



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 7TH NOVEMBER 2016
AT 6.00 P.M.

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

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

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

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

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

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest

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

3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 3rd October 2016 (Pages 1 - 6)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 2016/0690 - Formation of bedroom accommodation in new roofspace at first floor over existing kitchen extension - Tanners Green Cottage, Barkers Lane, Wythall, B47 6BP - Mr Michael Goulden-Page (Pages 7 - 10)
6. 2016/0726 - Demolition of existing dwelling and erection of replacement 4 bedroom dwelling, including relocation of part of access track - Sunny Bank Farm, Stoney Lane, Broad Green, B48 7DG - Mr and Mrs Pinfield (Pages 11 - 16)
7. 2016/0894 - Single Storey extension to provide a separate data storage and privacy room - New Road Dental Surgery, 68 New Road, Bromsgrove B60 2LA - Dr R Solanki (Pages 17 - 20)
8. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

27th October 2016



Bromsgrove
District Council
www.bromsgrove.gov.uk

INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can attend all Council, Cabinet and Committee / Board meetings, except for any part of the meeting when the business would disclose confidential or "exempt" information.
- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees, etc., is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees / Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council's Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council's Constitution

at www.bromsgrove.gov.uk

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Information for Members of the Public

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

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

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

The Agenda is divided into the following sections:-

- Procedural Items

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

- Reports of the Head of Planning and Regeneration

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

any observations received and a recommendation. Recent consultation responses will be reported at the meeting within the Update Report.

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

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

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

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

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

- Reports of the Head of Legal and Democratic Services

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

- Urgent Business

In exceptional circumstances, and at the discretion of the Chairman, certain items may be raised at the meeting which are not on the Agenda. The Agenda is published a week in advance of the meeting and an urgent

matter may require a decision. However, the Chairman must give a reason for accepting any "urgent business". 'Public Speaking' policy would not necessarily apply to this type of report.

- **Confidential / Exempt Business**

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

Public Speaking

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

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

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

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

NOTES

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

Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officer(s) in order to avoid unnecessary debate on such detail at the meeting. Members of the Committee are requested to arrive at least one hour before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be

sought to enable answers to be given at the meeting. Councillors should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.

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

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

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

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

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

WCSP	-	Worcester County Structure Plan 2001
BDLP	-	Bromsgrove District Local Plan 2004
DCS2	-	Draft Core Strategy 2
PPG's	-	Planning Policy Guidance Notes
PPS's	-	Planning Policy Statements
SPG	-	Supplementary Policy Guidance (Bromsgrove District)

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

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

Further information

If you require any further information on the Planning Committee, or wish to register to speak on any application for planning permission to be considered by the Committee, in the first instance, please contact Jan Smyth, Democratic Services Officer, at jan.smyth@bromsgroveandredditch.gov.uk, or telephone (01527) 64252 Extn. 3266.

ABBREVIATIONS

ADR	Area of Development Restraint
AGLV	Area of Great Landscape Value (Structure Plan)
CA	Conservation Area
DS	Development Site
EMP	Employment
GB	Green Belt
LB	Listed Building
LPA	Landscape Protection Area
OPS	Open Space
PSS	Primary Shopping Street
RES	Residential
RETAIL	Retail
SAM	Scheduled Ancient Monument
SSS	Secondary Shopping Street
SSSI	Site of Special Scientific Interest
SWS	Special Wildlife Site
TCZ	Town Centre Zone
TPO	Tree Preservation Order
VE	Village Envelope
WH	Worcestershire Highways
WCC(CA)	County Archaeology
WCC(EA)	County Education Authority
WCC(PROW)	Public Rights of Way
WCC(SS)	County Council Social Services
WCC(Landscape)	County Landscape Officer
BCO	Building Control Officer
CCO	Climate Change Officer
CLO	Contaminated Land Officer
CO	Conservation Officer
EDO	Economic Development Officer
ENG	Drainage Engineer
LS	Legal Services
SHM	Strategic Housing Manager
SPM	Strategic Planning Manager
TO	Tree Officer
WRS	Worcestershire Regulatory Services
AC	Agricultural Consultant
AMS	Ancient Monuments Society
AWM	Advantage West Midlands
BW	British Waterways
CAA	Civil Aviation Authority
CABE	Commission for Architecture and the Built Environment
CBA	Council for British Archaeology
CE	Centro
CN	Central Networks
CPRE	Campaign for the Protection of Rural England

ABBREVIATIONS (cont'd)

CSO	Community Safety Officer
EA	Environment Agency
EH	English Heritage
FC	Forestry Commission
GHSoc	Garden History Society
GG	Georgian Group
HA	Highways Agency
H&WGT	Hereford and Worcester Garden Trust
HLS	Head of Leisure and Cultural Services
HSE	Health and Safety Executive
ICNIRP	International Commission on Non-Ionizing Radiation Protection
IWA	Inland Waterways Association
JRC	The Joint Radio Company Limited
NE	Natural England
NG	National Grid
NR	Network Rail
NT	National Trust
RA	Ramblers Association
SE	Sport England
SPAB	Society for the Protection of Ancient Buildings
STW	Severn Trent Water
TCo	Transco
TCS	Twentieth Century Society
UD	Urban Designer
VS	Victorian Society
WMC	West Mercia Police
WMP	West Midlands Police
WWT	Worcestershire Wildlife Trust

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

3RD OCTOBER 2016 AT 6.00 P.M.

PRESENT: Councillors C. Allen-Jones, B. T. Cooper (Substitute), C.A. Hotham, K.J. May, S. R. Peters, R. D. Smith (Substitute), C. J. Spencer and P. J. Whittaker

Officers: Mr. D. M. Birch, Miss. E. Farmer, Mr. A. Hussain, Mrs. T. Lovejoy, Mrs. J. Smyth, S Williams and Ms. M. Worsfold

30/16 **ELECTION OF CHAIRMAN**

In the absence of Councillor R.J. Deeming (Chairman) and Councillor P.L. Thomas (Vice-Chairman), who had tendered their apologies for the meeting, and following a call for nominations, it was

RESOLVED that Councillor P.J. Whittaker be appointed as Chairman for the meeting.

31/16 **APOLOGIES**

Apologies for absence were received on behalf of Councillor R.J. Deeming (Chairman), P.L. Thomas (Vice-Chairman), S.J. Baxter, M.T. Buxton and S.P. Shannon. Councillor R.D. Smith was confirmed as substitute for Councillor Deeming, Councillor B.T. Cooper was confirmed as substitute for Councillor Thomas and Councillor L.J. Turner was confirmed as Councillor Baxter's substitute.

32/16 **DECLARATIONS OF INTEREST**

Councillor C. A. Hotham declared an Other Disclosable Interest in Agenda Item 6 (Planning Application 2016/0723 – 47 Fiery Hill Road, Barnt Green, Birmingham B45 8JX) in that he knew the Applicant. Councillor Hotham withdrew from the meeting prior to consideration of the item and took no part in the discussion or voting on the matter.

Councillor C.A. Hotham also declared an Other Disclosable interest in Agenda Item 7 (Planning Application 2016/0787 - Land at Fiery Hill Road, Barnt Green) in that he had already spoken out on many occasions against the Cala application. Councillor Hotham withdrew from the meeting prior to consideration of the item and took no part in the discussion or voting on the matter.

33/16

MINUTES

The minutes of the meeting of the Planning committee held 5th September 2016 were submitted.

RESOLVED that the minutes of the meeting be approved as a correct record.

34/16

2016/0832 - PRIOR NOTIFICATION APPLICATION FOR DEMOLITION OF A PUBLIC HOUSE - THE GREYHOUND PUBLIC HOUSE, 30 ROCK HILL, BROMSGROVE B61 7LR - MISS DAWN ADAMS

The Committee considered an Application under Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 for a determination as to whether the Local Planning Authority's prior approval was required for the proposed demolition of the Greyhound Public House.

At the invitation of the Chairman, Mr. C. Day, representing the Campaign for Real Ale addressed the Committee, objecting to the demolition of the Public House. Mr D. Morris, on behalf of the Applicant, also addressed the Committee. Councillor L. C.R. Mallett, in whose Ward the Application site was located, also addressed the Committee.

RESOLVED that Prior Approval is required

35/16

2016/0723 - REDEVELOPMENT OF SITE TO CREATE 4 APARTMENTS - 47 FIERY HILL ROAD, BARNT GREEN, BIRMINGHAM, WORCESTERSHIRE B45 8JX - MR. S. BOND

Officers reported on an amended Plan received in relation to the proposed parking spaces meeting the required size for standard vehicles and an amendment to Condition 2 to reflect the amended plan. It was further highlighted that Condition 15 in the main agenda report also needed to be amended to reflect the additional 4 car parking spaces. Members noted that a further letter of objection had also been received, all as detailed in the Published Update report, copies of which were provided to Committee Members and the public gallery prior to commencement of the meeting.

At the invitation of the Chairman, Mr Evans and Mr. A. Saunders addressed the Committee objecting to the proposed development. Mr S. Bond, the Applicant, also addressed the Committee.

RESOLVED that Planning Permission be granted, subject to the Conditions and Informatives set out on pages 8 to 12 of the main agenda report, but with Conditions 2 and 15 being amended to read as follows:

Agenda Item 3

Planning Committee
3rd October 2016

- “2) the development hereby permitted shall be carried out in accordance with the Approved Plans / Drawings listed in this notice:

Drawing Numbers 02 Rev F Proposed Site Plan
03 Proposed Floor Plan
04 Elevations
05 Street Scene
01 Existing Site Plan
Scale 1:500 Pedestrian Splays

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

- 15) 8 Car Parking Spaces shall be provided on site and shall be reserved solely for that purpose and such spaces be made available for the use before the development hereby approved is occupied and shall be retained in perpetuity.

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

36/16

2016/0787 - VARIATION OF CONDITION NO. 27 OF PLANNING PERMISSION 2015/1057 TO ENABLE A FURTHER 15 DWELLING OCCUPATIONS (AN INCREASE FROM 30 TO 45 DWELLING OCCUPATIONS) TO BE ACCESSED FROM THE PLANNING APPROVED AND IMPLEMENTED JUNCTION WITH FIERY HILL ROAD, PRIOR TO THE COMPLETION OF THE REALIGNMENT OF FIERY HILL ROAD - LAND AT FIERY HILL ROAD, BARNT GREEN, WORCESTERSHIRE - MR MARK GAY

Officers reported on an additional letter of objection and further additional information from the Applicants in regard to the proposed timescale for commencing the realignment works, as detailed in the published Update Report, copies of which were provided for Committee Members and the public gallery prior to commencement of the meeting.

At the invitation of the Chairman, Mr. R. Bellamy, on behalf of the Applicant, addressed the Committee.

RESOLVED that

- 1) authority be delegated to the Head of Planning and Regenerations Services to determine the Planning Application following the expiry of the Site Notice consultation period on 10th October 2016;
- 2) in the event that a representation is received as a result of the Site Notice consultation period, authority be delegated to the

Agenda Item 3

Planning Committee
3rd October 2016

Head of Planning and Regeneration Services, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations have been raised relevant to the Application, and to issue a decision accordingly;

- 3) authority be delegated to the Head of Planning and Regeneration Services to determine the Planning Application following receipt of a suitable and satisfactory Supplemental Agreement; and
- 4) subject to the Conditions set out on pages 24 to 30 of the main agenda report.

37/16

2016/0790 - TWO-STOREY REAR AND SIDE EXTENSIONS - 26 TOLLHOUSE ROAD, BROMSGROVE, B60 3QL - MR R. POWELL

At the invitation of the Chairman, Councillor M. Thompson addressed the Committee on behalf of Mr. Parfitt, the next door neighbour to the Application site, objecting to the proposed development.

RESOLVED that Planning Permission be granted, subject to the Conditions set out on pages 33 to 34 of the main agenda report.

38/16

2016/0820 - REPLACEMENT DWELLING (PART RETROSPECTIVE) - 40 MARLBOROUGH AVENUE, BROMSGROVE, B60 2PD - MR M. LEWIS

Officers reported on two additional letters of objection received in relation to the amended plans that had been submitted, as detailed in the published Update Report, copies of which were provided to Committee Members and the public gallery prior to commencement of the meeting.

At the invitation of the Chairman, Mrs. A. Pickup, the next door neighbour addressed the Committee objecting to the Application. Mr M. Lewis, the Applicant, also addressed the Committee. The Chairman further agreed to a statement being read out on behalf of Councillor P. L. Thomas, in whose Ward, the application site was located, in his absence.

The Committee then considered the Application, which had been recommended for approval by Officers. Having considered the Officer's report and the representations made by the speakers, Members were of the view that the proposal was an over-development of the site and would have a detrimental impact on the amenities of No. 42 Marlborough Avenue in terms of loss of daylight and were therefore minded to refuse the application.

RESOLVED that Planning Permission be refused for the following reason:

The replacement dwelling would represent over-development of the plot and would have an unacceptable overbearing impact on the amenity of the occupiers at the property 42 Marlborough Avenue, due to the loss of light into the ground floor side windows and a direct outlook onto a blank elevation. The proposal is therefore contrary to Policies DS13 and S7 of the Bromsgrove District Local Plan and guidance contained within the Council's adopted Supplementary Planning Guidance Note 1: Residential Design Guide.

39/16

2016/0841 - PROPOSED EXTENSION - THE GRANARY, DAGNELL END ROAD, REDDITCH, WORCESTERSHIRE B98 9BE - MR I. JOHNSON

This Application for Planning Permission was considered in conjunction with Item 11 on the Agenda (Listed Building Consent Application 2016/0842), The Granary, Dagnell End Road, Redditch).

Officers reported on various additional representations and amended plans in relation to proposed parking to the north of the application site received from the Applicant with Officer responses, including the need to amend the refusal reason; a further response from Worcestershire Highways who had no objection to the proposal; and clarification that Councillor J.M.L.A. Griffiths, in whose Ward the Application site was located, had called in the proposal for the Committee to determine, all as detailed in the published Update Report, copies of which were circulated to Committee Members and the public gallery prior to commencement of the meeting.

At the invitation of the Chairman, Mr. I. Johnson, the Applicant, and Mrs. E. Mitchell, the Applicant's Agent, addressed the Committee. Councillor J. M. L. A. Griffiths also addressed the Committee on the matter.

RESOLVED that Planning Permission be refused for the following amended reason:

The proposed extension would not respect the architectural character or setting of the Listed Building by virtue of its position, design, size, height and materials, and would result in a highly visible, dominant structure, out of scale with the building. The matters raised by the Applicant do not justify the clear harm to the character and setting of the Listed building. Therefore, the proposal would result in harm to a designated heritage asset contrary to Section 16 of the Planning (Listed Buildings and Conservation Area) Act 1990, Policy S39 of the Bromsgrove District Local Plan 2004, the guidance of SPG 4 (Converted Rural Buildings) and paragraphs 132 – 134 of the National Planning Policy Framework (NPPF).

40/16

2016/0842 - PROPOSED EXTENSION - LISTED BUILDING CONSENT - THE GRANARY, DAGNELL END ROAD, REDDITCH, WORCESTERSHIRE B98 9BE - MR I JOHNSON

This application for Listed Building Consent was considered in conjunction with Item 10 on the Agenda (Planning Application 2016/0841 - The Granary, Dagnell End Road, Redditch).

Officers reported on various additional representations and amended plans in relation to proposed parking to the north of the application site received from the Applicant with Officer responses, including the need to amend the refusal reason; a further response from Worcestershire Highways who had no objection to the proposal; and clarification that Councillor J.M.L.A. Griffiths, in whose Ward the Application site was located, had called in the proposal for the Committee to determine, all as detailed in the published Update Report, copies of which were circulated to Committee Members and the public gallery prior to commencement of the meeting.

At the invitation of the Chairman, Mr. I. Johnson, the Applicant, and Mrs. E. Mitchell, the Applicant's Agent, addressed the Committee. Councillor J. M. L. A. Griffiths also addressed the Committee on the matter. i

RESOLVED that Planning Permission be refused for the following amended reason:

The proposed extension would not respect the architectural character or setting of the Listed Building by virtue of its position, design, size, height and materials, and would result in a highly visible, dominant structure, out of scale with the building. The matters raised by the Applicant do not justify the clear harm to the character and setting of the Listed building. Therefore, the proposal would result in harm to a designated heritage asset contrary to Section 16 of the Planning (Listed Buildings and Conservation Area) Act 1990, Policy S39 of the Bromsgrove District Local Plan 2004, the guidance of SPG 4 (Converted Rural Buildings) and paragraphs 132 – 134 of the National Planning Policy Framework (NPPF).

The meeting closed at 8.00 p.m.

Chairman

Name of Applicant	Proposal	Plan Ref.
Mr Michael Goulden-Page	Formation of bedroom accommodation in new roof space at first floor over existing kitchen extension Tanners Green Cottage , Barkers Lane, Wythall, B47 6BP	16/0690

RECOMMENDATION: That planning permission be Granted

Consultations

Wythall Parish Council Consulted 29.07.2016

No Objection. (Delegated powers)

Relevant Policies

Others:

NPPF National Planning Policy Framework (NPPF)
NPPG National Planning Practice Guidance
SPG7 Extensions to dwellings in the Green Belt

Bromsgrove District Local Plan 2004 (BDLP):

S11 Extensions to Dwellings in the Green Belt
DS2 Green Belt Development Criteria

Emerging Bromsgrove District Plan

BDP4 Green Belt
BDP1 Sustainable Development Principles

Relevant Planning History

B/17421/1988	Erection of detached bungalow (Outline)	Refused	13.02.1989
B/15316/1987	Construction of vehicular access	Approved	20.07.1987
B/10250/1982	Extensions to provide lounge, bedroom and bathroom	Approved	15.11.1982

Plan reference

B/19287/1990 Replacement of garage. Approved

BR/131/1961 Erection of a garage and a boundary wall.

Assessment of Proposal

The existing dwelling has already benefitted from significant additions since 1948 such that the original dwelling has been disproportionately extended having regard to paragraph 89 of the NPPF. Therefore any additional extensions would represent inappropriate development in the green belt. Inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

In this case the dwelling has the full benefit of permitted development rights to extend the original dwelling. Given the layout of the site and the way in which the dwelling has previously been extended this could allow for either single storey or two storey extensions (or a combination of both) without the need for full planning permission.

The application proposes additional accommodation at first floor level over an existing ground floor element to provide further bedroom and bathroom accommodation. In order to consider whether very special circumstances exist to allow the proposed inappropriate development a comparison between the permitted development extensions and the proposed development needs to take place.

In favour of the proposal, the permitted development extensions possible at the site could provide a greater floorspace than that proposed under this current application. Whilst this would largely be at ground floor level, some first floor accommodation is possible and therefore would be able to provide bedroom facilities as per the current application. It is considered that the potential for carrying out extensions under permitted development as an alternative to the development proposed is a reasonable prospect and should therefore be given weight in the determination of this application. In addition, any of the permitted development extensions would obscure parts of the original rear elevation of the dwelling which is of character and some age. Furthermore, the permitted development extensions would be closer to the highway and therefore in some respects more prominent in public view. Finally, the proposed extension would improve an existing incongruous hipped roof extension and modify it to a design which is more sympathetic when viewed against the original dwelling.

Weighing against the application proposal, it would introduce built form at first floor level creating a lengthy rear projection which would reduce the openness of the green belt as a result. However, a first floor extension could be constructed without the need for planning permission, which in turn reduces the level of harm that can be assigned to the presence of built form at first floor. Taking all these matters in to account, it is considered that that ability for the dwelling to be extended under permitted development represents a very special circumstance which is sufficient to outweigh the harm to the green belt through inappropriateness.

A legal agreement has been provided and signed by all parties to ensure that the dwelling is extended via implementing permitted development rights at the property or the development as proposed by this planning permission.

A preliminary bat survey and nocturnal bat survey have been submitted with the application, due to the nature of the works proposed and location of the site and its potential to be used as a bat habitat. The nocturnal bat survey concludes that: Bats are not using the building for rest or shelter, and are therefore not predicted to be disturbed or injured by the proposed works. However it is considered prudent to attach an informative to the permission relating to any bats found during the construction period.

RECOMMENDATION: That planning permission be Granted

Conditions:

1. The development must be begun not later than the expiration of three years beginning with the 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 Approved Plans/ Drawings listed in this notice:

Drawing Numbers:

16/2764/20 Rev P1
16/2764/21 Rev P1
16/2764/22 Rev P1
16/2764/24 Rev P1

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

3. All new external walls and roofs shall be finished in materials to match those detailed on drawings number 16/2764/26 Rev P1.

Reason: To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004

4. The development shall be carried in accordance with the recommendations of the nocturnal bat survey undertaken by AMPA Associates Limited dated July and August 2016.

Reason: In order to avoid disturbance to protected species.

Informatives

- 1) The local planning authority is aware of the requirement in the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure)

(England) Order 2015 to work with applicants in a positive and proactive manner, seeking solutions to problems arising from applications.

In this case the applicant:

- o sought detailed pre-application advice from the authority and acted upon this advice in advance of the application submission

The proposal therefore delivers a policy compliant sustainable form of development.

- 2) In the event that bats are found during the works, works must stop whilst an ecologist and/or Natural England are consulted for advice on how to proceed.

Case Officer: Sarah Hazlewood Tel: 01527881720
Email: sarah.hazlewood@bromsgroveandredditch.gov.uk

Name of Applicant	Proposal	Plan Ref.
Mr & Mrs Pinfield	Demolition of existing dwelling and erection of replacement 4 bedroom dwelling, including relocation of part of access track Sunny Bank Farm , Stoney Lane, Broad Green, B48 7DG,	16/0726

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

RECOMMENDATION: That planning permission be Refused

1. Consultations

- 1.1 **Tutnall And Cobley Parish Council** Consulted 12.08.2016
No Comments Received To Date
- 1.2 **Parks & Green Space Development Officer Martin Lewis** Consulted 12.08.2016
Given the low number of bats in the dwelling the applicant can apply for a Low Impact License. Consideration should be taken into BDP24 of the Emerging Local Plan to ensure that the proposal results in a favourable conservation status on site.
- 1.3 **Drainage Engineers Internal Planning Consultation** Consulted 12.08.2016
Based on the information provided we have no reason to withhold this application on flood risk grounds.
- 1.4 **Highways Department- Worcestershire County Council** Consulted 12.08.2016
No objection subject to condition.
- 1.5 **Aisling Nash County Archaeological Officer** Consulted 19.09.2016
Given the scale of the development, and the anticipated archaeological potential, the likely impact on the historic environment caused by this development may be offset by the implementation of a conditional programme of historic building recording. Therefore, should planning permission be granted a condition regarding a written scheme of investigation is required.

2. Public Comments

- 2.1 A Site Notice was placed on site on 16.08.2016 and expired on 06.09.2016. No comments have been received following this consultation.
- 2.2 **Councillor Whittaker**
This application has been called into the planning committee to give members the opportunity to discuss the merits of the proposal in regards to the Green Belt and design.

3. Relevant Policies

3.1 Bromsgrove District Local Plan 2004 (BDLP):

DS2 Green Belt Development Criteria
DS13 Sustainable Development

3.2 Emerging Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP19 High Quality Design
BDP24 Green Infrastructure

3.3 Others:

NPPF National Planning Policy Framework
SPG1 Residential Design Guide

4. Relevant Planning History

No relevant History

5. Assessment of Proposal

5.1 Green Belt

The main consideration in this location is whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF), the Bromsgrove District Local Plan 2004 (BDLP) and The Emerging Local Plan. It is then necessary to consider the effect on the openness of the Green Belt and if the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is outweighed by other considerations that would amount to the very special circumstances required to justify it.

5.2 Policy DS2 of the saved policies of the BDLP states that permission for development will not be given, except in very special circumstances, for the construction of new buildings subject to a number of exceptions. This is broadly in accordance with Paragraph 89 of the NPPF which provides a closed list of exceptions. These exceptions include the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building; the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and the partial or complete redevelopment of previously developed sites whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

5.3 The submitted plans show the proposed replacement dwelling with a floor space of 267sqm. The height of the building would be 7.85m and the volume of the

resultant dwelling is 849m³. The existing dwelling has an existing floor space of 158sqm, ridge height of 7.35m and volume of 607m³.

- 5.4 The Council considers the replacement would result in around a 21% increase in the floor area, in addition the proposal would have an increase in height of 0.5m and a 39% increase in volume of the existing building. It is considered that the amount, scale and mass of the replacement would result in a development materially larger than the existing building. The development is not therefore within the exceptions cited in the 4th bullet point of Para 89 and is thus considered to constitute inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.6 In respect of openness, this is taken to mean an absence of building or development. The extent to which a building or development may be seen from the public realm is not a decisive matter. The increase in the scale of development by reason of the increase in height, bulk and mass, and form would result in a net increase in the amount of built development on the site. The proposal would therefore result in harm to the openness of the Green Belt as well as harm from inappropriateness, both of which carry significant weight.
- 5.7 Very Special Circumstances
The submission includes a plan (drawing 1846/PD01) that demonstrates a permitted development fall-back position under Schedule 2, Part 1, Class A of the GPDO 2015, by virtue of a side and rear extension on each side of the property. The agent contends that the replacement dwelling is preferential to the fall-back position by virtue of footprint and design.
- 5.8 The Council are of the view that the replacement would be more harmful to green belt openness than the fall back. The fall back would only allow a single storey addition with a maximum height of 4 metres, the majority of the additional bulk to the proposal is at first floor level, with an increase in overall ridge height of 0.5 metres of which there is no PD fall-back for. In addition the form and design of the replacement creates a bulkier appearance which visually exacerbates this additional physical mass.
- 5.9 Notwithstanding the above, it is noted the applicant has submitted a structural survey stating that the existing dwelling is not viable to retain. Therefore, these extensions are neither a betterment to any harm caused to the Green Belt and in any event are an unrealistic option to the applicant. The Council therefore consider that very little weight can be afforded to a fall back.
- 5.10 The replacement dwelling is excessive in relation to the existing and the proposed development is therefore inappropriate development within the Green Belt by definition. Inappropriate development is by definition, harmful and should not be approved except in very special circumstances. Very special circumstances to outweigh this harm have not been demonstrated by the agent or indeed exist.

5.11 Design

Policy DS13 and paragraph 64 of the NPPF requires developments to respect the setting, character and form of development in the area. Policy BDP19 of the Emerging Local Plan goes further to ensure development enhances the character and distinctiveness of the local area. In addition, Policy BDP19 requires developments follow relevant guidance to achieve good design. In this instance the relevant guidance consist of The Councils SPG1 Residential Design Guide and Worcestershire County Council Farmsteads Character Statement with Historic England.

5.12 This application affects the undesignated heritage asset Sunny Bank farmhouse and the character of the associated historic farmstead. Farms, farmsteads, and the agricultural buildings that form them are an integral and significant part of Worcestershire's historic environment. Their architectural qualities add greatly to local distinctiveness and provide a tangible reference to the county's past agricultural heritage. Within the often complex arrangement of buildings we not only see the changes in farming practice, but the social and economic development of the individual farm. Where farms have been in existence for some time, they provide key information on changing technologies, farming methods and building techniques. Their significance as key components in the counties historic environment is recognised by the Worcestershire Historic Farmstead Characterisation project statement. Therefore, consideration must be made to the proposed design of the dwelling and its impact on the historic relationship to the farm buildings. The proposed design of the dwelling is of an urban appearance with a hipped roof, uniform window spacing and large glazed elements which is at odds with the simple utilitarian appearance usually found within a rural context. It is considered that the design of the dwelling would conflict with the character of the traditional farmstead and have a detrimental impact on the relationship with the historic farmstead.

5.13 Ecology

Given the proposal involves the demolition of the existing dwelling and is located within a rural location, surrounded by open countryside it has been considered appropriate to consider the impact of the proposal on European Protected Species (EPS). A number of surveys have been undertaken on the site and the bungalow is found to host a roost for three Brown Long-Eared Bats. When EPS have been identified Regulation 9(5) of the 2010 Habitat Regulations requires that in exercising any of its functions a "competent authority" - in this case the Council - "must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions". The Habitat directive requires Local Planning Authorities to have regard to the three licensing tests. The tests therefore, all of which must be satisfied to allow the activity to be licensed are: is there any imperative reasons of overriding public interest. The second test is: is there no satisfactory alternative. The third test is whether the favourable conservation status of the species in their natural range is maintained (under the scheme proposed pursuant to the licence).

5.14 It should be noted that Natural England applies the tests on a proportionate basis; thus the justification required increases with the severity of the impact on the species or population concerned. In this instance the property is host to three

Brown Long-Eared Bats and therefore can be considered by Natural England under a Low Impact License.

- 5.15 In the absence of advice from Natural England, the LPA are not required to undertake a detailed assessment of the three licensing tests but should however be satisfied with the likelihood that the relevant licensing body would grant a licence. In this instance, the applicant has submitted a structural survey to indicate that the dwelling is not viable to be retained, therefore the property would likely fall into disrepair resulting in an unsuitable long term bat roost. In addition the applicant has submitted a mitigation survey by Cotswold Wildlife Surveys Limited which outlines the relevant mitigation measures deemed acceptable onsite which consist of the installation of two Schwegler 1FF bat boxes on the retained buildings.
- 5.16 Given the above, the Council are of the opinion that it is likely that Natural England would grant a license on this basis.
- 5.17 Other considerations
No objections have been raised by WCC Highways subject to conditions relating to onsite parking. The proposal therefore accords with Policy TR11 of the BDLP. In addition, given the location of the proposed dwelling, there are no neighbour amenity issues.
- 5.18 Conclusions
The Council considers the scale of the replacement dwelling is excessive in relation to the existing and that the development is therefore inappropriate by definition. The PD fall-back position is a material consideration; however the Council believes that given the structural survey submitted the PD fall-back is not a realistic option even by the applicants own admission. As such very little weight is afforded to this as to override the significant harm caused by the inappropriate nature of the development. Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. These very special circumstances have not been demonstrated by the agent or indeed exist.
- 5.19 Given the site is an undesignated heritage asset within the context of a historic farmstead, the proposal is considered by virtue of the design of the proposed dwelling to have a negative impact on the historic relationship with the farmstead taking into account its urban appearance.

6. **RECOMMENDATION:** That planning permission be Refused

6.1 **Reasons for Refusal**

- 6.2 The proposed dwelling would be considered inappropriate development in the Green Belt as it would not fall within any of the appropriate development exceptions of paragraph 89 of the NPPF. Inappropriate development is by definition harmful to the openness of the Green Belt. No Very Special

Circumstances have been submitted or exist which would outweigh the harm caused which would be contrary to policies DS2 and S9 of the BDLP and policy BDP4 of the Emerging Local Plan.

- 6.3 The proposed design of the dwelling is of an urban appearance with a hipped roof, uniform window spacing and large glazed elements which is at odds with the simple utilitarian appearance usually found within a rural context. It is considered that the design of the dwelling would conflict with the character of the traditional farmstead and have a detrimental impact on the dwellings relationship within the historic farmstead contrary to policy DS13 of the BDLP, Paragraph 64 of the NPPF and policy BDP19 of Emerging Local Plan.

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

Name of Applicant	Proposal	Plan Ref.
Dr R Solanki	Single storey extension to provide a separate data storage and privacy room New Road Dental Surgery, 68 New Road, Bromsgrove, B60 2LA,	16/0894

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

RECOMMENDATION: That planning permission be Granted.

Consultations

Worcester Regulatory Services- Contaminated Land Consulted 13.10.2016
No Objection.

Highways Department- Worcestershire County Council Consulted 26.09.2016
The proposal is to extend the ground floor accommodation to provide a separate data storage and privacy room, no loss of car parking or additional consultation rooms have been proposed; therefore no highway implications

23 letters of Objection have been received, the contents of which have been summarised as follows –

- This is a duplicate application to the recently refused application reference 15/0632.
- The practice has steadily increased with stealth development, little and often.
- The original dentist started with only two treatment rooms and now has five.
- Previous development has been permitted without adequate controls.
- Reception room could be used as an additional treatment room.
- Previous applications did not apply for treatment rooms and have since been used as such.
- Development not in keeping with locality or character of the building.
- The dentist has not considered an alternative site more suitable for expansion.
- Concern over noise from building works.
- Site is too small for further expansion.
- Development will cause a reduction in neighbouring property values.
- The parking from patients and staff on the road causes traffic problems;
 - Pushchairs are forced onto the road
 - There is a lack of visibility for those using their driveways
 - No space for the Council street cleaners
 - High volume of local traffic
 - People have been parking on the bus stop causing traffic issues
 - Concern over road safety
 - Dangerous at junction with New Road and Wellington Road

Plan reference

Councillor Thomas Consulted 26.09.2016

A large number of residents have expressed concerns, particularly on highway issues.

Councillor Dent

Nothing has changed on this current application since the previous appeal decision.

Relevant Policies

Bromsgrove District Local Plan 2004 (BDLP):

DS13 Sustainable Development
S19 Incompatible Land Uses
S28 New and Enhanced Community Facilities
E4 Extension to Existing Commercial Uses

Emerging Bromsgrove District Plan:

BDP1 Sustainable Development Principles
BDP19 High Quality Design

Others:

NPPF National Planning Policy Framework

Relevant Planning History

11/0202	Advert to display name, website and telephone number of business activity on site.	Approved	05.05.2011
12/0402	Extension of existing dental surgery to provide additional treatment room (as amended by plans received 20/6/12).	Approved	02.07.2012
13/0691	Proposed First Floor Extension	Approved	10.12.2013
15/0632	Single Storey Side Extension to provide private receptionist area	Refused Appeal Dismissed	07.10.2015 20.06.2016

Assessment of Proposal

This application relates to a single storey side extension to be used as a data storage and privacy room. This property is used as a dental surgery. This business premises is located in a Residential Area as defined in the Bromsgrove District Local Plan (BDLP).

A Design and Access Statement has been submitted with this application which states the intended use of extending the building. In addition, the applicant has submitted requirements to provide a private area under the Health and Social Care Act 2008. The proposal is not intended for the increase in treatment rooms or patients, and as a result the proposal would not require any additional parking having regarded the Councils Standards. From the public consultation, it is appreciated that the neighbours are experiencing a number of highway issues in regards to this site. However, the Highways authority has not objected to the scheme given the use of the proposed extension. Therefore a condition is placed on the use of the reception room to ensure sufficient parking remains on site to accommodate any staff and visitors and any existing Highway concerns are not exacerbated from this approval.

This application follows a previously refused application for a single storey extension to facilitate a private reception room. This application subsequently went to appeal and was dismissed on the extensions impact on the character of the building. It should be noted that the inspector removed the Councils second reason for refusal based on neighbour amenity and did not consider the parking and highways matters affected the decision made.

Since the previous application, the extension has been reduced in size and relocated to the other side of the building. It is considered that the extension would now sit in a more discreet position, integrating better with the existing building and therefore has addressed the refusal reason as stated in the previous appeal.

Notwithstanding the above, it is not considered the scheme will result in any detrimental loss of privacy, light or general amenity.

We have received no objection from any consultees with respect to highway matters.

RECOMMENDATION: That planning permission be GRANTED.

Conditions:

- 1) The development must be begun not later than the expiration of three years beginning with the 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 Materials specified in question 9 of the application form and Approved Plans/ Drawings listed in this notice:

3318-02A - Proposed Floor Plans and Elevations

3318-03 - Site Plan

OS Map - Location Plan Scale 1:1250

Plan reference

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

- 3) The extension hereby permitted shall not be used as an additional treatment room and shall only be used as an additional private reception as stated in this application in perpetuity.

Reason: To ensure sufficient parking remains onsite having regard the Councils Standards in the interests of Highway safety.

Informative:

- 1) This application has been assessed in accordance with the relevant local and national planning policies and is considered an acceptable form of development given the location and design.

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