



## **BROMSGROVE DISTRICT COUNCIL**

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

**MONDAY 23RD MAY 2011**  
**AT 2.00 P.M.**

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

**MEMBERS:** Those Members of the Council appointed to the Planning Committee following the Annual Meeting of the Council on 18th May 2011

Updates to the Reports of the Head of Planning and Regeneration Services will be available in the Council Chamber prior to the 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.

Please note that there will be a mandatory training for Members of the Committee commencing at **1.00 p.m.** in the Committee Room

### **AGENDA**

1. Election of Chairman
2. Election of Vice-Chairman
3. To receive apologies for absence and notification of substitutes

4. Declarations of Interest
5. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 18th April 2011 (Pages 1 - 4)
6. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
7. 10/1099-DK - Permanent erection of marquee, to replace temporary marquee - Grafton Manor Hotel, Grafton Lane, Bromsgrove, B61 7HA - Mr. J. Morris (Pages 5 - 12)
8. 10/1106-HR - Removal of Conditions 5 and 6 of planning permission 09/0690 to allow for use as dwellings - Land at the rear of Pepperwood Bungalow, Wood Lane, Fairfield, Bromsgrove, B61 9NE - Mr. J. Horton (Pages 13 - 16)
9. 10/1184-DK - Renovation of existing building into 6 No. 1 bed 2 person flats and 1 No. 2 Bed 3 person flat (nos. 44-48 and no 2 Windsor Gardens). Erection of 10 No. 1 2 person flats - 44 Windsor Gardens, Bromsgrove, B60 2QA - Bromsgrove District Housing Trust (Pages 17 - 24)
10. 11/0122-SC - First floor rear extension - 6 Church Road, Belbroughton, DY9 9TE - Mr. R. Jackson (Pages 25 - 30)
11. 11/0127-DK - Conversion of existing brick built bull pens to form eleven dwellings with associated parking and access - Robin Hill Farm, Hanbury Road, Bromsgrove, B60 4DW - M. Ashwin (Pages 31 - 38)
12. 11/0164-HR - Change of use of warehouse and office B1 to A1. Indoor market and cafe - Rear of 186-210 New Road, Rubery, B45 9JA - Mr. P. Larner (Pages 39 - 42)
13. 11/0210-TC - Erection of an enclosed semi-permanent storage structure - 10 Hedera Road, Redditch, B98 9EY - Mrs. C. Hancock (Pages 43 - 46)
14. 11/0251-DK - Regularisation of Car Showroom through amendment to roof of east elevation - Crossroads Garage, Kidderminster Road, Woodcote Green, Dodford, Bromsgrove, B61 9DU - Mr. P. Narang (Pages 47 - 54)
15. 11/0329-SC - Proposed dwelling - Land at Summerfield Road, Holy Cross, DY9 9RG - Mr. A. Adams (Pages 55 - 60)
16. Appeal Decisions (Pages 61 - 66)
17. 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

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

12th May 2011

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## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE PLANNING COMMITTEE

MONDAY, 18TH APRIL 2011

AT 2.00 P.M.

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

Observers: Councillors D. L. Pardoe and C. R. Scurrall

Officers: Mr. J. Staniland, Ms. T. Lovejoy, Mr. D. M. Birch, Mr. D. Kelly, Ms. J. Carstairs, Mr. S. Hawley (Worcestershire Highways), Mr. A. Bucklitch and Mr. A. C. Stephens

#### 167/10 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Miss D. H. Campbell JP and R. J. Deeming.

#### 168/10 DECLARATIONS OF INTEREST

The following declarations of interest were made:-

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Councillor Mrs. J. D. Luck	11/0025-DK	Prejudicial. Knows the applicant. During consideration of the application, Councillor Mrs. Luck left the room and took no part in the discussion or voting thereon.
Councillor E. J. Murray	10/00953-DMB	Prejudicial. Daughter lives on housing development adjacent to the application site. During consideration of the application, Councillor Murray left the room and took no part in the discussion or voting thereon.

#### 169/10 MINUTES

The minutes of the meeting of the Planning Committee held on 28th March 2011 were submitted.

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

170/10 **10/0953-DMB - OUTLINE PLANNING PERMISSION FOR UP TO 212 DWELLINGS WITH ASSOCIATED OPEN SPACE INFRASTRUCTURE INCLUDING A NEW VEHICULAR ACCESS VIA RUTHERFORD ROAD - LAND AT ST. GODWALDS ROAD, BROMSGROVE, B60 3SA - MAPLEBROM LLP**

The Head of Planning and Regeneration Services reported the receipt of a further five letters of objection, together with the receipt of an email on behalf of the Campaign to Protect Rural England [CPRE]. In addition, she informed the Committee of the additional views of the Strategic Planning Manager as well as his response to the CPRE email. The current status of the Agreement under Section 106 of the Town and Country Planning Act 1990 in respect of the application was also reported.

At the invitation of the Chairman, Mrs. H. Dale and Mr. G. Reddie addressed the Committee and spoke in opposition to the proposals, and Mr. D. J. Prescott spoke against the application in his capacity as Chairman of Finstall Parish Council. Furthermore, Mr. P. Frampton spoke on behalf of the applicant in support of the application.

Consideration was then given to the application which the Head of Planning and Regeneration Services, according to the recommendation contained within the report, would have been minded to approve subject to the satisfactory completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990. However, on the matter being put to the vote, Members considered that the proposal would lead to unacceptable traffic implications and have a negative impact on the amenities of existing residents by virtue of the generation of over-capacity issues on the local highway network and the absence of an adequate infrastructure to accommodate and ensure the free flow of traffic.

**RESOLVED** that permission be refused for the following reason:

The proposal would lead to unacceptable traffic implications and negatively impact on the amenities of existing residents by virtue of the generation of over-capacity issues on the local highway network and the absence of adequate infrastructure to accommodate and ensure the free flow of traffic.

171/10 **10/1099-DK - PERMANENT ERECTION OF MARQUEE, TO REPLACE TEMPORARY MARQUEE - GRAFTON MANOR HOTEL, GRAFTON LANE, BROMSGROVE, B61 7HA - MR. J. MORRIS**

The Head of Planning and Regeneration Services referred to this item on the agenda and stated that the application would be deferred in order to consider additional information which had been received in respect of the application.

172/10 **11/0025-DK - DEMOLITION OF TWO CHICKEN SHEDS; CONVERSION OF THE REMAINING TWO CHICKEN SHEDS TO PROVIDE 14 DWELLINGS; CREATION OF NEW ACCESS; CREATION OF CAR PARKING AREA; PROVISION OF PLAY AREA AND OTHER ASSOCIATED WORKS - ROSE COTTAGE, SEAFIELD LANE, PORTWAY, BIRMINGHAM, B48 7HN - A. E. BECKETT AND SONS LTD.**

The Head of Planning and Regeneration Services reported the receipt of a letter in support of the application from the applicant, and outlined her own comments on the content of the letter.

At the invitation of the Chairman, Mr. P. Horridge spoke in favour of the proposals.

**RESOLVED** that permission be refused for the reasons referred to on page 73 of the report.

173/10 **11/0199-SC - CONSTRUCTION OF DETACHED GARAGE - FOXHILL HOUSE BARN, FOXHILL LANE, ALVECHURCH, B48 7BY - MR. C. WOODWISS**

The Head of Planning and Regeneration Services clarified the difference in volume of the application with the previous application 10/0547-SC. She also reported that an email had been received from the applicant's agent, as well as a letter from the applicant in support of the proposals, and informed the Committee of the comments of Central Networks and Worcestershire Highways.

At the invitation of the Chairman, Mr. C. Woodwiss addressed the Committee and spoke in support of his application.

Consideration was then given to the application which had been recommended for refusal by the Head of Planning and Regeneration Services. However, on the matter being put to the vote, Members considered that -

- (i) the modest scale of the proposals to have limited harm on the openness of the Green Belt;
- (ii) there was a need to acknowledge Section 17 of the Crime and Disorder Act 1998 and the security requirements in the rural location of the application site; and
- (iii) the high design specification of the proposed structure, as well as the inclusion of green infrastructure,

constituted very special circumstances to outweigh the harm that would be caused to the openness of the Green Belt and the purposes of including land within the Green Belt.

**RESOLVED** that permission be granted subject to any reasonable conditions and notes considered necessary by the Head of Planning and Regeneration Services.

174/10 **ST. JOHNS CONSERVATION AREA**

Consideration was given to a report relating to the creation of a new St. Johns Conservation Area out of the former Bromsgrove Town Conservation Area and the related proposals for the Conservation Area which were currently the subject of a formal consultation exercise. Members were informed that the report was for information only as the proposals would be considered by the Cabinet in the near future.

**RESOLVED** that the report be noted.

175/10 **TREE PRESERVATION ORDER (NO. 15) 2010 - TREES ON LAND AT ALDI / FORMER BGW SITE, SHERWOOD ROAD, BROMSGROVE**

Members gave consideration to a report relating to Bromsgrove District Council Tree Preservation Order (No. 15) 2010 which had been made in respect of trees on land at the Aldi (former BGW) site on Sherwood Road, Bromsgrove.

**RESOLVED** that Bromsgrove District Council Tree Preservation Order (No. 15) 2010 be confirmed without modification.

176/10 **APPEAL DECISIONS**

Members gave consideration to a report which outlined the decisions in several planning appeals, the details of which had been received since the last meeting of the Committee.

**RESOLVED** that the report be noted.

The meeting closed at 4.40 p.m.

Chairman

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
<b>Mr J Morris, 'A'</b>	Permanent erection of marquee, to replace temporary marquee - Grafton Manor Hotel, Grafton Lane, Bromsgrove, B61 7HA	Green Belt	<b>10/1099-DK</b>  29.11.2010

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

**Councillor B. Lewis F.CMI has requested that this application is considered by Planning Committee, rather than being considered under Delegated Powers. (Verbal Request 31.01.2011).**

### Consultations

WH                      Consulted: 25.02.2011 Response received: 14.03.2011.  
No objection to the grant of permission.

Dodford with            Consulted: 25.02.2011 Response received: 07.03.2011.  
Grafton PC              No objection to the proposal which effectively has been in situ for a number of years.

Conservation            Consulted: 25.02.2011 Response received: 09.03.2011.  
Officer

Grafton Manor is a large red brick property now in use as a hotel, and dates from the 16<sup>th</sup> century with 19<sup>th</sup> century alterations. The west elevation adjacent to the proposed marquee has ornate star shaped chimneys, and crowstepped gabled dormers, and has considerable architectural interest unfortunately undermined by the large PVC marquee currently obscuring the entire ground floor.

Between 1995 and 2005 a series of temporary period consents were granted allowing a marquee to be erected from April to November each year, allowing full views of the rear elevation to be appreciated during the rest of the year. In 2005 a five year temporary permission was granted allowing a marquee to be erected until November 2010. During this period, in January 2008, consent was granted for a new two storey extension to the building to provide for more permanent event use and the pre-commencement conditions were discharged in April 2010. The permission for the extension was subject to a s106 agreement which provided for repairs to the listed building in exchange for allowing new development in the green belt, as a form of enabling development. I understand that the construction of the extension is no longer commercially viable and that the applicant is willing to undertake a unilateral agreement to rescind the permission.

The proposed replacement PVC marquee would be of a similar footprint to the existing rising to 3.9m at the highest point, however a permanent consent is requested rather than a further temporary

permission. The existing marquee completely obscures the ground floor of the building and has a detrimental impact on the setting of the listed building, to allow this to continue on a permanent basis would therefore be contrary to policy HE10 of PPS5, section 6 of the PPS5 practice guide, the English Heritage draft guidance on setting of listed buildings and the 2010 English Heritage guidance on temporary structures in historic places. I would therefore recommend that only a temporary consent be allowed to ensure that the setting of the building is not permanently affected by a large plastic marquee in the grounds.

<http://www.helm.org.uk/upload/pdf/Setting-heritage-assets.pdf?1299677421>

<http://www.helm.org.uk/upload/pdf/temporary-structures-hp.pdf?1299676974>

ENGHER

Consulted 25.02.2011. Response received: 29.03.2011.

English Heritage objects to this application on the grounds that siting a marquee permanently in this location will cause substantial harm to the setting and visible historic significance of the grade II\* listed Grafton Manor.

English Heritage has fully supported this position in relation to Grafton Manor over the last decade, both by agreeing to the temporary positioning of a marquee to help sustain the business use and in encouraging the development of a permanent built replacement. Our position remains supportive of the principle of the current business use of these premises and its contribution both to the upkeep of the building and to the local economy but this must not be at the expense of their historic significance. Our position remains that we would wish to see a permanent replacement building erected if additional accommodation is required on a long term basis.

English Heritage recognises that in the current national economic climate trading conditions generally are difficult and we are fully aware from press coverage (and as indicated in the D&A Statement) that bank lending is not readily available. Although we would prefer to dispense with any marquees in close proximity to the listed house we are prepared to suggest the compromise that the applicant seek a further three year temporary consent for a marquee in this location in the anticipation that market conditions will improve and allow erection of the permitted extension.

We offer no comment on permanent marquees erected at other historic premises (as cited in the supporting documentation) as the circumstances will differ from site to site and we have no knowledge of the context in which they have been permitted.

Recommendation

English Heritage recommends that your Council refuse planning permission for the erection of a permanent marquee at Grafton Manor. We suggest that you consider allowing the applicant to seek a further temporary consent for 3 years for the existing marquee in recognition of current difficult trading conditions nationally. We suggest that a clear advisory note should be attached to any consent along these lines encouraging the owner to proceed with erection of a permanent building at the expiry of the temporary period and indicating that further renewals are unlikely to be forthcoming.

GEORGE

Consulted 25.02.2011.

VICSOC

Consulted 25.02.2011. Response received:

Grafton Manor is an important Grade II\* Listed building. Whilst some of the fabric dates from the sixteenth century, following a fire in 1710, it was much rebuilt in 1861 to the designs of David Brandon, a noted Victorian architect.

While we understand that at present the use of a large marquee is helpful for the hotel, and we note that the proposed marquee is of the same dimensions to the present temporary structure, we consider that it is inappropriate for permission to be given for a marquee to be permanent in this position. In our opinion it would have a negative impact on the appearance of the listed building in the long term. The applicants state in the heritage impact statement (item 7) that "the best answer to the problem raised by the limited life of the marquee at present is the construction of a purpose built extension to the manor" and point out that planning and listed building consent have been granted for this (application numbers 07/0111 and 07/0110). We note the financial constraints of the hotel referred to in the heritage impact statement (item 7), but as these existing consents for an purpose built extension expire in 2013, consideration should be given to finding a long term solution which is more appropriate to the setting and character of the listed building. It is therefore our opinion that it would be inappropriate for a permanent marquee to be given consent at this stage, and so we urge the council to refuse this application.

We therefore object to this application as presented, but we would not object to a temporary permission for a period of no more than a further five years.

EDO

Consulted 25.02.2011. Response received: 25.02.2011.

Economic Development supports the application:-

- The permanent marquee will enhance the business

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
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(profitability and employment security).

- It should be more energy efficient as the temporary marquee requires space heaters which are difficult to run
- From our observations, the site is unlikely to impinge upon views and aspects from neighbouring properties.

Publicity: One response received 01.04.2011 as follows:  
"The replacement extension is not economically feasible and substantial sums have been expended on renovation of the listed building. It is important that the proposal is allowed to maintain the viability of the business."

Site Notice  
posted:04.03  
Expires 25.03

Press Notice  
posted: 03.03  
expires: 24.03

### The site and its surroundings

The application site is an attractive Grade 2\* listed buildings set within extensive grounds accessed from Grafton Lane. There is a chapel to the side of the main building which is two storey and narrow in profile. The building has large feature chimneys and is constructed on a sandstone base with ashlar details. The lands fall away to the rear with a feature lake and views over the surrounding countryside. This side of the building is subject to significant noise from the M5 which is located a short distance away to the NW.

### Proposal

The proposal is for the erection of a permanent marquee to replace the temporary marquee.

### Relevant planning history

B/1994/0244 Temporary erection of a Marquee on the west terrace from 01/04/95 to 30/10/95.

B/1996/0043 Temporary erection of marquee from 17th May 1996 to 30th October 1996. Granted 11.03.1996.

B2000/1127 Temporary Marquee LB – Granted 12.02.01  
 B/2000/1128 Temporary Marquee FP – Granted 12.02.01  
 B/2001/1225 Temporary Marquee FP – Granted 26.11.01  
 B/2001/1226 Temporary Marquee LB – Granted 26.11.01  
 B/2002/1102 Temporary Marquee FP – Granted 30.10.02  
 B/2002/1101 Temporary Marquee LB – Granted 30.10.02  
 B/2003/1330 Temporary Marquee FP – Granted 14.11.03  
 B/2003/1331 Temporary Marquee LB – Granted 14.11.03

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
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B/2004/1279	Temporary Marquee FP – Granted	12.01.05	
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B/2004/1280	Temporary Marquee LB – Granted	12.01.05	
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B/2005/0806	Retention of temporary marquee from 30.11.05 for a period of 5 calendar years. Granted	03.10.2005.	
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B/2007/0111	New 2 storey extension and internal alterations to provide banqueting facilities currently housed in the temporary marquee. Granted:	21.01.2008.	
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### Relevant policies

WMRSS      QE1, QE2.

WCSP        SD2, CTC1, CTC19, D38, D39, SD1, T1.

BDLP        DS2, S38, S39, DS13, S48, TR11.

Draft CS2   CP16

Others       SPG1, PPS1, PPG2, PPS5.

### Assessment

The main consideration in the determination of this application is the impact of the proposed marquee on the setting and character of the Grade 2\* listed building. The planning history is also relevant here. Unlike previous applications, the marquee would be a permanent structure in the Green Belt and therefore the impact on the openness of the site is also relevant. In this respect policies CTC19, D38 and D39 of the WCSP, policies DS2, S38 and S39 of the BDLP are most relevant.

### Green Belt

The proposed marquee will measure 26m by 9.6m amounting to a floorspace of at least 250sqm in addition to the toilets and access to them. The maximum height is 4m. I appreciate that the structure is enclosed by the existing wings of the building and located to the rear but it would impact on the openness of the site at this location. I consider it amounts to inappropriate development. There is a conflict with policy DS2 and the advice of paragraph 3.4 of PPG2. I note that the retention of the commercial enterprise and maintenance of the historic fabric of the building was accepted as very special circumstances in the case of B/2007/0111. I also note the planning history which shows that ‘temporary’ marquees have been a feature of the site since the mid 1990’s.

There is a Heritage Impact Assessment and Design and Access Statement presented with details of the financial difficulties of the hotel and restaurant as a result of the current financial climate. The specific circumstances will be outlined in the section below.

### Impact on Listed Building

Policy CTC19 of the WCSP states that any development which has a negative impact on the setting of a listed building will not normally be allowed and this provision is augmented in policies S39 and S48 of the BDLP which rule out

proposals which would have a negative impact on the setting or character of a listed building. The grounds are integral to the setting of the building and thereby policy S48 is also relevant in controlling development therein.

The applicant has put forward a case for the proposal which can be summarised as follows:

- ❖ The business, comprising wedding, dining and hotel facilities has been struggling to attract bespoke weddings with a reduction in bookings from 95 as at Nov 2008 and 74 as at Nov 2010 (a 25% reduction). There are no weddings booked for Feb/March 2011 with 10 booked for that period in 2010. The number of guests and spend per head has declined.
- ❖ The trade of the restaurant has declined significantly with heavy discounting and the wedding dress shop has also has sharp falls in revenue.
- ❖ The projections for 2011/12 forecast a reduction in turnover of £160k
- ❖ The business supports the local economy in a variety of ways
- ❖ The temporary marquee has been necessary to accommodate all guests at a wedding since the main building does not enable this
- ❖ Remedial repair works including works to repair the chapel and guttering have been carried out in accordance with the terms of the S106 attached to B/2007/0111.
- ❖ The cost of the extension permitted under B/2007/0111 is £827,000. No alternative quotes have been obtained. The business cannot secure the money from lenders.
- ❖ The solution is a permanent marquee by the same firm who have constructed a marquee in the Houses of Parliament
- ❖ A copy of the FOI request and accompanying map of the Houses of Parliament has been presented
- ❖ The replacement will be no larger than the existing marquee with the noise of the motorway shielded by the superior construction method.

#### Additional points in the Heritage Impact Assessment

- ❖ The assets of value on the grounds will not be adversely affected by the proposal to replace the existing marquee
- ❖ The new marquee will enhance inter-visibility from the marquee over the parkland
- ❖ The proposal will allow the business to sustain itself and thereby secure the appropriate repair and preservation of the important historic asset.

The applicant's statements are detailed and raise a number of important issues particularly in respect of viability. These points have also been raised in previous applications and I note the relevant comments of the Economic Development Officer. I must carefully weigh up the financial considerations (sustainability of the business and employment) with the impact of the proposal on the protected structure.

In respect of the latter point, the views of the Conservation Officer, Victorian Society and English Heritage are clear and do not need to be repeated. They are all consistent in not endorsing the erection of the marquee to the rear of Grafton Manor

in that the historic fabric would be permanently compromised. It is unfortunate that the B/2007/0111 application for a permanent extension cannot be implemented for financial reasons as this offers the best overall solution for all concerned parties. It is noted that additional quotes for the works have not been obtained and this is something that the applicant can address. In the circumstances, the LPA may be willing to accept an extension of time for the implementation of the permission allowing for market conditions to improve. The suggestion of the applicant to provide a Unilateral Agreement to permanently revoke this permission to secure consent for a marquee instead, is neither in the interest of the applicant, the LPA or English Heritage.

I note that the main consultees have suggested the compromise of a temporary consent and I have addressed this to the applicant.

On the basis of the application before us for the erection of a permanent marquee, I consider that this is in breach of policies CTC19 of the WCSP, S39 and S48 of the BDLP. Members should note the LPA has allowed a series of applications for temporary consents for a marquee and has never considered that this should be a permanent arrangement. The financial constraints of the business are noted. However, policies in respect of conservation are directed primarily to protect the building or historic asset which takes precedent over the financial position of the applicant. The applicant's agent has provided a quotation from by the Rt Hon Greg Clark MP on 23rd March 2011

"Benefits to the economy should where relevant, be an important consideration when other development-related consents are being determined, including heritage, environmental, energy and transport consents. The Secretary of State for Culture, Olympics, Media and Sport, the Secretary of State for the Environment Food and Rural Affairs, the Secretary of State for Energy and Climate Change and the Secretary of State for Transport, have consequently agreed that to the extent that it accords with the relevant statutory provisions and national policies, decisions on these and other consents should place particular weight on the potential economic benefits to be offered by an application. They will reflect this principle in relevant decisions that come before them and encourage their agencies and non-departmental bodies to adopt the same approach for the consents for which those other bodies are directly responsible"

The economic considerations are important in this application but the planning history has consistently shown that a permanent marquee is not acceptable. The current financial climate may cease to be material in the future, whilst the marquee will be a permanent feature of the historic landscape. The policies of the development plan strongly support this position and the views of the Conservation Officer and English Heritage are clear and Members should note these views.

Members should note that a Unilateral Undertaking has been provided by the applicant to the effect that the approved extension will not be commenced. This does not make the scheme acceptable in planning terms and undermines the efforts undertaken by the applicant, English Heritage and the LPA in securing an appropriate solution for the site.

**Name of Applicant  
Type of Certificate**

**Proposal**

**Map/Plan  
Policy**    **Plan  
Date**

The applicant has responded to the objection of English Heritage by email on 31.03 stating that a temporary marquee is not a practical financial solution and reiterated that there has been a similar marquee at the House of Commons since 1953. English Heritage have responded 02.04 as follows:

*'regardless of the proportions of the marquee, positioning a permanent structure or assembly room against this elevation of the listed house is not acceptable in historic building terms. This is why the approved new range of 2007 sits at right angles to the main house and not on the footprint of the temporary marquee.*

*As indicated in my letter EH is purely concerned with the impact of this proposal on Grafton Manor. The circumstances in which a marquee comes to be sited against the Houses of Parliament (or any other historic building) are wholly unique and the product of individual circumstances - they have no bearing on this application.....*

*....our advice remains that the application should be refused.*

**Recommendation:** that permission be **REFUSED** for the following reason:

The proposed development would have a detrimental impact on the setting of the Grade 2\* listed building contrary to policies DS13 and S39 of the Bromsgrove District Local Plan 2004 and the advice of Planning Policy Statement 5 (Planning for the Historic Environment).

# Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Mr J Horton 'A'</b>	Removal of Conditions 5 and 6 of planning application B/2009/0690 (to allow for use of dwellings) at Land at Rear of Pepperwood Bungalow, Wood Lane, Fairfield, B61 9NE	Green Belt	10/1106-HR

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

**Councillor B. Lewis F.CMI has requested that this application be considered by the Committee, rather than being determined under delegated powers.**

## Consultations

Worcestershire Highways	16.12.2010 - No objection
Belbroughton PC	16.12.2010 - Objection - considered to be inappropriate development in the Green Belt
PROW	16.12.2010 - No objection
Ramblers Association	16.12.2010 - No objection
Environmental Health	04.02.2011 – Objection - the very close proximity of the proposed residences and the stables is inappropriate, and would anticipate a strong possibility of nuisance from odour and flies from the stable affecting the residential units.
Publicity	Site Notice Posted 05.01.2011 expires 26.01.2011 Press Notice Posted 13.12.2010 expires 03.01.2011 Neighbour Notification Letter posted 20.12.2010 expires 10.01.2011

## The site and its surroundings

The application site relates to three converted holiday lets situated on land to the rear of Pepperwood Bungalow, Wood Lane, Fairfield. A stable is situated to the west of the application site and residential dwellings are situated along Wood Lane to the north east and north west of the application site. The site is located within the Green Belt as defined in the Bromsgrove District Local Plan 2004.

## Proposal

This application relates to the removal of Conditions 5 and 6 (to allow for use of dwellings) of planning application B/2009/0690 which gained planning approval for a change of use to 3 holiday lets on 07/12/09.

Condition 5 to application B/2009/0690 stated:

'The use of the development hereby approved shall be restricted to short term holiday purposes only and shall not be occupied at any time as permanent residential accommodation'.

Reason: So to ensure the proper planning of the development in accordance with PPS1: Delivering Sustainable Development.

Condition 6 to application B/2006/0423 stated:

'A register of bookings and durations of stay at the holiday let shall be maintained at all times and shall be made available for inspection by the Local Planning Authority upon reasonable notification'.

Reason: In order to ensure that the proposal is retained as a holiday let to secure the proper planning of the development in accordance with PPS1: Delivering Sustainable Development.

The proposal would have a pitched roof and the roof height would be increased by approximately 0.2m (H). The materials would consist of interlocking roof tiles to match existing, white painted render walls as existing, stained timber windows and doors and stained timber boarding to walls under windows.

#### Relevant Policies

WMSS	QE3
WCSP	CTC.1, D.16, D.38, D.39
BDLP	DS2, DS13, C27, RAT27, TR1, ES1, TR11
DCS2	CP3, CP14, CP22
Others	PPS1, PPG2, SPG4, SPG1, PPS23, PPS24, PPG13

#### Relevant Planning History

09/0690	Land at Rear of Pepperwood Bungalow, Wood Lane, Fairfield - Change of Use to 3 holiday lets - granted 07.12.2009
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#### Notes

Policy C27 of the Bromsgrove District Local Plan 2004 and advice contained in paragraph 3.8 of PPG2 provide that the re-use of existing rural buildings in the Green Belt is not inappropriate development subject to certain criteria. In essence these policies require that the new use has no greater impact on the Green Belt and that the work required to reuse the building can be undertaken without the need for major or complete reconstruction or significant extension. The proposal would not have a materially greater impact on the openness of the Green Belt than the current use of three holiday lets which gained consent under application 09/0690 and comprised of a new pitched roof and the infilling of three open entrances.

Policy C27 also requires traffic generated by the development can be accommodated and parking facilities should exist or could be provided, without detriment to highway safety or the visual amenities of the Green Belt.

Policy TR11 of the Bromsgrove District Local Plan 2004 states that all development incorporates safe means of access and egress appropriate to the nature of the local highway network and includes sufficient off street parking.

I therefore consider the main issues to address are whether the stables situated to the west of the application site would have an adverse effect on the residential amenity of the proposal, if the proposal would generate highways safety concerns and whether sufficient rear garden amenity space exists for the proposed residential dwellings.

### Residential Amenity

The close proximity of the stables situated to the west of the application site have potential to create noise and odour nuisance from odour and flies which would be detrimental to the amenities of the proposed residential units. The Environmental Health Officer has confirmed this. The proposal would therefore be contrary to SPG1, PPS23 Planning and Pollution Control and PPS24 Planning and Noise.

### Parking

Though there is adequate space for parking within the site and the Highways Officer has no objection, the proposed parking arrangement would not incorporate a safe means of access and egress and would therefore be contrary to policy T.1 of the Worcestershire County Structure Plan 2001, Policy TR11 of the Bromsgrove District Local Plan 2004 and PPG13 transport.

### Garden amenity space

Paragraph 9 of SPG1: Residential Design Guide states that residential dwellings must have a minimum of 70 square metres. The submitted plans illustrate a shared courtyard area which would not be suitable for the proposed residential units and would therefore be contrary to SPG1 and Policy C27, DS2 and DS13 of the Bromsgrove District Local Plan 2004.

I therefore conclude that the proposal would be unacceptable. The proposal would be contrary to Policies CTC1 of Worcestershire County Structure Plan 2001, Policies DS2, DS13, C27 and TR11 of the Bromsgrove District Local Plan and the guidance of SPG1, PPG2, PPG13, PPS23 and PPS24.

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

1. The very close proximity of the proposed residences and the stables is inappropriate, and would result in a strong possibility of nuisance from odour and flies from the stable affecting the residential units. The proposal would therefore be contrary to Policy DS13 of the Bromsgrove District Local Plan 2004 and SPG1, PPS1 PPS23 and PPS24.

2. The proposed parking arrangement and means of access to the proposed residential units would not incorporate a safe means of access and egress to the site. The proposal is therefore contrary to Policy T.1 of the Worcestershire County Structure Plan 2001, Policy TR11, C27, DS2 and DS13 of the Bromsgrove District Local Plan 2004 and PPG13.

3. The submitted plans illustrate a shared courtyard area which would not be suitable for the proposed residential units and would therefore be contrary to Policy C27, DS2 and DS13 of the Bromsgrove District Local Plan 2004 and SPG1.

# Agenda Item 9

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
<b>BROMSGROVE DISTRICT HOUSING TRUST 'B'</b>	Renovation of existing building into 6 No. 1 bed 2 person flats and 1 No. 2 Bed 3 person flat (nos. 44-48 and no 2 Windsor Gardens). Erection of 10 No. 1 2 person flats - 44-48 Windsor Gardens, Bromsgrove	Residential	<b>10/1184-DK 24/05/2010</b>

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

## Consultations

WH	Consulted 02.03.2011. Response received 12.04 as follows:  No objection subject to the following condition:  HC36 Cycle Parking (Multi unit) and the following advisory:  HN14 Affected Street Lighting/Illuminated signs.
ENG	Consulted 02.03.2011. Response awaited.
Strategic Housing	Consulted 03.05.2011. Response awaited.
LP	Consulted 02.03.2011. Response awaited.
EHO	Consulted: 02.03.2011. Response received 23.03.2011. Further to your consultation dated 2nd March 2011 I have reviewed the submitted application and can confirm that I have no adverse comments to make in relation to potential contaminated land. Records do not indicate any potentially contaminative historic use of the proposed development site.
BC	Consulted: 02.05.2011. Response awaited.
WCC PROW	Consulted: 02.03.2011. Response received 23.03.2011. Objection. The close boarded fencing would harm the amenity of the public right of way. Amended details received from the applicant. Re-consulted 03.05.2011. Views awaited.
RA	Consulted 02.03.2011. Response awaited.
EDO	Consulted 02.03.2011. Response awaited.
WCC Education Services	Consulted 02.03.2011. Response received 02.03.2011. The proposal is for affordable housing and therefore no contributions towards education will be required.
Tree Officer	Consulted 02.03.2011. Response awaited.
Conservation Officer	Consulted 02.03.2011. Response received: 09.03.2011  The existing building formerly known as The Green, The College and Elmshurst was built in 1866 and is a good quality Victorian villa which retains many historic details. The existing access was once the carriage

entrance to the property and includes one rusticated stone gate pier, stone and blue brick retaining walls and a second pair of rusticated stone piers at the former pedestrian entrance on New Road. The retention and conversion of the building is welcomed, however the loss of the timber sash windows and their replacement with PVC units would undermine its character. An amendment should therefore be sought to either retain and overhaul the existing windows with additional secondary glazing, or install replacement timber double glazed units which are of a superior lifespan, quality and appearance to PVC.

This building and the other historic Victorian and Edwardian buildings along College Road have significant architectural interest and the designation of a new Conservation Area has previously been explored, but no public consultation has been carried out as yet. I am concerned that the new building directly in front of the existing building would undermine this group interest and restrict views of Elmshurst from New Road. It also appears that the proposals would result in the loss of the stone retaining wall which is contemporary with the house, and some established trees which contribute to the setting of the building of local interest.

I realize that the draft local list has no official status, and that the designation of a new College Road Conservation Area shall not be taken forward in the near future, but improvements could be made to the siting of the new building to better respect the setting of the historic building. As a minimum the proposed PVC replacement windows should be omitted from the scheme.

#### Publicity

2 Site Notices posted 25.03.2011, expired 15.04.2011.

Press Notice posted 10.03.2011, expired 31.03.2011.

#### Neighbour Notification:

27 letters sent 04.03.2011, expired 25.03.2011.

1 letter received from the Victorian Society 20.03. summarised as follows:

We are pleased that the intention is to restore the house, leaving the exterior unchanged in most respects. However, we note that the intention is to replace the timber sash windows of the house with PVC. This would definitely change the character of the house, and we object to this proposal. The original window frames should be copied and new double glazed windows used where it is not possible to use secondary glazing on the original frames. The glazed veranda porch should be restored to its original length and if the front door is original it should be kept.

The proposal to build a block of two storey flats (Plot 1-6) along the east side of Elmshurst's garden would prevent the view from New Road of what is one of the most important houses in this Victorian range of

dwelling, reducing considerably the visual aspect of the road. The plans show the flats encroaching on the traditional entrance to the property. We consider this new build is inappropriate and too large in this position.

We therefore object to the proposals

- (a) to change the windows of the house to PVC
- (b) to build two storey flats at the front of the house
- (c) to make any alteration to the existing boundary walls or original gate piers, other than repair to the brick frontage.

### The site and its surroundings

The application comprises development on two discrete sites at Windsor Gardens at Nos. 2 and 44-48. The site is managed by BDHT. The proposed site at 44-48 consists of a Georgian style residence with an access road from Windsor Gardens and an area of amenity space primarily to the south west. There are a number of mature trees. The site is bordered to the SW by College Walk and there are substantial trees and hedges on this side limiting the views from the footpath.

The second site, at No. 2 Windsor Gardens consists of a single storey brick building which was formerly occupied by the Women's Royal Voluntary Service and is currently derelict. The site adjoins Windsor St. car park to the NE. The immediate area to both sites largely consists of postwar housing in a variety of arrangements. The site at No. 44-48 adjoins the Town Centre Conservation Area.

### Proposal

The application consists of 17 affordable housing units with 16 No. 1 bedroom flats and one two bedroom flat. The development can be divided into the following components:

- 1) The demolition of No. 2 Windsor Gardens and its replacement with four flats,
- 2) The conversion of the existing Victorian building to seven intermediate rented flats and the erection of six intermediate rented flats in the curtilage

The site will be serviced by a total of 26 parking spaces. The application is accompanied by a Building Survey, Design and Access Statement and a Supporting Planning Statement.

### Relevant Planning History

P10/0073 Refurbishment of existing block to 6 one bedroom and 1 two bedroom flats and proposal for 8 new one bedroom flats in two separate blocks. Pre application advice.

### Relevant Policies

WMSS QE1, QE2, QE3.  
WCSP CTC.1, D.5, SD.2, SD.3, SD.4, SD.5, T.1  
BDLP DS13, S7, S14, S15, S35A, C4, C17, TR1, TR11.

Others PPS1, PPS5, PPS3, PPG13, Circular 06/98, SPG1.

## Notes

I consider that the main issues in the determination of this application are:

- (i) The principle of development and the requirement for affordable housing,
- (ii) The design of the proposal and its impact on the amenity of the existing adjoining occupiers,
- (iii) The impact of the proposal on existing historic character on the site and on the adjoining conservation area,
- (iv) The highway implications of the proposal.

In this respect, I consider that policies T1 and SD3 of the WCSP, policies DS13, S7, S14 and TR11 of the BDLP are most relevant in determining the proposal. The advice of SPG1 and PPS5 (Planning and the Historic Environment) are also of relevance.

### (i) Principle

The site is located within the urban area of Bromsgrove. The redevelopment of the site of No. 2 Windsor Gardens amounts to brownfield development which is acceptable in principle. The remainder of the development consists of the conversion of an existing building and development in the curtilage of same. Whilst the automatic consideration of gardens as brownfield land has been removed in the amendment to PPS3, I do not consider that the principle of developing this site is in doubt and much depends on the particular characteristics of the site. I would concur with the view of the applicant as expressed in paragraph 6.21 of the Planning Statement to that effect.

The applicant is Bromsgrove District Housing Trust and the supporting statement provided. The applicant has strongly raised the point about the lack of affordable housing in Bromsgrove and for every social rented, age restricted one bedroom flat that BDHT advertises, there are 21 applications and the Council's housing waiting list currently stands at 3,200 people. The Council's Housing Strategy 2006-2011) seeks to address the shortage of affordable housing as top priority.

In accordance with the guidance of PPS3 and the case of *Linson Construction Pension Fund v Warrington BC and DETR (2002)*, I consider that the need for affordable housing is a material consideration to which considerable weight is attached.

### (ii) Design Density Layout

The site area comprises 0.23 hectares and I do not consider that the density of development proposed for either site would be unacceptable.

I consider that the form and layout of the proposal for 6 units at No. 2 Windsor Gardens acceptable. It occupies the position of the existing building and matches more closely the residential use and scale of the surrounding buildings. It also follows the street pattern of Windsor Gardens.

The layout of the proposed units to the SW of the existing building at Nos. 44-48 follows the pattern of development on College Walk rather than following New Road. I note that the proposed block is set back from the original building and most aspects of this building will still be visible with the large curtilage still providing an appropriate setting.

### Residential Amenity

I consider that policy S7 and the advice of SPG1 is most relevant in determining the impact of the proposal on residential amenity. The policy requires that the amenity of adjoining occupiers is not detrimentally affected and SPG1 sets standards in terms of separation distances between proposed development and private amenity space.

I will consider the proposal at No. 2 Windsor gardens first. The windows to the front of the proposal are set 23m away from the properties opposite 31 – 37 Windsor Gardens. I note the set forward of the buildings opposite at Nos. 39-49 and these are approximately 20m away. However, I note that there is substantial screening provided by evergreen trees which would mitigate any loss of residential amenity to either the proposal or properties opposite. Whilst the 23m separation distance is less than the 27.5m requirement of SPG1 for these types of property, I note that the distance includes a street and the building follows the logical position of the existing development which also includes first floor living rooms. I note that the other side of the building will face Windsor St. car park and screening along this boundary will be important. I note that other properties to the west on Windsor Gardens also have this aspect. There are no windows to the side of the block Nos. 4 -10 Windsor Gardens and no windows on the proposal will face this blank elevation. In terms of the amenity space for the four units, each will have well in excess of the minimum 30sqm requirement for flats and small house types as outlined in paragraph 9.2 of SPG1.

In terms of the conversion of the existing building, I note that fewer windows are proposed than are currently present on the rear elevation. There are no properties directly opposite to the NW and substantial screening to No. 15 New Road. There is a 20m separation between the range of properties 67-89 Windsor Gardens and the building. Whilst this is less than the requirements of SPG1, I note that there is residential accommodation currently on the first floor of the building and the proposal will not have any greater impact. The properties in the range opposite also have a staggered arrangement.

In terms of the proposed block to the SW of the existing building, this is at a right angle to the building and complies with Fig. 15 of SPG1 in this respect. There are no windows to the side elevation facing the existing buildings to the north or New Road to the south. The building will be at least 38m from No. 15 New Road and with the existing extensive boundary treatment, I do not consider that a loss of amenity would arise. There is approximately 15m separation to the side of No. 19 New Road. This property is virtually invisible from the application site and there will be a separation distance of 5m per storey to the private garden of No. 19 and in any event only the side elevation will face the proposal.

### (iii) Impact of the proposal on the historic character of site

The conversion of the existing building into 7 units of accommodation has no impact on the form or character of the area and the proposed fabric of the building will be retained. Members should note the comments from the Conservation Officer in this respect. The applicant has also agreed to retain the original windows if possible and, if not, to use timber rather than PVC.

There are more constraints in terms of the development of the six units to the SW. I note the comments of the Victorian Society in this respect. However, the space is currently underutilized and whilst the layout would not match the pattern of development on New Road, it enables as many facades as possible on the attractive Victorian building to remain visible and is set back from the original. Whilst, I do not consider that the setting of the building would be necessarily enhanced, I take into account that it is not listed and its historic interest has been substantially harmed by the unsympathetic linked rear extension. I note the advice of PPS5 in this respect:

*In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal'*

In this instance, I do not consider that the heritage asset would be so detrimentally harmed to justify refusing permission.

#### (iv) Highways

Members should note that no objection has been received from Worcestershire Highways in respect of the proposal which includes a total of 26 car parking spaces. The proposal accords with policy TR11 of the BDLP.

#### Other issues

There are a number of trees which will be removed in the proposal and the views of the Tree Officer are awaited. There are a large number of trees which can be retained on the New Road frontage providing screening for the proposal. The views of the Tree Officer are awaited. The comments of the Drainage Engineer are also awaited. The scheme will provide 100% affordable housing and therefore contributions in terms of open space and education are not required. The scheme has been amended to account for the views of WCC Footpaths Officer and further views on this matter are awaited.

#### Conclusions

The principle of development at this site is acceptable and I consider that the proposal would make more efficient and beneficial use of the site. The scheme will provide much needed affordable housing in a sustainable location and the shortage of such

accommodation is an important material consideration is considering this application. The overall design and layout of the proposal is satisfactory and I consider that the proposal would make more beneficial use of the existing building and remove a currently vacant building at No. 2 Windsor Gardens. There are no overriding amenity concerns. Permission should be granted.

**RECOMMENDATION:** that permission be **GRANTED** sfc:

1. C1
2. C3
3. C7
5. C10
6. C13
7. Prior to the commencement of the development, full details of the occupancy criteria which are to be used to select occupants of the flats shall be submitted to the Local Planning Authority for approval. Subsequently the occupation of these units shall only be taken up by persons meeting the approved occupancy criteria, unless otherwise agreed in writing by the Local Planning Authority.
8. HC36

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# Agenda Item 10

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. Jackson 'A'	First floor rear extension – 6 Church Road, Belbroughton, Stourbridge, DY9 9TE	GB CA VENV	11/0122-SC 11.04.2011

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

## Consultations

WH Belbroughton Parish Council	Consulted – view received 23.03.2011: No objection. Consulted – view received 08.03.2011: “The Council has no objections provided that there is no adverse impact on neighbouring properties.”
DRNG	Consulted – view received 07/03/2011: No objection.
Publicity	Site notice posted 04/03/11, expires 25/03/11 Press notice published 03/03/11, expires 24/03/11 4 Neighbour notification letters posted 21/02/11 expire 14/13/11

2 representations received:

1 Letter of objection received 11.03.2011 from occupier 8 Church Road  
setting out following issues:

- “We have permitted access over Number 6’s property for the maintenance of our property along our rear outside wall, this would be restricted to five and half feet on the existing flat roof.”
- “Looking out of our bedroom window, to the left we have a 45 degree view of the protruding conservatory roof and to our right a 45 degree view of the gable end and rear wall of number 6”
- “The proposed bathroom will be attached to our bedroom wall, the room in which we sleep. Its close proximity, we feel is unacceptable.”
- “The proposed rear wall will only be a brick and half (33cm) from our bedroom window which will leave a gap of five and a half feet between the protruding conservatory roof and the proposed rear wall and gable end. We consider this would be obtrusive. Our line of site would be severely reduced to a corridor of site, within the 45 degree are. It would also be overshadowed and dominated by the intimidating effect of the rear wall and gable end of the proposed extension, degradig our amenity space.”
- “Our bedroom window is the only rear window contained in our property. We would refer you to the planning national policy 45 degree ruling, as we believe that this planning proposal contravenes and would compromise the integrity of the ruling, with an extension that would be in breach of the 45 degree reuling, if planning permission was granted.”

E-mail representation received 28.02.2011 from occupier 7 Queens Hill:  
"No objection from us at 7 Queens Hill"

### The site and its surroundings

This application relates to a property located on a prominent corner, in a raised location, within the Belbroughton Conservation Area. The front of the application property faces the western side of Church Road, whilst the side elevation of the property is adjacent a small raised green area above the southern side of Queens Hill.

The application property is attached to two further dwellings in a slightly unusual configuration. One of these further dwellings, No. 8 Church Road, is oriented such that it has a first floor rear bedroom window that overlooks an existing single storey rear extension of the application property.

### Proposal

The applicant is proposing a first floor extension to extend an existing bedroom by approximately 1.5m and to create a new bathroom. A render finish is proposed and the existing double gable roof structure is to be continued with tiles to match existing.

### Relevant Policies

WCSP    CTC1, CTC.20, D38, D39  
BDLP    DS2, S35A, S36, DS2, DS13, S11  
Draft CS   CP3, CP16  
Others    SPG1, SPG7, PPS1, PPG2, PPS5

### Relevant Planning History

B4386: First floor bedroom extension: Approved 20/03/78 (not implemented)  
B5032: Single storey rear extension to dwelling: Approved 16/08/78  
B/1993/0572: Extensions: Approved 11/10/93  
10/0468: First floor rear extension (as amended by plans received 21/7/10): Refused 02.08.2010

### Notes

This application is a revision of an application previously refused 02.08.2010 (ref: 10/0468). The refusal reasons given in relation to the previously proposed first floor rear extension are outlined below:

1. The proposed extension would be detrimental to the character and appearance of the Conservation area in terms of it's additional bulk detracting from the visual and architectural qualities of the existing building which would be

contrary to policies S35A and S36 of the BDLP, policy CTC20 of the WCSP and the general provisions of PPS5.

2. The proposed extension would have a detrimental affect on the visual amenity of the street scene creating an increasingly unattractive elevation and overall appearance of the building in a visually prominent location which would thus be contrary to policy DS13 of the BDLP.
3. The proposed extension would be detrimental to the amenities of the neighbouring property in terms of loss of outlook and privacy which is contrary to policy S11c) of the BDLP.

### Assessment

The main issues to take into consideration are whether the proposals would constitute inappropriate development in the Green Belt and if so whether any 'very special circumstances' exist to outweigh the harm caused to the openness / visual amenity of the Green Belt. In addition it will be necessary to establish whether the proposals would preserve and / or enhance the Conservation Area.

It will also be necessary to consider the design of the proposal, its impact on the character of the street scene, its impact on the amenity of the nearby occupiers, technical matters relating to highways and drainage, and the views of third parties. I will deal with each matter under separate headings below.

### Green Belt Policy

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

In relation to this matter, I note the calculations of the recent Officer report 10/0468.

### What is Original?

The original dwelling has been extensively extended and modified over the years.

	Approximate Floor Space
<b>Original House</b>	<b>70.8m<sup>2</sup></b>
Existing Extensions	38.8m <sup>2</sup>
Proposed additional floor space	<b>9.75m<sup>2</sup></b>
Total Cumulative floor space proposed under permission 11/0122	119.35m <sup>2</sup>
Total floor space increase above original	48.55m <sup>2</sup>
% increase above original	<b>68.57%</b>

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

### Conservation Area & Street Scene Issues

Policy CTC.20 of the Worcestershire County Structure Plan (WCSP), policies S35A and S36 of the Bromsgrove District Local Plan (BDLP) and PPS5 highlight that the Council will seek to preserve or enhance the character or appearance of Conservation Areas and will under take measures as appropriate to promote and improve the environmental quality of such areas. New development must be sympathetic to the character of buildings in the detailed treatment of matters of design including the form, scale and materials. The Council will also seek to retain and enhance open spaces, important views, trees or other features of importance to the street scene.

Enhancement as well as protection are the objectives of Conservation Area status. While it may be desirable to see proposals which renovate or redevelop part of a Conservation Area, care must be taken to ensure that development proposals not only meet the standard of nearby quality buildings but also are appropriate to the locality.

Belbroughton village has a well established and attractive Conservation Area containing numerous Listed Buildings. Although this dwelling is not Listed, it is located within a prominent position within the Conservation Area.

Furthermore, I am mindful of the Conservation Officer's comments in relation to the previously refused (10/0468) first floor rear extension.

*"The proposed extension would add a first floor to the rear elevation which currently has an older single storey addition and a modern conservatory which is unsightly when viewed from Queens Hill. I am concerned that adding further to the rear of the building will further distort the historic form of the cottage and because of the bulk will detract from the appearance of the building. The accumulative impact of the previous and proposed extensions would undermine the architectural interest of this particular historic building, and the wider Conservation Area as a result.*

*I would therefore recommend refusal of the application as detrimental to the character and appearance of the Belbroughton Conservation Area."*

It is noted that this resubmission has substantially reduced the scale of the proposed extension. This application does not, however, overcome the Conservation Officer's previously stated objection that 'adding further to the rear of the building will further distort the historic form of the cottage'.

It is viewed that the conservation related reasons for refusal of application 10/0468, though lessened by the reduced bulk, remain relevant. This is also true of the impact on the street scene. The building already appears very disjointed when viewed from Queen

Hill and a further addition is viewed that it would further detract from the visual amenity of the street scene.

### Residential Amenity Issues

Policy S11c of The BDLP 2004 requires that development represents '**no material harm to the amenity of nearby occupiers**'

The adjoining occupiers at No.8 Queens Hill have objected to the proposal and the key issues raised should be noted in the publicity section above.

The previously submitted application for a rear extension (10/0468) was refused for the following reason:

- The proposed extension would be detrimental to the amenities of the neighbouring property in terms of loss of outlook and privacy which is contrary to policy S11c) of the BDLP.

The resubmitted plans represent a significant improvement, with the proposed extension set back 30cm from the main bedroom window at No.8. No window is proposed for the new bathroom and the noise that may be generated by such a bathroom is not viewed as a sufficient reason for refusal. Additionally, by virtue of the proposed extension, loss of privacy by oblique views from No.8 into the bedroom window of No.6 and vice-versa would be reduced.

It is, however, viewed that the proposed extension would cause a loss of outlook and be overbearing in nature by virtue of its bulk and close proximity to the bedroom window of No.8. It would therefore represent a material harm to the amenity of a nearby occupier and remains contrary to policy S11c of the BDLP.

### **Conclusion**

The current proposal represents a significant improvement on the previously refused plans. However, on balance, the proposals are considered to remain harmful in respect of their detrimental impact on the Conservation Area, the harm to the existing street scene and harm to the amenity of nearby occupiers.

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

1. The proposed extension would be detrimental to the character and appearance of the Conservation area in terms of its additional bulk detracting from the visual and architectural qualities of the existing building which would be contrary to policies S35A and S36 of the BDLP, policy CTC20 of the WCSP and the general provisions of PPS5.
2. The proposed extension would have a detrimental affect on the visual amenity of the street scene creating an increasingly unattractive elevation and overall appearance

of the building in a visually prominent location which would thus be contrary to policy DS13 of the BDLP.

3. The proposed extension would be detrimental to the amenities of the neighbouring property in terms of loss of outlook which is contrary to policy S11c) of the BDLP and the provisions of the Council's Residential Design Guide SPG1.

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
<b>M Ashwin 'B'</b>	Conversion of existing brick built bull pens to form eleven dwellings at Robin Hill Farm, Stoke Prior with associated parking and access - Robin Hill Farm, Hanbury Road, Bromsgrove, B60 4DW	Green Belt	<b>11/0127-DK</b> 27.05.2011

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

### Consultations

WH	Consulted 08.03.2011. Response received: 11.05.2011. No objection subject to conditions.
Stoke PC	Consulted 08.03.2011. Response received: 05.04.2011.  No objections - Councillors are of the opinion that the development will provide a substantial improvement to a currently derelict site. There are concerns regarding the ingress and egress of vehicles on a particularly dangerous and busy stretch of Hanbury Road.
LP (Open Space)	Consulted 08.03.2011 Response received 25.03.2011 Due to the size of the above scheme the proposed development would need to contribute towards play space in accordance with SPG11. The proposal for 2 x 1bed, 7 x 2 bed and 2 x 3 bed properties generates a play space requirement of 803m <sup>2</sup> . The current plans highlight no areas of on-site open space and SPG11 recommends that on-site areas of open space should be a minimum of 1000m <sup>2</sup> in size. On this basis it is recommended that the open space should be provided off-site. The commuted sum for the development would be £179,872. It is recognised that a contribution of this size may impact on the viability of the scheme and therefore it maybe appropriate to negotiate a lower figure if robust justification is provided by the applicant.
WCC PROW	Consulted 08.03.2011. Response received: 23.03.2011. The proposal is adjacent to Stoke Prior Bridleway 511 (SP-511) and the applicant has not identified it in their plans as required in Circular 412/2008. However, it is noted that the section of bridleway is to be constructed to adoptable standards and there should be no detrimental affect on the public right of way as a result of the development.
Ramblers Association	Consulted 08.03.2011. No response received.
NE	Consulted 08.03.2011. Response received: 21.03.2011. No objection.
WWT	Consulted 08.03.2011. No response received.

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
CLIMCHG	Consulted 08.03.2011. No response received.		
ENG	Consulted 08.03.2011. Response received 14.03.2011. No objection subject to conditions relating to storm and foul water drainage.		
BC	Consulted 08.03.2011. No response to date.		
EHO (Contaminated Land)	Consulted 08.03.2011. Response received: 25.03.2011. No objection The proposal does not appear to include any groundworks or new build areas. In light of this but considering the sites previous agricultural use I recommend that a condition is attached to any consent granted to deal with the situation should contamination be discovered during the development.		
WCC Education Services	Contributions towards education services in the area are required. The schools affected by the proposal are Stoke Prior First, Shared Aston Fields, St John's Middle and South Bromsgrove High School. The education contribution required on the basis of 9 x 2/3 bed houses is £18,315.		
Publicity:	Site Notice posted 21.03.2011. Expires 11.04.2011. Press Notice posted 17.03.2011. Expires 07.04.2011. 3 letters sent 08.03.2011. Expire 29.03.2011. 4 comments received summarized as appropriate: <ul style="list-style-type: none"> <li>• Generally support the proposal since the existing buildings are a security risk. Two large barns will be taken down and the asbestos sheets will be replaced</li> <li>• Object to the proposals. Conversion to residential accommodation seems to go against every planning policy document about development in the Green Belt, the Draft Core Strategy, SPG Note 4, PPG2 and PPS7. Avoncroft Museum have plans to develop the wildflower meadow as a public amenity. The heightened roof lines, the extensions to blocks 3 and 4 and the incursion of residential gardens into Green Belt land would have a detrimental impact on the setting of the meadow. Bournville Village Trust should have been notified.</li> </ul>		

### The site and its surroundings

The application site comprises a complex of single storey brick buildings with asbestos roofs. The site is on the east side of Hanbury Road The majority of the buildings are the former bull pens with a tack room, office and two agricultural buildings, both of which are largely open. The site is now entirely derelict but

evidence of the previous use subsists. There is a large detached house to the south and two semi detached properties to the north. There are open views to the south and east and an area of hardstanding leading south from the buildings connecting towards the former vehicular entrance.

### Proposal

The proposal is for the conversion of existing brick built bull pens to form eleven dwellings with associated parking and access. The scheme consists of 4 blocks of development, numbered 1 – 4 with block 2 at right angles to the blocks 1 and 3. Block 1 will contain 4 dwellings, blocks 2 and 3 will each contain 2 and block 4 will contain 3 residential units.

### Relevant Planning History

P10/0022 Proposed conversion of existing Bull Pens. Pre application advice.

B/2003/1169 Conversion of existing farm building into changing rooms, construction of two football pitches and associated car parking (as amended by plans received 20.11.03). Refused 26.06.2004.

### Relevant policies

WMRSS	QE1, QE3.
WCSP	T1, CTC1, CTC7, CTC13, CTC21, RST3, D16, D38, D39.
BDLP	DS2, DS13, C4, C27, C11, C27B, TR11.
Others	SPG1, SPG4, PPS9, PPG2, Circular 06/2005.
Draft CP2	CP22

### Assessment

The main issues to be considered in this application are the following:

- (i) whether the proposal would amount to appropriate development in the Green Belt,
- (ii) overall impact of the scheme and suitability of the buildings for conversion
- (iii) the highway and sustainability issues associated with the proposal
- (iv) the impact of the proposal on protected species
- (v) Residential Amenity

#### (i) Green Belt

The site is located in the Green Belt and therefore I consider that policies DS2 and C27 of the Bromsgrove District Local Plan (BDLP) and the advice of Supplementary Planning Guidance Note 4 (SPG4) and Planning Policy Guidance Note 2 (PPG2) are most relevant in determining the application.

The development is for the conversion of rural buildings and falls to be considered as acceptable in the context of policy DS2, provided that it meets the requirements of policy C27. It may be appropriate development in the Green Belt provided that the criteria for the conversion of rural buildings are fulfilled.

(ii) Suitability of the buildings for the proposed use and overall impact

Policy C27 states that any re-use of an existing rural building must not have a materially greater impact on the openness of the Green Belt and that the building is of substantial construction, capable of conversion without major works or complete reconstruction. The form, bulk and general design of the scheme must be in keeping with its surroundings.

The scheme proposes the demolition of two (largely open) agricultural buildings and the conversion of the remaining buildings in the complex into 11 dwellings. The material impact on the Green Belt needs to be considered against the current situation on the site. The existing and proposed block plan would appear to indicate that there would be a substantial improvement to the openness of the site arising from the removal of two large agricultural buildings on the existing block plan. However, Members should note that both of these buildings are corrugated open sided structures and their removal does not have as significant an impact as the existing block plan would indicate.

The buildings will be accessed from Needle Mill Lane where there is an existing access between blocks 1 and 2. The rear gardens serving block 1 are located in a position enclosed by the western boundary of the site and the same is true of those serving block 2. However, in the case of blocks 3 and 4, there are gardens proposed 15m and 26m in depth. In the case of the latter, this will occupy the area of hardstanding currently occupied by the open hayshed. The rear gardens proposed for block 4 will result in an encroachment into an area that is currently undeveloped. Members need to take a balanced view and for the most part the scheme will occupy the footprint of lands already with concrete hardstanding. On that basis, I do not consider that there is significant conflict with criterion (a) of policy C27, provided that the remaining criteria of the policy can be fulfilled. I take into account the removal of the hardstanding leading to the south of Robin Hill and consider that this is a modest enhancement of the visual amenity of the Green Belt.

Members must carefully consider whether the buildings are capable of conversion *without major works or complete reconstruction* (emphasis added) as required in policy C27 (c). There is a structural report to support the application. All of the blocks are covered in cement fibre corrugated sheet roofing on steel purlins and latticed roof trusses. The survey concludes that the walls are capable of carrying the loads required for residential accommodation. Paragraph 3 on Page 4 of the survey states that the corrugated cement fibre sheeting, with intermittent translucent roof lights *will have to be replaced*. I would concur with this view following the site visit.

The existing buildings have a linear form and generally low height and are reasonably well positioned in respect of each other to make a proposal for residential use feasible. However, besides the issue of the roof structures, the existing buildings have limited openings and apertures which mainly consist of doors in pairs interspersed by narrow windows. Crucially, the elevations opposite these openings is almost always free of any openings.

One of the clear objectives of SPG4 is to maintain the character and integrity of the original rural building. I would refer to paragraph 3.0 which states that a *'building should be capable of conversion to its new use, without the loss of those characteristics which make it worth keeping and conversions are least likely to be successful where:*

- Excessive original fabric is lost by the introduction of new openings;
- Unbroken walls are disrupted with new doors and windows
- Interior walls are sub-divided by the introduction of floors and partition walls

The proposed development would breach all of these requirements. In the case of Block 1 (SW Elevation), there are 9 openings where only two exist at present. There appears to be no evidence of pre-existing blocked up openings on this elevation. In the case of block 2 (SE elevation), there are 7 new openings proposed on the range closest to the boundary with Robin Hill. The pattern is repeated on the NE elevation of block 3. Block 4 currently has a high wall enclosing it on the NE side which would have been outdoor pens for the cattle and date to a later time than the rest of the complex. The pens are still partially enclosed with gates and there is access to the covered bull pens. The proposed development seeks to provide three projecting wings into this space from the covered bull pens. I consider that this amounts to substantial rebuilding and could not accord with policy C27. The applicant has been advised of these points and whilst amended plans have been received, there are very limited amendments and none which overcome the objections raised.

Members should note the representation received which referred to the increase in the pitch of the roofs of the buildings. The increase is from approximately 1.7m as existing to 3.2m in the proposal represents a substantial increase taking the scale and number of blocks into account. The introduction of first floors and rooflights further conflicts with the advice of SPG4 as outlined above. The increase in the pitch of the roofs would require building up of the gable walls. In summary, the buildings would require major works to make the scheme possible, especially in respect of the roof structures and the level of alteration required to the rest of the buildings would be extensive.

In terms of criterion (d) of policy C27, I consider that the design, bulk and form of the conversion are generally in keeping with their surroundings which are the open countryside and a number of red brick residential properties. The materials to be used could be conditioned in any event. These points do not overcome the objection in terms of the level of alteration needed. They have been raised with the applicant and a Planning, Design and Access addendum has been received 09.05.2011.

Pages 6 – 10 of the addendum recognize the conflict with policy C27 in respect of the level of alteration proposed. It is the applicant's view that the changing of the roof materials would amount to a visual enhancement more in keeping with local building styles. In terms of the enclosure of the rear of block 4 with single storey extensions, this is to avoid new openings being visible from the Green Belt in accordance with paragraph 3.14 of PPG2. The advantages of the scheme are outlined and include:

- The removal of large areas of hardstanding and the steel barns
- Re-roofing to remove the potentially harmful asbestos cement
- Introduction of native hedgerows
- Preservation of the historic link with the Croft Trust who funded the farm buildings in 1948

The point raised about the removal of the large barns has been addressed previously. I accept the point that the existing roofing material would be potentially hazardous for human occupation but the policy is clear that this level of rebuilding is not acceptable. The point could be raised in many similar schemes. The fact that the roof materials are unsuitable point out that the buildings, as they stand, do not lend themselves to conversion without substantial alteration. Whilst the buildings are in the form of traditional barns (despite the roof materials), I do not consider that they have any significant architectural merit in their own right and are utilitarian in character. There are no amendments provided or no additional information in the addendum report such that the scheme is acceptable in planning policy terms. Thereby, the proposal must be regarded as inappropriate development in the Green Belt.

(iii) Highway and Sustainability Issues

Members should note that the Planning, Design and Access Statement addendum (Received 09.05.2011) contains additional information in respect of sustainability. The applicant contends that the proposed conversion is wholly in accordance with the principles set out in both policy DS13 and PPS1. The bus stops for the 140 and 141 services are located close by on Hanbury Road. Members should note that whilst the site is located in the Green Belt, and there are more sustainable locations, the site is close to the urban edge of Bromsgrove and the transport links are reasonable for a rural location. There is no objection from WH and I conclude that the proposal would conform to policies T1 of the WCSP and TR11 of the BDLP.

(iv) Ecological Issues

Policy C11 of the BDLP and the advice of PPS9 seek to ensure that protected species are adequately considered in all development proposals. The application is accompanied by an Extended Phase 1 Habitat Survey and A Nocturnal Bat Survey; there has been no objection from Natural England. I do not consider that the proposal conflicts with policy C11 or with the advice of Circular 06/2005.

(v) Residential Amenity

There are residential properties to the north and south of the application site, 39/41 Hanbury Road and Robin Hill respectively. There are first floor side windows on both

of the adjoining properties. There is approximately 15m between Robin Hill and the rear windows of Block 2. There is a substantial fence and I do not consider that the window is a main living room; thereby there would be limited impact on residential amenity. There is also a 5m separation distance between block 3 and the private garden at Robin Hill. There are no windows in the gable elevation of Block 1, which would result in a loss of amenity to 41 Hanbury Road. However, the boundary between this property and Plot 1 of the scheme would need to be enhanced. This is achievable and there is no significant conflict with SPG1.

#### Other issues

There is a public bridleway along Needle Mill Lane to the SW of the application site and Members should note the comments of WCC Public Rights of Way on this matter. Overall, there is no conflict with the requirements of policy RST3 of the WCSP. There is no objection from the Drainage Engineer or Environmental Health, subject to conditions.

Members should note that the scheme requires contributions to be provided for education and public open space in accordance with Circular 05/05. In this instance, I consider that an offsite contribution for public open space is preferable. However, the applicant has suggested providing 1000sqm of Public Open Space in the paddock to the NE of the application site and a management company would be created to manage the public open space. The paddock lies outside the application boundary but is in the ownership of the applicant. This is not an ideal arrangement and has the effect of Green Belt encroachment, further conflicting with policy C27. There is a stable identified on the proposed block plan which forms no part of the application and should be discounted in the consideration of the scheme. The applicant has agreed to provide a Unilateral Undertaking to provide the education contribution totaling £18,315. This has not been received to date. The previous application on the site for a recreational use of the land (B/2003/1169) is not directly relevant since it involved the demolition of most of the buildings and their replacement with a car park and was refused because of inappropriate development and inadequate access.

#### Conclusion

The proposed development will provide eleven dwellings through the conversion of existing buildings. It will result in the removal of two open agricultural buildings. Whilst the arrangement of the buildings can be retained, the level of re-building and alteration proposed is extensive and well in excess of what would be considered acceptable as the conversion of a rural building in accordance with policy C27 and the advice of SPG4. The removal of hardstanding and the agricultural buildings do not outweigh the conflict with the development plan.

#### **RECOMMENDATION** that permission be **REFUSED**:

1. The buildings are not suitable for the residential use proposed without significant structural and material alteration. As such, the proposal amounts to inappropriate development in the Green Belt. Very special circumstances do not exist to outweigh the harm that would be caused. Thereby the proposal is

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
<p>contrary to policy D.16 of the Worcestershire County Structure Plan (2001), policies DS2 and C27 of the Bromsgrove District Local Plan (2004) and the advice of Supplementary Planning Guidance Note 4 (Conversion of Rural Buildings).</p>			

# Agenda Item 12

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr Paul Larner 'A'	Proposed Change of use from warehouse and office (Class B1) to indoor market and ancillary cafe (Class A1). Rear of 186 - 210 New Road, Rubery.	Shopping	11/0164-HR 30.05.2011

**RECOMMENDATION:** that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application following the expiry of the publicity period on 25<sup>th</sup> May 2011.

## **MINDED TO APPROVE**

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

### Consultations

Worcestershire Highways 14.04.2011 - No objection subject to the imposition of a condition relating to the submission of parking /unloading details to be approved in writing by the Local Planning Authority

Strategic Planning 14.04.2011 - No objection.

Economic Development 14.04.2011 - No objection.

Ramblers Association 14.04.2011 - No comments received.

Public Rights of Way 14.04.2011 - No objection.

Environmental Health 04.05.2011 - No objection subject to the imposition of conditions relating to noise attenuation measures and odour.

Community Safety 04.05.2011 – No objection subject to the Highways Officer being satisfied that sufficient parking can be accommodated

Publicity Site Notice Posted 21.04.2011 expires 13.04.2011  
Press Notice Posted 21.04.2011 expires 13.04.2011  
3 letters sent 14.04.2011 expire 06.05.2011  
36 additional letters sent 04.05.2011 expire 25.05.2011.  
No response received.

### The site and its surroundings

The application site relates to a small single storey warehouse and office unit (Class B1) located to the rear of shops and services occupying 186 to 210 New Road, Rubery. The unit shares the building known as the Nexus Centre with a hair salon. The site area is approximately 0.076 ha.

To the north of the site is a driveway providing rear access to the retail units on the parade and balcony access to the residential units located above.

Residential dwellings are situated along Graham Crescent located to the south the site. A garage is situated to the east of the site, retail units to the west of the site and a car park is located to the south west of the site.

The site is located within a Shopping Area as defined in the Bromsgrove District Local Plan 2004 though the car park area shown on the location plan is within a Residential Area.

### Proposal

It is proposed to change the use from an existing warehouse and office unit to indoor market and ancillary cafe. The existing use falls within the B1 category of the Town and Country Planning Use Classes Order 1987 (as amended) and the proposed use is an A1 with an incidental A3 use.

The proposed hours of opening would be 9am to 5.30pm (Tuesday to Friday) and 9am to 2pm (Sundays and Bank Holidays).

External alterations are proposed as part of this application. To the south elevation, the existing shutters would be removed and fire escape doors installed for the proposed indoor market and for the proposed café/kitchen. To the north elevation, the existing fire escape would be removed and a window for the café is proposed. To the west elevation, a new roller shutter (which would replace the existing), automatic doors and a non illuminated sign is proposed. A 2m (H) security fence is proposed to the east and west elevation.

### Relevant Policies

WMSS	UR3
WCSP	SD.9, D.34
BDLP	DS13, S21, RUB2, TR11
DCS2	CP3, CP10
Others	PPS1, PPS4

### Relevant Planning History

10/0062	The front office to be changed from B1 Office space to A1 Hairdressers – granted 04.03.2010
10/0496	Use the building as car valeting – granted 09.09.2010
06/0209	To erect 2 short runs of 2m high fencing to small area of land adjacent to main building – granted 24.04.2006

## Notes

The advice of the Council's Strategic Planning Section has been sought in relation to the proposal's acceptability in policy terms

The site is situated within the designated shopping area of Rubery in the Bromsgrove District Local Plan. As such retail development is seen as appropriate in this location.

Policy RUB2 provides that all retail uses within Classes A1 - A5 of the Town and Country Planning (Use Classes) Order 1987 (as amended) will be acceptable in Rubery's designated Shopping Area.

In accordance with policy RUB2 proposals for retail development on the ground floor are acceptable. This also includes ancillary A3 use, which is proposed as part of the development. The District Council will only allow retail proposals which are capable of being integrated within the existing frontages and which do not extend the shopping area. The proposal is not contradictory to this policy.

Relevant national policies include PPS1 Delivering Sustainable Development and PPS4 Planning for Sustainable Economic Growth.

The proposal would conform to PPS4 as it would encourage sustainable economic growth, promote sustainable patterns of development, encourage retail diversity and facilities and provide real consumer choice and competition.

On this basis, the proposed use is considered to be acceptable in principle.

I therefore consider that the main issues to address are those arising from the proposal's impact on the surrounding residential properties and would the proposal have a detrimental impact in terms of parking arrangements

## Residential Amenity

The proposal has potential to create noise and odour through customer / staff activity, fume extraction and air conditioning mechanisms. It is considered that this may be a nuisance to the occupiers of the surrounding residential properties. The Environmental Health department have been consulted on the proposal. No objection subject to the imposition of conditions relating to noise attenuation measures and odour created by the proposed use.

## Parking

The Community Safety Officer has no objection to the proposal subject to the Highways Officer being satisfied that sufficient parking can be accommodated.

The site is situated within an accessible and sustainable location and therefore the Highways Officer has no objection to the proposed parking area arrangement subject to the imposition of a condition relating to the submission of parking /unloading details to be approved in writing by the Local Planning Authority.

I therefore conclude that the proposal would be acceptable and I am therefore minded to approve consent.

**RECOMMENDATION:** that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application following the expiry of the publicity period on 25<sup>th</sup> May 2011.

**MINDED TO APPROVE.**

# Agenda Item 13

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Lear Corporation Ltd 'B'</b>	Erection of an enclosed semi-permanent storage structure - 10 Hedera Road, Ravensbank Business Park, Redditch	Emp	<b>11/1210-TC</b> 10.06.2011.

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

## Consultations

Worcestershire Highways	Received 30.03.2011 - no objection to the grant of permission.
Economic Development	Consulted 17.03.2011 expired 07.04.2011 no comments.
Drainage Engineer	Received 05.04.2011 - no objections. Existing storm water facilities should be able to accept any additional discharge from proposed new structure.
Ramblers Association	Consulted 17.03.2011 expired 31.03.2011 no comments.
Worcestershire County Council Public Paths Order Officer	Received 06.04.2011 - The proposal should have no detrimental affect on the public rights of way.
Beoley Parish Council	Consulted 17.03.2011 expired 07.04.2011 no comments.
Environmental Health	Received 17.03.2011 - no objections in principles to this application.
Redditch BC	Received 15.04.2011 - no comments to make on the application.

## Publicity

Site notice	Posted 25.03.2011	expired 15.04.2011	no objections.
Press notice	Posted 24.03.2011	expired 14.04.2011	no objections.

## The site and its surroundings

The site is located in an established employment area of Bromsgrove district to the North of Redditch and has an employment land designation in the Bromsgrove District Local Plan. The site contains a large steel structure warehouse with mezzanine floor for the manufacture of mechanical parts to compile chairs for automobiles. The existing service

yard is located to the south east of the site and has a concrete surface. The site is surrounded by warehouses and office buildings to the North, South and West and is accessible from Acanthus and Lovage Road which provides access into Redditch District. Bridleway '583' borders the North West boundary of the site and footpath 799 borders the southern boundary of the site in Redditch Borough.

### Proposal

Erection of an enclosed semi-permanent storage structure to extend from bay's 4-11 to meet requirements for additional covered storage space on the existing site. The structure would have dimensions 34.34m length x 20.9m width creating a total of 717.7 square metres additional storage.

### Relevant Policies

WMSS	QE3, PA1
WCSP	CTC1, D19, D20, RST3
BDLP	DS13, E4, E6, E9
DCS2	CP3, CP11, CP12
Others	PPS1, PPS4

### Relevant Planning History

B/2003/1559	Proposed single storey extension to works canteen area - granted 23.01.2004.
B/2004/0580	Modification of Condition 8 on B/1991/0233 to permit removal of landscaping to site perimeter - granted 25.06.2004.

### Assessment

It is important to consider the permitted development position in relation to the proposal. The General Permitted Development Order 2010, Part 8 Class A (e) notes that development would not be permitted if the gross floorspace of any new building erected would exceed 100 square metres. In addition the development would lead to a reduction in the space available for the parking or turning of vehicles (f). The proposal does not meet permitted development requirements thus the applicant must seek planning approval by means of a full planning application.

The proposal is for a semi-permanent external freestanding storage warehouse to the south western side of the warehouse and would comprise a steel structure with flame retardant PVC "skin". The 'revised' structure will be approximately 717.7 sq metres with the front and rear sides being closed with PVC sliding curtains for access.

### Employment

The site is located within a designated employment area of Bromsgrove and the site borders onto Redditch District. It is noted that the proposed extension has an identified need to enhance the operational requirements at the warehouse. The extension has strong commercial reasons for expansion as the proposal would lead to the creation of

additional employment on the site. It would also be practically useful and provide a dry area for off loading and receiving additional materials.

The site requires a storage structure to ensure that goods delivered to the factory would be stored within sheltered access to the factory. The proposal would create temporary storage thus would be easily detachable should there be any need to reduce storage space in the future.

The application form states that an additional 4 employees are to be gained from the proposal. The facility would be in use from 6am Monday - 2pm Friday. The proposal would enhance the current site's employment designation. The proposed use would be in keeping with the existing use and would be acceptable in this location. The proposed structure would be subservient to the existing warehouse. Any alteration(s) to the existing fabric should be sympathetic to the form and character of the development and its setting.

Policy E4 of the Bromsgrove District Local Plan considers 'extensions to existing Commercial Uses'. Proposals for the expansion, consolidation or extension to existing commercial uses in non-Green Belt areas will need to meet the criteria in this policy. In assessing this application It is considered that the scale and nature of the activity is appropriate for the area in which it is located and it would be subservient to the existing manufacturing unit and related to the existing employment use.

#### Transport

In terms of accessibility the current arrangements for delivery vehicles would remain the same, there would be adequate loading, off-loading, manoeuvring and parking space for vehicles within this enlarged site. There would be no changes to the 346 spaces car parking spaces. The proposal would not impact the levels of traffic accessing the site. The site access will not change and it is noted that the existing access to the site is in accordance with the requirements of the Highway Authority without the need for significant further work. It is noted that there are no objections from Worcestershire Highways and it is considered that the proposal is acceptable in terms of transport issues.

#### Design/ Streetscene

The proposal is subservient to the existing warehouse. It would be 9.776 metres high (8.3 metres to gable height). The proposed storage area would be located to the rear of the existing warehouse and would be partly visible from Ravens Bank Drive. As the site is located in an employment area and the proposed storage tent would not be visible beyond the perimeter of the existing warehouse from Ravens Bank Drive

In addition the visual impact of the proposal would be minimised by the existing tree cover on the land between Ravens Bank Drive and the application site. It is considered that the proposal would be acceptable in terms of the streetscape. Redditch district abounds Ravens Bank Drive and it is noted that there have been no objections from Redditch Borough Council.

The proposed materials for the walls and roof use a steel frame with flame-retardant PVC skin and PVC sliding curtains doors with concrete vehicle access. It is considered that the proposed building would have materials similar to the existing fabric and would be sympathetic to the form and character of the development and its setting.

### Environmental Health

The proposed use of the additional structure would be storage for the existing use of the site. There would be no undue environmental disturbance, by way of noise, vibration, smell, dust or significantly reduced daylight to adjacent areas as a result of the proposal. It is noted that there is no objections in principle to this application from the Environmental Health Officer.

### Public Rights of Way

The proposal is adjacent to public rights of way. The public rights of way include Beoley bridleway 583 and Redditch footpath 799. The applicant should note Policy RST3 of the Worcestershire County Structure Plan to ensure that the development does not reduce the utility, convenience, recreational value, attractiveness and historic significance of the public rights of way. It is considered that the proposal would not impact existing arrangements for access to the site thus it is considered acceptable.

### Drainage

There have been no objections from the drainage engineer. The site would continue to use the existing surface water drainage systems.

### Residential amenity

The proposal does not adversely affect the existing amenities of adjoining occupiers.

### Conclusion

It is considered that the application for the erection of an enclosed semi-permanent storage structure is acceptable in an employment area, would be in keeping with the employment designation of the Bromsgrove District Local Plan.

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

- 1) C001
- 2) C001a

# Agenda Item 14

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Mr P Narang 'A'	Regularisation of Car Showroom through amendment to roof of east elevation - Crossroads Garage, Dodford, Bromsgrove, B61 9DU	Green Belt	11/0251-DK 27/05/2011

**RECOMMENDATION** that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application upon the expiry of the publicity period on 25.05.2011.

## MINDED TO REFUSE

### Consultations

WH	Consulted: 08.04.2011. Response received: 21.04.2011. No objection.
Dodford PC	Consulted: 08.04.2011. Response received: 26.04.2011. No objection.
EDO	Consulted: 08.04.2011. Response received: 15.04.2011. Economic Development supports the application.
LP	Consulted 08.04.2011. Response awaited.
EHO (Commercial)	Consulted 08.04.2011. Response received 12.04.2010. No objections in principle. However, the premises and business will need to comply with Health and Safety legislation.
EHO (Contaminated Land)	Records indicate that the proposed development site has previously comprised a petrol filling station and garage. As such and in accordance with Planning Policy Statement 23 the following recommendations are made:

I understand that the building has already been constructed and so there seems little value in requesting information relating to contaminated land investigation as part of the application and prior to the granting of any consent. Therefore I recommend that conditions are attached to any consent granted.

Publicity	1 letters sent 08.04.2011. (expire 29.04.2011). 2 letter posted: 04.05.2011. (expire 25.05.2011) Site notice posted on: 03.05.2011 (expires 24.05.2011)  1 email received: 04.05 as follows: <ul style="list-style-type: none"> <li>The planning application is invalid and the entire development is unlawful. The Enforcement Notice issued should stand.</li> <li>Notwithstanding this, the development should be refused as being inappropriate in the Green Belt with no very special circumstances. Core Policy 22 in the Council's draft Core Strategy, and the Council's saved planning policy number DS2 on Green Belt Development Criteria echo PPG2 in stating that there will be a presumption against allowing inappropriate development in the Green Belt and that permission will not be</li> </ul>
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given for the development of new buildings in the Green Belt "*except in very special circumstances*" unless the development falls within certain exceptions, which this development does not. There is a negative impact on the visual amenity of the Green Belt.

- The Property can clearly be seen to be incongruous with its surroundings
- The Property is also immediately adjacent to a Landscape Protection Area which lies to the North West. The large size and prominent position of the proposed development will result in the Property unacceptably impacting on the landscape of the area.
- The proposal would conflict with the settlement hierarchy as outlined in the draft Core Strategy 2. The priority needs to be the protection of the Green Belt and not the provision of additional employment facilities at this location.
- The site is close to Dodford Conservation Area
- The planning application is inconsistent with the previous planning decisions on the site. All previous applications have been refused.

B/2007/0498 (**2007 Application**) – refused

B/2008/0107 (**2008 Application**) – refused and appeal to Planning Inspectorate dismissed

B/2009/0756 (**2009 Application**) – not accepted for consideration under s70A of the Town and Country Planning Act 1990 on the basis that it was substantially the same as the 2007 Application and 2008 Application

- The current Application proposes not to completely remove the pitched roof on the Fockbury Road elevation to conform with the Planning Permission, but only to reduce the height of the pitched roof by a small amount, leaving all four skylights in place, and hardly altering the outline of the Property. Given the minimal proposed amendment to the Property, it is difficult to contemplate how this Application could result in any result other than a refusal to grant planning permission.
- The current application is inconsistent with the enforcement notice served and results in a further amendment of it.
- The proposal made in this Application would permit the retention of the store, ancillary room and WC (albeit with a flat roof above rather than a pitched roof) whereas the compromise negotiated with GVA Grimley last year required the complete removal of these additional rooms. It would appear to demonstrate an entirely inconsistent approach by the Council if this Application were to be granted planning permission, when it is so substantially different from the solution negotiated with the previous proprietor's representative.

## The site and its surroundings

The application site lies on the north side of the Kidderminster Road at the junction with Fockbury Road, Dodford and lies within designated Green Belt. The car showroom is currently empty and comprises a large paved curtilage onto the front on Kidderminster Road.

## Proposal

The development proposes the regularisation of the Car Showroom through an amendment to the roof of the east elevation. The context of the application will be explained in detail below.

## Relevant Planning History

- |             |  |
|-------------|--|
| B/2009/0756 | Resubmission of proposals for a new car showroom. Application Returned 14.10.2009.   |
| B/2008/0107 | Resubmission of planning application 07/1182, amendments to 04/0890 to design of new car showroom. Refused: 07.10.2008. Appeal dismissed 14.07.2009. |
| B/2007/1182 | Replacement of flat roof with pitched, tiled roof over east wing. Withdrawn: 03/12/2007  |
| B/2007/0498 | Amended car showroom and shop. Refused by Committee 20/07/2007   |
| B/2004/0890 | Car showroom and village shop – resubmission of B/2003/0932. Granted: 14.10.2004.  |
| B/2003/0932 | Proposed car showroom, work shop and village shop. Refused: 17/11/2003.  |
| B/2002/0812 | Alternative showroom and workshop with workshop. Granted: 03/10/2002.  |
| B/2002/0386 | Alternative showroom and workshop with toilets. Withdrawn: 08/05/2002.   |
| B/2000/0189 | Projecting icons and shop sign. Advertisement Consent Granted: 19/04/2002.   |

## Notes on Planning History

The site has a complex planning history and Members should be mindful of the refusal of two previous applications and dismissal of an appeal. The site is the subject of ongoing enforcement action, which is being held in abeyance, pending the decision made on this planning application. The planning history on the site is a significant material consideration in determining this application.

- (i) Application B2004/0890 was granted permission on 14<sup>th</sup> October 2004. The Council received complaints from the neighbouring property (Country Forge) in respect of the development at Cross Roads garage. A resubmitted version B/2007/0498 was refused by Members on 20<sup>th</sup> July 2007 because it was considered that the amended scheme would be of a greater size, scale and bulky appearance than the previous approval which would constitute inappropriate development in the Green Belt.

- (ii) Application B/2007/1182 was formally withdrawn shortly before the Planning Committee Meeting on 3<sup>rd</sup> December 2007. This application appeared to be identical to the previous application B/2007/0498 which was refused and appropriate means of action was authorised by Members to secure the removal of the unauthorised structures. A Planning Contravention Notice was served on the 21<sup>st</sup> July 2008.
- (iii) Application B/2008/0107 was received on the 04<sup>th</sup> February 2008 and the application was not determined until 7<sup>th</sup> October. This scheme was largely the same scheme which had been considered previously by Members and refused consent.
- (iv) The applicant appealed the Council's decision to the Planning Inspectorate and an Informal Hearing into the matter was held on 15<sup>th</sup> July 2009. In his report, the inspector considered that the building represented inappropriate development in the Green Belt which resulted in a loss of its openness. The appellants assertion that the proposal would generate employment, provide a community shop and represented an enhancement of the appearance of the site were not considered to amount to very special circumstances to justify inappropriate development in the Green Belt.

An enforcement notice was served on 01<sup>st</sup> December 2009. The applicant's business then went into receivership and the enforcement fell to be complied with by the receivers. The notice was varied on 19<sup>th</sup> May 2010 in accordance with agreed amendments between the Council and the consultants working on behalf of the receiver. The amendment related to Paragraph 5 (b) of the Notice which now reads:

“Remodel and reduce in size the building so that it complies with the appearance, structure and dimensions as shown on the plans attached at Appendix 2”

For reference, Appendix 2, as shown on the presentation refers to the drawing received from GVA Grimley (representing the receivers for the property) Ref. 07 @1:100 dated Feb 2010. There were nine months given for compliance. This amendment was agreed by Members on 29<sup>th</sup> March 2010.

#### Relevant Policies

WMSS    QE3.  
WCSP    SD8, SD9, D28, D38, D39, T1.  
BDLP    DS1, DS2, DS3, DS13, TR8.  
Others    PPS1, PPG2, PPG13, PPG18.

#### Assessment

Members should note that the main consideration in determining this application are whether the plans proposed in drawing Ref: 503101 are satisfactory in terms of enabling compliance with the terms of the enforcement notice dated 19<sup>th</sup> May 2010. There are photomontages provided to demonstrate the various options for the site.

## Green Belt

The site is situated in the Green Belt and therefore PPG2, policies D28 and D39 of the Worcestershire Structure Plan (WCSP) and Policy DS2 of the adopted Bromsgrove District Local Plan (BDLP) will apply to the development. Previous applications and the appeal on B/2008/0107 have confirmed that the structure (as built) amounts to inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful and should only be allowed, where the harm, by reason of inappropriateness and other harm is clearly outweighed by circumstances which amount to very special circumstances to justify the proposal.

## Very Special Circumstances

The applicant has presented a case for very special circumstances with the planning, design and access statement presented with the application. These are as follows:

- ❖ Very special circumstances were accepted by Members in application B/2004/0890 and the majority of the building falls within the scope of this permission.
- ❖ The proposals reduce the mass of the rear of the building in the area where the original approval has been granted for a single storey workshop with a flat roof, where a pitched roof had been introduced.
- ❖ The only objection to the alteration proposed is whether it reduces the mass of the building sufficiently to remove the material effect upon the openness of the Green Belt as the materials and design are broadly in keeping with the original
- ❖ The reduction in the height of the roof of the rear wing meets the requirements of para 8.7 of the BDLP, para 3.8(b) of PPG2 and does not conflict with the five purposes of Green Belt as set out in paragraph 1.5 of PPG2.

The appeal summary decision concluded that substantially greater floorspace had been added on the first floor, necessitating a higher roof and that this additional visual bulk had an adverse impact on the openness of the Green Belt.

The original permission granted in B/2004/0890 was for a strictly single storey arrangement to the east elevation with only limited first floor accommodation in the centre of the building. It should also be noted that the enforcement notice has been varied as outlined above and the scope of the notice reduced in terms of the works required to achieve compliance.

## Objection

Members should note the comments raised in the detailed objection above and I would concur with the view that planning decisions need to be consistent taking all material considerations into account.

## *Dodford Conservation Area*

This issue has been raised in the objection received. Dodford Conservation Area lies to the north and I do not consider that the proposal would have any impact over and above the present situation.

*Landscape Protection Area*

The Landscape Protection Area lies a considerable distance to the west of the application site and I do not consider that this proposal would have any detrimental impact, given the scale of what has already been developed on the site and the context of the immediate area.

*Emerging Core Strategy*

I do not consider that this proposal would either directly or indirectly conflict with the emerging Core Strategy.

*Green Belt/Very Special Circumstances*

I concur with the view of the objector that the car showroom is inappropriate development in the Green Belt and a case for very special circumstances has been outlined above. It is for Members to consider whether the case put forward amounts to a very special circumstance. It is important to carefully consider the planning history, the plans in respect of the enforcement notice and the plans put forward with this application.

*Consistency with previous decisions*

This issue is also raised by the objector. Previous applications on the site have been refused and an appeal has been dismissed. Formal Enforcement action has been instigated. Whilst the terms of the Enforcement Notice have been varied, this application would result in a further amendment of the terms of the notice. The issues in respect of the site are covered in the tables below:

<u>Height Comparisons</u> (Fockbury Road elevations: rear)			
B/2004/0890 (Original Consent)	As built	Amended enforcement notice	Current Proposal
3.7m	7.2	3.7m	6.0m

Terms of Enforcement Notice	Planning Application	Does the planning application fulfil the terms of the Enforcement Notice	Justification for amendment
Remodel and reduce in size the building so that it complies with the appearance, structure and dimensions as shown on plans at Appendix 2 (Ref:	Amendment to the roof of the east elevation	Not entirely. Roof will be reduced by approx 1.2m. Front section complies with terms of notice. Rear section should be flat	The applicant has stated that the flat roof above the rear section would leave the corrugated gable of the garage exposed and the proposed amendment in this application would

Drawing 07@1:100, dated Feb. 2010.		roof. The wall and hipped roof above are 2.3m above the allowed flat roof.	obscure this view. (There are photographs presented to demonstrate this change)
--	--	--	---

The proposed amendment to the roof of the east elevation would result in this application would partially comply with the terms of the enforcement notice. Members should note that the amended enforcement notice plans would comply closely with the 2004 approval and this proposed amendment is still substantially higher than that approved or later agreed for the rear section of the building. I would not attach significant weight to the argument regarding the exposure of the corrugated gable of the garage. The view of this building would be much less than the amended photographs presented by the applicant would suggest and there would be very limited views of this given the close proximity of Fockbury Road to the building. Therefore the harm to the visual amenity of the Green Belt would be very minor as a result of the view of this building.

The amendment being considered in this application would also result in the retention of additional floorspace on the first floor which was specifically identified as inappropriate in the appeal decision on B/2008/0107. The points raised in the objection in terms of consistency with previous decisions are valid.

Conclusion

I do not consider that partial compliance with the terms of the enforcement notice to be a consistent approach either in terms of the previous decisions on the site or in terms of remedying the breach of planning control. PPG18 (Enforcing Planning Control) advises that enforcement action always needs to be commensurate with the breach of planning control to which it relates. However, the terms of the enforcement have already been varied to allow for reasonable compliance with the breach of control and the harm to the Green Belt identified in the applications and appeal. I do not consider that there are very special circumstances which exist that justify a further amendment and taking all the above matters into account, permission should be refused.

**RECOMMENDATION** that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application upon the expiry of the publicity period on 25.05.2011.

**MINDED TO REFUSE**

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# Agenda Item 15

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. Adams 'A'	Proposed dwelling – Land Adjoining 19 Summerfield Road, Holy Cross, Worcestershire, DY9 9RG	GB VENV	11/0329-SC 06.06.2011

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

**Councillor Mrs. J. M. Boswell has requested that this application be considered by the Committee rather than being determined under delegated powers.**

## Consultations

WH Consulted – view received 17.04.2011: Recommends that the permission be deferred subject to the submission of plans demonstrating satisfactory access, visibility splays and parking.

Belbroughton Parish Council Consulted 19.04.2011 – no comments received as yet.

Policy Consulted – view received 03/05/2011: Policy advice provided.

Trees Consulted 19.04.2011 – no comments received as yet.

DRNG Consulted – view received 03.05.2011: No objection.

Publicity Site notice posted 28/04/11, expires 19/05/11  
1 neighbour notification letter posted 19/04/11 expires 10/05/11

4 representations in favour of the proposals received. Main points:

E-mail received from occupier 22 Summerfield Road, 05/05/2011:

“I would like to register my support for the above planning application put in by Mr Albert Adams relating to the construction of a detached property in Summerfield Road. I live at 22 Summerfield Road and feel that the development of a single detached property on the current "waste" land would enhance the character of the road.”

E-mail received from occupiers Meadowside, 04/05/2011:

“We believe the proposed development is entirely appropriate for the site, particularly taking into account it is located within Green Belt and the Clent village envelope and the planning policies which consequently apply. The land has been vacant for many years and it would be good to see a low key low density development on it. We do not believe the proposed dwelling is substantial, and it is in no way ostentatious or intrusive and would in our opinion be in keeping with the surrounding area. It can only improve the local neighbourhood as it is not currently

an appealing or attractive view and it has attracted fly tipping and other intrusion in the past. We hope the Council will agree with us that the proposed development is appropriate and grant the applicant planning consent.”

E-mail received from occupier 17 Summerfield Road, 05/05/2011:

Our family have lived at 17 Summerfield Road for 10 years, and are aware of the proposed new house proposed to be built under the above planning application.

I would like to confirm that we have no objection to this application, and think the house would make a good addition to the road.

E-mail received from occupier 75 Belbroughton Road, 05/05/2011:

I would like to support the above application as presented by Mr Albert Adams of 'Little Acre' Holy Cross, Clent.

Our family have lived at 17 Summerfield Road for 10 years, and are aware of the proposed new house proposed to be built under the above planning application.

I would like to confirm that we have no objection to this application, and think the house would make a good addition to the road.

### The site and its surroundings

This application relates to an undeveloped parcel of green space located on the southern side of the junction of Summerfield Road with Belbroughton Road, adjacent the existing property at 19 Summerfield Road.

The site is within the Green Belt and within the designated Holy Cross village envelope.

### Proposal

This application proposes a two-storey, dormer window style dwelling with attached single garage and car-port set forward of the main frontal elevation. The applicant is proposing a first floor extension to extend an existing bedroom by 1.5m and to create a new bathroom. A render finish is proposed and the existing double gable roof structure is to be continued with tiles to match existing.

### Relevant Policies

WCSP	CTC1, CTC.5, D38, D39
BDLP	DS2, DS13, DS5, S9, TR11
Draft CS	CP3, CP17
Others	SPG1, PPS1, PPG2

### Relevant Planning History

BR/436/1970 - Two dwellings with garages. – Granted (not implemented).  
B7181 – Erection of two dwellings – Refused April 1980 – Appeal dismissed April 1982.  
10/0483 - Proposed dwelling – Withdrawn 16.08.2010.  
B/1995/0020 - Erection of two detached houses – Refused - 13.03.1995

### Assessment

The main issue with this application is whether the proposed development is an appropriate form of development in the Green Belt and if not, whether very special circumstances exist to outweigh the level of harm caused.

It will also be necessary to consider the design of the proposal, its impact on the character of the street scene, its impact on the amenity of the nearby occupiers, technical matters relating to highways and drainage, and the views of third parties. I will deal with each matter under separate headings below.

### Green Belt Policy

Policy D.39 of the Worcestershire County Structure Plan and Policy DS2 of the Bromsgrove District Local Plan 2004 are in general accordance with advice given under PPG2: Green Belts in stating that inappropriate development in the Green Belt will not be allowed unless very special circumstances exist to outweigh the harm caused. Policy DS2 reflects PPG2 is setting out the instances where development in the Green Belt may be considered appropriate. With regards to new dwellings, these instances are further defined by Policy S9 of the BDLP.

Policy S9 states that new dwellings will only be considered where the dwelling falls within the following categories.

- Required for forestry or agriculture.
- Re-use of a rural building.
- Affordable housing.
- Limited infill within the defined village envelope.
- Replacement dwelling.
- Sub-division of an existing dwelling.

The application site is located within the Village Envelope of Holy Cross and as such I refer to Policy DS5 of the Bromsgrove District Local Plan 2004 (BDLP). This provides that within defined Village Envelope settlements limited housing infill may be acceptable. For the purposes of this policy 'limited infill' is defined as the development of sites located between existing development which are capable of accommodating no more than 2 dwellings, in a form which maintains the line and form of the existing buildings.

Whilst the application site is located within the Village Envelope of Holy Cross, it would not be located between existing development within the defined settlement. I am not therefore minded to treat the proposal as a form of infill development.

In any event, the explanatory text to Policy DS5 indicates that *'where gaps in frontages do occur there will be no automatic presumption in favour of development. For instance, it may be desirable to protect some 'gaps' from development because of the contribution of the site to the street scene or general character of the village or where it is desirable to retain views of the surrounding countryside'*.

In this instance I am of the view that it would be desirable to maintain this gap in the Village Envelope. The site is considered to serve an important Green Belt function by acting as a natural buffer between the Village Envelope Settlement of Holy Cross and the surrounding development to the south west of the site. Development in this location would have the effect of conjoining these two areas of existing development resulting in harm to the openness of the Green Belt and the purposes of including land within it.

I am also of the view that the natural appearance of the site helps to preserve the rural character of the village when viewed from Belbroughton Road. Furthermore it is considered that the site helps to protect views into the open Green Belt from Summerfield Road.

As the proposal is not considered to represent an acceptable form of infill development, having regard to policies DS2 and S9 of the BDLP the proposal will be treated as an inappropriate form of development in the Green Belt.

### Very Special Circumstances

In relation to Green Belts, the emphasis is on developers to demonstrate that very special circumstances exist to outweigh a proposal's harm to the Green Belt. The application's Design & Access Statement states,

"...it is argued for the applicant that very special circumstances apply in relation to this specific site given its visual appearance of unkempt ground, especially overgrown in the summer months is detracting from the rest of Summerfield Road. Further, the granting of permission also allows a replacement indigenous hedgerow to be provided to bound and screen the site."

Paragraph 1.5 of PPG2 lists the five purposes of including land within the Green Belt including "to assist in safeguarding the countryside from encroachment" and paragraph 1.4, explains that one of the intentions of Green Belt policy is to keep land permanently open. It is noted that the most important attribute of Green Belts is their openness. As such, it is not viewed that the very special special circumstances put forward by the applicant carries weight to such an extent as to outweigh the harm to openness of the Green Belt that the proposal represents.

### Design/Street Scene

This application proposes a two-storey, dormer window style dwelling with attached single garage and car-port set forward of the main frontal elevation. Though the garage and car-port are set forward, the proposals are careful to respect the existing building line on the southern side of Summerfield Road. Taken in isolation, the proposed dwelling is

considered to be of an acceptable design. The existing dwellings on Summerfield Road are two-storey and the scale of the proposal would not be incongruous in this context. However, it is the loss of the open character of the street scene at this conspicuous corner location that is viewed as harmful to visual amenity. The increased bulk of the proposed dwelling is therefore viewed as detrimental to this open and rural village vista.

### Residential Amenity Issues

The proposed dwelling is set within a well sized plot and in respect of private amenity space, exceeds the total area required by SPG1. The proposed dwelling also raises no concerns in relation to privacy or overlooking and is viewed to be in accordance with the residential amenity guidelines as set out in SPG 1.

### Highways and servicing issues

Policy TR11 of the BDLP requires all development to incorporate safe means of access and egress appropriate to the nature of the local highway network and to provide sufficient off-street parking. The County Highways Officer has been consulted with regards to the designs and has recommended that the application be deferred in order for the provision of further detail. I am of the view that, were members to grant permission, that this detail could be secured through attached conditions.

The Council's Drainage Engineer has been consulted and no objection has been raised subject to conditions requiring the submission of drainage details. On this basis, I consider that the development can be appropriately serviced.

### Other matters

I note the letters of support received from a number of local residents. The points raised in these letters have been adequately addressed in the report sections above.

## **Conclusion**

In conclusion, it is considered that the new dwelling is inappropriate development materially harmful to the openness of the Green Belt by virtue of its increased bulk. The proposal is therefore considered contrary to Policy DS2, DS5 and S9 of the Bromsgrove District Local Plan, Policy D.39 of the Worcestershire County Structure Plan and the provisions of PPG2: Green Belts. No very special circumstances have been put forward that would outweigh the harm that would be caused.

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

1. It is considered that the new dwelling is inappropriate development materially harmful to the openness of the Green Belt. The proposal is therefore considered contrary to Policy DS2, DS5 and S9 of the Bromsgrove District Local Plan, Policy D.39 of the Worcestershire County Structure Plan and the provisions of PPG2:

Green Belts. No very special circumstances have been put forward that would outweigh the harm that would be caused.

2. The proposed dwelling would be a highly visible urban feature which would adversely impact on the character and visual amenity of the open village vista, which is considered contrary to CTC.1 of the Worcester County Structure Plan, Bromsgrove District Council's Residential Design Guide SPG 1, policy DS13 and S9 of the Bromsgrove District Local Plan and the guidance in paragraph 3.15 of PPG2 Green Belts.

## BROMSGROVE DISTRICT COUNCIL

### **PLANNING COMMITTEE**

23RD MAY 2011

#### **APPEAL DECISIONS**

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

#### 1. **SUMMARY OF PROPOSALS**

- 1.1 To note a planning appeal decision which has been received since the last meeting of the Committee.

#### 2. **RECOMMENDATION**

- 2.1 Members are requested to note the report and accompanying appendix.

#### 3. **BACKGROUND**

<b>Name of Appellant</b>	<b>Plan Ref. / Proposal / Decision</b>
3.1 Mr. N. Wicklen	<p>10/0644-DK - Revised proposals for the erection of three new bungalows and alterations to existing house to provide access. Resubmission of planning application refused under reference B/2010/0195 (as augmented by baseline ecological survey received 15.07.2010 and amended by plans received 11.08.2010) - 46 Alcester Road, Hollywood, B47 5NB - See <b>APPENDIX 1</b></p> <p>Refused: 6th September 2010.                      Appeal decision: <b>dismissed</b> - 15th April 2011                      Costs decision: partial award of costs to appellant</p>

#### 4. **KEY ISSUES**

- 4.1 N/A

#### 5. **FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications arising from this report.

**PLANNING COMMITTEE**

**23RD MAY 2011**

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6. **LEGAL IMPLICATIONS**

6.1 There are no legal implications arising from this report.

7. **POLICY IMPLICATIONS**

7.1 There are no policy implications arising from this report.

8. **COUNCIL OBJECTIVES**

8.1 This report is for information only and, therefore, does not directly relate to the Council's Objectives.

9. **RISK MANAGEMENT INCLUDING HEALTH AND SAFETY CONSIDERATIONS**

9.1 N/A

10. **CUSTOMER IMPLICATIONS**

10.1 There are no customer implications arising from this report.

11. **EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 There are no equalities or diversity implications arising from this report.

12. **VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

12.1 N/A

13. **CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

13.1 N/A

14. **HUMAN RESOURCES IMPLICATIONS**

14.1 N/A

15. **GOVERNANCE / PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 N/A

**BROMSGROVE DISTRICT COUNCIL**

**PLANNING COMMITTEE**

23RD MAY 2011

16. **COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

16.1 N/A

17. **HEALTH INEQUALITIES IMPLICATIONS**

17.1 N/A

18. **LESSONS LEARNT**

18.1 N/A

19. **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 N/A

20. **OTHERS CONSULTED ON THE REPORT**

20.1	Portfolio Holder	No
	Chief Executive	No
	Executive Director (S.151 Officer)	No
	Executive Director - Leisure, Cultural, Environmental and Community Services	No
	Executive Director - Planning and Regeneration, Regulatory and Housing Services	No
	Director of Policy, Performance and Partnerships	No
	Head of Planning and Regeneration Services	Yes
	Head of Resources	No
	Head of Legal, Equalities and Democratic Services	No
	Corporate Procurement Team	No

**PLANNING COMMITTEE**

**23RD MAY 2011**

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21. **WARDS AFFECTED**

21.1 Drakes Cross and Walkers Heath

22. **APPENDICES**

Appendix 1 - Appeal report for 10/0644-DK - 46 Alcester Road,  
Hollywood, B47 5NB

23. **BACKGROUND PAPERS**

23.1 Appeal decision letter received from the Planning Inspectorate, dated 15th  
April 2011.

24. **KEY**

24.1 N/A

**AUTHOR OF REPORT**

Name: Andy C. Stephens

email: a.stephens@bromsgrove.gov.uk

Tel.: 01527 881410

Report for information

Appeal made against the refusal of Planning Permission

**Appeal Ref:** APP/P1805/A/10/2136206

**Planning Application:** 10/0644 – CAEV

**Proposal:** Revised proposals for the erection of three new bungalows and alterations to existing house to provide access. Resubmission of Planning Application refused under reference B/10/0195 (As augmented by Baseline Ecological Survey received 15/07/2010 and amended by plans received 11/08/2010)

**Location:** 46 Alcester Road, Hollywood.

**Decision:** Refused by Planning Committee contrary to Officer Recommendation.  
Appeal Dismissed.

The author of this report is David Kelly who can be contacted on 01527 881345 (email: [d.kelly@bromsgrove.gov.uk](mailto:d.kelly@bromsgrove.gov.uk)).

## **Discussion**

The first main issue to consider was the proposal's effect on the character and appearance of the surrounding area, including whether or not it would be an over-development of the site. The second main issue was its effect on the living conditions of neighbouring occupiers, mainly in terms of outlook. There is a third issue in terms of highway safety. The application was refused on these three grounds.

It was found that the proposal would amount to an over-development of the site, even though the bungalows would be small, with adequate amenity space (to the side rather than rear, in two instances) at a density not incompatible with surrounding development, and with several existing trees retained. The lack of space for additional landscaping along the south-east boundary, to help integrate the development into its garden surroundings was a further indicator of over-development.

The direct impact of the development would not be so great as to cause material harm to neighbouring occupiers' living conditions in terms of outlook (or in terms of light or privacy which were also discussed at the hearing). The proposal would not negatively impact on Highway safety and these refusal reasons could not be substantiated.

### **Costs Application**

An application for costs was made and costs were awarded against the Council for the following reason:

The third refusal reason (Highways) was not defended at the appeal. This was made clear in the Council's statement but the late notification of the Appellant of this stance resulted in the expense of a highway consultant. Therefore, costs were awarded against the LPA. Members should note that refusal of planning application because of highway safety need to be substantiated by evidence to avoid an award of costs.

### **Appeal Outcome**

The appeal was **DISMISSED**.

### **Recommendation**

**The Committee is asked to RESOLVE that the item of information is noted.**