No objection.
WMC	Consulted: 02.03.2010. Response received 15.03.2010. No objection.
EA	Consulted: 02.03.2010. No response to date.
ENG	Consulted: 02.03.2010. No response to date.
EHO	Consulted: 02.03.2010. Response received 12.03.2010 as follows: The development is considered to be of low risk, however the potential for gas generation and migration from the former landfill site, 50 metres to the south is not known. The developer should submit information either detailing the gas protection measures proposed for the proposed amenity buildings or a gas monitoring strategy for approval by the LPA prior to any development commencing.
LP	Consulted: 02.03.2010. No response to date.
Tree Officer	Consulted 02.03.2010. Response received 16.03.2010 as follows: <ul style="list-style-type: none"> <li>▪ No objection subject to conditions C10, C13 - C17. Condition C10 to include new tree planting as part of landscaping scheme.</li> </ul>
Strategic Housing	Consulted 02.13.2010. Response received: 12.03.2010 as follows: The Strategic Housing Manager fully supports the application for the following reasons: <ol style="list-style-type: none"> <li>1. The proposals that include the provision of five additional permanent pitches on the unused Transit part of the site help address the needs for additional pitches identified in the 2008 Gypsy and Traveller Housing Needs Assessment both locally and countywide.</li> <li>2. The application includes the urgently required upgrading of the existing site facilities and provides new daytime living accommodation on each individual pitch that will meet current day government guidance.</li> <li>3. The upgrade and extension of the site is a requirement of the recently approved government grant that has been awarded and the transfer of the ownership and management of the site to Rooftop Housing in accordance with the Cabinet approval given following an options appraisal.</li> </ol>

WCC Gypsy Services Manager Consulted: 02.03.2010. No response to date.  
National Gypsy Council Consulted: 05.03.2010. No response to date.  
Publicity Press Notice published 11.03.2010, expires 01.04.2010.  
Site Notice posted 03.03.2010, expires 24.03.2010.  
No responses received to date.

### The site and its surroundings

The application site (Houndsfield Lane Caravan Site) is located in the Green Belt to the east of Hollywood and comprises a main site containing permanent caravan pitches and a smaller transit caravan site to the west. The access road to the site from Houndsfield Lane connects all of the permanent pitches which are aligned to the north and south of the central access road and the pitches are separated by the existing amenity buildings. These consist of pitched roof brick built structures. Some of the pitches have mobile homes stationed on a permanent basis. There is a service area and a Drop-In centre located close to the entrance of the site. There are two residential properties (Iona and Tunroe Cottages) which are located to the south west of the application site. The River Cole is close to the eastern boundary of the site.

### Proposal

The proposal is for the removal of the existing amenity blocks and their replacement with new amenity blocks of a larger size in the same position. Five additional amenity blocks will be provided to serve five pitches on the existing transit site. Each of the proposed accommodation blocks, or 'pods', to be provided will consist of a lobby, lounge, kitchen and bathroom. 20 of the proposed pods will be arranged in identical doubles and there will be three single pods. The pods on the former transit site will have provision for disabled access and the appropriate parking provided close to them.

### Relevant Planning History

B14500 Remodelling of, and extension to, existing gypsy caravan site. Granted 21.11.1986.

### Relevant Policies

WMSS QE3  
WCSP CTC.1, D.18, D.38, D.39, SD.2, SD.4, T.1  
BDLP DS2, DS13, S18, S29, WYT13, ES1, ES2, ES3, ES5, TR11  
Others PPS1, PPG2, PPS7, PPG13, Circular 01/2006

### Notes

There are four main issues to be considered in determining this application:

- (i) whether the proposal is acceptable in principle and the impact on Green Belt openness and character and whether this is justified in terms of identified need;
- (ii) the impact of the proposal on the amenity of neighbouring properties, on wider public amenity and upon the living conditions of existing occupiers of the site;
- (iii) whether the proposal can be adequately serviced in terms of access, parking and drainage; and
- (iv) whether the proposal is acceptable in terms of the risk of flooding.

The location of the site in the Green Belt and the nature of the application mean that the most relevant policies in the determination of the application are policies SD.2, CTC.1, D.18 and D.39 of the Worcestershire County Structure Plan, policies DS2, S18 and WYT13 of the Bromsgrove District Local Plan and the advice of PPG2 and Circular 01/2006.

### Green Belt

Development in the Green Belt is considered inappropriate unless it is for one of the specific exceptions identified in Planning Policy Guidance Note 2 and within policy DS2 of the BDLP. It is noted that the proposed accommodation pods would be larger in terms of footprint than the existing accommodation blocks, which each have a floorspace of 20m<sup>2</sup>. The new pods would be 70m<sup>2</sup> in terms of area in the case of the doubles and 37m<sup>2</sup> in the case of the single pods. It should also be noted that there would be 2 double pods and a single pod provided on the existing transit site which currently an area of hardstanding. This would result in a loss of openness, particularly on the transit site to the west of the main site.

Since development in the Green Belt is inappropriate, it must be considered whether very special circumstances exist. I note the substantially developed character of the site which contains caravans, mobile homes, accommodation blocks and associated parking and servicing areas. The site is specifically identified on the BDLP Proposals Map for use as a gypsy caravan site. This designation includes the existing site and a corridor to the north, south and east surrounding it. The current proposal falls within the designated area and the nature of the proposal would not conflict with the designation.

In considering application of gypsy sites or pitches, paragraph 58 of Circular 01/2006 advises that the likely impact on the surrounding area needs to be assessed as well as the existing provision of sites in the area and identified need.

In terms of the need to provide additional pitches, Members should note the views of the Strategic Housing Officer on this matter. The Gypsy and Traveller Accommodation Assessment (GTAA) for The South Housing Market Area of the West Midlands Region January 2008 identifies a need for 289 additional pitches to be provided to 2013 in the sub-region (comprising 8 districts of Worcestershire and South Warwickshire). The GTAA identifies a potential need for a further 3 pitches between 2010 and 2013 in Bromsgrove. The proposed development will meet this requirement. The lack of availability of appropriate accommodation for gypsies could result in increased pressure on Green Belt areas to meet the requirement.

The combination of the existing character of the site, the designation of the site and the evidence base supporting the need for additional pitches amount to very special circumstances in this instance to allow development in the Green Belt.

### Residential Amenity

The site, located to the north of Houndsfield Lane is self contained in respect of its relationship to residential properties. The only properties in close proximity are Iona and Tonroe Cottages to the south. The curtilage of Iona is not directly shared with the existing transit site. I note that pod No. 23 lies further than 10 metres from the boundary of the garden of Iona and 9 metres from the boundary of Tonroe Cottage. I note the boundary treatment between the site and these properties and the position of the pitch for No. 23 on the opposite side of the accommodation pod. I do not consider that the proposal would result in a detrimental loss of light or privacy to either of the neighbouring residential properties. It should be noted that the proposed pods on the existing transit site will be configured for disabled access and appropriate parking. Members should note that there is a 20 metre separation distance between the single pod on No.23 and double pods on the existing transit site. There is also a 20 metre separation distance between the double pods which will replace the existing accommodation blocks on the main caravan site. These will be separated by two caravan pitches and I consider that the orientation of the pods would be acceptable in terms of the privacy of future occupiers. In this respect, the proposal accords with the provisions of policy S18 of the BDLP.

### Servicing

Policy S18 requires that gypsy sites can be appropriately serviced in terms of access, parking and drainage. The views of Worcestershire Highways and the Drainage Engineer are awaited.

### Flood Risk

The River Cole runs north to south adjacent to the eastern boundary of the site and part of the site falls within the 1/100 flood risk zone on the Environment Agency Map. A Flood Risk Assessment has accompanied the application. This concludes that the site is not affected by flooding in the 1 in 100 storm event including an allowance for climate change. The views of the EA are awaited.

### Conclusion

Whilst the proposal is located in the Green Belt, it lies within a site allocated for a gypsy caravan site in the BDLP. The need for additional pitches has been identified and the replacement of the existing accommodation blocks will be of benefit to existing and future occupiers of the site.

**RECOMMENDATION** that, subject to the satisfactory views of the Drainage Engineer and the Environment Agency, permission be **GRANTED**:

1. C1
2. C3

3. C10 (to include details tree planting)
4. C13
5. C14
6. C15
7. C16
8. C17
9. Prior to the commencement of the development hereby approved, the applicant shall submit information detailing the gas protection measures to be undertaken on the site to the satisfaction of the Local Planning Authority.

### Notes

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

WMSS	QE3
WCSP	CTC.1, D.18, D.38, D.39, SD.2, SD.4, T.1
BDLP	DS2, DS13, S18, S29, WYT13, ES1, ES2, ES3, ES5, TR11
Others	PPS1, PPG2, PPS7, PPG13, Circular 01/2006

It is the Council's view that the proposed development does not comply with the provisions of the development plan but that there is a very special circumstance in this instance which justifies granting permission.

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## BROMSGROVE DISTRICT COUNCIL

### PLANNING COMMITTEE

29TH MARCH 2010

#### BREACH OF CONDITION - REPLACEMENT TREE PLANTING AT THE OLD VICARAGE, VICARAGE CLOSE, FINSTALL

Responsible Portfolio Holder	Councillor Mrs. J. Dyer M.B.E
Responsible Head of Service	Head of Planning and Environment Services
Non-Key Decision	

#### 1. SUMMARY

- 1.1 Consent is sought to serve a breach of condition notice to enforce the replacement tree and hedge planting required as a condition of an earlier consent to fell trees.

#### 2. RECOMMENDATION

- 2.1 That authority is given for the service of a breach of condition notice if the replacement planting has not been carried out by the end of March 2010.

#### 3. BACKGROUND

- 3.1 An application to fell 22 Poplar trees on the western boundary of The Old Vicarage was considered by the Planning Committee on 2nd March 2009. A copy of the committee report is attached as Appendix 1
- 3.2 Approval to fell the Poplar trees was granted subject to the following condition: *"By the end of the first planting season following the felling of the existing trees, replacement tree and hedge planting shall be carried out to the approval of the Local Planning Authority. This replacement planting shall consist of (i) restocking of the existing hedge through the planting of 40-60cm high native shrub species at a density of no less than 6x shrubs per metre, and (ii) the planting of Scots Pine trees of a minimum initial height of 3m at no less than 4m apart".*
- 3.3 The felling of the poplar trees was carried out during the Summer 2009; therefore to comply with this condition, the replacement planting is required to have been completed by the end of March 2010. As of the date of writing this report, this replacement planting has not been carried out.

**4. FINANCIAL IMPLICATIONS**

4.1 None.

**5. LEGAL IMPLICATIONS**

5.1 Town & Country Planning Act 1990.

**6. COUNCIL OBJECTIVES**

6.1 Council Objective 4 - Environment.

**7. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

7.1 None.

**8. CUSTOMER IMPLICATIONS**

8.1 The original Poplar trees provided valuable screening and privacy for adjacent residents. The replacement planting is required to provide mitigation for the loss of these effects.

**9. EQUALITIES AND DIVERSITY IMPLICATIONS**

9.1 None.

**10. VALUE FOR MONEY IMPLICATIONS**

10.1 None.

**11. CLIMATE CHANGE AND CARBON IMPLICATIONS**

11.1 The planting of the replacement trees is required to combating climate change, mitigate local carbon production and improve local air quality.

**12. OTHER IMPLICATIONS**

Procurement Issues	None
Personnel	None
Governance / Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None

<p>Biodiversity The replacement tree and hedge planting is required to mitigate the loss of wildlife habitat caused by the felling of the Poplars.</p>
--

**13. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	No
Joint Chief Executive	No
Executive Director - Partnerships and Projects	No
Executive Director - Services	No
Assistant Chief Executive	No
Head of Planning and Environment Services	No
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	No
Head of Organisational Development & HR	No
Corporate Procurement Team	No

**14. WARDS AFFECTED**

14.1 The Old Vicarage is located within the Slideslow Ward. Adjacent properties in Dragoon Fields are located within the Charford Ward.

**15. APPENDICES**

Appendix 1 Copy of report to Planning Committee 2nd March 2009  
Appendix 2 Copy of Decision Notice dated 9th March 2009

**16. BACKGROUND PAPERS**

16.1 None.

**CONTACT OFFICER**

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Email: a.bucklitch@bromsgrove.gov.uk  
Tel: (01527) 881320

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BROMSGROVE DISTRICT COUNCILPLANNING COMMITTEE2ND MARCH 2009APPLICATION FROM MARLOW CONSULTING LTD. ON BEHALF OF CHANCERY HOMES TO FELL 22 POPLAR TREES ON THE WESTERN BOUNDARY OF THE OLD VICARAGE, VICARAGE CLOSE, FINSTALL, BROMSGROVE

Responsible Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Responsible Head of Service	Head of Planning and Environment Services
Non-Key Decision	

**1. SUMMARY**

- 1.1 Consent is sought to fell 22 Hybrid Black Poplar trees pursuant to condition 14 of planning approval ref: B/2003/1053.
- 1.2 The matters for consideration are:
- (i) to determine the application to fell the trees
  - (ii) if consent to fell is granted, to determine the scheme of replacement planting required.

**2. RECOMMENDATION**

- 2.1 It is recommended that approval to fell the trees is granted subject to the following conditions:

***(1) By the end of the first planting season following the felling of the existing trees, replacement tree and hedge planting shall be carried out along the entire length of the Western boundary of the application site to the approval of the Local Planning Authority. This replacement planting shall consist of (i) restocking of the existing hedge through the planting of 40-60cm high native shrub species at a density of no less than 6x shrubs per metre, and (ii) the planting of Scots Pine trees of a minimum initial height of 3m at no less than 4m apart.***

***(2) The remaining hedge and all the new tree and shrub planting carried out shall thereafter not be removed, lopped, topped or felled without the approval of the Local Planning Authority. Any trees or shrubs dying, being removed or becoming diseased, damaged or***

*dangerous shall be replaced with trees and shrubs of similar size and species to the approval of the Local Planning Authority.*

### **3. BACKGROUND**

- 3.1 Planning approval ref B/2003/0702 granted consent for the erection of 5 houses on the application site and the conversion of the old vicarage. This development is currently being carried out. Condition 14 of this planning approval required the approval of the Local Planning Authority for the removal of any trees on the site and the replacement of any trees which are removed or become seriously damaged or diseased. This application relates to consent to fell trees covered by that Condition.
- 3.2 A Tree Preservation Order - TPO (14) 2002 - protects two large oak trees on the Eastern side of the site. This TPO does not cover the Poplar trees which are the subject of this application.
- 3.3 On Monday 19th and Tuesday 20th January, the Council received a substantial number of calls and emails from residents of Dragoon Fields and Vicarage Close complaining that works to the above trees were being carried out. On investigation it was apparent that consent for any works, as required by the above Planning Condition, had not been given. The Council's Woodland Officer therefore visited the site on the morning of Tuesday 20th January to investigate the complaints.
- 3.4 On arrival, it was found that tree surgeons were present on site and had already carried out works to reduce the height of four of the 22 trees by approximately two-thirds. It was claimed that these works were being done to remedy concerns that the upper limbs of the trees were at risk of falling on either the application site or neighbouring properties. The presence of a number of limbs and trees on the site that had already fallen over previous years and months provided some evidence that these concerns may be justified.
- 3.5 Prior to the commencement of the works, the majority of the trees were also heavily clad and shrouded in ivy which had to be removed before the tree surgeons could work on the trees. The removal of this ivy revealed the presence of considerable decay in the lower trunks of the trees. The trees show evidence that they were all reduced in height to leave a 3 metre high 'stump' approximately 15 years ago. Decay appeared to have set in as a result of these original pruning wounds and then spread downwards into the trunks of the trees. The overall vigour of the trees appears to have remained undiminished, however, such that new shoots grew back and have continued growing above the decaying areas.
- 3.6 The tree surgeons and the site manager were informed that they would need to make an application to the Council to carry out any further works to the trees. Permission was not required, however, for removal of the ivy from all the trees and it was suggested that this was done so that the full

## APPENDIX 1

extent of any decay could be seen and the overall condition of the trees assessed. It was recommended that the site owner had their own professional inspection carried out to argue the justification for any works they proposed. The terms of the Planning Condition means that while the unauthorised works do not attract a prosecution, suitable mitigation is required and can be enforced by this Authority.

- 3.7 A tree survey and report was subsequently carried out by Marlow Consulting Ltd. and submitted with the application to fell the trees. A copy of this report is enclosed as Appendix II. This report considers that the trees *'have major structural defects which leave them prone to imminent partial or total failure'* and that reducing the trees back to the previous pruning points would reduce the short-term risk of failure but that regular re-pruning of the trees would be required every 5 years or less to maintain this reduced risk. Marlow Consulting's report also considers that the initial and ongoing reduction of the trees will remove any screening benefit they have and that the removal of the trees will have limited effect in respect of the loss of privacy to neighbouring residents.
- 3.8 The Council's Woodland Officer inspected the trees on 22nd January and a copy of this report is attached as Appendix III with photographs shown in Appendix VI. This concludes that the long-term retention of the trees is not an effective solution to the safety or screening issues and a better long-term result can be achieved for all parties by allowing the removal of the existing trees and planting replacements.
- 3.9 Given the considerably public response to the original unauthorised works, it was felt that this application merited both wider public consultation and a Committee Decision. To this end, a letter was sent to the residents of those properties immediately adjoining the application site inviting them to make comments regarding the felling of the trees and the possible replanting scheme that may be required. A copy of this letter is attached as Appendix IV and those representations received to date are enclosed as Appendix V.
- 3.10 The points raised in those representations received to date have principally been concerning the need for the proposed works to be carried out and the desire for replacement planting to replace the wildlife value and screening that the current trees provide. The Woodland Officer's report has addressed these issues and it is considered that the current recommendation will protect and ultimately enhance these interests of the local residents.

## **4. FINANCIAL IMPLICATIONS**

- 4.1 In the event that the Council refuses consent for the felling of the trees on safety grounds, the Authority may be found partially liable for any damage or injury that the trees cause that can be shown to have occurred as a result of the Council's decision.

## APPENDIX 1

### 5. **LEGAL IMPLICATIONS**

- 5.1 as 4.1 above. The Town and Country Planning (Trees) Regulations 1999 are relevant.

### 6. **COUNCIL OBJECTIVES**

- 6.1 Council Objective 4 - Environment

### 7. **RISK MANAGEMENT**

- 7.1 The main risk associated with the details included in this report is:-

Effective, efficient and legally compliant tree service.

- 7.2 This risk is being managed as follows:-

Risk Register: Planning and Environment Services  
Key Objective: Effective, efficient and legally compliant  
Key Objective: Strategic Planning Service

### 8. **CUSTOMER IMPLICATIONS**

- 8.1 The property owners and relevant adjoining/neighbouring property owners' will be notified of this decision.

### 9. **EQUALITIES AND DIVERSITY IMPLICATIONS**

- 9.1 None.

### 10. **VALUE FOR MONEY IMPLICATIONS**

None.

### 11. **OTHER IMPLICATIONS**

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	Trees are not considered to be a risk
Policy	None

## APPENDIX 1

Environmental	Amenity Value
---------------	---------------

### 12. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	<b>No</b>
Chief Executive	<b>No</b>
Executive Director - Partnerships and Projects	<b>No</b>
Executive Director - Services	<b>No</b>
Assistant Chief Executive	<b>No</b>
Head of Service	<b>Yes</b>
Head of Financial Services	<b>No</b>
Head of Legal, Equalities and Democratic Services	<b>No</b>
Head of Organisational Development and HR	<b>No</b>
Corporate Procurement Team	<b>No</b>

### 13. **WARDS AFFECTED**

### 14. **APPENDICES**

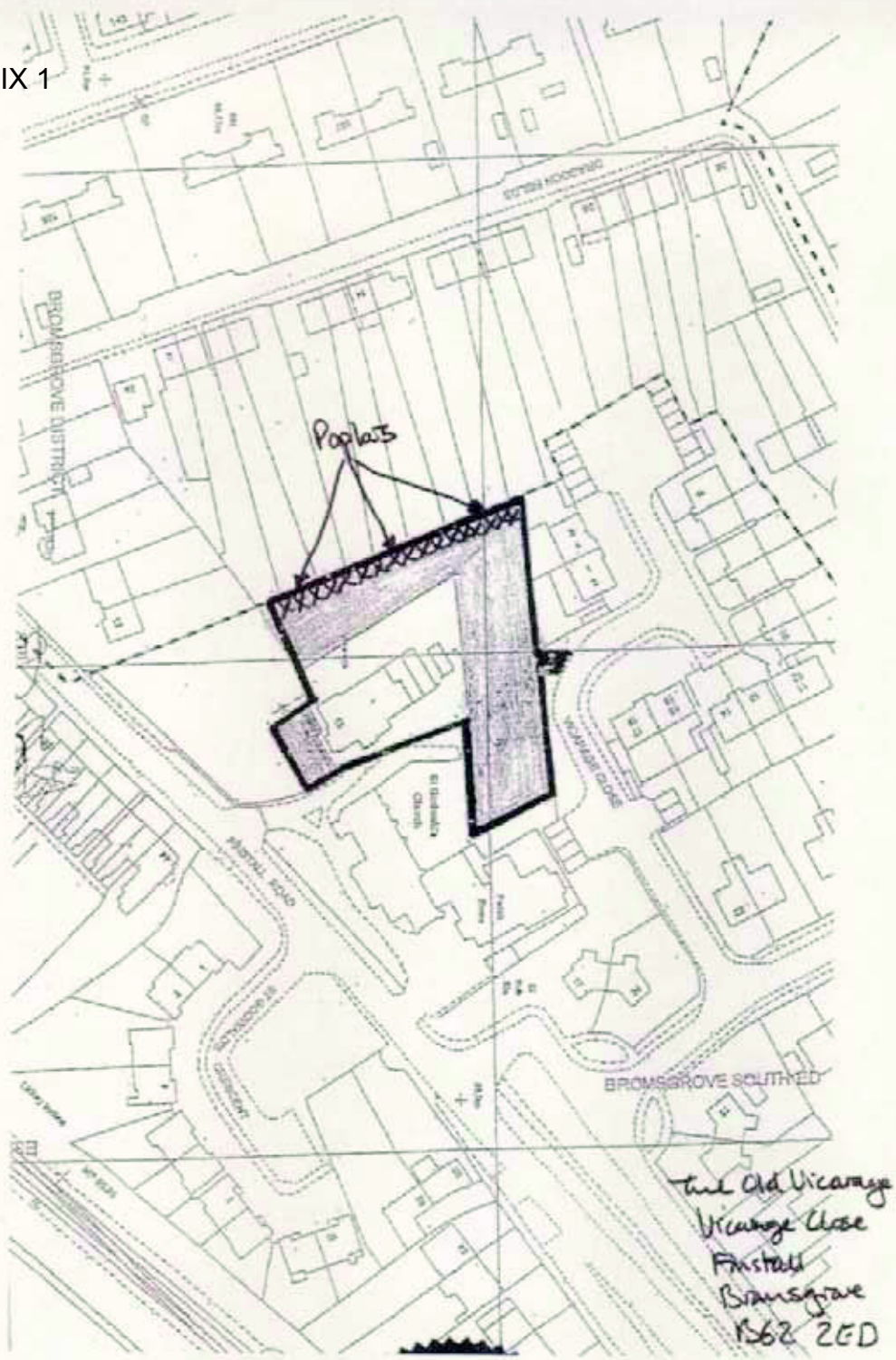
Appendix I - Application Form  
Appendix II - Report from Marlow Consulting Ltd.  
Appendix III - Woodland Officer's Report  
Appendix IV - Letter sent to residents 4th Feb 2009  
Appendix V - Representation received as of 20th Feb 2009  
Appendix VI - Photographs taken 22nd Jan 2009

### 15. **BACKGROUND PAPERS**

Slideslow

### **CONTACT OFFICER**

Name: Andrew Bucklitch - Woodland Officer  
E Mail: [a.bucklitch@bromsgrove.gov.uk](mailto:a.bucklitch@bromsgrove.gov.uk)  
Tel: 01528 881320



When calling please contact **Andrew Bucklitch**  
on telephone number **01527 881320**  
or email **a.bucklitch@bromsgrove.gov.uk**

Monday, 09 March 2009



**Mr B Davies**



**Planning and Environment Services**

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Worcestershire B60 1AA.

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**TOWN AND COUNTRY PLANNING ACT 1990**  
**TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999**

**Re: Works to 22 Hybrid Poplar trees as detailed below.**

**at: the Western Boundary of The Old Vicarage, Vicarage Close, Finstall**

**Works: Fell and grind out stumps**

**Reasons: Trees are dangerous due to poor structural condition.**

Dear Sir or Madam,

I refer to your application for consent to carry out the works detailed above. We have viewed the tree(s) and considered your application. The decision reached is that permission for the above works is **Approved**.

This decision has been reached for the following reasons:

- **In the interests of public safety.**

This decision is subject to the following conditions:

- 1. All works shall be carried out in accordance with British Standard BS 3998:1989 by a suitably qualified & experienced tree surgeon.**
- 2. The permission is valid for a period of 2 years from the date of this letter. Any works for which permission has been granted may only be done once within that period.**
- 3. By the end of the first planting season following the felling of the existing trees, replacement tree and hedge planting shall be carried out along the entire length of the Western boundary of the application site to the approval of the Local Planning Authority. This replacement planting shall consist of (i) restocking of the existing hedge through the planting of 40-60cm high native shrub species at a density of no less than 6x shrubs per metre, and (ii) the planting of Scots Pine trees of a minimum initial height of 3m at no less than 4m apart.**
- 4. The remaining hedge and all the new tree and shrub planting carried out shall thereafter not be removed, lopped, topped or felled without the approval of the Local Planning Authority. Any trees or shrubs dying, being removed or becoming diseased, damaged or dangerous shall be replaced with trees and shrubs of similar size and species to the approval of the Local Planning Authority.**

**Notes**

- This letter only applies in regard to any Planning constraints upon the tree(s) or the land in which they are growing. Permission from the tree owner to enter their land and carry out any proposed works and also any other permissions such as those in respect of any restrictive covenants within the title deeds of the property, will still normally be required.
- The length of the Western boundary referred to in Condition 3 above has been measured to be in excess of 60 metres. No less than a total of 15 replacement trees shall therefore be required to be planted pursuant to this condition. All tree and hedge planting is to be carried out within the boundary of the application site.
- The applicant is advised to be aware of their obligations under the Wildlife & Countryside Act 1981 in respect of the disturbance of nesting wild birds when carrying out the operations consented above.

**Your Right of Appeal**

If you disagree with our decision, you can appeal to the Secretary of State for the Environment, Transport and the Regions. If you want to appeal, you must do so by writing to: Government Office West Midlands, 1<sup>st</sup> Floor, Paradise Circus, Queensway, Birmingham, B1 2DT, within 28 days from the date you receive this decision

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

## BROMSGROVE DISTRICT COUNCIL

### PLANNING COMMITTEE

29TH MARCH 2010

### APPEAL DECISIONS

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

#### 1. SUMMARY

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

#### 2. RECOMMENDATION

- 2.1 Members are requested to note the report.

#### 3. BACKGROUND

- |     | <b>Name of Appellant</b> | <b>Plan Ref. / Proposal / Decision</b>   |
|-----|--------------------------|--|
| 3.1 | Mr. P. Hodgson           | 09/00808-MT - Proposed detached double garage - Vodena, Vine Lane, Clent, DY9 9PH<br><br>Refused: 14th December 2009<br>Appeal decision: <b>dismissed</b> - 26th February 2010   |
| 3.2 | Mr. and Mrs. Jones       | 09/0507-CE - Proposed single storey extension to the rear of dwelling - Daisy Barn, Pikes Pool Lane, Finstall, Bromsgrove, B60 1LQ<br><br>Refused: 2nd November 2009<br>Appeal decision: <b>dismissed</b> - 10th March 2010  |
| 3.3 | Mr. N. Turner            | 09/0605-JT - Proposed alterations to barns to reflect the original structure for use as storage tack and feed store without complying with conditions attached to planning permission ref. 07/0560 (06/07/2007) - Clent Villa Farm, Wassell Grove Lane, Hagley, DY9 9JJ<br><br>Refused: 1st October 2009<br>Appeal decision: <b>allowed</b> - 11th March 2010<br>Application for costs: <b>dismissed</b> - 11th March 2010 |

#### 4. FINANCIAL IMPLICATIONS

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

5. **LEGAL IMPLICATIONS**

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

6. **COUNCIL OBJECTIVES**

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

7. **RISK MANAGEMENT**

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

8. **CUSTOMER IMPLICATIONS**

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

9. **EQUALITIES AND DIVERSITY IMPLICATIONS**

9.1 There are no equality and / or diversity implications directly relating to this report.

10. **OTHER IMPLICATIONS**

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

11. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	No
Chief Executive	No
Assistant Chief Executive	No
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	No
Corporate Procurement Team	No

12. **APPENDICES**

12.1 None.

13. **BACKGROUND PAPERS**

13.1 Appeal decision letters received from the Planning Inspectorate, dated 26th February 2010, and 10th and 11th March 2010.

**CONTACT OFFICER**

Name: Andy C. Stephens

email: [a.stephens@bromsgrove.gov.uk](mailto:a.stephens@bromsgrove.gov.uk)

Tel: 01527 881410

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