



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 5TH MARCH 2018
AT 6.00 P.M.

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

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

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

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

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

AGENDA

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

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

3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 5th February 2018 (Pages 1 - 4)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 17/01429/FUL - Change of use of maintenance / chapel building approved under planning permission 12/0448 to allow for cremations to take place, reduction in scale of building and hard standing and reduced operating times - Land Adjacent, New Inns Lane, Rubery, Birmingham, Worcestershire - h2land (Pages 5 - 16)
6. 18/00101/FUL - Single storey and two storey side extensions - 5 Chapel Drive, Wythall, Birmingham, Worcestershire, B47 6JP - Mr. P. Patel (Pages 17 - 20)
7. 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

22nd February 2018

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Information for Members of the Public

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

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

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

The Agenda is divided into the following sections:-

- **Procedural Items**

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

- **Reports of the Head of Planning and Regeneration**

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

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

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

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

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

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

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

- Reports of the Head of Legal and Democratic Services

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

- Urgent Business

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

- **Confidential / Exempt Business**

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

Public Speaking

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

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

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

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

NOTES

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

Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officer(s) in order to avoid unnecessary debate on such detail at the meeting. Members of the Committee are requested to arrive at least one hour before the start of the meeting to read any additional representations and to ask questions of the

Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting. Councillors should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.

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

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

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

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

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

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

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

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

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

Further information

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

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

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

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

Officers: Mrs. T. Lovejoy, Mr. D. M. Birch, Mr. S. Jones, Mr. A. Fulford and Mrs. P. Ross

64/17 **APOLOGIES**

Apologies for absence were received on behalf of Councillors C. A. Hotham, S. P. Shannon and P. L. Whittaker. Councillor L. J. Turner was confirmed as Councillor C. A. Hotham's substitute for the meeting.

65/17 **DECLARATIONS OF INTEREST**

No declarations of interest were made.

66/17 **MINUTES**

The minutes of the meetings of the Planning Committee held on 20th December 2017 and 8th January 2018 were received.

RESOLVED that the minutes of the meetings held on 20th December 2017 and 8th January 2018 be approved as a correct record.

67/17 **2017/01077/FUL - ERECTION OF RURAL WORKERS DWELLING TO MEET THE NEEDS OF LOWER PARK FISHERIES - LOWER PARK FISHERIES, DAGNELL END ROAD, REDDITCH, WORCESTERSHIRE, B98 9BE - MR S. WOOD**

Officers confirmed that the Applicant had demonstrated that there was a functional need for the role of the manager to live onsite and that this could not be met by any existing dwellings.

The Committee then considered the Application, which Officers had recommended for approval. Members were generally supportive of the application, but sought clarification from Officers as to the terms of the suitable and satisfactory legal mechanism.

RESOLVED that

- 1) authority be delegated to the Head of Planning and Regeneration Services to determine the Planning Application following:
 - a) the receipt of a suitable and satisfactory legal mechanism to ensure that the occupation of the dwelling shall be limited to a person solely or mainly employed as Fisheries Manager at Lower Park Fisheries, and to any resident dependents of any such persons.

68/17

2017/00701/OUT - HYBRID APPLICATION COMPRISING: OUTLINE PLANNING APPLICATION (WITH MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT, SCALE AND DETAILS OF INTERNAL CIRCULATION ROUTES RESERVED) FOR THE DEVELOPMENT ON A PHASED BASIS OF 32HA OF EMPLOYMENT LAND FOR BUSINESS/INDUSTRIAL USES (USE CLASSES B1, B2, B8). THE DEVELOPMENT SHALL INCLUDE: LANDSCAPING, PARKING, ASSOCIATED INFRASTRUCTURE, UTILITIES, DRAINAGE (INCLUDING SUDS) AND GROUND ENGINEERING WORKS; AND FULL PLANNING APPLICATION FOR PHASE 1 GROUND ENGINEERING WORKS, AND DETAILS OF MEANS OF ACCESS TO THE SITE FROM THE A4023 - REDDITCH GATEWAY, LAND ADJACENT TO THE A4023, COVENTRY HIGHWAY, REDDITCH, WORCESTERSHIRE - REDDITCH GATEWAY INFRASTRUCTURE LTD

Prior to the consideration of this item, the Chairman drew Members' attention to the Redditch Eastern Gateway – Altered Parameters Plan and the amendments as detailed on page 2 of the Supplementary Agenda Pack; with a visual display to be provided by Officers.

Officers provided updates on the Altered Parameters Plan and the Summary of decision of Stratford Borough Council at the meeting of Stratford-upon-Avon Planning Committee (west) on 31st January 2018, as detailed in the published Update Report, copies of which were provided to the Committee and public gallery prior to commencement of the meeting.

Members were reminded as to the Committee's decision at the previous meeting of the Planning Committee held on 4th December 2017, as detailed on page 1 of the Supplementary Agenda Pack; and that any substantial amendments or changes to the application would be brought back to Planning Committee Members for consideration.

Officers highlighted that the amendments to the Parameters Plan were confined wholly to the part of the site which lay within Stratford upon Avon District and proposed no modifications to that part of the development within Bromsgrove District. Therefore it would be for Stratford District Council to undertake any consultation / notification of interested parties.

Agenda Item 3

Planning Committee
5th February 2018

It was noted that paragraph one of The Amendments - Parameters Plan 5372 – 205 L, as detailed on page 2 of the Supplementary Agenda Pack, should read “to” 30 metres and not “of” 30 metres.

Members’ attention was drawn to the Officer Appraisal, as detailed on page 3 of the Supplementary Agenda Pack.

The Committee then considered the amendments proposed in respect of that part of the application that fell within Stratford upon Avon District. Members expressed their concerns as to the proposed Steering Group, as referred to on page 2 of the published Update Report; and therefore requested that further clarification was sought; as to the membership and role of the proposed Steering Group, how decisions would be made and confirmation of the area that would be covered by the Steering Group.

Members also requested that the Annual HGV Surveys, as referred to on page 1 of the published Update Report, also be provided to future Bromsgrove District Council, Planning Committee meetings (with the first submission twelve months from first occupation).

RESOLVED that

- 1) no objection be raised to the amendments proposed in respect of that part of the application that fell with Stratford upon Avon District;
- 2) Officers be tasked to seek clarification on the proposed Steering Group, as detailed in the preamble above; and
- 3) it be noted that, the Annual HGV Surveys be submitted to future meetings of the Planning Committee, as detailed in the preamble above.

The meeting closed at 6.29 p.m.

Chairman

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Agenda Item 5

Name of Applicant	Proposal	Expiry Date	Plan Ref.
h2land	Change of use of maintenance/chapel building approved under planning permission 12/0448 to allow for cremations to take place, reduction in scale of building and hard standing and reduced operating times Land Adjacent, New Inns Lane, Rubery, Birmingham, Worcestershire	13.03.2018	17/01429/FUL

RECOMMENDATION: That planning permission be GRANTED

Consultations

Arboricultural Officer Consulted 04.01.2018

No objection subject to conditions relating to suitable methods of protection & construction during any works.

Worcestershire Archive And Archaeological Service Consulted 04.01.2018

No objection subject to a conditional programme of archaeological works. This should comprise the archaeological monitoring and recording (Watching Brief) of any groundworks associated with the development that have the potential to expose, damage or destroy any archaeological remains that are present.

Cadent Gas Ltd Consulted 04.01.2018

No objection

HSE Consulted on web application 16.02.18

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

WRS - Air Quality Consulted 04.01.2018

No Comments Received To Date

Drainage Engineers Internal Planning Consultation Consulted 04.01.2018

Having looked at this consultation, I do not believe there is any change in terms of on- or off-site flood risk or drainage from the previously approved application, and therefore I have no observations to make.

Birmingham City Council Consulted 04.01.2018

Thank you for the consultation. In its capacity as an adjacent local planning authority, Birmingham City Council has no comment to make. I am aware of your separate communications with the City Council's Transportation Department.

Worcestershire Wildlife Trust Consulted 04.01.2018

No objection subject to conditions relating to:

- o A Construction Environmental Management Plan (CEMP) detailing protection of retained features including trees and hedgerows, pollution prevention and sensitive working methods (including details of site lighting, timing of works etc.).
- o A Landscape and Environmental Management Plan (LEMP) securing long-term management of retained and created features. This should be guided by the recommendations set out in the ecological reports by Clarke Webb.
- o A sustainable drainage strategy to protect and enhance the local water environment.
- o A lighting strategy to prevent adverse effects on local communities and the natural environment.

Environment Agency Consulted 04.01.2018

As confirmed in our letter of 2 August 2017 in response to application 16/0581, we have no objection to the proposed development and would reiterate that 'we have no further comments to make than those provided on the related planning application (12/0448) and subsequent Discharge of Conditions'.

Cllr Andy Cartwright (BCC) Consulted 04.01.2018

No Comments Received To Date

Cllr Ian Cruise (BCC) Consulted 04.01.2018

No Comments Received To Date

Cllr Carole Griffiths (BCC) Consulted 04.01.2018

No Comments Received To Date

Louise Cowen (BCC Highways) Consulted 04.01.2018

Thank you for the opportunity to comment on this latest proposal. I will reiterate the response I made on application 16/0581

I note that the access has not particularly altered and would request that the S278 agreement condition is applied to this proposal. The Constituency Engineer for Northfield (who had input with the previous application) has not heard anything from the applicant since that time. (Glenn Smith consulted 05-01-2018)

If possible I would also like to see a condition for a Construction Management Plan providing details of routing, construction workers car parking arrangements, mud on the

highway/wheel washing etc. This will need to be sent to Glenn Smith in order to reassure not only him but the local residents.

Highways - Bromsgrove Consulted 04.01.2018

I have no highway objections to the proposed application subject to all conditions / notes attached to the previous planning applications are still valid and are recommended to be included for this planning application; for the change of use of maintenance/chapel building approved under planning permission 12/0448 to allow for cremations to take place, reduction in scale of building and hard standing and reduced operating times.

Bereavement Services Manager Bromsgrove District and Redditch Borough Councils

I would like to offer factual information that the committee can use in relation to Redditch crematorium to put the need assessment into some context.

Para 1.4 states Redditch crematorium is operating at 86% capacity of its core funeral times.

This figure takes no account of the funerals conducted in the early service times and when the 259 services that were conducted before 10:15 are removed the figure for capacity drops to 74%. This figure also doesn't include that capacity to add services at busy times such as weekends and bank holidays which if included would take figure to 69%. This would be by way of an additional 2 services on a Saturday (52x2) and 4 services on a bank holiday but not including new year's day, Christmas & boxing day (4x6).

Para 1.7 states the average waiting time for Redditch crematorium is 28 days but our statistical analysis shows the following :

Although the data in the needs assessment document uses date of death to funeral date this is not an industry standard measure as until the registration process is complete the funeral is not able to commence and the normal measure is therefore booking to service

First week of August 2017 the longest wait for a funeral was 22 days (inc weekends & none working days)and there were 3 cases of this wait time in the 20 services conducted. The shortest wait time was 8 days (inc weekends & none working days) and there were 2 cases of this wait time in the 20 services conducted.

The first week of August is an important measure as we were working in an alternate venue and on reduced service numbers therefore our natural capacity was already down on our norm but we still didn't see the 28 days wait time. In fact the statistical average wait time in that first week was only 17 days.

In order to balance the data I have also looked at the first week of November 2017 after our alternate working was completed. First week of November 2017 the longest wait for a funeral was 28 days (inc weekends & none working days)and there was 1 case of this wait time in the 39 services conducted. The shortest wait time was 8 days (inc weekends

& none working days) and there were 2 cases of this wait time in the 39 services conducted.

In fact the statistical average wait time in that first week was only 11 days.

Para 4.8 states issues of refurbishment works making waiting times longer but this is evidenced as not correct in the data from August week none as stated above.

Para 4.23 states a service time of 30 minutes but this is incorrect as our standard service time is 45 minutes for the core service times. Also our refurbished facility has the ability to hold circa 250 people internally before needing to use the external space. I'm not aware of any funerals in the last 12 months that have exceeded this number.

Publicity

A total of 110 letters were sent on 3rd January 2018 to neighbours and contributors on the previous application at the site which expired on 24th January 2108.

Two site notices were posted, one on each side of New Inns Lane near the proposed site entrance on 11th January 2018 which expired on 1st February 2018.

1 press notice was published on 12th January 2018 which expired on 26th January 2018.

Public Comments

A total of 165 comments have been received relating to the application. Of these;

- 161 comments are made in objection to the application
- 2 comments have supported the proposal
- 2 comments have been received which have been recorded as neutral.

The main issues raised in the representations relate to:

- Highway safety
- The impact of the proposal on house prices
- Air Quality/pollution
- The site being on Green Belt land
- Need
- Water quality
- Ecology

Members are encouraged to read the comments in full on Public Access prior to the committee meeting.

Relevant Policies

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

BDP1 Sustainable Development Principles
 BDP4 Green Belt
 BDP16 Sustainable Transport
 BDP19 High Quality Design
 BDP21 Natural Environment

Relevant Planning History

12/0448	Change of land use from Pasture Land to a Cemetery development including a Chapel and Maintenance building	Approved	25.10.2012
14/0575	Variation of Condition Number 2 and 24 of Application Reference Number: 12-0448 to allow cremations to take place within the approved cemetery maintenance building and to allow the installation of cremation facilities within part of the approved maintenance building	Refused	11.11.2014
16/0581	Change of use of maintenance/chapel building approved under 12/0448 to allow for cremations to take place, reduction in scale of building and hardstanding.	Refused	07.09.2016
		Dismissed at Appeal	02.08.2017
		Costs appeal allowed	02.08.2017

Assessment of Proposal

1.0 The site and surroundings

The site comprises open pasture land bounded to the north by New Inns Lane, which also forms the administrative boundary between Bromsgrove District and Birmingham City Council. To the south east there are properties accessed off Romsley Close and to the east playing fields which are designated open space. To the west lies open countryside, which in part forms the Waseley Hills Country Park and one dwelling, Waseley Hill Cottage. The site lies within the Green Belt.

2.0 Proposed development

2.0 This application seeks planning permission for the use of the site as a cemetery, chapel and maintenance building, to include facilities to allow cremations to take place. The building proposed is formed of two overlapping elliptical shaped buildings, one larger than the other. The larger part of the building comprises a chapel and reception/office/waiting area and toilet facilities. The smaller part will contain the equipment associated with the cremation process as well as an area for maintenance equipment. The submitted plans show that the site to be landscaped to include

pedestrian and vehicular access through the site as well as additional planting of wildflower and meadow grass areas, individual specimen trees and three ponds. A total of 3681 traditional burial plots are proposed and 2669 woodland burial plots are proposed.

3.0 Planning history

3.1 Members will be aware that the site has a planning history dating back a number of years.

3.2 Permission was originally granted for the change of use of the land at the site for use as a cemetery to include a chapel and maintenance building in 2014. All the conditions for this permission have been discharged and a start has been made on site, therefore this permission remains extant and could be completed at any point.

3.3 Of most relevance to the determination of this application is application 16/0581. This application was refused by Members of Planning Committee in September 2016 and subsequently the appeal was dismissed. This appeal decision will be referred to in other parts of this report; however, I wish to draw Members attention to the conclusion of this appeal where the Inspector found that the proposal represented inappropriate development on the basis that insufficient, up to date ecological information had been supplied with the application and that the impact on the Green Belt was unlikely to be any greater than the development already approved at the site:

*“The proposal is inappropriate development in the Green Belt which is by definition harmful, and to which I attach substantial weight. In addition, the proposal would reduce the openness of the Green Belt, result in conflict with the purposes of including land within it, and adversely affect the character and appearance of the area. Furthermore, on the basis of the evidence before me, I cannot be satisfied that harm to biodiversity would not arise as a result of the scheme. **Whilst the impact on openness, purpose and character and appearance would be unlikely to be greater than the extant permission upon the site, I have insufficient information before me to establish whether or not the proposal would protect and enhance biodiversity upon the site.** The considerations put forward in favour of the proposal fail to clearly outweigh this concern. Consequently, very special circumstances do not exist.” (My emphasis)*

3.4 The current proposal differs through minor landscaping changes and the proposal to reduce the operating times of the chapel building. In addition up to date ecological information has been submitted with the application together with a Need Assessment.

4.0 Planning considerations

4.1 Principle

The site lies within the Green Belt where development is restricted to only that outlined at paragraphs 89-90 of the National Planning Policy Framework (NPPF) and Policy BDP4 of the Bromsgrove District Plan. The proposal does not fall within any of these exceptions and therefore represents inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. Paragraph 88 of the NPPF

advises that substantial weight should be given to any harm to the Green Belt. In such cases Very Special Circumstances need to exist to outweigh any harm.

4.2 Do Very Special Circumstances exist?

4.21 *Extant Permission*

As referred to above, planning permission remains extant for a very similar development on the site. This comprises a similarly designed building, utilising the same access, to comprise a chapel and maintenance building and areas of hardstanding and landscaping. This permission therefore comprises a significant material consideration in the determination of this application. The Inspector in determining the appeal in relation to application 16/0581 at paragraph 34 similarly gave significant weight to this 'fallback' position and went on to compare the differences between the extant and proposed schemes.

4.22 *Changes to the proposed scheme when compared with that approved*

4.221 A number of physical changes to the scheme are proposed when considered against that which has planning permission. These are:

- Reduction in hardstanding of approximately 24% and consequential increase in landscaping
- Reduction in the scale of the building by approximately 10% in volume through a reduction in height
- Proposed timber clad conical flue

4.222 In addition the applicants are proposing a reduction in the hours of operation at the site. The approved hours for the use of the site under permission 12/0448 are controlled under two conditions as follows:

18. The cemetery and chapel/reception building shall not be open to the public outside the hours of 09:00 to 18:00 unless otherwise agreed in writing by the local planning authority.

19. No burials shall take place outside the hours of 09:30 to 18:00 Monday to Saturday and 11:00 to 16:00 Sundays and bank holidays.

4.223 The applicants are now proposing a reduction in the days on which services can take place, effectively amending condition 18, so that instead of 7 days being permitted the use of the building is only proposed on Monday to Fridays. The applicants are also proposing a reduction in the hours of use of the chapel building to between 09:00 and 17:00.

4.224 The physical changes to the permission do not significantly differ to that considered at the planning appeal in relation to application 16/0581. With reference to the flue, which is the only significant addition to the building, due to its design and lower height relative to existing landscaping it was considered that this would not be a prominent feature in the wider landscape.

4.225 In particular with reference to all the physical changes the Inspector, at paragraph 36, considered that the proposal would be likely to have a lesser impact on the Green Belt than the extant scheme:

“In view of these matters, the proposal would be likely to have a lesser impact on the openness of the Green Belt than the permitted use of the site as a cemetery. It would also have a reduced impact on the character and appearance of the area as a result.” (My emphasis)

4.226 I consider that this weighs significantly in favour of the proposed scheme.

4.227 With respect to the reduced hours of operation of the chapel building this is an additional aspect to the scheme which was not considered by the Inspector, however in my view the reduction in hours of operation would naturally reduce the number of comings and goings to the site which Members raised as a specific concern with the previous application. Particular regard should be had to the fact that the number of services is not restricted by application 12/0448 and that only one service, of any type, can take place at any one time.

4.228 In addition, with respect to the previous scheme at the site which did not include the reduction in operating hours, the Inspector considered with respect to activity on the site at paragraph 38 of the decision that the impact of the extant proposal against the previous proposal would not be significant:

“Although the appellant estimates that there would be likely to be more cremations than burials, I am not convinced on the basis of the evidence before me that this would result in a level of ‘comings and goings’ over and above those that could legitimately take place upon the site. It is likely that the vehicle movements and associated activity connected with a cremation service would be similar to a burial service. In light of the foregoing I find that the ‘coming and goings’ to the site would not be materially different to the use that the Council has previously found to be acceptable on the site. The proposal would be likely to have a similar effect to the approved scheme in terms of its impact on the character and appearance of the area in this regard.” (My emphasis)

4.229 Given that the proposal now seeks a reduction in the hours which the chapel building is open to the public, this is likely to further reduce the level of activity at the site. This is considered to weigh significantly in favour of the proposed development.

4.3 Other matters

4.31 *Ecology*

4.311 Having regard to the previous appeal decision on the site a further material consideration is the ecological impacts of the proposed development. The applicant has submitted in support of the application an Ecological Appraisal and a Biodiversity Mitigation and Enhancement Strategy. The current application has been considered by the Worcestershire Wildlife Trust including the previous appeal decision and the extant permission on the site. Taking all these matters in to account it is considered that the council has sufficient information is available to make a decision on this application. it is

further considered that the impact of the current proposal will be less than that of the extant permission and subject to the imposition of a number of conditions, no objection is raised to the proposed scheme.

4.32 Need

4.321 A number of the representations received in relation to the application raise the issues relating to the need for the development.

4.322 In Paragraph 57 of appeal reference 2208636 relating to the provision of a crematorium on Green Belt land in Nottinghamshire the Inspector stated:

“.....in a sustainable and humane society, adequate provision of cremation facilities is an essential need. To my mind this is a planning consideration of the highest order. Bereaved relatives, organising a funeral, should be able to expect to find a suitable crematorium within a reasonable distance. There should also be sufficient capacity for funerals to be arranged, at times convenient to the mourners, without undue delay.”

4.323 The applicants have submitted with their application a Need Assessment seeking to justify why the development is required in this location. In addition, further information has been submitted by the applicant in relation to a recent appeal recovered by the Secretary of State which considered, in some detail, the matter of need for two proposals relating to the development of crematoria within the Green Belt.

4.324 The Bereavement Services Manager at Bromsgrove and Redditch Council's has commented on the applicant's assertions regarding need particularly in relation to capacity at Redditch Crematorium. Members will note that the capacity figures of the Redditch Crematorium are stated as being below those quoted by the applicant.

4.325 It is important to note that this site benefits from an extant planning permission to carry out a very similar development, in physical terms, to that which is currently being applied for. In addition, the Inspector in determining the previous scheme which would facilitate the use of the site as a crematorium found that there would be little difference in terms of impact between the use of the site only for burial services as opposed to a combination of burial and cremation services. In addition, I am mindful that the provision of a crematorium would offer greater choice for the public when making funeral arrangements.

4.326 Taking these matters in to account I considered that limited weight can be given to the issue of need when determining this planning application.

4.33 Representations

4.331 In addition to those matters addressed above a number of other issues have been raised in respect to the proposed:

The impact of the development on house prices: this is not a material planning consideration

Highway safety: neither Birmingham City Council nor Worcestershire County Council Highway Authorities have raised objections to the application and therefore it would be unreasonable to refuse planning permission on this ground.

The site being on Green Belt land: This matter is addressed in the report above

Drainage: No objections to the proposal have been raised by the Environment Agency or North Worcestershire Water Management and therefore it is considered unreasonable to recommend refusal of planning permission on this ground

Air Quality: Comments from Worcestershire Regulatory Services relating to Air Quality are awaited, but on the basis of the comments received regarding the previous scheme raising no objections it is considered that this scheme is unlikely to raise any significant concerns.

5.0 Conclusion and Planning Balance

5.1 The proposal represents inappropriate development in the Green Belt, which is harmful by definition and which carries substantial weight. There would be additional harm to the openness of the Green Belt and the character and appearance of the area by the development being carried out.

5.2 However, a significant material consideration is the presence of an extant planning permission on the site, which in terms of the impact on the openness of the Green Belt, its purpose and the character and appearance of the area would have a greater impact than the extant permission. This is particularly with reference to the size of the permitted building being smaller and the amount of hardstanding being less. In addition, the hours proposed for the operation of the chapel are proposed to be reduced which would limited the levels of 'comings and goings' associated with site which was of concern to Members in relation to the previous application.

5.3 Finally, no other technical issues have been raised which would result in a recommendation for refusal.

5.4 Taking all these matters in to account it is considered that the balance weighs in favour of granting planning permission.

RECOMMENDATION: That planning permission be Granted.

Conditions:

It is intended to attach conditions in relation to the following themes:

General

- Time limit for the implementation of the development
- Drawing numbers to be complied with

Ecology:

- A Construction Environmental Management Plan (CEMP) detailing protection of retained features including trees and hedgerows, pollution prevention and sensitive working methods (including details of site lighting, timing of works etc.).
- A Landscape and Environmental Management Plan (LEMP) securing long-term management of retained and created features. This should be guided by the recommendations set out in the ecological reports by Clarke Webb.
- A sustainable drainage strategy to protect and enhance the local water environment.
- A lighting strategy to prevent adverse effects on local communities and the natural environment.

Highways:

- Package of highway measures to be approved: formation of the vehicular and pedestrian access to the site, turning areas and parking facilities. To be installed before first use of the site
- Construction Management Plan to include: details of routing, construction workers car parking arrangements, mud on the highway/wheel washing, construction hours, noise control devices, control of emissions of dust and dirt during construction, scheme for the disposing/recycling of waste resulting from construction works
- Measures to prevent mud being deposited on the highway

Archaeology

- Programme of archaeological work including a Written Scheme of Investigation for has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance_and research
- The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation

Trees:

- Other than as specifically shown on the approved plans, no trees or hedges on the application site, or the branches or roots of trees growing onto the site from adjacent land, shall be topped, lopped, felled or uprooted without the specific written permission of the Local Planning Authority.
- Submission of an Arboricultural Method Statement or similar detailed schedule of tree protection works in accordance with British Standard BS5837:2012 shall be submitted to and approved by the Local Planning Authority.
- Tree protection as per details in Arboricultural Method Statement
- Provision of a landscaping scheme of tree and hedge planting & wildlife habitat creation or enhancement

- Prior to the development being occupied or operational, the approved landscaping scheme shall be completed to the satisfaction of the Local Planning Authority. Should any trees or hedges which are shown to be retained or planted on the approved plans either die, become diseased or are removed, they shall be replaced or restored to the satisfaction of the Local Planning Authority.

Other

- External materials to be used on the proposed building
- Headstone height to be limited to one metre
- Drainage strategy and monitoring
- The cemetery and chapel/reception building shall not be open to the public outside the hours of 09:00 to 17:00 Monday to Friday. The cemetery and chapel/reception building shall not be open on Saturdays or Sundays.
- No burials shall take place outside the hours of 09:30 to 18:00 Monday to Saturday and 11:00 to 16:00 Sundays and bank holidays.
- Hours that construction works can take place restricted to between 08:30 and 18:00 Monday to Friday and 08:30 and 15:30 on Saturdays. No working shall take place on Sundays or Public or Bank Holidays.
- No plant or machinery shall be stored in the open within the site
- Restriction on the use of the building to D1 only
- Removal of Class A and B rights of Part 2 of the General Permitted Development Order

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Agenda Item 6

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Priesh Patel	Single storey and two storey side extensions 5 Chapel Drive, Wythall, Birmingham, Worcestershire, B47 6JP	21.03.2018	18/00101/FUL

RECOMMENDATION: That planning permission be **Granted**

Consultations

Wythall Parish Council Consulted 31.01.2018

No Objection.

Whilst we have no objection, we note that this will be a large extension, on what is a comparatively small plot, which has already been subject to a number of previous extensions

Highways - Bromsgrove Consulted 31.01.2018

I have no highway objection to the proposed extensions, it is noted the applicant is providing an additional car parking space (total 3 car parking spaces plus a garage) - acceptable in this instance.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP19 High Quality Design

Others

SPG1 Residential Design Guide

NPPF National Planning Policy Framework

Relevant Planning History

B/9931/1982	Erection of detached house (Approval of reserved matters Ref B7010) (As amended by plans received 6/8/82)	Approved	16.08.1982
B/14582/1986	Single storey extension to form utility room, (as amended by plans received 20.11.86).	Approved	08.12.1986
12/0679	Alignment of fencing for an enlarged disabled access	Approved	23.10.2012
17/0175	single and two storey side and front extensions	Refused	20.10.2017

Background

This proposal has arisen as a result of a previous similar application (reference 17/0175) which failed to provide sufficient off road parking to comply with the Bromsgrove District Local Plan Policy 16 and paragraphs 32 and 35 of the National Planning Policy Framework. That application was refused on 20th October 2017 for the following reason:-

The dwelling (as extended) would have 5 bedrooms and generate a requirement for a minimum of 3 off road parking spaces. Provision for off road parking was not detailed on the submitted drawings, but it is evident from drawing FSL/604/4 Rev C, that the extension to the front of the west wing /garage, would bring that element within approximately 3.2 metres of the property boundary with the public highway and consequently leave insufficient space to accommodate 3 vehicles within the curtilage of the dwelling without them overhanging the footway. This arrangement also risked vehicles associated with the property parking on the public highway. For these reasons, that proposal would result in overdevelopment of the site and would represent an unacceptable risk to highway safety and cause an obstruction to the free and safe movement of traffic, both pedestrian and vehicular.

Assessment of Proposal

The property is located within Chapel Drive, Wythall which consists of similar detached two storey dwellings. The application site is a two storey detached dwelling constructed in the mid 1980's which has been previously extended at single storey to the west side. The site is a wide and narrow plot with private amenity space to the east side.

The current scheme proposes a new two storey side extension to east side, increase in ridge height of the existing single storey to the west side and development forward of the principal elevation at ground floor to the south.

Objections have been received from adjoining occupiers at Nos 2,4,6,7,8,9,10,11 Chapel Drive and 10 Church Close which are summarised as parking, privacy, not in keeping with the street scene and over development of the site. Other matters raised such as loss of view do not form material considerations and cannot be considered.

Worcestershire County Council Highway Authority have been consulted regarding the application and raise no objection noting the provision of 3 parking spaces and garage are acceptable in this instance.

The proposed two storey development to the east of the plot would be over 21 metres from the property directly facing at 6 Chapel Drive and is therefore in accordance with the separation distance for privacy contained within section 8 of the extant Residential Design Guidance (SPG1). Whilst the proposed plans also show additional windows to the rear of the original dwelling these do not require consent as they are 'permitted development'.

The streetscene generally consists of four bedroom detached properties within a variety of orientations and designs to the principal elevation. The proposed development would not detract from the character of the area.

The proposed additions are subordinate to the existing dwelling, would not result in significant loss of space between properties or reduce amenity space below the 70 square metres minimum contained in section 9 of the SPG1 guidance.

Conclusion

The scheme submitted has addressed the shortfall of off road parking which resulted in the previous application being refused. It is compliant with the Bromsgrove District Local Plan Adopted January 2017, the Residential Design Guidance document (SPG1), The National Planning Policy Framework and therefore recommended for approval.

RECOMMENDATION: That planning permission be **Granted**

Conditions:/Reasons for Refusal

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason :- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) All new external walls and roofs shall be finished in materials to match in colour, form and texture those on the existing building, or if a near match cannot be found, the written approval of the Local Planning Authority should be obtained for materials prior to development commencing. The development shall then be carried out in accordance with the approved details.

Reason:- To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area and in accordance with Policies in the Local Plan.

- 3) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Proposed elevations drawing FSL/604/9 revision H dated Sept 16;
Proposed floor plans drawing FSL/604/4 revision E dated Mar16.

REASON: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 4) The Development hereby approved shall not be brought into use until the parking facilities shown on Drawing FSL/604/4 Rev E has been provided. These parking spaces shall thereafter be retained for that purpose for the lifetime of the development.

REASON: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

Informatives

- 1) In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising from the application in accordance with the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The authority has helped the applicant resolve technical issues such as: arking provision.

The proposal is therefore considered to deliver a sustainable form of development that complies with development plan policy.

- 2) This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email worcestershirevehicle.crossing@ringway.co.uk. The applicant is solely responsible for all costs associated with construction of the access.
- 3) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

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