



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 5TH MARCH 2012

AT 6.00 P.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors R. J. Deeming (Chairman), J. A. Ruck (Vice-Chairman), Mrs. S. J. Baxter, Mrs. J. M. Boswell, M. A. Bullivant, R. A. Clarke, Mrs. H. J. Jones, R. J. Laight, Mrs. C. M. McDonald, E. J. Murray, C. B. Taylor, C. J. Tidmarsh and C. J. K. Wilson

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

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

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 6th February 2012 (Pages 1 - 6)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

5. 11/1003-SG - Erection of a 2 storey side extension and the installation of an external staircase - 71 Alcester Road, Hollywood, B47 5NP - Tesco Stores Ltd. (Pages 7 - 14)
6. 11/1031-SG - Conversion of barn into living accommodation - Adj. Cornerstone, Cofton Church Lane, Cofton Hackett, B45 8BB - Ms. A. Hawker (Pages 15 - 24)
7. 11/1032-SG - Conversion of barn into living accommodation (Listed Building Consent) - Adj. Cornerstone, Cofton Church Lane, Cofton Hackett, B45 8BB - Ms. A. Hawker (Pages 25 - 30)
8. 12/0048-MT - Proposed gazebo (resubmission of application 11/0686) - Glenfield House Nursing Home, Middle Lane, Wythall, B38 0DG - Mr. C. Grant (Pages 31 - 36)
9. Appeal Decisions (Pages 37 - 48)
10. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

22nd February 2012



Bromsgrove
District Council
www.bromsgrove.gov.uk

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Declaration of Interests - Explained

Definition of Interests

A Member has a **PERSONAL INTEREST** if the issue being discussed at a meeting affects the well-being or finances of the Member, the Member's family or a close associate more than most other people who live in the ward affected by the issue.

Personal interests are also things relating to an interest the Member must register, such as any outside bodies to which the Member has been appointed by the Council or membership of certain public bodies.

A personal interest is also a **PREJUDICIAL INTEREST** if it affects:

- The finances, or
- A regulatory function (such as licensing or planning)

Of the Member, the Member's family or a close associate **AND** which a reasonable member of the public with knowledge of the facts would believe likely to harm or impair the Member's ability to judge the public interest.

Declaring Interests

If a Member has an interest they must normally declare it at the start of the meeting or as soon as they realise they have the interest.

EXCEPTION:

If a Member has a **PERSONAL INTEREST** which arises because of membership of another public body the Member only needs to declare it if and when they speak on the matter.

If a Member has both a **PERSONAL AND PREJUDICIAL INTEREST** they must not debate or vote on the matter and must leave the room.

EXCEPTION:

If a Member has a prejudicial interest in a matter being discussed at a meeting at which members of the public are allowed to make representations, give evidence or answer questions about the matter, the Member has the same rights as the public and can also attend the meeting to make representations, give evidence or answer questions **BUT THE MEMBER MUST LEAVE THE ROOM ONCE THEY HAVE FINISHED AND CANNOT DEBATE OR VOTE.**

However, the Member must not use these rights to seek to improperly influence a decision in which they have a prejudicial interest.

For further information please contact Committee Services, Legal, Equalities and Democratic Services, Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove, B60 1AA

Tel: 01527 873232 Fax: 01527 881414

Web: www.bromsgrove.gov.uk email: committee@bromsgrove.gov.uk

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 6TH FEBRUARY 2012
AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), Mrs. S. J. Baxter,
Mrs. J. M. Boswell, R. A. Clarke, Mrs. H. J. Jones, R. J. Laight,
Mrs. C. M. McDonald, E. J. Murray, J. A. Ruck, C. B. Taylor,
C. J. Tidmarsh and C. J. K. Wilson

Observers: Councillor Mrs. J. M. L. A. Griffiths

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

105/11 **ELECTION OF VICE-CHAIRMAN**

RESOLVED that Councillor J. A. Ruck be elected Vice-Chairman of the Committee for the remainder of the municipal year.

106/11 **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor M. A. Bullivant.

107/11 **DECLARATIONS OF INTEREST**

The following declarations of interest were made:-

<u>Member</u>	<u>Application(s)</u>	<u>Nature of Interest</u>
Councillor J. A. Ruck	TPO11/0116	Personal. Member of The Bromsgrove Society, the Chairman of which has made representations in respect of the application.
Councillor C. J. Tidmarsh	TPO11/0116	Personal. Member of The Bromsgrove Society, the Chairman of which has made representations in respect of the application.
Councillor Mrs. J. M. Boswell	11/0796-DK	Personal. Has known residents of the care home in the past, and also knows the proprietor.
Councillor Mrs. J. M. Boswell	11/1037-DK and 11/1038-DK	Personal. Has known residents of the care home in the past, and has also provided light entertainments for residents.

108/11 **MINUTES**

The minutes of the meeting of the Planning Committee held on 9th January 2012 were submitted.

RESOLVED that the minutes be approved as a correct record.

109/11 **TREES IN BROMSGROVE HIGH STREET - APPLICATION REF.: TPO11/0116**

Consideration was given to a report which referred to an application for the felling of 32 trees along the High Street, Bromsgrove, between The Strand and Worcester Road.

RESOLVED that no objection be made to the felling of the trees referred to in the report, subject to the planting of an equal, or greater, number of replacement trees within the High Street and the immediate area.

110/11 **TREE PRESERVATION ORDER (NO. 7) 2011 - TREE ON LAND AT 1 BROAD STREET, SIDEMOOR, BROMSGROVE, B61 8LW**

The Committee gave consideration to a report which referred to provisional Tree Preservation Order (No. 7) 2011 made in respect of a tree on land at the rear of 1 Broad Street, Bromsgrove.

RESOLVED that Tree Preservation Order (No. 7) 2011 be confirmed without modification.

111/11 **11/0796-DK - REDEVELOPMENT OF EXISTING RESIDENTIAL INSTITUTION WITHIN CLASS C2, TO PROVIDE 58 DEMENTIA/MEMORY LOSS UNITS (USE CLASS C2) (OUTLINE); DEMOLITION OF EXTENSIONS AND OUT-BUILDINGS TO THE UPLANDS AND ALTERATIONS TO ORIGINAL BUILDING TO PROVIDE 5 NO. APARTMENTS AND A DWELLING WITHIN THE COACH HOUSE (USE CLASS C3) (FULL) ALTERATIONS TO THE EXISTING ACCESSES AND ADDITIONAL CAR PARKING - THE UPLANDS, 33 GREENHILL, BURCOT, BROMSGROVE, B60 1BL - MR. AND MRS. BALES**

The Head of Planning and Regeneration Services reported the receipt of a supporting email from the applicant's agent.

At the invitation of the Chairman, Mr. M. Bales 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:

- the need for specialist housing to meet the needs of the vulnerable suffering from dementia and memory loss;
- the fact that the lawful use of the site is a Class C2 Residential Institution;

- the synergy between the proposal and the existing and proposed facilities at Burcot Grange enabling a self-contained development with public transport availability;
- the advantage of returning The Uplands to its original form in keeping with the locality; and
- the advantages of securing an improvement to the existing access to Burcot Grange and the removal of the residential institution use of the existing access at The Uplands -

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.

The Head of Planning and Regeneration Services stated that, in the event of the Committee being minded to approve the application, it would be necessary for it to be referred to the National Planning Casework Unit (formerly, the Government Office for the West Midlands), pursuant to the requirements of the Department for Communities and Local Government Circular 02/2009.

RESOLVED:

- (1) that the application be referred to the National Planning Casework Unit (formerly, the Government Office for the West Midlands) under the "departure" procedure; and
- (2) that, in the event that the application is not "called-in" by the National Planning Casework Unit, permission to approve the application be delegated to the Head of Planning and Regeneration Services subject to:
 - (a) the applicant entering into an appropriate legal mechanism to secure monetary contributions in respect of:
 - (i) education;
 - (ii) play space provision; and
 - (b) the imposition of any reasonable conditions and notes as considered necessary by the Head of Planning and Regeneration Services, with specific reference to a Construction Environmental Management Plan (CEMP); that is, formal assurance that site works are progressed sympathetically and to agreed good practice to ensure that the potential, adverse impacts of the construction period, albeit temporary, are minimised as much as possible.

112/11 **11/1037-DK - NEW DEMENTIA CARE EXTENSION TO EXISTING CARE HOME INCLUDING LISTED BUILDING ALTERATIONS AND ALTERATIONS TO EXISTING CARPARKING (APPLICATION FOR PLANNING PERMISSION) - THE LAWNS RESIDENTIAL HOME, SCHOOL LANE, ALVECHURCH, B48 7SB - MR. D. OLIVER**

At the invitation of the Chairman, Councillor Mrs. J. M. L. A. Griffiths addressed the Committee and spoke in support of this application (11/1037-DK) and the associated application for Listed Building Consent (11/1038-DK).

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 the need for dementia care outweighed any harm to the setting of the Listed Building and the character of the Conservation Area, and also outweighed any harmful impact on the residential amenity of the adjoining properties.

The Head of Planning and Regeneration Services stated that, in the event of the Committee being minded to approve the application, it would be necessary for the Council to consult with English Heritage who may request that it be referred to the National Planning Casework Unit (formerly, the Government Office for the West Midlands), due to the impact the development would have on the setting of a Listed Building.

RESOLVED:

- (1) that English Heritage be consulted as to whether the application should be referred to the National Planning Casework Unit under the "departure" procedure; and
- (2) that, in the event that the application is not referred to, and / or subsequently "called-in" by, the National Planning Casework Unit, permission to approve the application be delegated to the Head of Planning and Regeneration Services subject to the imposition of any reasonable conditions and notes as considered necessary by the Head of Planning and Regeneration Services, with specific reference to a belt of screening to the boundary with the adjacent dwelling known as 'The Close'.

113/11 **11/1038-DK - NEW DEMENTIA CARE EXTENSION TO EXISTING CARE HOME INCLUDING LISTED BUILDING ALTERATIONS AND ALTERATIONS TO EXISTING CARPARKING (APPLICATION FOR LISTED BUILDING CONSENT) - THE LAWNS RESIDENTIAL HOME, SCHOOL LANE, ALVECHURCH, B48 7SB - MR. D. OLIVER**

Consideration was 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 the development would not have a detrimental impact on the setting and fabric of the Listed Building.

The Head of Planning and Regeneration Services stated that, in the event of the Committee being minded to approve the application, it would be necessary for the Council to consult with English Heritage who may request that it be referred to the National Planning Casework Unit (formerly, the Government Office for the West Midlands), due to the impact the development proposed under Plan Ref.: 11/1037-DK would have on the setting of a Listed Building.

RESOLVED that, in the event that the application is not referred to, and / or subsequently "called-in" by, the National Planning Casework Unit, permission to approve the application be delegated to the Head of Planning and Regeneration Services subject to the imposition of any reasonable conditions and notes as considered necessary.

114/11 **11/1091-SC - PROPOSED BEDROOM AND BATHROOM EXTENSION, AND MINOR LAYOUT AMENDMENTS - 420 BIRMINGHAM ROAD, MARLBROOK, BROMSGROVE, B61 0HL - MR. M. SHARPE**

The Head of Planning and Regeneration Services reported the receipt of an amended plan which more accurately reflected the existing and proposed roof structure of the property the subject of the application.

RESOLVED:

- (a) that, subject to the receipt of no further representations during the remainder of the consultation period, authority to approve the application be delegated to the Head of Planning and Regeneration Services upon the expiry of the consultation period on 8th February 2012; or
- (b) that, in the event of further representations being received before the expiry of the consultation period, authority to determine the application be delegated to the Head of Planning and Regeneration Services in consultation with the Chairman of the Planning Committee to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

115/11 **11/1102-DK - DEMOLITION OF EXISTING DWELLING AND ERECTION OF 3 NO. DETACHED DWELLINGS AND ASSOCIATED PARKING - 1 BLAKES FIELD DRIVE, BARNT GREEN, B45 8JT - MR. S. HUSSEY**

The Head of Planning and Regeneration Services reported the comments of the Drainage Engineer and Lickey and Blackwell Parish Council, and stated that an additional 62 representations had been received in respect of the application. She also reported the receipt of a letter from the applicant.

At the invitation of the Chairman, Mr. I. Rose addressed the Committee and spoke in opposition to the proposals, followed by Mr. N. Boddison who spoke in support of the application. Lastly, Mr. A. Flynn addressed the Committee and spoke on behalf of Lickey and Blackwell Parish Council.

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

- (a) be out of keeping with the existing form and layout of development in the locality; and
- (b) be harmful to the visual amenities of the locality.

RESOLVED that permission be refused for reasons (a) and (b) above.

116/11 **APPEAL DECISIONS**

Consideration was given to a report relating to a planning appeal decision which had recently been received.

RESOLVED that the report and accompanying appendix be noted.

The meeting closed at 8.00 p.m.

Chairman

Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Tesco Stores Ltd. 'A'	Erection of a 2 storey side extension and the installation of an external staircase (as amended by plan received 03.02.2012 and augmented by Draft Travel Plan received 08.02.2012) 71 Alcester Road, Hollywood, B47 5NP	RES	11/1003-SG 23.01.2012

RECOMMENDATION: that permission be **GRANTED**

Councillor L. J. Turner has requested that this application be considered by the Committee, rather than being determined under delegated powers.

Consultations

WH	Consulted 07.12.2011, expired 21.12.2011 - no objection subject to conditions.
Wythall PC	<p>Comments received 21.12.2011 - object for the following reasons:</p> <ol style="list-style-type: none"> 1. The change of use for the type of retail outlet involves will, without doubt, increase the number of visitors to this site with the inevitable increase in vehicles and we would query how the existing car parking facilities can cope with two retail outlets on one site, coupled with delivery vehicles at all hours of the day and evening. 2. Uphold residents concerns, particularly those living on the adjacent service road to their properties, as regards indiscriminate parking by people attending the retail outlet proposed. This comment also applies to adjacent roads such as Hollywood Lane. 3. The junction of Hollywood Land and Alcester Road is already the scene of many accidents due to the road lay-out and the increased number of vehicles now using the roads compared when the site was once a petrol filling station several years ago. If this application were to be granted then a vast increase in traffic movement would be envisaged. 4. the application site is situated in a pre-dominantly residential area and concerns have been expressed as to the proposed hours of openings, i.e. 7am - 11pm Mon - Sat with restricted Sunday opening. Increased light pollution has also been a matter of concern. 5. Query raised as to why an additional supermarket is required in this location - within a one mile radius of this site there are already 16 convenience stores with others in the pipeline. 6. It was noticed in the plans that refrigeration units are to be sited at the rear of the premises immediately adjacent to the first residence in Hollywood Lane - these systems create noise non-stop and would, of course remain running whilst the store was closed. 7. It was also noticed on the plans there appears to be shown any new toilet facilities - existing ones being removed?

8. We would query the means of access into the 'store room' through door in proposed extension - this door appears to be quite limited for accommodating delivery of good.

ENG	Consulted 30.08.2011, expired 13.09.2011 - no comments received.
EDO	Consulted 07.12.2011, expired 28.12.2011 - no comments received.
SPM	Consulted 07.12.2011, expired 21.12.2011 - no comments received.
EHM	Consulted 07.12.2011, expired 21.12.2011 - no objection subject to conditions relating to remedial measures.
Publicity	Neighbour notification - 2 letters sent 07.12.2011, expired 28.12.2011. Site notice posted 08.12.2011, expired 29.12.2011.

7 objections; summarised below:

- Already 16 convenience stores in the area
- Will adversely affect existing businesses
- Traffic issues including congestion at a busy road junction
- Will incur nuisance parking within small access road affecting safety
- Conflict with car parking space when deliveries are taking place
- More delivery vans
- Insufficient parking at the site for staff and customers, which will cause parking issues and cars parking in the adjacent service road
- Concerns regarding increased opening hours
- Concerns that the service road will be used to access the store car park both for deliveries and normal business use
- Building is not in keeping with residential area and an extension to an already poorly constructed and unsightly building should not be allowed
- The stores refrigeration displays and heating/cooling systems are not been indicated on the drawings nor a noise survey been carried out
- The 3rd unit has no means of access for the disabled
- Tesco's will put the little man/local shop owner out of business
- Additional light pollution will be caused
- Two businesses in one unit will create more deliveries
- Will be a hang out area for local youths
- The premises will be licensed till 11pm which will bring extra problems for the police with drunkenness and disorderly behaviour
- Extension will be even more detrimental to external appearance of the building
- Noise and disturbance issues relating to refrigeration units and longer business hours
- Development will increase the carbon footprint
- External staircase will be an intrusion of neighbouring residents privacy
- There will be additional litter
- Will cause extra traffic to this already busy area, which will compromise road safety

- The sides and back of the building will dominate the side views from neighbours garden and this extension

2 letters of support; comments summarised below:

- Since Anglo Italian moved to the site and replaced the car wash noise pollution has been removed
- Anti-social behavioural issues have been eradicated since Anglo Italian moved to the site
- Anglo Italian keep the grounds professional clean and tidy
- Traffic would not be an issue since the building holds ample parking spaces and room for lorries to easily drop of products with minimal disruption to the surrounding areas
- Anglo Italian employ local people and sub contract out to over 50 local residents
- The deal with Tesco is crucial financially for us to survive and will boost business opportunity to the area, whilst servicing the local residents with a high quality outlet
- The alterations will effect residents in a positive way
- As a blue chip company, Tesco ensure positive relations with local business and look to secure products from surrounding areas, so this deal will boost the local economy, offer growth, much needed employment and convenience to the local people

The site and its surroundings

This application relates to a two storey mono-pitched building located on the junction of Alcester Road and Hollywood Lane, Hollywood. The building is part brick and part iron clad with an external steel staircase on the rear elevation. The site lies in a residential area, surrounded by dwellings on 3 sides, with a golf club house on the opposite side of Hollywood Lane. The site is currently occupied by Anglo Italian, a ceramic tile showroom, with an A1 use, which was granted planning permission in June 2006. There is associated car parking to the front of the site with access off Alcester Road. It is my understanding that the Hollywood Lane access into the site is used by large vehicles for deliveries.

Proposal

A two storey extension is proposed by Tesco Stores Ltd at the northern end of the building. The extension would measure 2.7m (w) x 10.4 (l) and create an additional 56m² of gross external floorspace. The extension would include a new door to provide level access into the store and the extension would house an internal goods lift and staircase to the first floor. The proposal also includes the installation of stairs on the southern end of the building to provide access to the first floor. A canopy and cladding would be formed around the stairs which would also include a disabled stair lift.

The proposed plans indicate the sub-division of the building into 3 separate units - 2 at first floor level and 1 on the ground floor. The appellant has explained that the existing tile shop would utilise the southern first floor unit and that the northern first floor unit would be used for Tesco's storage purposes. The Tesco shop would operate from the ground floor.

It is important to note that this application is not the subject of a change of use since the site has an extant A1 use.

Policy E4 of the Bromsgrove District Local Plan is most relevant in determining the proposed development and the main issues to consider are:

- whether the scale and nature of the activity is appropriate for the area in which it is located;
- whether the alterations to the existing fabric are sympathetic to the form and character of the development and its setting;
- whether the proposal would be appropriate in terms of traffic implications and parking requirements; and
- whether the proposed development would be acceptable in terms of residential amenity.

Relevant Policies

WMSS	QE3
WCSP	D.27, D.34
BDLP	DS13, E4
DCS2	CP3
Others	PPS1, PPS4, PPG13

Relevant History

B/2006/0190	Proposed ceramic tile showroom, car parking and associated works at 71 Alcester Road, Hollywood (amended drawings received on 24 th May 2006). Granted 28.06.2006.
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Assessment

Design

In view of the fact that the site has a commercial A1 use, I consider the nature of the proposal to be appropriate within the curtilage of the site. Taking into consideration the siting of the extension on a relatively small area of hardstanding between the building and the highway, which would be no closer to the neighbouring dwelling; I consider the two storey scale extension would be suitable within the context of the site and surroundings.

The proposal would match the form and design of the existing building and utilise matching materials. For this reason I consider the extension would be sympathetic to the form and character of the building. Contrary to the comments from a third party, I do not consider the extension would have a detrimental impact on the external appearance of the building over and above that which exists.

Highways

Comments from third parties in respect of highway matters are duly noted.

The County Highways Officer has been consulted in respect of the provision for parking and traffic implications. The applicant has provided a draft Travel Plan to supplement the application with the intention of producing a full Travel Plan Statement following planning permission.

The site currently provides 15 car parking spaces and 2 disabled spaces. The proposal would improve the current provision by providing 18 car parking spaces, 2 disabled spaces and 10 sheltered and secure cycle spaces, 6 for customers and 4 to the rear for staff.

The Highways Officer is satisfied that the increase in provision of car and cycle parking would be appropriate for the proposal in respect of the floor space (56m²) to be created by the development. On the basis that the Highways Officer is satisfied with the provision of parking, I do not consider the proposal would result in the displacement of vehicles onto the public highway. For this reason I do not consider the proposal would have adverse highway safety implications.

It is proposed that the delivery vehicular access to the site off Hollywood Lane would remain. Whilst additional deliveries would be expected, the comparison against parking standards does not warrant any additional delivery facilities. I recognise that there is the potential for conflict with the accessibility of some of the parking spaces at delivery times; however it is considered likely that the retailers would arrange deliveries to avoid peak times and that delivery would operate swiftly.

According to the Smarter Choices Policy of the Worcestershire Local Transport Plan 3, workplaces will be encouraged to develop a Travel Plan. Therefore a draft Travel Plan Statement has been composed in order to meet the needs of the local authority.

Amenity

The northern end of the existing building breaches the 45 degree code with no. 11 Hollywood Lane. By virtue of its scale and siting I do not consider the extension would cause any significant losses of light to no. 11 Hollywood Lane beyond that which exists. Having regard to the matter of light pollution raised by third parties I note that only 1 new door has been proposed on the northern elevation. For this reason I do not consider the extension would give rise to issues of significant light pollution over and above that which exists. Whilst a new staircase has been proposed on the southern end of the building; since this would be covered with a canopy and clad at the sides I am content that the proposal would safeguard the privacy of adjoining occupiers.

I note that noise and disturbance issues relating to plant equipment would be the subject of a separate planning application.

Overall I do not consider the proposal would have an adverse impact on the residential amenities of adjoining occupiers over and above that which exists.

Other issues

The proposal would provide 25 employment opportunities and allow the local business of Anglo Italian to continue to trade at the premises. I consider therefore, that the proposal would therefore benefit the local economy and support the objectives of PPS4.

Members are reminded that economic benefits constitute a material consideration that should be considered when determining the application.

I note the comments from third parties in respect of increased opening hours, commercial competition and anti-social behaviour, however, by virtue of the site having an extant A1 use with no restrictions on opening hours; I am mindful that the proposal does not constitute a change of use. These matters do not therefore amount to material considerations in respect of the proposed extension.

Recommendation: that permission be **GRANTED**.

Conditions:

1. The development must be begun not later than the expiration of three years beginning with date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing Number F9D10-211 A(00)01 received 28.11.2011;
Drawing Number F9D10-211 A(00)03 received 28.11.2011;
Drawing Number F9D10-211 A(00)06 received 28.11.2011;
Drawing Number F9D10-211 A(00)07 received 28.11.2011;
Drawing Number F9D10-211 A(00)80 received 03.02.2012;
Drawing Number F9D10-211 A(00)81 received 28.11.2011;
Drawing Number F9D10-211 A(00)82 received 28.11.2011;
Drawing Number F9D10-211 A(00)83 received 28.11.2011;
Drawing Number F9D10-211 A(00)84 received 28.11.2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development hereby permitted shall not be brought into use until the turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.

Reason: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway.

4. Two car parking spaces shall be provided on the site for the use by the disabled in a location to be agreed in writing by the Local Planning Authority. Such spaces shall be satisfactorily identified and reserved solely for that purpose and shall be made available prior to the developments occupation.

Reason: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway.

5. Prior to the first use of the extension hereby approved secure parking for 6 cycles to comply with the Council's standards shall be provided within the curtilage of each dwelling and these facilities shall thereafter be retained for the parking of cycles only.

Reason: To comply with the Council's parking standards.

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

WMSS	QE3
WCSP	D.27, D.34
BDLP	DS13, E4
DCS2	CP3
Others	PPS1, PPS4, PPG13

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

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Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Ms. A. Hawker 'A'	Conversion of barn into living accommodation ancillary to Cornerstone. Adjacent to Cornerstone, Cofton Church Lane, Cofton Hackett, Rednal, Birmingham, B45 8BB	GB Curtilage LB	11/1031-SG 03.04.2012

RECOMMENDATION: that permission be **REFUSED**.

Consultations

WH Consulted 13.01.2012, expired 27.01.2012 - no objection.
Cofton Consulted 13.01.2012, expired 03.02.2012 - no comments received.
Hackett PC
EHM Consulted 13.01.2012, expired 27.01.2012 - no objection.
SPM Consulted 13.01.2012, expired 27.01.2012 - The site is located outside the residential area of Cofton Hackett and is located within the designated Green Belt and therefore policy DS2 and S9 of the Bromsgrove District Council Local Plan, and PPG2 all apply.

A change of use can be acceptable within the Green Belt where the change in use causes no additional harm to the openness of the Green Belt. As the proposal involves a conversion in a rural setting, PPS7, SPG4 and policy C27 of the Bromsgrove District Council Local Plan are relevant and should be considered.

The views of the Highways Engineer will be of relevance in relation to surrounding highway capacity and sustainability issues, together with PPG13 Transport and policy DS13 Sustainable Development of the BDLP.

TO Consulted 13.01.2012, expired 03.02.2012 - no objection subject to conditions.
EH Consulted 13.01.2012, expired 03.02.2012 - the applications should be determined in accordance with the national and local policy guidance, and on the basis of your specialist conservation advice.
BCO Consulted 13.01.2012, expired 03.02.2012 -
A building regulations application will be required for the works.
1. Structural Engineers report will be required for the existing foundations to check the suitability for the increased load from the roof design.
2. The foul drainage outfalls to be confirmed.
3. The storm drainage to be taken to soakaway pits.
4. Bedroom Windows 5 and 6 need to provide a means of escape area of 0.33m sq. Therefore an unobstructed clear opening of 450 mm x 750mm opening light will be required per bedroom.
CO Consulted 13.01.2012, expired 27.01.2012 -
The property comprises a small barn within the grounds of the Grade II*

listed house previously known as Cofton Hall, and is therefore to be treated as a curtilage listed building.

The guidance on the conversion of barns and other rural buildings is contained in SPG4 'Conversion of Rural Buildings.' Section 2.5 b of the guidance states 'The building should be large enough for the proposed use without the need for significant enlargement or alteration.' Raising the roof to accommodate another floor is a significant alteration. The applicant needs to consider whether a first floor can be created without doing this, perhaps inserting it at the level of the existing hayloft, or just keeping the living accommodation to ground floor level. Raising the roof will significantly alter the appearance of the building. It will be an obvious alteration as it will be very difficult to match the bricks adequately. Section 2.5 states 'Where an existing building is dilapidated, the quality of the original building can be erased where substantial new work is required. It is not the aim of the policy to allow conversion schemes where substantial rebuilding is necessary.'

The main characteristics of Worcestershire Barns are their simple shapes, limited number of openings, solid dominates over voids, and there is an absence of over elaboration. The proposed scheme undermines a number of these characteristics.

It is proposed to insert two dormers in the rear elevation, Section 3.2 of PPG 4 states that 'Large unbroken roof slopes are often a characteristic feature of agricultural buildings. These should be respected especially as they are often seen at a distance and can dominate elevations. New roof openings will normally be opposed; dormers and upstanding roof lights can bring about a significant change in the character of a farm building.' Conservation roof lights have been proposed for the front elevation and these should be as small as possible.

Large patio doors are proposed for the rear elevation where there are currently no openings except for some traditional ventilation holes in a diamond shape. In addition a further window opening is proposed at the other end of this elevation. Section 3.3 of PPG4 states 'Agricultural buildings are characterised by a few window and door openings. The re-use of existing openings is favoured, additional doors and windows should be kept to a minimum and reflect existing patterns. New windows and door openings should preferably be located on the 'inside' elevations away from the public view. Window and door frames should be painted/stained a dark colour to decrease visual impact and should be recessed behind the main face of the brickwork.' The rear elevation is the 'outside' face of the building as this side faces the main driveway, while the other side faces neighbouring farm buildings. The insertion of patio doors would be inappropriate, resulting in a domestication of the building. Possibly a window could be inserted here instead, there is already one window opening, but the applicant has proposed an opening at the far end of this elevation. I consider three windows on this elevation would be unacceptable and should be kept to two.

The window on the south east gable should be replicated if it cannot be repaired.

Finally the applicant has proposed to replace the main barn doors on the rear elevation with a door and wood panel, therefore maintaining the opening itself. Again I consider this will result in a domestication of the barn. There is no specific guidance on barn doors in the guidance, but there is guidance in respect of wagon arches which I think can be applied here. Section 3.4 states that 'wagon arches should be fully glazed..... If glazing is used, the vertical dimension should be emphasised with no obvious signs that the conversion forms two floor levels.' The glazing of wagon arches can often provide illumination to the main internal spaces of the building and borrowed light to other rooms.

In addition to considering applications against local guidance, local authorities need to consider them against national guidance, and in particular PPS5. HE 7.5 of PPS5 states that 'Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.' As this proposal would appear to undermine much of the barn's recognised character, I do not consider that it will make a positive contribution to the character and local distinctiveness of the historic environment.

I would therefore have to recommend that this application is refused.

ENG	Consulted 13.01.2012, expired 27.01.11 - no objection subject to conditions.
RA	Consulted 13.01.2012, expired 27.01.2012 - no comment.
WCC(PROW)	Consulted 13.01.2012, expired 03.02.2012 - no comment.
WCC(CA)	Comments received 06.02.2012 - no objection subject to conditions.
Publicity	8 letters sent 20.01.2012 expires 10.02.2012. Site notice posted 18.01.2012 expire 08.02.2012. Press notice 27.01.2012 expire 17.02.2012.

3 objections received -

- This barn conversion will allow further multi occupancy property in the area it is not for use as ancillary to a residential house.
- The proposal will increase the transitional population in the local area affecting its character.
- The large post mature beech trees adjacent, and so close that they could pose a risk to the inhabitants of the conversion.
- The barn is within the curtilage of a listed building, raising the roof of the barn and putting dormers will change character of the barn.
- Concerned that adjacent barns may request similar dormers and raising of roof once precedent is set leading to change in character of the area.

- Proposed changes to the barn are out of keeping with its location; in particular the significant increase in elevation of the roofline would be unsympathetic to its listed character and the surrounding area.
- The intended use of the building is not viable regarding the impact on the fabric, setting and character of the building.
- The proposed height of the building and windows on its north elevation will have a negative impact on my privacy and enjoyment of my property.
- The residential use would have a significant negative impact on the surrounding trees.
- The proposal would fundamentally alter this historical setting especially with regard to the elevated roof line.
- A dwelling would have a major, deleterious impact on this fairly unique wildlife habitat.

The site and its surroundings

Cornerstone, formally Cofton Hall, is a detached manor house located at the end of a long drive, south-east off Cofton Church Lane. It sits within a 1.98 hectare site which includes a large number of mature trees adjacent the drive. The house was Grade II* listed in 1952. The present owners of Cornerstone are the Jesus Fellowship and the building is used as a Christian Community. There is a small brick built barn located within the grounds of the listed house which is the subject of this application. By virtue of its siting within the ground of Cornerstone, the barn constitutes a curtilage listed building. The barn consists of three rooms with a hayloft over the middle room. There is an informal track between the main house and the barn. According to the Design and Access Statement the barn is indicated on the 1884 map of Worcestershire. Adjacent the barn is a timber shed with a roof structure supported off timber posts and enclosed with makeshift infill walls. The nearest residential properties to the barn are Cofton Hall Farm 32 metres to the east and Beech Coppice, a converted rural building, which is 21 metres to the north.

Proposal

It is proposed to convert the barn into living accommodation and raise the height of the building to include a first floor. A kitchen, lounge and w.c. are proposed on the ground floor with 2 bedrooms and a bathroom on the first floor. The height of the building would be increased by 0.75 metres by raising the walls of the barn with new brick. A new slate roof is proposed to replace the existing tin and asbestos roof. It is proposed that the living accommodation would be used for ancillary accommodation to Cornerstone, which is a community house. Cornerstone is classed a house in multiple occupancy and the barn conversion would be used for permanent residents linked to the main community house providing some independent facilities.

Relevant Policies

WMSS	QE1, QE5, QE6
WCSP	SD.2, CTC.1, CTC.19, CTC.21, D.16, D.38, D.39
BDLP	DS2, DS13, C27, C10A, S39, TR11, ES4, ES5

Relevant Policies (cont'd)

DCS2 CP3, CP16, CP17, CP20

Others PPS1, PPG2, PPS5, PPS7, PPS9, Circular 06/2005, SPG1, SPG4

Relevant Planning History

None relevant to the barn.

Notes

The main issues in the consideration of this application are whether the proposal is appropriate development in the Green Belt, the design of the scheme and its impact on the Listed Building, the structural condition of the building, ecological and parking issues and the impact on the amenities of adjoining occupiers.

Green Belt

Policy DS2 of the Bromsgrove District Local Plan 2004 is in general accordance with the provisions of PPG2: Green Belts in setting out the instances where development may be considered appropriate in the Green Belt. One such instance is proposals for the re-use of rural buildings in accordance with Policy C27. Policy C27 sets out a number of criteria against which proposals for the re-use of rural buildings are assessed. Criterion a states that proposals must not have a materially greater impact than the present use on the openness of the Green belt and the purposes of including land in it. Criterion b states that extensions to any re-used rural building and associated land surrounding the building will be strictly controlled, where this would conflict with the openness of the Green Belt and the purposes of including land in it.

The conversion scheme involves an increase in the height of the roof across the length of the barn by 0.75m. The heightening of the barn would accommodate 2 first floor bedrooms and a bathroom. As a result of the conversion scheme, there would be an additional 45m² of useable floor space or 69% at first floor level, and the volume of the building would be increased by 43m³. As such, I consider the proposal would harm the openness of the Green Belt and would have a materially greater impact than the present use. For this reason I consider the proposal represents an inappropriate form of development in the Green Belt. No very special circumstances have been put forward or have been found to exist that would outweigh the harm to Green Belt openness.

There is an existing lengthy track that extends North West from the main house towards the east side of the barn. Access to the track is gained via the main entrance to Cornerstone. It is proposed to upgrade the track to a driveway with a gravel finish providing a new parking and turning area, covering an area of approximately 200m². A small paved patio has also been proposed to the rear of the barn covering an area of 10.8m². The laying of hardstanding constitutes an inappropriate form of development in the Green Belt. On this basis, it is now for me to consider whether there are any very special circumstances for allowing the proposal. In view of the fact that gravel has been proposed for the access and parking area, and that the materials of the patio could be stipulated to ensure a rustic appearance; it is considered that the proposal would

safeguard the countryside from encroachment and retain the visual amenities of the Green Belt.

Design Issues and Listed Building Impact

The barn is divided into three sections by full height brick walls; a full height room at the lower end (room 1), a central room with a timber hayloft above (room 2) and the higher end room (room 3) which contains an old chimney. The main opening to the barn into the central section is a modern garage door on the front elevation. Room 1 is a separate area accessed by a timber door in the south-east end elevation. There is an original oak window above this door in the end elevation. Room 3 has an original window with timber shutters on the front elevation and room 2 has a window at the rear which has been in filled with glass. The roof is a mixture of asbestos and tin which has been repaired and replaced over the years. The barn is currently used as storage ancillary to Cornerstone.

Policy C27 of the BDLP and policy D.16 of the Worcestershire County Structure Plan 2001 (Re-use and conversion of buildings) states that the form, bulk and general design of a conversion scheme should be in keeping with its surroundings and respect local building styles and materials. The Council's Supplementary Planning Guidance Note 4: Conversion of Rural Buildings (SPG4) notes that one of the reasons for allowing conversion schemes is to preserve the character and integrity of the original building. Paragraph 3.0 states that a building should be capable of conversion to its new use without loss of those characteristics which make it worth keeping. Section 2.5 b of the guidance states 'The building should be large enough for the proposed use without the need for significant enlargement or alteration.' The raising of the roof to accommodate another floor is considered to be a significant alteration. In addition, raising the roof of the barn would significantly alter the appearance and integrity of the building. In my opinion it would be an obvious alteration since it would be very difficult to match the bricks adequately. Section 2.5 also states that 'Where an existing building is dilapidated, the quality of the original building can be erased where substantial new work is required. It is not the aim of the policy to allow conversion schemes where substantial rebuilding is necessary.'

The main characteristics of this barn, and Worcestershire barns in general are their simple shapes, limited number of openings, solid dominates over voids, and their absence of over elaboration. The proposed scheme undermines a number of these characteristics.

Section 3.2 of SPG 4 states that 'Large unbroken roof slopes are often a characteristic feature of agricultural buildings and that these should be respected, especially as they are often seen at a distance and can dominate elevations. The proposal would introduce two dormers in the rear elevation and 3 roof lights on the front elevation. I consider the proposed dormer windows would bring about a significant change in the simple and utilitarian character of a farm building. Conservation roof lights have been proposed on the front elevation, which would be less harmful.

Large patio doors are proposed for the rear elevation where there are currently no openings except for some traditional ventilation holes in a diamond shape. In addition a further window opening is proposed at the other end of this elevation. Section 3.3 of PPG4 states 'Agricultural buildings are characterised by a few window and door

openings. The re-use of existing openings is favoured, additional doors and windows should be kept to a minimum and reflect existing patterns. New windows and door openings should preferably be located on the 'inside' elevations away from the public view. Window and door frames should be painted/stained a dark colour to decrease visual impact and should be recessed behind the main face of the brickwork.' The rear elevation is the 'outside' face of the building as this side faces the main driveway to Cornerstone, while the other side faces neighbouring farm buildings. The insertion of patio doors is considered inappropriate since it would result in a domestication of the building. Furthermore, the cumulative impact of three windows on this elevation would damage the utilitarian appearance of the barn.

It is proposed to replace the main barn doors on the rear elevation with a door and wood panel. The dimensions of the replacement door and panel would fail to respect the width of existing opening. A smaller opening would require the infilling of brickwork and the design of the replacement opening would, in my view, result in a domestication of the barn. While there is no specific guidance on barn doors in SPG4, I consider the advice in respect of wagon arches is applicable. This states that 'wagon arches should be fully glazed... [and] if glazing is used, the vertical dimension should be emphasised with no obvious signs that the conversion forms two floor levels.'

Whilst the proposed access and turning area would be large, I am mindful that due regard has been given to the surface material in the form of gravel to minimise domestication. The proposal seeks to incorporate a paved area to the rear of the barn. In my opinion this feature would be out of character next to a converted farm building. However, given that the patio would be to the rear of the building, close to mature trees, and level with the ground, in this instance I consider the patio would create minimal visual harm.

In view of the fact that the barn is a curtilage listed it is important to assess the impact of the scheme on the historic environment against local guidance and national guidance, in particular PPS5. HE 7.5 of PPS5 states that 'Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.' As this proposal would appear to undermine much of the barn's recognised character, I do not consider that it would make a positive contribution to the character and local distinctiveness of the historic environment. For this reason I consider the proposed conversion would have a negative impact on the character, historic interest and simple architectural quality on the curtilage listed building and would also be harmful to the setting of the Grade II* Listed Building. This is contrary to local policy S39 and the provisions of PPS5.

Structural condition of the building

Policy C27 requires rural buildings to be converted to be a permanent and substantial construction and capable of conversion without major works or complete reconstruction. Policy D.16 of the WCSP has a similar requirement.

The conversion scheme involves removal of the roof, currently metal sheet profiling to be rebuild with slate, and also a heightening of the existing walls by 0.75m. To my mind, the re-roofing of the entire building and building up of walls represents major works. Since no

structural report has been submitted with the application it is indeterminate as to whether other works are required. In addition, it cannot be demonstrated that the building is of permanent and substantial construction and capable of conversion without major works or complete reconstruction. As such the proposal does not accord with criterion c of Policy C27.

Ecological issues

PPS9: Biodiversity and Geological Conservation (paragraph 1vi) states that "The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests." Where a proposed development would adversely affect those interests suitable mitigation measures will need to be secured or, where significant harm cannot be prevented, adequately mitigated against or compensated for, then planning permission should be refused. Policy C10A of the BDLP states that the Council will seek to minimise the effects of development proposals on features of nature conservation importance in the District. Policy QE7 of the WMSS requires Local Authorities to encourage the maintenance and enhancement of the Region's wider biodiversity resources giving priority to (among other criteria) the protection of statutory protected species.

Article 12 (1) of the EC Habitats Directive requires Member States to take requisite measures to establish a strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites or resting places. This directive is implemented by the Conservation (Natural Habitats, etc.) Regulations 1994. Administrative guidance on the application of law relating to planning and nature conservation is provided in Circular 06/2005. Paragraph 116 of the Circular states that under regulation 3(4) of the 1994 Regulations, a Local Planning Authority has a duty to have regard to the Habitats Directive when dealing with planning applications where a European protected species may be affected.

The applicant has not submitted an ecological survey to demonstrate the presence or otherwise of protected species, and the extent that they may be affected by the proposed development. For this reason I do not consider all relevant material considerations may have been addressed in order to determine the application appropriately and in accordance with Paragraph 99 of Circular 06/2005.

Parking and access issues

Policy C27 states that traffic generated by a conversion scheme must be able to be accommodated and parking facilities should exist or be provided without detriment to highway safety, the visual amenities of the Green Belt or the character of the local rural environment. A physically suitable access is proposed as an extension of the existing access to the main house off Cofton Church Lane. The access, parking and manoeuvring areas are considered acceptable, particularly since the building is proposed for ancillary living accommodation. The County Highways Officer has not raised any objections. To my mind the conversion scheme for ancillary living accommodation would provide a negligible increase on car journeys to and from the site.

Residential amenity

Since the proposed conversion would provide ancillary living accommodation to the main house; an independent residential curtilage has not been proposed. The curtilage area around the main house and barn already constitutes garden land and the proposal would not change this. Since new velux openings have been proposed on the front facing roof slope; it is be important to assess the impact of the proposal on the privacy of adjoining occupiers. I note that the north west end elevation would remain blank.

SPG1 provides advice on acceptable distances in order to safeguard the privacy of adjoining occupiers. Paragraph 8.5 of SPG1 states that 'as a general guide new development with main windows overlooking existing private spaces should be set back by a distance of 5m per storey from the site boundary where it adjoins a private garden area.' The proposed conservation roof lights would be positioned approximately 1.45m above the floor level of the first floor. For this reason these openings would provide opportunities for overlooking towards Beech Coppice and Cofton Hall Farm. The distance between the roof light to bedroom 2 and the rear garden of Beech Coppice would be just 8metres. Consequently I consider the proposal would infringe of the privacy of the occupiers of Beech Coppice when spending time in the garden, particularly since there is no formal boundary treatment. The opening on the front roof slope would look towards the front garden of Cofton hall Farm and there would be a distance of 10.5 from the common boundary. For this reason I do not consider the proposal would have a significantly detrimental impact on the amenities of the occupiers at Cofton Hall Farm.

In order to secure an acceptable level of privacy between the main rooms of new dwellings and neighbouring properties, SPG1 recommends a minimum separation of 21 metres within a 90 degree arc centred about the centre line of the window concerned. The window to window distance between the nearest velux opening and Beech Coppice would be 26m and the distance between Cofton Hall Farm would be 35.5m. For this reason I find the separation distances to be acceptable and do not consider the proposal would have a significantly adverse impact on the privacy of the adjoining occupiers. The openings on the rear and south end elevation would look over the grounds of Cornerstone and would not therefore give rise to any amenity issues.

Since the barn sits within the grounds of Cornerstone within a 1.98 hectare site, there are plentiful amounts of amenity space for the proposal.

Services

Criterion f of policy C27 states that the provision of necessary services must not adversely affect the environmental character or visual amenities of the Green Belt. The Drainage Engineer has been consulted and has raised no objections subject to conditions requiring details of the disposal of storm and foul water.

Trees and Landscaping

All the mature trees on the site are protected by a Tree Preservation Order. There is a fully mature protected Beech tree at a distance of 7.8 metres from the rear of the barn.

The proposed patio extension to the rear of the building would be directly in line with and towards the Beech tree, falling within the recommended root protection area. The area that would be affected would be below the permissible 20% but as the outer edge of the patio would be close to the main stem. For this reason any excavation work within this area would need to be kept to a minimum to ensure no damage is caused to the root plate of this tree. A ground support system would therefore need to be included in the specification for the construction of the sub base for the patio.

The raising of the roof of the barn would bring the building close to low hanging minor branches of the Beech tree. In windy conditions and as the branches develop further, these branches would have the potential to catch on the roof and cause damage. It would therefore be prudent to lightly lift the outer canopy of this tree on the building side. The Tree Officer considers these works would represent an acceptable level of work subject to a TPO application. Overall the Tree Officer has raised no objections to the conversion subject to suitable planning conditions.

RECOMMENDATION: that permission be **REFUSED** for the following reasons:

1. By virtue of its design, the proposed conversion would have a negative impact on the character, historic interest and simple architectural quality on the curtilage listed building and would be harmful to the setting of the Grade II* Listed Building. This is contrary to policy S39 of the Bromsgrove District Local Plan, policy CTC.19 of the Worcestershire County Structure Plan and the provisions of PPS5.
2. The form, bulk and design of the proposed conversion would detrimentally erode the simple form and utilitarian character and appearance of the building contrary to Policy DS2 and C27 of the Bromsgrove District Local Plan; the Council's Supplementary Planning Guidance Note 4 'The Conversion of Rural Buildings' and Policy D.16 of the Worcestershire County Structure Plan.
3. There is insufficient information to demonstrate that the proposal would not have a detrimental impact on protected species and thereby the proposal is contrary to policy CTC12 of the Worcestershire County Structure Plan 2001, policy C10A of the Bromsgrove District Local Plan 2004 and the advice of PPS9 and Circular 06/2005.
4. There is insufficient information to demonstrate that the building is of permanent and substantial construction and capable of conversion without major works or complete reconstruction. Thereby the proposal is contrary to policy C27 of the Bromsgrove District Local Plan 2004, and Policy D.16 of the Worcestershire County Structure Plan.
5. The proposed development would not respect the amenity and privacy of adjoining occupiers contrary to policy DS13 of the Bromsgrove District Local Plan 2004 and the advice of Supplementary Planning Guidance Note 1: Residential Design Guide.

Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Ms. A. Hawker 'A'	Conversion of barn into living accommodation ancillary to Cornerstone (Listed Building Consent) Adjacent to Cornerstone, Cofton Church Lane, Cofton Hackett, Rednal, B45 8BB	Curtilage LB	11/1032-SG 03.04.2012

RECOMMENDATION: that listed building consent be **REFUSED**.

Consultations

Cofton Hackett PC	Consulted 13.01.2012, expired 03.02.2012 - no comments received.
EH	Consulted 13.01.2012, expired 03.02.2012 - the applications should be determined in accordance with the national and local policy guidance, and on the basis of your specialist conservation advice.
CO	Consulted 13.01.2012, expired 27.01.2012 -

The property comprises a small barn within the grounds of the Grade II* listed house previously known as Cofton Hall, and is therefore to be treated as a curtilage listed building.

The guidance on the conversion of barns and other rural buildings is contained in SPG4 'Conversion of Rural Buildings.' Section 2.5 b of the guidance states 'The building should be large enough for the proposed use without the need for significant enlargement or alteration.' Raising the roof to accommodate another floor is a significant alteration. The applicant needs to consider whether a first floor can be created without doing this, perhaps inserting it at the level of the existing hayloft, or just keeping the living accommodation to ground floor level. Raising the roof will significantly alter the appearance of the building. It will be an obvious alteration as it will be very difficult to match the bricks adequately. Section 2.5 states 'Where an existing building is dilapidated, the quality of the original building can be erased where substantial new work is required. It is not the aim of the policy to allow conversion schemes where substantial rebuilding is necessary.'

The main characteristics of Worcestershire Barns are their simple shapes, limited number of openings, solid dominates over voids, and there is an absence of over elaboration. The proposed scheme undermines a number of these characteristics.

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building.' Conservation roof lights have been proposed for the front elevation and these should be as small as possible.

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The window on the south east gable should be replicated if it cannot be repaired.

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In addition to considering applications against local guidance, local authorities need to consider them against national guidance, and in particular PPS5. HE 7.5 of PPS5 states that 'Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.' As this proposal would appear to undermine much of the barn's recognised character, I do not consider that it will make a positive contribution to the character and local distinctiveness of the historic environment.

I would therefore have to recommend that this application is refused.

CBA	Consulted 13.01.2012, expired 03.02.2012 - no comment.
VS	Consulted 13.01.2012, expired 03.02.2012 - no comment.
TCS	Consulted 13.01.2012, expired 03.02.2012 - no comment.
SPAB	Consulted 13.01.2012, expired 03.02.2012 - no comment.
GG	Consulted 13.01.2012, expired 03.02.2012 - no comment.
AMS	Consulted 13.01.2012, expired 03.02.2012 - no comment.
WCC(CA)	Comments received 06.02.2012 - no objection subject to conditions.
Publicity	Site notice posted 18.01.2012 expire 08.02.2012 Press notice 20.01.2012 expire 10.02.2012

1 objection received -

- The large post mature beech trees adjacent, and so close that they could pose a risk to the inhabitants of the conversion.
- The barn is within the curtilage of a listed building, raising the roof of the barn and putting dormers will change character of the barn.
- Concerned that adjacent barns may request similar dormers and raising of roof once precedent is set leading to change in character of the area.

The site and its surroundings

Cornerstone, formally Cofton Hall, is a detached manor house located at the end of a long drive, south-east off Cofton Church Lane. It sits within a 1.98 hectare site which includes a large number of mature trees adjacent the drive. The house was Grade II* listed in 1952. The present owners of Cornerstone are the Jesus Fellowship and the building is used as a Christian Community. There is a small brick built barn located within the grounds of the listed house which is the subject of this application. By virtue of its siting within the ground of Cornerstone, the barn constitutes a curtilage listed building. The barn consists of three rooms with a hayloft over the middle room. There is an informal track between the main house and the barn. According to the Design and Access Statement the barn is indicated on the 1884 map of Worcestershire. Adjacent the barn is a timber shed with a roof structure supported off timber posts and enclosed with makeshift infill walls. The nearest residential properties to the barn are Cofton Hall Farm 32 metres to the east and Beech Coppice, a converted rural building, which is 21 metres to the north.

Proposal

It is proposed to convert the barn into living accommodation and raise the height of the building to include a first floor. A kitchen, lounge and w.c. are proposed on the ground floor with 2 bedrooms and a bathroom on the first floor. The height of the building would be increased by 0.75 metres by raising the walls of the barn with new brick. A new slate roof is proposed to replace the existing tin and asbestos roof. It is proposed that the living accommodation would be used for ancillary accommodation to Cornerstone, which is a community house. Cornerstone is classed a house in multiple occupancy and the barn conversion would be used for permanent residents linked to the main community house providing some independent facilities.

Relevant Policies

WMSS	QE5, QE6
WCSP	CTC.19, CTC.21, D.16
BDLP	DS13, S39
DCS2	CP3, CP16
Others	PPS1, PPS5

Relevant Planning History

None relevant to the barn.

Notes

The main issue in the consideration of this application is the impact of the conversion scheme on the character of the curtilage listed building and setting of the Grade II* listed building.

Design Issues and Listed Building Impact

The barn is divided into three sections by full height brick walls; a full height room at the lower end (room 1), a central room with a timber hayloft above (room 2) and the higher end room (room 3) which contains an old chimney. The main opening to the barn into the central section is a modern garage door on the front elevation. Room 1 is a separate area accessed by a timber door in the south-east end elevation. There is an original oak window above this door in the end elevation. Room 3 has an original window with timber shutters on the front elevation and room 2 has a window at the rear which has been in filled with glass. The roof is a mixture of asbestos and tin which has been repaired and replaced over the years. The barn is currently used as storage ancillary to Cornerstone.

The raising of the roof to accommodate another floor is considered to be a significant alteration that would significantly alter the appearance and integrity of the building. It would also be an obvious alteration since it would be very difficult to match the bricks adequately. These works would erase the quality of the original building, which is curtilage listed.

The characteristics of the barn are its simple shape, limited number of openings, solid dominates over voids, and its absence of over elaboration.

The proposed scheme would undermine a number of these characteristics, and would therefore have a harmful effect on the building. The proposal would introduce two dormer windows in the rear elevation that would bring about a significant change in the simple and utilitarian character of a farm building.

Large patio doors are proposed for the rear elevation where there are currently no openings except for some traditional ventilation holes in a diamond shape. In addition a further window opening is proposed at the other end of this elevation. The introduction of new openings is considered inappropriate since the minimalist character of the barn would be altered. The insertion of patio doors, in particular would result in a

domestication of the building. Furthermore, the cumulative impact of three openings on the rear elevation would damage the simple and utilitarian appearance of the barn.

It is proposed to replace the main barn doors on the rear elevation with a door and wood panel that are narrower than the existing opening. As such, these works would require the infilling of brickwork which would appear noticeable and therefore detrimental to the appearance of the building.

HE 7.5 of PPS5 states that 'Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.' As this proposal would appear to undermine much of the barn's recognised character, I do not consider that it would make a positive contribution to the character and local distinctiveness of the historic environment. For this reason I consider the proposed conversion would have a negative impact on the character, historic interest and simple architectural quality on the curtilage listed building and would also be harmful to the setting of the Grade II* Listed Building. This is contrary to local policy S39 and the provisions of PPS5. Thus, I recommend that listed building consent is refused.

RECOMMENDATION: that listed building consent be **REFUSED** for the following reason:

1. By virtue of its design, the proposed conversion would have a negative impact on the character, historic interest and simple architectural quality on the curtilage listed building and would be harmful to the setting of the Grade II* Listed Building. This is contrary to policy S39 of the Bromsgrove District Local Plan, policy CTC.19 of the Worcestershire County Structure Plan and the provisions of PPS5.

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Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
MR. C. GRANT 'A'	Retention of Gazebo - Glenfield House Nursing Home, Middle Lane, Wythall, B38 0DG	GB	12/0048-MT 20.03.2012

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

RECOMMENDATION: that permission be **REFUSED**.

Consultations

WH Consulted - views received 06.02.2012: no objection
Drainage Consulted 01.02.2012 - no comments received to date
Engineer
Tree Officer Consulted 01.02.2012 - no comments received to date
Wythall PC Consulted - views received 08.02.2012: no objection
Publicity 4 letters sent 01.02.2012 (expired 22.02.2012)
1 site notice posted 17.02.2012 (expire 09.03.2012)
1 press notice posted 10.02.2012 (expired 02.03.2012)

One objection received:

- Application previously refused under 09/0821: nothing has changed in any form between the two submissions.
- Located in dangerous position on edge of busy car park with access via a downward slope.
- No separate safe thoroughfare for these elderly slow moving residents some of whom are wheelchair bound, only a busy road leading to the car park.
- Impact on the openness of the Green Belt.
- Screening is not a reason to grant the application.
- Loss of privacy and well being.

The site and its surroundings

The application relates to a detached building currently used as a nursing home. The property lies to the north east of Middle Lane on the edge of a small group of buildings which includes residential dwellings. a church and commercial uses. The building is predominantly two and three storeys in height and is open to Middle Lane. To the rear and side of the building are designated parking areas and a garden.

The application site is located in a recognised area of Green Belt.

Proposal

This application seeks consent for the retention of an open sided gazebo which has been constructed on land at the rear of the site.

Relevant Policies

WMSS	QE1, QE3, QE6
WCSP	SD.2, CTC.1, D.28, D.38, D.39
BDLP	DS1, DS2, DS13, S21, RUB2, TR11
DCS2	CP3, CP10, C4, E4
Others	PPS1, PPG2, PPS4

Relevant Planning History

11/0686	Proposed Gazebo. Withdrawn 02.12.2011.
09/0821	Retrospective application for retention of gazebo. Refused 28.01.2010.
09/0509	Extension to existing nursing home - basement, ground and first floor extension and rear car (Amendment to planning approval B/2008/0615). Approved 18.09.2009.
B/2008/0615	Two storey rear extension to provide additional bedroom accommodation and changes to car park provision. Approved 06.11.2011.
B/2006/1114	Conservatory to nursing home. Approved 07.12.2008.
B/1998/0260	Brick sign (Advertisement consent). Approved 10.08.1998.
B/1993/0381	Extension of basement area under whole of new wing and internal alterations. Approved 21.06.1993.
B/1991/0642	Repair, alterations and extensions to form residential nursing home for the elderly. Approved 07.10.1991.
B20027	Change of use and extensions to form residential nursing home. Refused 11.03.1991.
B19691	Extensions and change of use to form residential care home for the elderly (as amended by letter received 19.09.1990).
B16843	Extension of building and use as residential nursing home. Withdrawn.
B16843	Provision of 7 no. luxury 2 bedroom apartments with swimming pool and garage block. Approved 14.03.1988.
B16009	Erection of side and rear extension to nursing home. Approved 14.03.1988.
B14667	Change of use to residential nursing home. Approved 19.01.1987.

Notes

The main issue in the consideration of this application is whether the proposed gazebo is an appropriate form of development in the Green Belt and, if not, whether any very special circumstances exist which clearly outweigh the harm caused. The proposal must also be considered in terms of the impact on the visual amenities of the locality and the residential amenities of adjoining properties.

Green Belt

Policy D.39 of the Worcestershire County Structure Plan 2001 and Policy DS2 of the Bromsgrove District Local Plan 2004 are in general accordance with advice given in Planning Policy Guidance Note 2: 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 in setting out the instances where development may be considered acceptable. No provision is made under this policy for the development associated with residential care homes. Policy D.28 of the Worcestershire County Structure Plan 2001 states that the expansion of existing businesses in the Green Belt will only be permitted in those settlements identified in the Local Plan where infilling is acceptable. The application site does fall within an identified settlement.

It is therefore considered that the proposed gazebo is an inappropriate form of development in the Green Belt. Inappropriate development is, definition, harmful to the Green Belt.

PPG2 states that the most important attribute of Green Belts is their openness. Standing away from the existing nursing home, the gazebo extends the built form of the application site and the tight cluster of buildings which the site belongs to into a previously undeveloped area. It has a footprint of 38 square metres and a height of 3.55 metres. Although open sided it is of a robust construction with timber posts and a felt tiled gabled roof. I therefore consider that the gazebo is harmful to the openness of the Green Belt and to some extent constitutes encroachment.

It now follows me to consider whether any very special circumstances exist which outweigh the harm caused.

In considering whether very special circumstances exist, the harm caused to the Green Belt, its aims and purposes as set out in PPG2 need to be considered with any other harm and assessed against any advantages to the proposed development. In considering proposals for inappropriate development in the Green Belt, paragraph 3.2 of PPG2 is relevant:

"Inappropriate development is, by definition, harmful to the Green Belt. *It is for the applicant to show why permission should be granted.* Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is *clearly outweighed* by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach *substantial weight* to the harm to the Green Belt when considering any planning application or appeal concerning such development" (*Council emphasis*).

The LPA takes the words "very special" to be given their ordinary, natural meaning. The meaning of the word "special" include those which exceed or excel those which are common. The test in relation to Green Belt policy qualifies that meaning to the extent that the circumstances have to be "very" special.

The applicant has put forward a number of considerations in their Planning Statement which they believe to constitute very special circumstances. These are based on the benefits of the gazebo to the health and wellbeing of the residents of the nursing home.

It is argued that the gazebo allows the elderly and mobility impaired residents of the nursing home to breathe fresh air and enjoy the grounds nursing home while remaining protected from the elements.

In an attempt to substantiate this argument reference has been made to a number of policy and regulatory requirements for nursing homes including the National Minimum Standards for Care Homes for Older People (Department of Health 2003), The Health and Social Care Act 2008 (Regulated Activities) Regulations 2009 and associated guidance document entitled 'Essential standards of quality and safety' (Care Quality Commission 2010). It is argued that the gazebo meets the requirements of these documents.

With regard to the National Minimum Standards for Care Homes for Older People reference has been made to the following standards:

- Standard 10 which states that "*The arrangements for health and personal care ensure that service user's privacy and dignity are respected at all times.*"
- Standard 12 which states that "*The routines of daily living and activities made available are flexible and varied to suit service users' expectations, preferences and capacities.*"
- Standard 19 which states that "*The location and layout of the home is suitable for its stated purpose; it is accessible, safe and well-maintained; meets service users' individual and collective needs in a comfortable and homely way and has been designed with reference to relevant guidance.*" The supporting text to this standard requires that "*Grounds are kept tidy, safe, attractive and accessible to service users, and allow access to sunlight.*"
- Standard 20 which states that "*In all newly built homes and first time registrations the home provides sitting, recreational and dining space (referred to collectively as communal space) apart from service users' private accommodation and excluding corridors and entrance hall amounting to at least 4.1sq metres for each service user.*" The outcome of Standard 20 is to ensure that "*Service users have access to safe and comfortable indoor and outdoor communal facilities.*"

With regard to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009 the applicant's emphasis is placed on Regulation 15 which states that "*The registered person (i.e. the care home provider) must ensure that service users (i.e. care home residents) and others having access to premises where a regulated activity is carried on are protected against the risks associated with unsafe or unsuitable premises.*"

Outcome 10 of the associated guidance to the regulations (Essential standards of quality and safety) provides advice on compliance with Regulation 15. It states that people who use services and people who work in or visit the premises should be in safe, accessible surroundings that promotes their wellbeing. The provider of the service should ensure that the premises protect people's rights to privacy, dignity, choice, autonomy and safety.

I have considered that applicant's Planning Statement and reviewed the relevant standards, regulations and associated guidance referred to above. It is clear in the standards that the grounds of a care home should provide access to sunlight (Standard 19), and that residents should have safe and comfortable outdoor communal facilities (Standard 20). There is not however any specific requirement within the standards for a care home to provide a sheltered outdoor area that is protected from the elements.

The applicant's assertion that the gazebo meets the above regulatory and policy requirements is based on an interpretation of the rhetoric used in the standards with particular emphasis on the terms 'safe and comfortable' in Standard 20, and 'privacy', 'choice' and 'safety' in Outcome 10. It is argued that the gazebo would provide a safe and comfortable outdoor area as required by Standard 20, and that it would provide an outdoor space where people can choose to go, where they can at relevant times have privacy, and where they are safe from exposure to sunlight and the weather.

It is considered that the interpretations used in the Planning Statement are based on rather vague statements within the relevant legislation and guidance and I find the applicant's argument to be somewhat contrived. It is not therefore accepted that there is clear policy and legislative support for the proposed gazebo within the National Minimum Standards for Care Homes for Older People and the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009. Members should not therefore give any weight to these matters.

Nonetheless, in pragmatic terms I appreciate the need for the care home to provide some level of outdoor shelter for residents, especially given the Smoke Free legislation that is now in place at the premises. I also appreciate the need for the care home to provide residents with shade given the health risks associated with overexposure to sunlight. It is not however considered that such a need would necessitate the erection of a permanent structure of this scale. It is considered that opportunities could be explored to provide areas of shade and shelter within the main building complex. For example, the existing trees on the site and moveable sun umbrellas could easily fulfill this requirement.

Moreover, the applicant does not provide any justification for the proposed location of the gazebo in an isolated position away from the cluster of existing buildings on the site. Surely a shelter in this location would be inaccessible to people with impaired mobility and the safety of residents may be compromised given the requirement to cross the car park. It is considered that these matters may conflict with the requirement for a home to provide a layout that is safe and accessible (Standard 19 of the National Minimum Standards for Care Homes for Older People).

Taking the above matters into consideration it is not considered that a justification for the proposal based on these specific grounds would overcome the permanent harm caused to the Green Belt. This argument could be repeated time and time again and I do not consider such a stance to be "very special" when using the test Members must pay regard to as set out in PPG2.

I therefore do not consider the points put forward by the applicant amount to very special circumstances. For the reference of Members, the issues relating to the wellbeing of residents (albeit in a less expansive manner) were not accepted as constituting very special circumstances in the appraisal of 09/0821 (refused under delegated powers in January 2010).

Residential Amenity

The gazebo lies over 20 metres from the boundary with the adjoining residential property, Glenfield Farm. Due to the slope of the land, views of Glenfield Farm are possible across the application site, including the gazebo. However, given the separation distance, it is

considered that any impact on neighbouring amenities of the adjoining occupiers in terms of overlooking and disturbance as a result of people congregating beneath the gazebo will not be significant.

Response to Objection

I note the views arising from the consultation process. Whilst I note the concern that the route the elderly residents of the home would take to reach the gazebo (down a slope and across the driveway and busy car park) is not safe, I consider resident's safety is primarily the responsibility of the applicant. The other points raised are dealt with elsewhere in this report.

Conclusion

The gazebo is inappropriate development in the Green Belt and is damaging to the openness of the Green Belt. No very special circumstances have been identified which outweigh the harm caused.

RECOMMENDATION: that permission be **REFUSED**.

The gazebo represents an inappropriate form of development in the Green Belt and inappropriate development is, by definition, harmful to the Green Belt. The proposal is therefore considered contrary to the provisions of policies D.28 and D.39 of the Worcestershire County Structure Plan 2001, policy DS2 of the Bromsgrove District Local Plan 2004 and the provisions of Planning Policy Guidance Note 2: Green Belts. The development is damaging to the openness of the Green Belt and challenges the purposes of including land within the Green Belt. No very special circumstances have been put forward or exist that would outweigh the harm caused.

PLANNING COMMITTEE

5th March 2012

APPEAL DECISIONS

Relevant Portfolio Holder	Councillor C. B. Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Regeneration Services
Wards Affected	Woodvale; Whitford
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To note several planning appeal decisions which have been received.

2. RECOMMENDATION

- 2.1 Members are requested to note the report and accompanying appendices detailing the issues and conclusions relevant to each appeal.

3. KEY ISSUES

Financial Implications

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

Legal Implications

- 3.2 There are no legal implications arising from this report.

Service / Operational Implications

- 3.3 The appeal decisions are as follows:-

Name of Appellant	Plan Ref. / Proposal / Decision
3.3.1 Mr. J. Horton	10/1106-HR - Change of use to three holiday lets without complying with conditions 5 and 6 attached to planning permission re.: 09/0690-MT (7th December 2009) - Land at Pepperwood Bungalow, Wood Lane, Fairfield, Bromsgrove, B61 9NE - See APPENDIX 1 Refused: 20th July 2011 Appeal decision: allowed - 30th November 2011

PLANNING COMMITTEE

5th March 2012

Name of Appellant	Plan Ref. / Proposal / Decision
3.3.2 Ms. C. Jones	11/0663-HR - Proposed two-storey extension (over existing garage) and single-storey front extension - 4 Tintern Close, Bromsgrove, B61 7PH - See APPENDIX 2 Refused: 23rd September 2011 Appeal decision: allowed - 21st December 2011
3.3.3 Mrs. J. Pinfield	11/0552-HR - Proposed single-storey orangery extension - Park Farm, Kidderminster Road, Dodford, Bromsgrove, B61 9AL - See APPENDIX 3 Refused: 18th August 2011 Appeal decision: allowed - 5th January 2012

Customer / Equalities and Diversity Implications

- 3.4 There are no customer / equalities and diversity implications arising from this report

4. RISK MANAGEMENT

- 4.1 N/A

5. APPENDICES

- Appendix 1 - Appeal decision report for 10/1106-HR - Land at Pepperwood Bungalow, Wood Lane, Fairfield, Bromsgrove, B61 9NE
Appendix 2 - Appeal decision report for 11/0663-HR - 4 Tintern Close, Bromsgrove, B61 7PH
Appendix 3 - Appeal decision report for 11/0552-HR - Park Farm, Kidderminster Road, Dodford, Bromsgrove, B61 9AL

6. BACKGROUND PAPERS

Appeal decision letter received from the Planning Inspectorate dated 30th November, 21st December 2011 and 5th January 2012.

AUTHOR OF REPORT

Name: Andy Stephens
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Tel.: 01527 881410

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/11/2159048
Planning Application	10/1106-HR
Proposal	Removal of conditions 05 and 06 of planning permission 09/0690 to allow for use as dwellings
Location	Land at the rear of Pepperwood Bungalow, Wood Lane, Fairfield, Worcestershire, B61 9NE
Ward	Woodvale
Decision	Refused by Planning Committee (23rd May 2011)

The author of this report is Harjap Rajwanshi who can be contacted on 01527 881399 (e-mail: harjap.rajwanshi@bromsgrove.gov.uk) for more information.

The Proposal

This appeal relates to the application (10/1106) for the removal of Conditions 5 and 6 (to allow for use of dwellings) of planning application 09/0690 which gained planning approval for a change of use to 3 holiday lets in 2009. The conditions in dispute are Nos. 5 and 6 which state that:

5. 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.

6. 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 application was determined by the Planning Committee on 23.05.2011 and refused for the following reasons as detailed below:

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 submitted plan (Amended Drawing No.5, Proposed Site Plan at scale 1:500, date received 11.04.2011) illustrates a shared courtyard area which would not be suitable for the proposed residential units and would therefore be contrary to policies C27, DS2, and DS13 of the Bromsgrove District Local Plan 2004 and SPG1.
3. 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 T1 of the Worcestershire County Structure Plan 2001, policies TR11, C27, DS2, and DS13 of the Bromsgrove District Local Plan 2004 and PPG13.

The Inspector considered the main issue in this appeal is whether the use of the three converted units of accommodation within the Green Belt without compliance with Conditions (5) and (6) would be acceptable, having regard to the outside amenity space that could be provided.

Discussion

The Inspector verifies that he will be referring to drawing 05 as listed in the second reason for refusal when assessing the adequacy of the proposed outdoor garden space for the units. This drawing shows the apportionment of the space in front of the units into three separate garden areas of 100, 102 and 217 square metres respectively.

The Inspector notes that although the Local Plan policies referred to in the second refusal reason do not themselves provide any detailed requirements or standards for outdoor amenity or garden space in association with residential units, guidelines are provided on this in Section 9 of the Supplementary Planning Guidance Note 1: Residential Design Guide (SPG1), which supports the Local Plan policies.

SPG1 suggests a minimum garden length of 10.5 metres and a minimum garden area of 42 square metres for smaller units. The Inspector considers the proposed gardens would easily satisfy these standards. Nevertheless, it is noted that these standards would not offer much privacy, by virtue of their layout, degree of integration and location directly in front of the closely grouped units. The Inspector points out that there is little in Section 9 of SPG1 to suggest that where 'private' amenity space can be adequate in quantitative terms, it can still lack a high degree of privacy, therefore failing to meet the standards set out.

Reference is made to the layout and cohesion of the three converted units which, the Inspector considers, could create a degree of communality in the overall living environment, possibly making them more attractive to prospective occupants.

It is concluded that the proposed arrangements for garden or amenity space are satisfactory, and would meet the objectives of the Local Plan policies and confirm to the guidance in SPG1.

With reference to the Green Belt location, the Inspector is in agreement with the Council that the proposed residential use would not have a materially greater impact on the openness of the Green Belt than the use currently permitted.

The protection of the proposed gardens from ancillary domestic development that might spoil the enjoyment of any of the garden areas is then discussed.

A permanent residence would normally benefit from domestic 'permitted development' rights. In this instance the Council did not expressly suggest that such rights should be removed by a condition of the planning permission. However, both Local Plan policy C27 and Supplementary Planning Guidance Note 4: Conversion of Rural Buildings entertain the possibility of such action, in the interests of safeguarding the openness of the Green Belt. The Inspector judges that in this instance such a condition would allow for greater control over ancillary domestic development and would help to safeguard the enjoyment by the residents of their intimately grouped garden areas.

In response to the first reason for the refusal of planning permission, the appellant submitted a signed unilateral undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 (as amended). This would provide for the cessation of use of an adjoining stable block under the control of the appellant should the use of the site without the need to comply with conditions (5) and (6) commence. The Council did not make any submission that this undertaking would not overcome its concerns about the effect of the operation of the stables on residential amenity. The Inspector is satisfied in these circumstances that this issue should not affect the outcome of the appeal, even though the UU would not appear to prevent paddock land adjoining the three units from continuing to be used for the keeping of horses.

Of the conditions of planning permission suggested by the Council, the Inspector supports a new three year commencement condition relating to planning permission granted following the section 73 application. A condition requiring that separate garden areas be laid out in accordance with the details shown on submitted drawing 05 would be appropriate for the type of residential accommodation permitted. A new condition regarding external materials is unnecessary, as such a condition was imposed on the original grant of planning permission, and reference back to conditions of that permission could be made. The Inspector states it should be noted that notwithstanding the removal of Conditions (5) and (6), the development description of three holiday lets would not change under a new permission.

In Conclusion

The Inspector concludes that consideration has been given to all other matters raised in the written representations, but nothing has been found to outweigh the conclusions reached on the main issue in the appeal. On this basis the appeal is successful.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **ALLOWED** (30th November 2011) and planning permission granted for a change of use to three holiday lets on land at the rear of Pepperwood Bungalow, Wood Lane, Fairfield, Bromsgrove, in accordance with the application ref 10/1106, without compliance with condition numbers (5) and (6) previously imposed on planning permission ref 09/0690, dated 7th December 2009, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect, and subject to the following new conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall not be occupied until separate garden areas for each unit have been laid out in accordance with the details shown on approved drawing No. 05.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 995 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A,B,C,E,F or G of Part 1 of Schedule 2 to that order shall be carried out.

Recommendation

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

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/11/2163922
Planning Application	11/0663-HR
Proposal	Two storey side extension and single storey front extension (re-submission of 11/0270)
Location	4 Tintern Close, Bromsgrove, B61 7PH
Ward	Whitford
Decision	Refused (Delegated decision) - 23rd September 2011

The author of this report is Harjap Rajwanshi who can be contacted on 01527 881399 (e-mail: harjap.rajwanshi@bromsgrove.gov.uk) for more information.

The Proposal

The side extension would incorporate a utility room on the ground floor. On the first floor there would be a new bedroom and an extension to an existing small bedroom. At the front of the property a small extension is proposed to the lounge. This extension would have a pitched roof that would continue over the existing porch.

Discussion

The proposal was for a two storey extension (over an existing garage) and a single storey front extension.

The application was determined under delegated powers and refused due to the following reason as detailed below:

1. Due to the resulting built up appearance and loss of gap that would be caused by the proposed extension, the proposal would detrimentally affect the streetscene and character of the area. This is contrary to policy CTC.1 of the Worcestershire County Structure Plan, policies DS13 and S10 of the Bromsgrove District Local Plan 2004 and the guidance contained in SPG1, the Council's Residential Design Guidance.

The Inspector found the main issue to be the effect of the proposed development on the character and appearance of the surrounding area.

The Inspector refers to the Council's SPG1 Residential Design Guidance. It is noted that the proposal is to be constructed in matching materials. The ridge of the extension would be some 0.3m lower than the existing ridgeline and the proposal would be set back about 0.5m from the front wall. In terms of design and the relationship to the house, the proposed extension would be subordinate and would complement the design of the dwelling. However, the extension would be sited on the boundary of the property which would be contrary to the guidance in SPG1 which says the proposal should also

be set off the boundary line by 1m. The purpose of this piece of guidance is to prevent semi-detached or detached houses appearing as if they are terraced.

Although the Inspector agrees with the Council's reasoning for this guidance and appreciates its concerns regarding setting a precedent, it is acknowledged that there are particular circumstances that warrant an exception being made to the guidance.

In this instance the appeal property and its semi-detached neighbour, no.6, are set slightly forward of the detached dwelling at No.2, a corner property. This would thus mitigate the effects of any reduction in distance between the detached house and No. 4. Secondly, the garage at the detached property is about 1m away from the common boundary. Therefore, should the detached property be extended over its garage, a gap would still remain. Taking both factors into consideration the Inspector considers that the proposed scheme would not result in an undesirable terracing effect and would not have a deleterious effect on the character and appearance of the surrounding area.

With regard to loss of light and privacy, the Inspector notes that the front extension to the lounge would comply with the 45 degree rule as stated in SPG1. In addition the flank wall would contain no windows, thus overlooking would not occur.

In conclusion

On the basis of the above the Inspector resolved to allow the appeal.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **ALLOWED** (21st December 2011) subject to the following conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Number 1: Location Plan; Site Plan; Existing Elevations and Floor Plans received by the local planning authority on 29th July 2011; Drawing Number 2A: Proposed Elevations and Floor Plans received by the local planning authority on 29th July 2011.
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Recommendation

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

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/11/2164562
Planning Application	11/0552-HR
Proposal	Proposed single storey Orangery extension onto the side elevation of an existing farmhouse
Location	Park Farm, Kidderminster Road, Dodford, Bromsgrove, B61 9AL
Ward	Woodvale
Decision	Refused (Delegated decision) - 18th August 2011

The author of this report is Harjap Rajwanshi who can be contacted on 01527 881399 (e-mail: harjap.rajwanshi@bromsgrove.gov.uk) for more information.

The Proposal

The proposal is to erect a single storey Orangery extension onto the side elevation of an existing farmhouse.

Discussion

The proposal was for a single storey Orangery extension.

The application was determined under delegated powers and refused for the following reason as detailed below:

1. It is considered that the extension to the dwelling is inappropriate development in the Green Belt because the impact of the proposal would constitute a disproportionate addition over and above the size of the original dwelling. The proposal would unacceptably harm the openness of the Green Belt, contrary to policies DS2 and S11 of the Bromsgrove District Local Plan, policy D.39 of the Worcestershire County Structure Plan, the provisions of SPG7, and the guidance contained in PPG2. No arguments have been put forward to support the development that amount to very special circumstances that would outweigh the harm that would be caused to the Green Belt.

The Inspector found the main issue to be its Green Belt location and;

- Whether the proposal constitutes inappropriate development in the Green Belt and, if so, the effect upon the openness of the Green Belt and upon the purposes of including land within the Green Belt; and
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Park Farm is a farmhouse located in the Green Belt, which has been substantially extended. It is adjoined by former farm buildings which have been converted to dwellings. The proposal is for a small, mainly glazed, extension which would be set into an inset in the wall of the house facing the road.

Planning Policy Guidance Note 2: Green Belts (PPG2) indicates that the extension of dwellings within the Green Belt is not inappropriate if it does not result in a disproportionate addition over and above the size of the original building. This is reflected in County and Local Plan policies, with further guidance contained in SPG7: Extensions to dwellings in the Green Belt, which indicates that, generally, up to a 40% increase in floor area, with a maximum of 140sq.m, would not be considered inappropriate development.

The Inspector notes there is a discrepancy between the Council's information and the appellant's information regarding the size of previous additions to the property. From the site inspection, the Inspector considers the major elements of the building to be original with a two storey extension towards the rear.

The Inspector considers that the position, size and design of the proposed Orangery would not add to the bulk and presence of the house to an unacceptable degree and would not make the house more prominent in the landscape. The proposed Orangery, together with the existing extension would not visually appear as a disproportionate addition over and above the size of the original building. The proposed Orangery would not therefore be inappropriate development within the Green Belt. Its design is suitable for the house and its setting.

In Conclusion

The Inspector concludes on the basis of the above, that the proposal would meet the terms of national PPG2, County and Local Plan policies, and the intentions of guidance contained within SPG7 and should therefore be allowed.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **ALLOWED** (5th January 2012) subject to the following conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with approved Drawing Nos: 534-01, 534-02, 534-03, 534-04 and location plan.
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the orangery hereby permitted have been

submitted to and approved in writing by the local planning authority.
Development shall be carried out in accordance with the approved details.

Recommendation

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

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