

Name of Applicant	Proposal	Plan Ref.
Miss Dawn Adams	<p>Prior notification application for demolition of public house</p> <p>The Greyhound Public House, 30 Rock Hill, Bromsgrove, B61 7LR</p>	16/0832

Councillor Mallett has requested that this matter is considered at Planning Committee and is not determined under delegated powers

RECOMMENDATION: that **PRIOR APPROVAL** is **REQUIRED**

Assessment of Proposal

This site relates to the Greyhound Public House located on the corner of Fox Lane and Rock Hill which has an authorised use within Class A4. The building comprises of a predominately two-storey building with single storey elements. There is a large car park on the north side. The willow tree to the east boundary adjacent to Albert Road has a Provisional Tree Preservation Order (TPO). The surrounding area contains a mix of residential and commercial uses.

This is an application under Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 for a determination as to whether the prior approval of the Local Planning Authority is required. Within the rules for Part 11 extra provisions apply where the building that is proposed to be demolished is a drinking establishment under Use Class A4. Under Part B.2 (b) (x) no development in relation to a drinking establishment is permitted until 56 days have passed from the date the application was submitted. The application for prior approval requires the Local Planning Authority to determine whether prior approval is required, and it is then for the Local Planning Authority to consider “the method of demolition” and “any proposed restoration of the site”.

The time limit for deciding whether prior approval is required is 28 days from the date of receipt of the application. In this case an extension of time was agreed with the applicant and the decision on whether prior approval is required must be made by 4 October 2016. If no decision is made within the 28 day time limit, or such other longer time limit that is agreed, then the rules provide that the developer may proceed with demolition, subject to the restriction referred to above, which prevents demolition within 56 days for drinking establishments.

If a decision is made that prior approval is required, then the Local Planning Authority must then consider the method of demolition and any proposed restoration of the site. The rules do not require that aspect to be decided within the initial time limit and the Local Planning Authority can take longer to assess the proposed demolition method and restoration schedule. This will be reported to Members for consideration at a future meeting of Planning Committee.

On 9 September 2016 the Council received an application from CAMRA (The Campaign for Real Ale) for the Greyhound to be listed as an Asset of Community Value (ACV). The rules relating to Assets of Community Value are set out in the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012. On 15 September 2016 the Council notified the applicant that the ACV application had been received. Under Part B.2 (b) (vii) of the Town and Country Planning (General Permitted Development) (England) Order 2015, a further delay is now imposed on any development of the site until the ACV application is determined by the Council. The Council has 8 weeks to determine the ACV application from 9 September 2016. However, Members are asked to note that this does not delay the time limit to consider whether prior approval for the demolition of the public house is required, and that determination remains subject to the requirement that it be determined by 4 October 2016.

For the purposes of this report, Members are restricted to one narrow determination, namely whether prior approval is required for the demolition of the Greyhound Public House. For the reference of Members, I am of the view that prior approval is required given the location of the building at the junction of two roads, the proximity of residential units to the site and consideration of any impact on the protected tree. Members are strongly reminded that it is not a planning application, and the determination cannot concern itself with the merits or otherwise of whether the building should be demolished, nor of the future use of the site.

The Council has received a number of representations in relation to this application but these are not material as to whether prior approval is required. As a result these have not been reported for Members to consider.

RECOMMENDATION: that **PRIOR APPROVAL** is **REQUIRED**

Case Officer:

Miss Ruth Lambert

Tel: 01527 881373

Email: r.lambert@bromsgroveandredditch.gov.uk