



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 9TH APRIL 2018
AT 6.00 P.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE, B61 8DA

PLEASE NOTE THAT AFTER 5PM, ACCESS TO THE PARKSIDE SUITE IS VIA THE MAIN ENTRANCE DOOR ON THE STOURBRIDGE ROAD. PLEASE ALSO NOTE THAT THERE IS NO PUBLIC PARKING AVAILABLE FOR THE NEW PREMISES. THE NEAREST PARKING IS THE PARKSIDE (MARKET STREET) PAY AND DISPLAY CAR PARK.

MEMBERS: Councillors R. J. Deeming (Chairman), P.L. Thomas (Vice-Chairman), C. Allen-Jones, S. J. Baxter, M. T. Buxton, C.A. Hotham, S. R. Peters, S. P. Shannon, M. A. Sherrey, C. J. Spencer and P. J. Whittaker

Updates to the Reports of the Head of Planning and Regeneration 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

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 5th March 2018 (Pages 1 - 4)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 2017/00924/FUL - Extension to existing HGV park to create additional parking spaces and associated works - Hopwood Park Services, Redditch Road, Alvechurch, Birmingham, Worcestershire, B48 7AU - Welcome Break Holdings (Pages 5 - 16)
6. 2017/01278/FUL - Proposed first floor extension, Besford, High House Lane, Tardebigge, Bromsgrove, Worcestershire, B60 3AQ - Mr A. & Mrs C. Wood (Pages 17 - 22)
7. 2018/00030/FUL - Erect a greenhouse - Sunday Hill, Whinfield Road, Dodford, Bromsgrove, Worcestershire, B61 9BG - Mr & Mrs R. Lydon (Pages 23 - 26)
8. 2018/00057/FUL - Proposed two storey rear extension - Lilac Cottage, The Gutter, Bell Heath, Stourbridge, Worcestershire, DY9 9XB - Mr. R. Strain (Pages 27 - 30)
9. 2018/00190/FUL - Two storey front and side extension. Single storey rear extension and replacement detached garage - 80 Rock Hill, Bromsgrove, Worcestershire, B61 7HX - Mr. S. Rowland (Pages 31 - 34)
10. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

26th March 2018

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Information for Members of the Public

The Planning Committee comprises 11 Councillors. Meetings are held once a month on Mondays **at 6.00 p.m.** in the Parkside Suite, Parkside, Market Street, Bromsgrove, B61 8DA - access to the Parkside Suite after 5pm is via the main entrance door on the Stourbridge Road. The nearest available public parking for the new premises is Parkside (Market Street) Pay and Display. .

The Chairman of the Committee, who is responsible for the conduct of the meeting, sits at the head of the table. The other Councillors sit around the inner-tables in their party groupings. To the immediate right of the Chairman are the Planning Officers. To the left of the Chairman is the Solicitor who provides legal advice, and the Democratic Services Officer who takes the Minutes of the Meeting. The Officers are paid employees of the Council who attend the Meeting to advise the Committee. They can make recommendations, and give advice (both in terms of procedures which must be followed by the Committee, and on planning legislation / policy / guidance), but they are not permitted to take part in the decision making.

All items on the Agenda are (usually) for discussion in public. You have the right to request to inspect copies of previous Minutes, reports on this agenda, together with the background documents used in the preparation of these reports. Any Update Reports for the items on the Agenda are published on the Council's Website at least one hour before the start of the meeting, and extra copies of the Agenda and Reports, together with the Update Report, are available in the public gallery. The Chairman will normally take each item of the Agenda in turn although, in particular circumstances, these may be taken out of sequence.

The Agenda is divided into the following sections:-

- Procedural Items

Procedural matters usually take just a few minutes and include: apologies for absence, approval of the Minutes of the previous meeting(s) and, where necessary, election of a Chairman and / or Vice-Chairman. In addition, Councillors are asked to declare whether they have any disclosable pecuniary and / or other disclosable interests in any items to be discussed. If a Councillor declares a disclosable pecuniary interest, he/she will withdraw from the meeting during the discussion and voting on that item. However, it is up to the individual Councillor concerned to decide whether or not to declare any interest.

- Reports of the Head of Planning and Regeneration

(i) **Plans and Applications to Develop, or Change of Use** - Reports on all applications will include a summary of the responses received from

consultees and third parties, an appraisal of the main planning issues and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view in full via the Public Access facility on the District Council's website www.bromsgrove.gov.uk. Recent consultee and third party responses will be reported at the meeting within the Update Report.

Each application will be considered in turn. When the Chairman considers that there has been sufficient discussion, a decision will be called for. Councillors may decide that, in order to make a fully informed decision, they need to visit the site. If this is the case, then a decision on the application will be deferred until the next meeting of the Committee. Alternatively, a decision may be deferred in order that more information can be presented / reported. If the Councillors consider that they can proceed to making a decision, they can either accept the recommendation(s) made in the report (suggesting any additional conditions and / or reasons for their decision), or they can propose an amendment, whereby Councillors may make their own recommendation. A decision will then be taken, usually by way of a show of hands, and the Chairman will announce the result of the vote. Officers are not permitted to vote on applications.

Note: **Delegation** - All items are presumed to be matters which the Planning Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply, an appropriate indication will be given at the meeting.

Any members of the public wishing to make late additional representations should do so in writing, or by contacting their Ward Councillor(s) well in advance of the Meeting. You can find out who your Ward Councillor(s) is/are at www.writetothem.com.

Members of the public should note that any application can be determined in any manner, notwithstanding any (or no) recommendation being made to the Planning Committee.

- (ii) **Development Control (Planning Enforcement) / Building Control** - These matters include such items as to whether or not enforcement action should be taken, applications to carry out work on trees that are the subject of a Tree Preservation Order, etc.. 'Public Speaking' policy does not apply to this type of report, and enforcement matters are normally dealt with as confidential items (see 'Confidential / Exempt Business' below).

- Reports of the Head of Legal and Democratic Services

These reports relate to, for example, cases where authority is sought to commence legal proceedings for non-compliance with a variety of formal planning notices. They are generally mainly concerned with administrative and legal aspects of planning matters. 'Public Speaking' policy does not apply to this type of report, and legal issues are normally dealt with as confidential items (see 'Confidential / Exempt Business' below).

- Urgent Business

In exceptional circumstances, and at the discretion of the Chairman, certain items may be raised at the meeting which are not on the Agenda. The Agenda is published a week in advance of the meeting and an urgent matter may require a decision. However, the Chairman must give a reason for accepting any "urgent business". 'Public Speaking' policy would not necessarily apply to this type of report.

- **Confidential / Exempt Business**

Certain items on the Agenda may be marked "confidential" or "exempt"; any papers relating to such items will not be available to the press and public. The Committee has the right to ask the press and public to leave the room while these reports are considered. Brief details of the matters to be discussed will be given, but the Committee has to give specific reasons for excluding the press and public.

Public Speaking

Where members of the public have registered to speak on planning applications, the item will be dealt with in the following order (subject to the discretion of the Chairman):-

- Introduction of item by the Chairman;
- Officer's presentation;
- Representations by objector;
- Representations by applicant (or representative) or supporter;
- Parish Council speaker (if applicable) and / or Ward Councillor;
- Consideration of application by Councillors, including questions to officers.

All public speakers will be called to the designated area by the Chairman and will have a maximum of 3 minutes to address the Committee.

Feedback forms will be available within the Council Chamber for the duration of the meeting in order that members of the public may comment on the facilities for speaking at Planning Committee meetings.

NOTES

Councillors who have not been appointed to the Planning Committee but who wish to attend and to make comments on any application on the attached agenda are required to inform the Chairman and the relevant Committee Services Officer before 12:00 noon on the day of the meeting. They will also be subject to three minute time limit.

Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officer(s) in order to avoid unnecessary debate on such detail at the meeting. Members of the Committee are requested to arrive at least one hour 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. Councillors should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.

Councillors are respectfully reminded that applications deferred for more information should be kept to a minimum and only brought back to Committee for determination where the matter cannot be authorised to be determined by the Head of Planning and Regeneration Services.

In certain circumstances, items may be taken out of the order than that shown on the agenda and, therefore, no certain advice can be provided about the time at which any item may be considered. However, it is recommended that any person attending a meeting of the Committee, whether to speak or to just observe proceedings and listen to the debate, be present for the commencement of the meeting at 6.00 p.m.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - SECTION 100D

1. All applications for planning permission include, as background papers, the following documents:-
 - a. The application - the forms and any other written documents submitted by the applicant, the applicant's architect or agent, or both, whichever the case may be, together with any submitted plans, drawings or diagrams.
 - b. Letters of objection, observations, comments or other representations received about the proposals.
 - c. Any written notes by officers relating to the application and contained within the file relating to the particular application.
 - d. Invitations to the Council to comment or make observations on matters which are primarily the concern of another Authority, Statutory Body or Government Department.

2. In relation to any matters referred to in the reports, the following are regarded as the standard background papers:-

Policies contained within the County Structure Plan and Local Plan below, and Planning Policy Statements, specifically referred to as follows:-

BDP	-	Bromsgrove District 2011-2-30
SPG	-	Supplementary Policy Guidance
SPD		Supplementary Planning Document

3. Any other items listed, or referred to, in the report.

Note: For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, "background papers" in accordance with Section 100D will always include the Case Officer's written report and any letters or memoranda of representation received (including correspondence from Parish Councils, the Highway Authority, statutory consultees, other 'statutory undertakers' and all internal District Council Departments).

Further information

If you require any further information on the Planning Committee, or wish to register to speak on any application for planning permission to be considered by the Committee, in the first instance, please contact Pauline Ross, Democratic Services Officer, at p.ross@bromsgroveandredditch.gov.uk, or telephone (01527) 881406

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 5TH MARCH 2018, AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P.L. Thomas (Vice-Chairman), C. Allen-Jones (during Minute No. 73/17), S. J. Baxter, M. T. Buxton, C.A. Hotham, S. R. Peters, S. P. Shannon, M. A. Sherrey, C. J. Spencer and P. J. Whittaker

Officers: Mrs. T. Lovejoy, Mr. D. M. Birch, Mrs. S. Hazlewood and Mrs. P. Ross

69/17 **APOLOGIES**

No apologies for absence were received.

70/17 **DECLARATIONS OF INTEREST**

Councillor S. J. Baxter declared an Other Disclosable Interest in Agenda Item 6 – Planning Application 18/00101/FUL – 5 Chapel Drive, Wythall, Worcestershire, B47 6JP - in that she is the Chairman of Wythall Parish Council, who had been consulted with on the Application. Having advised that she had not been involved or commented on the Application at Parish Council meetings owing to her role on the Council's Planning Committee, Councillor Baxter participated and voted on the matter.

71/17 **MINUTES**

The minutes of the meeting of the Planning Committee held on 5th February 2018 were received.

RESOLVED that the minutes of the meeting held on 5th February 2018 be approved as a correct record.

72/17 **17/01429/FUL - CHANGE OF USE OF MAINTENANCE / CHAPEL BUILDING APPROVED UNDER PLANNING PERMISSION 12/0448 TO ALLOW FOR CREMATIONS TO TAKE PLACE, REDUCTION IN SCALE OF BUILDING AND HARD STANDING AND REDUCED OPERATING TIMES - LAND ADJACENT, NEW INNS LANE, RUBERY, BIRMINGHAM, WORCESTERSHIRE - H2LAND**

Officers reported on additional information received in relation to the Application from Worcestershire Regulatory Services (Air Quality),

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additional representations received in objection to the Application from Councillors A. Cartwright and C. Griffiths, Birmingham City Council, from a neighbour and Mr. R. Burden MP, Birmingham Northfield. With additional information regarding the need for the proposal from the applicant; which had been previously sent in full to all Members of the Planning Committee; as detailed in the published Update Report, copies of which were provided to the Committee and public gallery prior to commencement of the meeting.

It was also noted that the Chairman had, exceptionally, agreed to extend the objector's, applicant's representatives / supporters and Ward Member public speaking time to a maximum of 15 minutes due to the public interest in this matter.

At the invitation of the Chairman, Councillor A. Cartwright, Mr. A. Robson, Mrs. S. Smith, Ms. E. Gray, Mr. W. Murray, Mr. J. Ash, Mr. R. Singh and Mr. R. Goode addressed the Committee in objection to the Application. Councillor P. M. McDonald, in whose Ward the Application site was located, also addressed the Committee.

Mr. R. Clarke addressed the Committee in support of the Application and Mr. N. Pearce and Mr. P. Mitchell, the Applicant's representatives, also addressed the Committee.

It was noted that the Applicant had submitted an Ecological Appraisal and a Biodiversity Mitigation and Enhancement Strategy, as detailed at paragraph 4.311 in the main agenda pack.

The Committee then considered the Application, which had been recommended for approval by Officers. Having considered all of the information, all of the public speaking representations; the details of the proposed scheme, as detailed at paragraphs 4.221 to 4.224, in the main agenda pack. Members were of the view that the changes to the proposed scheme were subtle changes and therefore it remained inappropriate development in the Green Belt. There would be an adverse impact on the Green Belt due to the additional demand for cremations compared to that of burials and the impact on highway safety due to the type of traffic (slow moving hearses). Very special circumstances had not been demonstrated in terms of need.

On putting the matter to the vote, the Committee were of the view that the Application be refused, for the reasons as stated in the resolution below:

RESOLVED that Planning Permission be refused for the reasons below:

- 1) Inappropriate development in the Green Belt.
- 2) Adverse impact on the Green Belt with additional car parking and increased traffic movements.

- 3) Very special circumstances had not been demonstrated in terms of need.
- 4) Increased use of the site due to the crematorium services.

73/17

18/00101/FUL - SINGLE STOREY AND TWO STOREY SIDE EXTENSIONS - 5 CHAPEL DRIVE, WYTHALL, BIRMINGHAM, WORCESTERSHIRE, B47 6JP - MR. P. PATEL

Officers clarified that the Application had been brought to the Planning Committee for consideration at the request of Councillor G. N. Denaro, Ward Member, due to public concern over the Application.

Officers reported on an additional objection received and the amended plans received on 5th March 2018, deleting the first floor side window to the west elevation to serve bedroom two (facing 3 Chapel Drive), and that in light of that revision, Conditions 3 and 4 had been amended; as detailed in the published Update Report, copies of which were provided to the Committee and public gallery prior to commencement of the meeting.

At the invitation of the Chairman, Mr. P. Phillips and Mr. S. Brown, near neighbours addressed the Committee, objecting to the Application.

Officers provided an explanation with regard to the Applicant's fall back position in terms of permitted development rights.

Members then considered the Application, which had been recommended for approval by Officers. Having considered the Officers report, the Update report, the objector's representations; and having had regard to the Applicant's permitted development rights. Members were of the view that the proposal would result in a cramped overall appearance and that there would be limited amenity space resulting from the proposed development. There would be an unacceptable overbearing impact on the amenity of the neighbours opposite and the occupiers at the property 10 Church Close; with potential impact on the free flow of traffic using the adjoining highway and were therefore minded to refuse the Application.

RESOLVED that Planning Permission be refused for the following reasons:

- 1) Number 5 Chapel Drive is a large detached property set within a broad, but shallow plot with its private amenity space to the east side. The proposed two storey extension to the east elevation and additions to the principal elevation would result in overdevelopment of this plot by reason of a significant reduction in amenity space. This is contrary to the Policy BDP19 of the Bromsgrove District Local Plan adopted January 2017.

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- 2) The two storey extension to the east elevation and heightened ridgeline of the garage wing to the west, would result in a significant increase in massing of the existing dwelling. These additions would have a dominant and overbearing impact upon the outlook enjoyed by the residential occupiers of the properties on the south side of Chapel Drive and number 10 Church Close respectively. This is contrary to Policy BDP1 of the Bromsgrove District Local Plan adopted January 2017 and the extant Residential Design Guidance document SPG1.
- 3) The level of accommodation proposed would give rise to demand for parking provision in excess of that provided for in the proposal, and consequently lead to on street parking in an area where off road parking is limited which would form an impediment to the free flow of traffic and reduction in highway safety. This is contrary to Policy BDP1 of the Bromsgrove District Local Plan adopted January 2017.

The meeting closed at 7.43 p.m.

Chairman

Agenda Item 5

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Welcome Break Holdings	Extension to existing HGV park to create additional parking spaces and associated works Hopwood Park Services, Redditch Road, Alvechurch, Birmingham, Worcestershire B48 7AU	18.12.2017	17/00924/FUL

Councillor Hotham has requested that this application be considered by Planning Committee rather than being determined under Delegated Powers.

RECOMMENDATION: That planning permission be approved subject to conditions

Consultations

Worcester Regulatory Services- Light Pollution Consulted 07.11.2017 and 07.02.2018
No objection to the application in terms of light nuisance.

WRS - Contaminated Land Consulted 07.11.2017

WRS have reviewed the above application for potential contaminated land of which none have been identified. WRS therefore have no adverse comments to make in relation to contaminated land.

Alvechurch Parish Council Consulted 30.10.2017 and 07.02.2018

After further consideration APC felt that although they welcomed the reductions in HGV spaces, their original comments as below were still applicable:

This proposal is in open countryside within the Green Belt. APC feel that the proposal erodes the openness of the Green Belt. If BDC are mindful to approve the application APC would suggest there should be provisions set out for enforcement signs to be provided at the local lay-bys and on nearby verges saying NO OVERNIGHT parking for large goods vehicles, or something to that effect.

Conservation Officer Consulted 30.10.2017 and 07.02.2018

I note that the applicant has now submitted a setting assessment which follows the Historic England guidance, and has therefore satisfied the requirements of paragraph 128 of the NPPF. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires us to consider the impact of development on the setting of listed buildings. I would agree that the proposed development, in the context of Paragraph 134 of the NPPF will cause less than substantial harm to the significance of the listed building, and that this harm is probably at the lower end. Great weight is attached to the conservation of listed buildings and their settings and this harm will have to be balanced against the public benefits of the proposed development.

Worcestershire Wildlife Trust Consulted 02.11.2017 and 07.02.2018

We note the contents of the various associated documents and the proposed new landscaping and management protocols. In general these respond well to our previous

Plan reference

comments and so we believe that you can now progress the application in line with the law and planning guidance. Accordingly we do not wish to object to the application and we do not wish to make further comments at this stage.

Parks & Green Space Development Officer Martin Lewis Consulted 30.10.2017 and 07.02.2018

I have no objection in principle to the development.

North Worcestershire Water Management Consulted 30.10.2017 and 07.02.2018
Providing everything is built in accordance with the plans I see no reason to attach a drainage condition.

WRS - Noise Consulted 30.10.2017 and 07.02.2018

I do not consider that additional noise from the proposed extended HGV parking area would have an adverse impact at the closest noise sensitive receptor(s) and therefore I have no objection to the application in terms of noise.

Highways - Bromsgrove Consulted 30.10.2017 and 07.02.2018

Under the SLA agreement I have no highway objections to the extension to existing HGV park to create additional parking spaces and associated works located at Hopwood Park Services.

Highways Agency Consulted 30.10.2017 and 07.02.2018

No objection subject to a planning condition relating to the provision of a Construction Traffic Management Plan (CTMP) stands.

Worcestershire County Council Countryside Service Consulted 30.10.2017 and 07.02.2018

I note that an extension to the existing HGV parking to create additional parking spaces and associated works will be near to footpath AV-544 and no such works should interfere with the footpath.

Ramblers Association Consulted 30.10.2017 and 07.02.2018

No Comments Received To Date

Arboricultural Officer Consulted 30.10.2017 and 07.02.2018

Having checked the revised plans the new layout removes any impact with the Oak tree. The remaining hedge and tree retention is fine and combined with the proposed landscaping plan and strategy will provide a suitable level of tree, shrub and hedge cover on the site. Therefore I would have no objection to the proposed revised development under the same conditions of tree / hedge protection to BS5837:2012 throughout any ground or development work on the site. I would request if still possible to do so that a tree and hedge protection plan is submitted.

Western Power Distribution Consulted 07.02.2018 Expired 28.02.2018

No Comments Received To Date

WRS - Air Quality Consulted 30.10.2017

WRS have reviewed the above application for potential air quality issues of which none have been identified. WRS therefore have no adverse comments to make in relation to air quality.

Natural England Consulted 30.10.2017

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Hopwood Dingle and Bittell Reservoirs SSSI's have been notified. We therefore advise your authority that these SSSI's do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Public Consultation

7 Neighbour letters sent out on 20.11.2017 and 28.02.2018 expired 28.02.2017

Site Notice posted on 31.10.2017 expired 21.11.2017

Press Notice published on 10.11.2017 expired 24.11.2017

1 representation received:

We have noted the revisions to the original application by Welcome Break to extend their Lorry Park at Hopwood Services and we fully support these. This additional Area should help to reduce the amount of overnight parking on the adjacent highway. We trust that the adjacent Public Rights of Way are unaffected and where possible improved as part of these works.

Councillor C. Hotham:

If you are looking to approve this application then I would wish to ask the committee to consider it. There is considerable public interest and I also believe that no very special circumstances exist.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP16 Sustainable Transport

BDP20 Managing the Historic Environment

BDP21 Natural Environment

BDP23 Water Management

Others

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

Relevant Planning History

16/0709	Erection of new detached drive-thru coffee shop - A3 & A5 use.	Approved	25.08.2016
16/0202	Erection of new detached drive-thru coffee shop - A3 & A5 use.	Approved	21.04.2016
15/0576	Installation of 2 no. Electric Vehicle Quick Charging Point in main car park area (retrospective)	Approved	03.09.2015
15/0026	Erection of new detached drive thru coffee shop A3 and A5 use.	Refused	09.04.2015
15/00023/REF	Erection of new detached drive thru coffee shop A3 and A5 use.	Allowed at Appeal	18.12.2015
B/2006/1352	Extension of existing HGV parking facility.	Approved	01.05.2007
B/1999/0085	Variation of conditions imposed.	Approved	19.04.1999
B1998/0611	Motorway service area including amenity building, fuel filling station , police post, landscaping and associated parking and infrastructure works- Reserved Matters (as amended by plans rec'd 11/09/98	Approved	19.10.1998
B/1998/0568	Motorway service area, to include amenity building, fuel forecourt, parking areas and landscaping.	Approved	10.08.1998
B/1994/0497	Motorway Service Area	Allowed at Appeal	05.12.1997
B/1993/0646	Motorway Service area (Junction 2 M42)	Dismissed at Appeal	05.12.1997

Assessment of Proposal

Site Description

The site is currently a grassland meadow within the confines of the existing Motorway Service Area (MSA). It is located immediately adjacent to the existing Heavy Goods Vehicle (HGV) Park. There are two earth bunds within the site, one divides the site from the existing HGV Park and the other runs along the western boundary of the site.

The A441 is located to the western side of the site and Ash Lane to the north. The nearest built form other than the motorway service station would be to the north of the site and includes: Karenswood International, Kings Norton RFC, Lea End Farm and Fiveways Old Edwardians.

Proposal

The Proposed development is to extend the existing HGV park facility into the Grassland to raise the number of HGV spaces from the existing 60 spaces to 97 spaces. The scheme would involve changing the levels of the land, installing lighting and constructing an attenuation pond to deal with the additional surface water runoff.

Green Belt

The site is situated entirely within the Green Belt.

Paragraph 87 of the NPPF sets out that ‘...inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’. Paragraph 88 then goes on to state that ‘...*local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*’

Paragraph 90 of the NPPF sets out certain forms of development that are not inappropriate development in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. One of these forms of development is ‘*Local transport Infrastructure which can demonstrate a requirement for a Green Belt location*’.

It is likely that many HGVs using the MSA would be on journeys that might reasonably be considered greater than local in length. However, the number of HGVs stopping at this MSA indicates that there is a need for HGV parking provision in the local area. With this and other factors such as highway safety and the restriction on drivers’ hours it is considered that there is a need in this locality for additional HGV parking spaces. Accordingly, it is considered that the proposal would support a local need, which would support various journeys; including many that are not local, and as such would constitute a local transport infrastructure facility.

Openness

Openness is not defined within the NPPF. However, it has generally been taken to mean ‘the absence of development’. The site is currently an open unmanaged field with two bunds located within it, one along the southern and the other along the western boundary which curves into the site. Generally the site does appear undeveloped.

The proposal would change this by introducing further development in to the site. With changes in the levels and the surface of the land, the proposal would introduce an urbanising feel into the site. The resultant use would also introduce HGVS onto the site; which although not permanent structures, would add a third dimension to the proposal. Visually, the site would be partly screened by the existing and proposed vegetation and

would be read against the existing HGV Park at the MSA and the A441. However, with all of the elements to the proposal, it is considered that the development would reduce the openness of the Green Belt.

Purpose of Green Belt

There are five purposes of the Green Belt, which are set out in paragraph 80 of the NPPF. These are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

As this site does already fall within the extent of the existing and original MSA it is not considered that the proposal would conflict with any of these purposes.

Overall, although the proposal is considered to be a 'Local Transport Infrastructure', as the proposal would harm the openness of the Green Belt, it is considered that the proposal would be inappropriate development in the Green Belt. In accordance with Paragraph 88 of the NPPF this harm is afforded substantial weight.

Other non-Green Belt considerations

Impact on Historic Environment

To the north of the site is Lea End Farm, a grade II listed farmhouse. Lea End Farmhouse comprises a late 18th /early 19th farmhouse of brick construction beneath a pitched tiled roof. Immediately to the north of the farmhouse are the historic barns which have been converted to residential use, and to the north east are more modern farm buildings.

Although most of the significance of the listed building is derived from the building itself, and the original buildings within the farmstead, the underdeveloped and largely open land surrounding the farmstead makes up the rural setting of the building, and does make a contribution to the significance of the listed building.

At present one, possibly two lighting columns on the existing carpark are visible from the farmhouse looking south/south west. The Councils Conservation Officer is therefore concerned that developing the proposed site to the north west of the existing HGV park, and the construction of the more lighting poles will be significantly more visible and intrusive in terms of the rural landscape to the south of the farm house.

There has been unsympathetic development within the setting of this listed building in the past, however the Historic England Advice Note 3, 'Setting of Heritage assets', states 'Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset.'

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires us to consider the impact of development on the setting of listed buildings. The Council's Conservation Officer has considered the proposal and believes that the proposed development, in the context of Paragraph 134 of the NPPF will cause less than substantial harm to the significance of the listed building, and that this harm is probably at the lower end. They note that great weight should be attached to the conservation of listed buildings and their settings and that this harm will have to be balanced against the public benefits of the proposed development.

Highways

Highways England have confirmed within their comments that based upon the present policy requirements set out in DfT Circular 02/2013, Annex B, Schedule 1, the existing service area has an identified shortfall in spaces for HGV parking. In this regard they have calculated that were the MSA to be built today, a minimum parking requirement of 95 HGV spaces would apply. The application therefore clearly meets the current requirement.

Highways England have set out in their comments that any shortfall in availability of spaces may result in HGVs being forced to travel further to search for available parking, which increases risks arising from drivers becoming fatigued. Reducing drivers' fatigue is a key component in improving road safety and therefore the principles of the development are supported by Highways England as an important contribution to meet the needs of road users.

As such subject to certain conditions, Highways England have not raised any objection to the proposal.

It is also noted that Worcestershire County Council Highways Authority have raised no objections to the proposal.

Drainage and Flooding

In accordance with the Flood Risk Assessment the site is in flood zone 1 (low risk of modelled river and tidal flooding), and North Worcestershire Water Management have confirmed that there are no records of flooding at this location (although it is noted that this could be because people do not generally report flooding on greenfield land). They have also confirmed that the site is at low surface water flood risk according to the Environment Agency's updated map for surface water.

The proposal would result in a change in the surface of this site, which would inevitably result in an increase in run off. The proposal does however incorporate a sustainable drainage system, which North Worcestershire Water Management have confirmed would compensate for this.

The development would potentially increase pollution from the vehicles using the site. As there is a tributary of the River Arrow near to the site; pollution control needs to be achieved to limit pollutants entering the watercourse.

North Worcestershire Water management have however confirmed that provided the proposal is built in accordance with Appendix 7 of the Sustainable Drainage Strategy – Outline Surface Water Strategy, they would have no objection to the proposal.

Ecology

It is clear from the ecological reports that there are a number of sensitive ecological receptors in the vicinity (including protected species), which will need careful consideration both during construction and in the long term. It will be especially important to provide protection to great crested newts, retained habitats and the receiving watercourse during construction together with long term protection for these and bats (which may be adversely affected by light spill) during the lifetime of the development.

A Construction and Ecological Management Plan and a Habitat Mitigation and Enhancement Plan have been submitted with the application. These set out recommendations to enhance biodiversity as well as protect existing biodiversity during and post construction. It is considered that the recommendations set out with in these documents are acceptable.

It is also noted that Worcestershire Wildlife Trust do not wish to object to the application and believe that we can now progress the application in line with the law and planning guidance.

Landscaping

The Councils Arboricultural officer has confirmed that they have no objection to the proposal. They confirm that the hedge and tree retention is acceptable and combined with the proposed landscaping plan and strategy would provide a suitable level of tree, shrub and hedge cover on the site.

Therefore I would have no objection to the proposed revised development under the same conditions of tree / hedge protection to BS5837:2012 throughout any ground or development work on the site. I would request if still possible to do so that a tree and hedge protection plan is submitted.

Residential Amenity

The proposed HGV park would be located well over 100 metres from the nearest residential dwelling house. However due to the nature of the proposal, Worcestershire Regulatory Services have been consulted on the application in respect to light pollution, noise and air quality. They have not raised any objection in regards to these matters. As such it is considered that the proposed would not have a detrimental impact on the nearby occupiers.

Alvechurch Parish Council have objected to the proposal, but they have set out in their comments that if Bromsgrove District Council are mindful to approve the application, they would suggest enforcement signs should be provided at the local lay-bys and on nearby verges to prevent overnight parking for large goods vehicles. The use of lay-bys falls outside of the remit of planning and cannot therefore be controlled through this application.

Very Special Circumstances

The considerations put forward by applicant are set out fully within their Planning statement, and include: The need for the development; the need in this specific location; and the lack of alternative provision for HGV parking.

MSAs and other roadside facilities are provided for all motorists using the strategic road network as an opportunity to stop and rest in the interests of highway safety. Paragraph 31 of the NPPF sets out that, the primary function of roadside facilities for motorists should be to support the safety and wellbeing of the road user. A network of service areas have been developed along the strategic road side for this reason. It is mandatory that these service areas provide certain facilities, and without these facilities sites cannot be the subject of a signage agreement with Highways England. HGV parking is one of the mandatory facilities.

The Department for Transport (DfT) Circular 02/2013 sets out the formula for calculating the level of parking that is required at MSAs. Using this formula the applicant has calculated that the required HGV parking at Hopwood MSA is 79 spaces. It is also noted that Highways England has set out in their comments that the required HGV parking at this site would be 95 spaces if it were to be built now. Using Highways England's figure, this is 35 spaces more than is currently available within the site.

A Transport Assessment has also been submitted with this application. This sets out the results of a traffic survey that was conducted at the site. This traffic survey looked at the number of HGV parking spaces occupied within the site and also monitored the behaviour of drivers and incidents where it was considered that HGV parking caused a highway safety issue.

The results of the survey demonstrated that the site currently provides an insufficient provision of parking for HGVs. It also showed that when the HGV parking areas were full that the HGV drivers would look for alternative places to park within the MSA, whether it was the coach park or the car park. This raises a highway safety concern, as MSAs are designed to segregate different types of traffic in the interests of safety.

The Department for Transport (DfT) Circular 02/2013 also sets out the Government's policy on the spacing of MSAs along the strategic road network. The requirement is that MSAs should either be no more than 28 miles apart or a 30 minute travel time, whichever is lesser. Currently there are no alternative MSAs on the M42 between Hopwood and Tamworth MSA (a distance of 27 miles). It is also noted that there is a distance of 28 miles between Strantsham Services on the M5 and a distance of 25 miles to Corley MSA on the M6. These do meet the 28 mile policy set out in Circular 02/2013, however the applicant has set out that there is a long established concern in respect to this stretch of the motorway given the volume of traffic and frequency of delays.

It is a legal requirement that HGV drivers only drive for a certain number of hours each day, and during that time that they take regular breaks to rest. The requirement is that drivers must rest for at least half an hour after driving 5 hours and 30 minutes, or at least 45 minutes within any 8 hours and 30 minute period. This is an important highway safety requirement and does therefore form a material planning consideration in this case. To

enable drivers to do this, it is essential that there is adequate clearly signed HGV parking and facilities available along the Strategic Road Network.

If an alternative provision for HGV parking was to be made elsewhere along the strategic road network to meet the need identified at Hopwood, it is likely that this would also be in the Green Belt. An alternative site would result in the duplication of all of the facilities already available at Hopwood MSA and required by Highways England. This would therefore have a greater impact on the Green Belt than that the current proposal.

From the considerations put forward by the applicant it appears that there is a clear and justified need for additional HGV parking within the vicinity of the site, and that the best location for this would be at Hopwood MSA, as it is considered that an alternative site would only have a greater impact on the Green Belt than this proposal. It is also evident that the lack of parking is a highway safety concern. It is therefore considered that these considerations carry substantial weight.

Conclusion

The NPPF sets out that for the applicants' circumstances, and any other benefits of a proposal to amount of very special circumstances; they must clearly outweigh the harm to the Green Belt and any other harm.

In this case it has been determined that the proposal would reduce the openness of the Green Belt, and as such would be considered to be inappropriate development. Inappropriate development is by virtue harmful to the Green Belt, and should carry substantial weight. The level of harm that is attributed to the harm that the proposal would cause to the Green Belt is therefore substantial.

It is also considered that the proposal would harm the setting of Lea End Farm, a Grade II Listed Building. It is considered that this harm would be less than substantial harm to the significance of the listed building, and that this harm is probably at the lower end. Paragraph 134 states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal....' Paragraph 132 of the Framework sets out that great weight should be given to the asset's conservation, and any harm requires clear and convincing justification.

The applicant has put forward a robust case, which is considered to carry substantial weight in favour of the application. Their case sets out that the existing HGV parking at Hopwood MSA is inadequate and is under stress, which is causing a highway safety concern within the site and on the wider network. The proposal appears to provide the required level of parking for the site, which would be improvement in the highway safety of the MSA and the wider strategic network. It is clear that any alternative provision for the required HGV parking at this location would be within the Green Belt, and due to duplication of required facilities would result in more harm to Green Belt than the current proposal. It is also noted that Highways England are in support of the proposal setting out in their comments that any shortfall in availability of spaces may result in HGVs being forced to travel further to search for available parking, which increases risks arising from drivers becoming fatigued. Reducing drivers' fatigue is a key component in improving road safety.

In conclusion, it is considered that the applicants case which shows that there is a clear and justified need for the additional HGV parking spaces at this location would clearly outweigh the harm that the proposal would have on the Green Belt, and on the setting of the listed building, and would therefore amount to very special circumstances.

RECOMMENDATION: That planning permission be approved subject to conditions

Conditions:

1. Development to commence within 3 years.
2. In accordance with plans and documents.
3. Prior to commencement of development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The approved scheme shall be adhered to for the duration of the construction period.
4. All trees and hedge lines to be retained within the site or within influencing distance of any ground or development works on any adjacent land are afforded full protection in accordance with BS5837:2012 recommendations throughout any ground or development work on the site.
5. No storage of any material should take place within the BS5837:2012 recommended Root Protection Area of any retained tree or hedge line.
6. The development shall be carried out in strict accordance the approved information.
7. The proposed development shall be carried out in strict accordance with the Construction Environmental Management Plan (CEMP) dated January 2018 and the habitat mitigation and Enhancement plan (HMP) dated January 2018.
8. All of the recommendations set out within the Habitat Management Plan (HMP) dated January 2018 shall be fully implemented prior to the first use of the development hereby approved, and shall be retained and maintained in line with the recommendations set out in the HMP in perpetuity.
9. The technical specification (height, positioning, lux value, and means of illumination) of the lighting to be installed shall be in strict accordance with the submitted documents, and shall be maintained as such in in perpetuity.
10. All soft landscaping works shall be carried out and maintained in accordance with the approved information.

Case Officer: Claire Gilbert Tel: 01527 881655
Email: claire.gilbert@bromsgroveandredditch.gov.uk

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Agenda Item 6

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr & Mrs Andrew & Clare Wood	Proposed first floor extension Besford, High House Lane, Tardebigge, Bromsgrove, Worcestershire B60 3AQ	04.04.2018	17/01278/FU L

RECOMMENDATION: That planning permission be Refused

Consultations

Bentley & Paucefoot Parish Council Consulted 07.02.2018

Bentley Paucefoot PC have no objections to this planning application. However, it is noted that the existing flat roofed 1970s garage is to be demolished in order that the proposed first floor extension can go ahead leading to the property no longer have garaging facilities for two cars.

Conservation Officer Consulted 07.02.2018

Considers that the proposal will cause harm to the significance of the non-designated heritage asset. The harm to the significance of this non designated heritage asset justifies refusing this application.

Ward Member

Councillor Whittaker has requested, given the complex issues of this application, Members are given the opportunity to discuss the proposal.

Public Consultation Response

One letter of support has been received from the neighbouring property No. 2 Church Cottage. The comments outline the opinion that a flush ridge height would be preferred.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP19 High Quality Design
BDP20 Managing the Historic Environment
BDP21 Natural Environment

Others

NPPF National Planning Policy Framework
SPG1 Residential Design Guide

Relevant Planning History

18/00294/HHPRI	Single storey rear extension	Pending determination
75/0988	Extensions to Kitchen	Approved

Assessment of Proposal

The application site is located within the Green Belt in a rural location in Tardebigge. The dwelling was constructed at the end of the 19th Century/beginning of the 20th Century and is a good example of late Victorian Gothic vernacular. The property has therefore been considered to be a non-designated heritage asset and the Conservation Officer's view has been sought during this application.

Green Belt

Given the property is located within the Green Belt consideration is given to BDP4 of the District Plan. BDP4 allows for proportionate additions of up to 40% above the original dwelling. The proposed extension when taking into account the previous post 1947 additions, results in an extension 68% above the original. Therefore, the proposed extension is disproportionate and is considered inappropriate development in the Green Belt. Very special circumstances are therefore required to justify this development.

The applicant has advanced an argument in respect of the removal of the existing detached garage to offset the harm to the Green Belt. The existing garage is low in height and of wooden construction and therefore does not have a significant impact on openness in comparison to a first floor extension. Furthermore, the loss of the garage would result in future pressure for additional storage and parking on site which would be lost as a result of this demolition. The demolition of the garage is not considered a very special circumstance to overcome this inappropriate development.

I am minded however that the dwelling does benefit from its permitted development rights. The property benefits from the availability of a two storey rear extension and single storey side extensions under provisions in the General Permitted Development Order 2015 and therefore, although a certificate has not been submitted for these extensions, whether this alternative development would have a greater impact on the openness of the Green Belt is a material consideration in the determination of this application. In this instance, the two storey permitted development fall back, would be constrained within the existing L shape of the dwelling out of public views and would be restricted to a depth of 3 metres. However, this is tempered by the amount of built form which could be constructed in respect of floor area and volume which would exceed that currently proposed and result in a building with greater disproportionate additions over the original. Furthermore, the PD two storey extension would provide a first floor bedroom which is directly comparable with the current proposal. Having regard to this, very special circumstances are considered to exist to outweigh the developments harm to the Green Belt.

Heritage Asset/Design

Paragraph 129 of the NPPF requires Local Planning authorities to identify and assess the significance of any heritage asset. Besford comprises a well proportioned detached 'L'

shape property in brick and clay tile, constructed at the end of the 19th Century/beginning of the 20th Century. It is a good example of late Victorian Gothic vernacular, with distinctive detailing including gables above the first floor windows, projecting eaves with exposed rafter ends, and high chimneys. The windows have been recently replaced, and although they are upvc, they have replicated the detail of the original windows better than most. It is thought that the property was once part of the Hewell Estate, which is quite likely as it shares a number of period details with other Hewell properties in the vicinity. The Conservation Officer has advised that this is a particularly good example as it has retained most of its important features and has been minimally extended. The original floor plan is still legible forming the 'L' shape plan. The property is therefore a candidate for the local heritage list and is considered a non-designated heritage asset.

The rear wing of the property has been previously extended twice and this has resulted in a deep rear projection. The existing rear wing extension currently steps down and is broken up with the various roof slopes which helps to reduce the visual length of the rear wing and breaks up the bulk of the existing structure. SPG1 – Residential Design Guide requires extensions are kept subordinate to the original house. It states 'two storey extensions should have a roof ridgeline set lower than the existing one in order to provide a visual break between old and new and enable the extension to be visually subordinate'. The proposed extension would continue the existing ridge height of the original building and will result in a bulky dominant rear wing, which will overwhelm the proportions of the original dwelling. The extension has not been broken up and therefore the entire length of the extension is appreciated. Whilst the public views would be brief, and the other views would be private, this would not diminish the harm that would be caused. The applicant has put forward the permitted development options available to them on site, however the two storey extension would be limited to a depth of 3 metres and all other extensions would be single storey. Furthermore, the permitted development fall back would only allow a two storey extension within the existing L-shape of the dwelling. In this position the extension would be in less of a public view and therefore would not have a comparable impact on the character of the building. Consequently, I attach limited weight to this fall back with respect to the impact on the character and appearance of the existing dwelling.

Having regard to this, the proposed extension does not follow the guidance as outlined in the Councils SPG1 – Residential Design Guide and would not enhance the historic significance of the building.

Ecology

The site lies within a rural context with a number of water courses in close proximity. Policy BDP21 of the Bromsgrove District Plan requires the Council take appropriate steps to maintain the favourable conservation status of protected species. Furthermore, the Wildlife and Countryside Act 1981 (WCA) protects a number of species and their habitats in England, Scotland and Wales. The Local Planning Authority are obligated by law (Natural Environment and Rural Communities (NERC) Act 2006) to make sure that they have all the information on the presence of protected species at a site before they make a decision on a planning application. In the absence of such definitive information the Local Planning Authority are unable consider the likely impact on protected species and their habitat and would be failing in its legal duty if it was recommended that planning permission was granted until this information was forthcoming. In this instance the

applicants have not submitted any surveys to identify habitats which are likely to support protected species or the presence of any other ecological features on site. Given insufficient information has been submitted to establish whether any protected species would be impacted by this proposal and no mitigation has been demonstrated it is not possible to establish whether the proposal would result in significant harm to biodiversity. The Local Planning Authority is therefore unable to discharge its legal duty having regard to the NERC Act 2006.

Conclusion

The application is not considered to raise any other planning issues. The applicants have submitted an application for a larger home extension for an 8 metre deep single storey rear extension within the L shape of the dwelling. This application is pending consideration at the time of writing this report: however the outcome of this extension has no merit on this planning decision.

Given the reasons outlined within this report the application is not considered to enhance the historic significance of the dwelling and be contrary to the guidance in SPG1. Notwithstanding this, no ecology information has been submitted and therefore the Council have been unable to assess any possible impact on protected species.

RECOMMENDATION: That planning permission be Refused.

Reasons for Refusal

- 1) Paragraph 129 of the NPPF requires Local Planning Authorities to identify and assess the significance of any heritage asset. The building subject to this application is not listed, however given its age, architecture, character and history within its locality, this building is considered an undesignated heritage asset by the Council. The dwelling is a good example of late Victorian Gothic vernacular, with distinctive detailing including gables above the first floor windows, projecting eaves with exposed rafter ends, and high chimneys. The proposed height and depth of the two storey rear extension would not be subservient to the original structure and results in a dominant and disproportionate addition which would not enhance the historic significance of the building. The proposal would therefore be contrary to policy BDP19 and BDP20 of the Bromsgrove District Plan, SPG1 Residential Design Guide and the NPPF.
- 2) The site lies within a rural context with a number of water courses in close proximity, furthermore the dwelling is a pre-1914 building with gable ends and over sailing eaves. No works have evidentially taken place to the roof in recent years. Insufficient information has been submitted to establish whether the development is likely to have an adverse effect on any possible protected species within the site or use as a corridor, directly or indirectly. No alternative means of meeting the development has been identified and no mitigation has been proposed. The Council are therefore unable to discharge its legal duty under the Natural Environment and Rural Communities (NERC) Act 2006 and in addition the proposal is contrary to BDP21 of the Bromsgrove District Plan 2011-2030 and paragraph 109 and 118 of the NPPF.

Informatives

- 1) The local planning authority has worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment. However, both parties have been unable to reach a compromise on the proposed scheme and therefore the decision has been made as soon as possible to give the applicants the opportunity to utilise their right of appeal.

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

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Agenda Item 7

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr & Mrs R Lydon	Erect a greenhouse Sunday Hill, Whinfield Road, Dodford, Bromsgrove, Worcestershire B61 9BG	08.03.2018	18/00030/FUL

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

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Dodford with Grafton Parish Council Consulted 15.02.2018
No objections

Conservation Officer Consulted 15.02.2018

The Conservation Officer raised no objections in relation to the proposed greenhouse, however considered the proposed brick wall to be obtrusive. However it was recognised that the wall element of the proposal could be constructed under permitted development.

Councillor May – Requested that the application be considered by Planning Committee due to the level of public concern regarding the transparency of planning within the Conservation Area of Dodford.

Public Consultation

1 site notice was posted 16.02.2018, expires 09.03.2018; No response received.

A press notice was published in The Bromsgrove Standard 16.02.2018, and expired 02.03.2018; No response received.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP19 High Quality Design
BDP20 Managing the Historic Environment

Others

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
SPG1 Residential Design Guide

Relevant Planning History

BR/170/1964	Extensions.	Approved	14.04.1964
B/2004/0407	Two storey rear extension, replacement of flat roof of previous extension with pitched roof, alterations to front elevation.	Approved	09.07.2004
B/2005/0150	Demolition of existing conservatory and construction of new conservatory.	Approved	06.04.2005
10/0234	Single storey extension to rear.	Approved	07.05.2010
14/0084	Demolition and replacement of garage	Refused	26.09.2014
15/0710	Demolition of existing garage and construction of new garage and agricultural store.	Refused	07.10.2015
15/1041	Demolition of existing garage and construction of new garage and agricultural store (amendment to previous application 15/0710)	Approved	14.01.2016

Assessment of Proposal

The application site is located within Dodford Conservation Area and within an area designated as Green Belt.

The proposal is for the erection of a new greenhouse in the rear garden of the dwelling. The proposed greenhouse would be attached to a new brick wall which would extend beyond the sides of the greenhouse.

Given the constraints of the site, the main issues to consider are whether the proposal would constitute inappropriate development, the impact on the openness of the Green Belt, and the impact of the proposal on the character and appearance of Dodford Conservation Area.

Green Belt

Development within the Green Belt is considered inappropriate unless it falls within a limited number of exceptions contained within paragraphs 89 and 90 of the National Planning Policy Framework (NPPF). This list does not include the provision of new

domestic outbuildings. Policy BDP4 of the Bromsgrove District Plan is consistent with this, and therefore the proposed greenhouse building constitutes inappropriate development within the Green Belt.

In cases where domestic outbuildings are sited within 5 metres of a dwelling, it may be appropriate to consider the building as an extension rather than a separate building. In order to be appropriate development within the Green Belt, extensions are required to be proportionate to the original, and Policy BDP4 limits a proportionate addition to be up to 40% above that of the original. In this case the new building would be a distance of 5.3 metres from the main dwelling, however if the proposed greenhouse were sited slightly closer to the dwelling and treated as an extension, it is noted that previous extensions amount to 71% and therefore any further extensions would automatically amount to inappropriate development.

Part 1, Class E of the General Permitted Development Order allows for new domestic outbuildings which are incidental to the main dwelling and fall within certain size parameters. However, with respect to this particular application site, there has been a previous planning permission granted (15/1041) which included a condition to remove Class E rights. As this permission has been implemented, the occupiers no longer have the benefit of constructing outbuildings without the requirement of planning permission.

The greenhouse would be of a modest scale, and would be sited within the curtilage of the dwelling, approximately 5.3m from the rear of the dwelling. The appearance of the building would be predominantly transparent; however the greenhouse would be attached to a 15 metre length of solid brick wall, meaning that the proposal would have a moderate effect on openness. It is noted however that if the wall were to be constructed separately from the greenhouse, it would fall within the limits of permitted development.

In view of the above, the proposal would amount to inappropriate development within the Green Belt, which would have a moderate impact to the openness of the Green Belt. Where there is harm arising to the Green Belt, paragraph 87 of the NPPF states that development should not be approved except in very special circumstances. Further to this paragraph 88 of the NPPF states that very special circumstances would need to clearly outweigh harm arising to the Green Belt by reason of inappropriateness and any other harm.

Very Special Circumstances

A number of matters have been raised by the applicant, which appear to have been put forward as very special circumstances. These matters include the attractive visual appearance of the proposed greenhouse, which has been designed to be sympathetic and appropriate for its intended use. The proposed development would also be constructed of high quality, traditional materials, would be sited so as not to appear obtrusive and would not result in any loss of trees. These matters, however, are expected of all development and therefore weigh neutrally in the planning balance. The applicant considers that the addition would enhance the character of the Conservation Area. However the proposal does not result in the restoration of any historic feature and a new building of appropriate design is only considered to preserve the character of the conservation area, which would weigh neutrally in the balance.

It is noted that the majority of the harm arising to the openness of the Green Belt would be from the wall element of the proposal, which could be constructed without the need for

planning permission. However taking this into account, and all other considerations put forward by the applicant, there are no very special circumstances present that would outweigh the harm arising through inappropriate development.

Character/Conservation Area

The Conservation Officer has been consulted as part of the application and recognises that ancillary development within the curtilage of properties is not out of character within the Dodford Conservation Area. Given that the host dwelling is grander in scale and design compared to the simpler chartist cottages, the design and finish of the proposed greenhouse is considered acceptable. The Conservation Officer considered that the large brick wall feature would be obtrusive in its appearance but has acknowledged that the wall itself would not require planning permission, and therefore has not objected to the proposal on conservation grounds.

Overall the proposal would result in inappropriate development which would have a moderate impact on the Green Belt and therefore would be contrary to both local and national policy.

RECOMMENDATION: That planning permission be **REFUSED**

Reasons for Refusal

- 1) The proposal comprises the erection of a new building in the Green Belt which is unacceptable in principle. New domestic outbuildings are not included within the closed list of exceptions to inappropriate development in the Green Belt contained within Paragraphs 89 and 90 of the NPPF. The proposal would therefore amount to inappropriate development which is harmful by definition and should be given substantial weight. Furthermore the proposal would have a modest impact on the openness of the Green Belt. There have been no very special circumstances put forward that would outweigh the substantial harm identified arising to the Green Belt. The proposal would therefore be contrary to Policy BDP4 of the Bromsgrove District Plan and Paragraphs 87, 88 and 90 of the NPPF.

Informatives

- 1) The local planning authority is aware of the requirement in the NPPF and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 to work with the applicants in a positive and proactive manner, seeking solutions to problems arising in relation to applications.

However the principle of development in this case was contrary to development plan policy. This fact has been communicated to the applicant; however they chose to continue with the proposal.

Case Officer: Charlotte Wood Tel: 01527 64252 Ext 3412
Email: Charlotte.Wood@bromsgroveandredditch.gov.uk

Agenda Item 8

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Richard Strain	Proposed two storey rear extension Lilac Cottage, The Gutter, Bell Heath, Stourbridge, Worcestershire DY9 9XB	13.03.2018	18/00057/FUL

RECOMMENDATION:

1) Minded to **APPROVE PLANNING PERMISSION**

2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the planning application following the agreement by all parties to a suitable and satisfactory legal mechanism covering the following matters:

- (i) That should the two storey extension proposed under this application be implemented, the single storey extension granted permission under Planning Application Reference: 14/0133 and Appeal reference: APP/P1805/D/14/2220976 will not be further implemented.

3) That if a satisfactory legal mechanism is not submitted for this application, that delegated powers be granted to the Head of Planning and Regeneration Services to refuse planning permission.

Consultations

Belbroughton and Fairfield Parish Council Consulted 15.02.2018

The Parish Council has no objection provided that the cumulative increase in size is within 40% of the original building.

Worcestershire County Council Countryside Service Consulted 15.02.2018

Thank you for consulting us regarding the above proposals. Belbroughton parish footpath BB-593 and bridleways BB-591 and BB-592 cross the site or may be used as the access to the property and are shown on the attached illustrative plan for your information.

It should be noted that under section 34 of the Road Traffic Act 1988 any person who, without lawful authority, drives a motor vehicle on a public right of way commits an offence. The applicant should make themselves satisfied that they, and anyone else who may use public rights of way for private vehicular access in connection with the development, has a right to do so. They may wish to seek legal advice on the matter. The County Council is responsible for maintaining rights of way to a standard suitable for their usual public use.

The proposal should have no detrimental effect on the public right of way provided that the above point is noted and the applicant also adheres to the certain obligations.

Public Consultation

Site notice posted 16/02/2018 and expired 09/03/2018.

3 neighbour notification letters sent 15/02/2018 and expired 08/03/2018.

Press notice for the footpath setting was published in Bromsgrove Standard on 23/02/2018 and expired 09/03/2018.

No representations received in response to the above.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP19 High Quality Design

BDP21 Natural Environment

Others

SPG1 Residential Design Guide

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

Relevant Planning History

B/2004/0114	Proposed replacement dwelling.	Approved	23.03.2004
B/2005/0221	Replacement Dwelling.	Approved	22.04.2005
B/2008/0057	Two Storey rear extension	Refused	13.03.2008
14/0133	Rear single storey extension	Allowed at Appeal	02.04.2014

Assessment of Proposal

Lilac Cottage, The Gutter is situated in the open countryside in an area which is designated as Green Belt.

The proposal is for a two storey rear extension.

The dwelling house is a replacement dwelling that was granted permission in 2005, this permission removed some of the permitted development rights from the property.

Green Belt

Paragraph 89 of the NPPF sets out that extensions to buildings in the Green Belt can be appropriate provided that they do not result in disproportionate additions over and above the size of the original building. Policy BPD 4 of the Bromsgrove District Plan accords with this but also goes on to set out that extensions to existing dwellings up to a maximum of 40% increase of the original dwelling or increases up to a maximum total floor space of 140

square metres could be appropriate provided that the scale of development has no adverse impact on the openness of the Green Belt.

The original property (as the replacement dwelling house) had a floor space of approximately 149 square metres. The property has not been extended to date, although there is an extant permission for a single storey extension on the property that was granted at appeal under planning application reference: 14/0133 and appeal reference: APP/P1805/D/14/2220976. The approved single storey extension would increase the size of the original dwellinghouse by approximately 46sqm or 31%.

The two storey extension that is proposed would be situated partly within the same foot print as the single storey extension, and so together it has been calculated that the two extensions would increase the floor space of the original dwelling by approximately 70sqm, which would equate to an increase of approximately 47%. This level of increase would be considered to be a disproportionate addition to the dwelling house which would be inappropriate development in the Green Belt. In accordance with the NPPF inappropriate development is harmful by definition and should not be approved except in Very Special Circumstances.

The proposed plans do however indicate that it is not the intention of the applicant to implement the single storey extension. They have also confirmed through their planning agent that they are willing to enter into a Section 106 Unilateral Undertaking to formally prevent the further implementation of the planning permission for the single storey extension, should the two storey extension be granted permission and be implemented.

Without the single storey element of the proposal, it is calculated that the proposed two storey extension would increase the floor space of the original dwelling house by approximately 49sqm. This would equate to an increase of approximately 32% above the original. This level of extension would be considered to be a proportionate addition which would be appropriate development in the Green Belt.

It is therefore considered that; provided a Section 106 Unilateral Undertaking is submitted that formally prevents the further implementation of the permission granted for the single storey extension at this property, the proposed two storey extension would be appropriate development in the Green Belt.

Openness and purpose of the Green Belt

The proposal would increase the size and bulk of the original property, and thereby reduce the openness of the Green to some extent. However as the proposal would be read in conjunction with the existing house, it is not considered that the proposed extension would unduly harm the openness of the Green Belt.

Character and appearance of area

The property is situated in a rural setting along a single track road. There are some other dwellinghouses located along The Gutter, but they are sparsely distributed and vary in character.

Due to the design, scale and sitting of the proposal, it is considered that the proposed two storey extension would be in keeping with the character and appearance of the area and the existing property.

Amenity

Due to the secluded location of the dwelling, it is not considered that it would have a detrimental impact on the amenity of the neighbouring occupiers.

Conclusion

In conclusion it is considered that subject to a Section 106 Unilateral Undertaking being submitted that formally prevents the further implementation of the planning permission for the single storey extension; granted under planning application reference: 14/0133 and appeal reference: APP/P1805/D/14/2220976, then it would be considered that the proposal would be appropriate development in the Green Belt and would accord with the policies in Development Plan and the NPPF.

RECOMMENDATION:

1) Minded to **APPROVE PLANNING PERMISSION**

2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the planning application following the agreement by all parties to a suitable and satisfactory legal mechanism covering the following matters:

- (i) That should the two storey extension proposed under this application be implemented, the single storey extension granted permission under Planning Application Reference: 14/0133 and Appeal reference: APP/P1805/D/14/2220976 will not be further implemented.

3) That if a satisfactory legal mechanism is not submitted for this application, that delegated powers be granted to the Head of Planning and Regeneration Services to refuse planning permission.

Conditions:

1. The development to be begun within three years.
2. In accordance with the approved plans.
3. Materials to match existing.

Case Officer: Claire Gilbert Tel: 01527 881655
Email: claire.gilbert@bromsgroveandredditch.gov.uk

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr S Rowland	Two storey front and side extension. Single storey rear extension and replacement detached garage. 80 Rock Hill, Bromsgrove, Worcestershire, B61 7HX.	16.04.2018	18/00190/FUL

RECOMMENDATION: That planning permission be Refused

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

Consultations

No formal consultations were required for this proposal

Public Consultation Response

Six neighbours consulted –period expired 12.03.2018.

Two representations have been received, one in support and one regarding utility supplies and property ownership. The supporter feels the property will be more in keeping with surrounding properties. The latter representation addressed property ownership and changes to utility supplies as a result of building operations, these are not considered to be material planning matters.

Ward Member

Councillor Thompson has requested members be given the opportunity to discuss this proposal given the contentious issues surrounding this application.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP19 High Quality Design

Others

SPG1 Residential Design Guide

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

Relevant Planning History

None

Assessment of Proposal

The property sits in a large plot off a private cul-de-sac containing four extended, detached properties with varying design styles. The property sits forward of its nearest neighbour, number 82 and can partially be seen from Rock Hill, B4091. The site is located within the residential area of Bromsgrove as defined by the Bromsgrove District Plan where a presumption in favour of development exists.

The Proposed Development

The proposed extension encompasses the two storeys of the front and side of the existing dwelling, changing the rendered facia to brickwork. It is also proposed to add a flat roof rear garden room and replacement garage. These elements are considered below.

Two storey front and side

Policy 19 of the Bromsgrove District Plan (2011 - 2030) (BDP) and Supplementary Planning Guidance note (SPG1) 1 4.1 (d) require extensions to be subordinate to the original dwelling in order to provide a design break between the old and new and retain the character of that original building. The proposed extension fully conceals the front and side of the current dwelling. The original roof form is lost and the proposed gable projection to the front of the property is visually dominant and not in keeping with the design of the current house. The proposal is therefore not considered to be policy compliant owing to its non-subordinate design.

Policy BDP 19 also requires extensions make a positive impact by ensuring that development enhances the character and distinctiveness of the local area. The existing dwelling has a pleasing scale and proportions which complement surrounding properties. The proposal would result in a property which does not respect the scale or design of the existing dwelling. The applicant has contended that a replacement dwelling of this size and design could be constructed on the site. However, any replacement dwelling would need to be of a similar size and design so as to enhance the character and distinctiveness of the local area. That proposal is not before the council at this time and would need to be considered on its merits. This comment does not in your officers' view represent a fall-back position of such a weight as to override the identified issues.

Rear garden room

The flat roof rear extension extends 4 metres beyond the rear wall and is 3.2 metres in height. This element of the proposal has a strong Permitted Development fall-back position where an extension of up to 6 metres beyond the rear and 4 metres in height could be achieved under the Householder Prior Notification Scheme Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. Additionally, by virtue of the property's position within the plot and detached nature adequate space is available for the purposes of privacy and amenity. Therefore the rear single storey extension element of this proposal is acceptable.

Replacement garage

The current garage is a large wooden, substandard structure in need of repair. The garage sits forward of the principal elevation adjacent to the highway off the private cul-de-sac. Under the proposal this would be replaced by a larger brick built construction. Although this development will be forward of the principal elevation, your Officers consider given the size of the plot and its position on a private cul-de-sac that the proposal would not affect the main highway, reduce the openness or impact negatively upon the character of the street scene. Therefore this is an acceptable replacement garage which could be conditioned for incidental use only.

In conclusion the replacement garage and single storey rear extension elements are acceptable as they are policy compliant and do not detract from the character of the local area.

However, the two storey front and side extensions are not considered to be subordinate in relation to the original dwelling and as a result are visually dominant and out of keeping with the character of the area. The development therefore fails to comply with Policy 19 of the BDP and Guidance within SPG1 the scheme is therefore unacceptable.

RECOMMENDATION: That planning permission be Refused

Reason for Refusal

The proposed extensions by virtue of their scale, siting and design represent an overly large and dominant addition to the dwelling. The development is therefore harmful to the character of the original dwelling, the appearance of the street scene and to the visual amenity of the area. The development therefore fails to comply with Policy BDP19 (High Quality Design), the Residential Design Guide SPG and Section 7 of the NPPF which requires high quality design.

Informative

The local planning authority has worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment. However, both parties have been unable to reach a compromise on the proposed scheme and therefore the decision has been made as soon as possible to give the applicants the opportunity to utilise their right of appeal.

Case Officer: Katherine Vass Tel: 01527 881462
Email: katherine.vass@bromsgroveandredditch.gov.uk

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