



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 3RD JUNE 2019
AT 6.00 P.M.

PARKSIDE SUITE - PARKSIDE

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 S. J. Baxter, A. J. B. Beaumont, R. J. Deeming, S. P. Douglas, A. B. L. English, M. Glass, S. G. Hession, J. E. King, P. M. McDonald, P.L. Thomas 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. Election of Chairman for the ensuing Municipal Year
2. Election of Vice-Chairman for the ensuing Municipal Year
3. To receive apologies for absence and notification of substitutes
4. 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.

5. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 29th April 2019 (Pages 1 - 6)
6. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
7. 18/0811/S73 - Minor material amendments to approved plans of application reference number: 15/1008 involving the construction of 5 no blocks of Assisted Living Units (totalling 20 units) and 1 no. block of Close Care Units (totalling 21 units) as part of the retirement community (Use Class C2) - 23 Greenhill, Burcot Grange, Burcot, Bromsgrove, Worcestershire, B60 1BJ - c/o Meedhurst Project Management (Pages 7 - 20)
8. 19/00245/LBC - Replace all existing timber and metal single glazed windows with UPVC double glazed units - St Peters Community Centre, Rock Hill, Bromsgrove, Worcestershire, B61 7LH - Rev G. Wilkinson (Pages 21 - 26)
9. 19/00302/FUL - Conversion of dwelling house into two dwellings porch to the side to serve unit 1 - 1 Blakes Field Drive, Barnt Green, Birmingham, Worcestershire, B45 8JT - Mr I Watson (Pages 27 - 30)
10. 19/00383/FUL - Change of use to form a doggy daycare compound - Beaumont, Cofton Church Lane, Cofton Hackett, Birmingham, Worcestershire, B45 8BE - Mr & Mrs B. Field (Pages 31 - 38)
11. 19/00395/FUL - Proposed stand to cover existing terrace seating - Victoria Ground, Birmingham Road, Bromsgrove, Worcestershire, B61 0DR - Bromsgrove Sporting Football Club Limited (Pages 39 - 42)
12. 19/00396/FUL - Alterations and extensions to existing dwelling - Headley Rise, Packhorse Lane, Hollywood, Birmingham, B38 0DN - Mr & Mrs Cox (Pages 43 - 46)
13. 19/00492/LBC - Proposed Alterations to fabric of proposed Unit 3A (part retrospective): Listed Building Consent - Stoney Lane Farm, Stoney Lane, Alvechurch, Worcestershire, B60 1LZ - Mr P. Whittaker (Pages 47 - 50)
14. 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

23rd May 2019

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 Local Plan below, and Planning Policy Statements, specifically referred to as follows:-

BDP	-	Bromsgrove District Plan 2011-2030
SPG	-	Supplementary Policy Guidance
NPPF	-	National Planning Policy Framework
NPPG	-	National Planning Practice Guidance

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, 29TH APRIL 2019, AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), C. Allen-Jones (During Minute No's 82/18 to 83/18), S. J. Baxter, M. T. Buxton, C.A. Hotham, S. R. Peters, S. P. Shannon, M. A. Sherrey, C. J. Spencer and P. J. Whittaker

Officers: Ms. C. Flanagan, Mr. D. M. Birch, Miss C. Gilbert, Mr. P. Lester
Mr. S. Hawley (Worcestershire Highways Authority) and Mrs. P. Ross

77/18 **APOLOGIES**

Apologies for absence were received from Councillor P. L. Thomas.

78/18 **DECLARATIONS OF INTEREST**

C. A. Hotham declared an Other Disclosable Interest in relation to Agenda Item 5 (Application 18/01209/FUL – Former Fire Station and Library Building, Windsor Street, Bromsgrove, Worcestershire, B60 2BJ), in that he was a member of Hereford and Worcester Fire and Rescue Service (HWFR). Councillor Hotham withdrew from the meeting room prior to the consideration of the item and took no part in the Committee's consideration or voting on the matter.

C. A. Hotham also declared in relation to Agenda Item 6 (Application 19/00062/FUL – Land Off Billesley Lane, Portway, Worcestershire, B48 7HF, as County Councillor for Beoley Parish Council, who had been consulted on the Application. Having advised that, he had not commented on the Application at Parish Council meetings owing to his role on the Council's Planning Committee, Councillor Hotham participated and voted on the matter.

79/18 **MINUTES**

The minutes of the meeting of the Planning Committee held on 11th March 2019 were received.

RESOLVED that the minutes of the meeting of the Planning Committee held on 11th March 2019, be approved as a correct record.

80/18 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING (TO BE CIRCULATED PRIOR TO THE START OF THE MEETING)**

The Chairman confirmed with Members that they had received and read the updates which had been published and circulated prior to the commencement of the meeting.

81/18

18/01209/FUL - PROPOSED RESIDENTIAL ACCOMMODATION WITH CARE (CLASS C2) COMPRISING 67 APARTMENTS WITH COMMUNAL FACILITIES, LANDSCAPING AND PARKING - FORMER FIRE STATION AND LIBRARY BUILDING, WINDSOR STREET, BROMSGROVE, WORCESTERSHIRE, B60 2BJ - MR. A. TAYLOR

Members were reminded that this application was considered at Planning Committee on 11th March 2019, whereby Members resolved that the matter be deferred to enable Officers to have further discussions with Redditch and Bromsgrove Clinical Commissioning Group (CCG), in order to establish full reasons for them not seeking a contribution from the developer of this proposed care home.

Officers reported that a further response had been received from Redditch and Bromsgrove CCG, as detailed on page 31 of the main agenda report.

Officers further reported that information had been received from The Bromsgrove Society; in that the Society was aware of the existence of a Cold War Civil Defence Facility in the basement of the building. Members were informed that no development would take place until a programme of archaeological work had been submitted to and approved by the local planning authority; as detailed in Conditions 9 and 10, on pages 27 and 28 of the main agenda report.

The Committee then further considered the Application which was recommended for approval by Officers. Having considered the detailed response from Redditch and Bromsgrove CCG, Members were still concerned that no funding was being sought from the developer. Members felt that this appeared to be short sighted by the CCG with regard to the potential for additional demand in the future on local health services.

RESOLVED

- 1) that authority be delegated to the Head of Planning and Regeneration Services to determine the Full Planning Application following the satisfactory completion of a S106 planning obligation ensuring that:
 - (i) A financial contribution of £14,600 to be provided towards improvements to the bandstand infrastructure at Sanders Park, Bromsgrove;
 - (ii) A contribution of £7320.47 for the provision of recycling and refuse waste bin facilities;

- (iii) Occupancy restriction to those aged 55 years or older who are assessed to be in need of care;
- (iv) A financial contribution of £139,930 towards Worcestershire Acute Hospitals NHS Trust;

and

- 2) the Conditions as detailed on pages 26 to 30 of the main agenda report.

82/18

19/00062/FUL - MATERIAL CHANGE OF USE OF LAND FOR STATIONING OF CARAVANS ON 3 PITCHES FOR RESIDENTIAL USE WITH FACILITATING DEVELOPMENT (HARD STANDING, ACCESS TRACK, CREATION OF ACCESS, UTILITY BLOCKS) AND KEEPING OF HORSES (PART RETROSPECTIVE) - LAND OFF, BILLESLEY LANE, PORTWAY, WORCESTERSHIRE, B48 7HF - MS. C. STOKES AND MR. B. STOKES

Officers clarified that the Application had been brought to the Planning Committee for consideration at the request of Councillor C. B. Taylor, Ward Member.

Officers reported that a noise survey had now been submitted, which provided sufficient information, therefore the Recommendation had been amended to remove refusal reason 4; and that a further representation had been received on behalf of Portway BRAID in objection. The representation raised matters in relation to the following matters, most of which had already been covered in the original report:

- Green Belt harm,
- Sustainability of the site,
- highway safety,
- impact of proposal on hedgerow along Billesley lane,
- Impact of proposal on the landscape character and visual amenity of the area,
- Ecological and Biodiversity harm of proposal- including the submission of a letter relating to a hedgerow survey by Swift Ecology,
- Unauthorised encampment has resulted in a breakdown in community cohesion and a perception by the settled community of domination,
- Insufficient information provided relating to drainage, noise and air quality;

as detailed in the published Update Report, copies of which were provided to the Committee and public gallery prior to the commencement of the meeting.

Officers further reported that Paragraph 144 of the NPPF, sets out that

substantial weight should be given to any harm to the Green Belt and that the Planning Policy for Traveller sites (PPTS) made it clear that, subject to the best interest of the child, personal circumstances and unmet need were unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

Very special circumstances had been submitted by the applicant; however it was not considered that these would amount to very special circumstances to clearly outweigh the harm that the proposal would cause to the Green Belt.

At the invitation of the Chairman, Mr. K. Price, on behalf of Portway BRAID, addressed the Committee in objection to the Application. Mrs. A. Heine the Applicant's Agent addressed the Committee. Councillor C. B. Taylor, in whose Ward the Site was located and Mr. K. Jones, Vice-Chairman, Beoley Parish Council also addressed the Committee in objection to the Application.

The Committee then considered the Application, which had been recommended for refusal by Officers. Members commented that the Site Visit had proved useful.

Officers responded to questions from Members with regard to temporary consent.

Having considered all of the information provided and Officer responses to the queries raised with regard to the unauthorised removal of the existing established hedgerow on the proposed development site, which had also been cleared in order to create vehicular access; Members were in agreement with Officers that due to the removal of the hedgerow at the front of the site, the proposed development site would be highly visible from along Billesley Lane. Members were in agreement that there would be a substantial amount of development at the proposed site, therefore harming the Green Belt in terms of both inappropriateness and the impact on openness.

RESOLVED that Planning Permission be refused for the reasons as set out on page 3 of the Update Report.

83/18

19/00222/FUL - SINGLE STOREY CAR PORT ADJACENT TO THE EXISTING GARAGE - CEDAR HAVEN, 96-98 BARKERS LANE, WYTHALL. WORCESTERSHIRE, B47 6BS - MR. A. DIXON

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

Officers reported that the proposal was for single storey car port that would add a further 27.6 square metres. A limit of 40% was applied to extensions and the proposal together with the previous extensions would

Agenda Item 5

Planning Committee
29th April 2019

amount to a 55% increase. The proposal was therefore considered inappropriate development in the Green Belt.

A previous application for a development of the same footprint with a pitched roof was refused and dismissed at appeal as it was considered to be inappropriate development.

Very special circumstances were put forward by the agent, for the reasons as detailed on page 54 of the main agenda report. However, this matter was considered at the appeal, whereby the Inspector did not accept the reasons and only limited weight was given to those matters in the determination of the appeal.

At the invitation of the Chairman, Mr. A. Dixon, the Applicant and Councillor G. N. Denaro, in whose Ward the Site was located, addressed the Committee.

The Committee then considered the Application, which had been recommended for refusal by Officers. Members commented that the Site Visit had proved useful.

The Committee then considered the Application, which Officers had recommended for refusal. Having considered all of the information provided and Officer responses to the queries raised; Members accepted that the development constituted inappropriate development in the Green Belt. However, Members considered that very special circumstances existed in that the enclosure was required for security of vehicles at the property and that the design of the extension with a flat roof had a reduced impact, all within the existing enclosure of boundary walls and gates surrounding the property creating limited harm to the openness of the Green Belt.

RESOLVED that Planning Permission be granted, subject to the following conditions:

1. Removal of permitted development rights relating to extensions and outbuildings;
2. That the structure remained open to the front and side (north and east elevations) in perpetuity; and
3. An anti-theft bollard or device to be installed in front of each bay of the car port hereby approved.

The meeting closed at 7.04 p.m.

Chairman

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Applicant	Proposal	Plan Ref.
C/O Meedhurst Project Management	Minor material amendments to approved plans of application reference number: 15/1008 involving the construction of 5 no blocks of Assisted Living Units (totalling 20 units) and 1 no. block of Close Care Units (totalling 21 units) as part of the retirement community (Use Class C2). 23 Greenhill, Burcot Grange Burcot, Bromsgrove Worcestershire B60 1BJ	18/00811/S73

RECOMMENDATION:

- (a) Minded to **APPROVE PLANNING PERMISSION**
- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following the satisfactory completion of a suitable planning obligation relating to:
 - i) The prevention of the implementation of more than one of the three planning permissions granted or recommended to be granted for similar developments on the proposed site, namely planning permission 10/0337 (as augmented by Lawful Development Certificate 13/0559), planning permission 15/1008 and planning permission 18/00811/S73.
 - ii) £9453 capital contribution for NHS Primary Care Commission to mitigate the primary care impacts arising from the proposed development which would be used for medical infrastructure at Davenal House, Birmingham Road, Bromsgrove
 - iii) £24891 for Worcestershire Acute Hospitals NHS Trust related to the generation of extra interventions.
 - iv) £1044.80 for bin collection and waste management services to Bromsgrove District Council.

Consultations

Lickey and Blackwell Parish Council

No objections

Worcestershire County Council Highways

No objections since there would not be an unacceptable impact on highway safety

Conservation Officer

- No objections.
- No 23 Greenhill, also known as Burcot Grange, is considered to be a non-designated heritage asset, therefore the proposed development is within the setting of a non-designated heritage asset.

- The rationalisation of dormers would be an enhancement to the previously approved plans (15/1008), as this better reflects the character and appearance of the original Burcot Grange house.
- The design is less cluttered and top-heavy in appearance than was previously approved
Closed Care Unit (CCU) - the proposed amendment in the roof pitch from the initial scheme under this application from 40 to 45 degrees is a positive feature addressing previous concerns that the roof pitch was too shallow within the setting of a main building which has relatively steep roof pitches.
Assisted Living Units (ALU's) - The shallower proposed roof pitches would not harm the character and appearance of the non-designated heritage asset due to their distance away from the original Burcot Grange building. Moreover, the ALUs would not generally be viewed in conjunction with the original Burcot Grange building.
Therefore, overall, the proposed development would sustain the setting of the non-designated heritage asset, thus complying with BDP20 of the Bromsgrove Local Plan (2017).

Tree Officer

Objections to the proposed layout unless specific updated conditions are imposed on any permission granted.

- There would be incursions by the footprints of the ALU blocks 2,3 and 5 into the root protection areas of various trees including Corsican Pine, Line and Cedar.
- Justifies use of digging with 'air spade' rather than hand dug excavations and in the case of block 5 there is a need for a pile and beam foundation for part of the foundations. An 'air spade' is excavation by pressurised air which digs trenches several cms deep each pass and does not significantly damage tree roots. Pile and beam foundation is posts/piers set into the ground to support the building on beams to allow air and water to permeate the soils beneath.
- Parts of the access road would cause incursions to three beech trees and need to install by the use of no dig construction over existing ground levels.
- The proposed storm water drainage system would cause and into the root protection areas (RPA's) of four trees which justifies either the redesigning of the drainage system or excavations undertaken by air spade.
- Implement the construction exclusion zones, ground boarding and protective fencing recommended in the Aspect Arboriculture Report and Method Statement and subsequent amendments submitted with the two previous applications

Worcestershire Wildlife Trust

No objections with the reasoning that since the proposal involved material changes to the design for a similar development and does not involve demolition, the usual requirement for a biodiversity enhancement condition is not appropriate

North Worcestershire Water Management

No observations since the proposed amendments will not have any drainage or flood risk impact.

Waste Management:

The width of proposed access track and turning area radii would be adequate for the manoeuvring of waste vehicles. No objection provided that a financial contribution of

£1044.80 is secured to secured by planning obligation to fund 20 grey and 20 green bins for use by the future occupants of the 20 ALU units. It is also subject to a suggested condition that service vehicles approaches to the proposed refuse areas be denoted, on the ground, by hashes to discourage vehicles using it as additional parking spaces.

NHS Medical Infrastructure

No objection but only if financial contributions of £9453 is secured. A detailed supporting reasoned justification is provided an can be summarised as follows:

- It is likely to impact the services provided by one GP practice – Davenal House, which does not have capacity for the additional growth resulting from the development
- The development would give rise to a need for improvements in the capacity which requires additional capital for additional floor space

NHS Worcestershire Acute Hospitals NHS Trust

No objection but only if financial contributions of £9453 are secured. A detailed reasoned justification is provided which can be summarised, as follows:

- The Trust is currently operating and full capacity in respect of acute and planned health care services, which includes A & E.
- This is unanticipated demand beyond planned growth and funding of services cannot be achieved by other means.
- The existing services for acute and planned health care are unable to meet additional demand as a result of the proposed development of 41 additional beds in the proposed development.
- The proposed development will generate 62 interventions which is costed at £9453

Public Notifications

- Seven neighbour notification letters sent 27/09/18 (expired 21/10/18)
- One site notice displayed 20/03/19 (expired 13/04/19)
- Press notice published 29/03/19 (expired 15/04/19)

No representations received

Relevant Planning Polcies

Bromsgrove District Plan

- BDP1 Sustainable Development Principles
- BDP4 Green Belt BDP6 Infrastructure Contributions
- BDP6 Infrastructure Contributions
- BDP10 Homes for the Elderly
- BDP12 Sustainable Communities
- BDP19 High Quality Design
- BDP20 Managing the Historic Environment
- BDP21 Natural Environment
- BDP24 Green Infrastructure

Others

- NPPF National Planning Policy Framework (2019)
- NPPG National Planning Practice Guidance

Site Description and Background

The site fronts the north west side of Greenhill a relatively narrow rural road fronted by hedgerows and trees and sporadic wayside dwellings between Burcot and Blackwell and lies within the Green Belt

The site comprises 'Burcot Grange', a large care home and its large grounds in a parkland setting. The property was built as dwelling for a Victorian industrialist towards the end of the 19th century in a Tudor Revival style and converted to a hospital in the 1930's and a care home in 1992. The grounds which slope downwards toward the rear contain various mature trees many of which are protected by Tree Preservation Orders (TPO's), lawn, ornamental pond and a network of pedestrian paths through the grounds

There is also a care home called Burcot Lodge on the adjacent site, to the north east, which has recently been constructed to implement planning permission 15/0703, listed below. It is accessed from the same junction with Greenhill as Burcot Grange and front drives serving the front of Burcot Grange. There are also pedestrian links from the rear grounds of Burcot Grange.

Relevant Planning History

Application site

- Ref. 15/1008. The provision of 20 Assisted Living Units and 25 Close Care Suites, together with communal facilities to form a continuing care retirement community, (Use Class C2).
Planning permission granted
Approved 13/06/16 subject to a legal agreement effectively revoking the previous planning permission - 10/0337, and subject to a condition stating it must be begun within 3 year i.e. 13th June 2019. A material commencement has not been made, to date.
- Ref 13/0559. Certificate of Lawfulness certifying that there had been a material commencement on the implementation of planning permission 10/0337.
Approved 18/08/14
- Ref. 10/0337 - Demolition of existing outbuildings and extensions and erection of extension to provide new care beds, care suits and a dementia unit, subject to 22 conditions.
Approved - 14/04/10.

33 Greenhill – The Uplands Burcot Grange – (Adjacent and linked site (north-east))

- Construction of new 50 bed dementia care home
Approved - 23/11/15,

Proposed Development

Agenda Item 7

Approval is sought under Section 73 of the Town and Country Planning Act, for the variation of condition 2 on planning permission 15/1008 which listed the approved plans and substitute it with the drawings submitted under this application – 18/0811/S73. The description of the development is the summary of these changes confirmed by the applicant. In particular, it was clarified that it would now involve a reduction in the number of close care suite from the approved 25 to the proposed 21 units.

In terms of proposed built from the close care building involves a proposed building parallel to and relatively close to the rear (north-west) elevation of Burcot Grange, and would have predominantly three storey with some two storey elements.

The proposed assisted living units would be in 5 two storey blocks and groups of parking spaces and refuse storage area fronting a proposed vehicular driveway which would be an average of 4.1 metres wide. This would be situated towards the bottom (north western end) of the grounds situated amongst groups of mature trees, some of which are set on raised banks.

In terms of the proposed physical changes between the two schemes the applicant has submitted a schedule of variations to support the proposed plans and elevations which can be summarised as follows:

Close Care Suites (CCS)

- Simplifying the roofscape by omission of some dormers
- Projection at lower ground level with terrace above on north west elevation, would be omitted
- Adjustments to fenestration to suit internal layout which involves a reduction from 25 to 21 units.
- Floor areas have not been increased from those approved

Assisted Living Units (ALU's), generally

- Simplify the roofscape whilst retaining the architectural style
- Adjustments made to fenestration to suit internal amendments
- No floor area increase
- Minor alterations to footprints of each block to accommodate amendments to the layout
- Communal entrances with stairs and lifts to units at first floor have been omitted
- Layout of units at first floor level have been amended to incorporate an internal stair well and platform lift

Site Plan

- Additional 7 no. car parking spaces between CCS building and ALU block 1, such that each CCS and ALU can have an allocated parking space
- Minor adjustments to access road and footpath routes to facilitate vehicular access of larger vehicles eg for refuse.
- Refuse and recycling storage enclosures added adjacent to proposed parking bays

In terms of comparison between height of ridges and eaves between the approved plans for the CCS building and the current proposal the roof pitch would decrease

from 50 to 45 degrees, it would raise the ridge height by an average of approximately 0.3metres and lead to a 300 cubic metre volume increase of the CCS building. However, the ALU buildings would generally have lower ridge heights and less steeply pitched roofs than the approved plans for 15/1008 which would result in a volumetric reduction of 792 cubic metres. The overall cumulative volume of the proposed buildings would be reduced by approximately 240 cubic metres.

ASSESSMENT

It is considered that there are four main issues:

Issue 1: Green Belt - Whether this is inappropriate development falling outside one of the categories which are exceptions to Green Belt policy and whether it would cause unacceptable harm to openness and the purposes of green belt policy and inappropriate whether there are very special circumstances to clearly outweigh the harm.

Issue 2: Whether the proposed development represents high quality design and which does not unacceptably harm the setting and significance of Burcot Grange, an undesignated heritage asset.

Issue 3: The effect of the proposed development on the green infrastructure of the grounds of the Burcot Grange. Green infrastructure is the manage network of green spaces and connects urban areas.

Issue 4: The effect of the increased provision of suites and units on the demand for NHS services

Issue 1: Green Belt - Whether this is inappropriate development? and if inappropriate whether there are very special circumstances to clearly outweigh the harm.

Policy BDP4.4 of the Bromsgrove District Plan states that development of new buildings in the green belt is considered inappropriate unless it falls within specific categories of exceptions. Category BDP4.4g is relevant to this application. This allows limited infilling or partial or complete redevelopment of previously developed land provide it would not have greater impact on the openness of the green belt and the purposes of including land with it than the existing development. The National Planning Policy Framework, 2019 (NPPF) paragraph 145g) has similar wording but just in respect of not having greater harm to openness

In this policy context, the proposed development would be inappropriate development, since it causes harm to the openness of the green belt and involves encroachment into the countryside, one of the five purposes of Green Belts, in paragraph 134 of the NPPF. Paragraphs 143 states that inappropriate development harmful to Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that very special circumstances will not exist unless the harm to the green belt by reason of inappropriateness and all other harm is clearly outweighed by other considerations

The Council have previously accepted the argument in the determination of the previous application 15/1008 that the material commencement of planning permission 10/0337 for a similar development was a realistic fall-back position,

amounting to very special circumstances. Similarly, Members will note that 15/1008 remains extant (with an expiry of 13 June 2019) and as such for the determination of this application, this remains a fall-back position and thereby using the same logic, a very special circumstance to outweigh Green Belt harm.

An applicant by submitting a section 73 application accepts it goes beyond a minor non material amendment. Where an application under section 73 is approved the effect is to create a new grant of planning permission and therefore there is scope to review the conditions apart from time limits for implementation the 'commencement date' condition.

In this legal context, the focus of the green belt assessment is whether the differences between the approved scheme for the extant planning permission 15/1008 and the proposed scheme for this section 73 application results in a greater impact on openness and leads to a more substantial rural encroachment to amount to being inappropriate development.

In terms of the proposed buildings and their effect on openness the applicant has calculated, and your officers have verified, that differences in volume and therefore massing of the proposed buildings between is as follows:

- The reduction in roof pitch of the five ALUs from 50 to 40 degrees and typical average ridge heights by 1.1 metres results in a volumetric reduction from the ALU's in the approved scheme of 792cu.m.
- The omission of some floor area, the raising of some eaves and the ridge line but reduction in roof pitch of the CCS from 50 to 45 degrees would in a volumetric increase from the approved scheme of 552cu.m
- Thus, the overall volumetric reduction of the proposed buildings from the approved to the proposed schemes would be approximately 240cu.m.

The reduction in the height and massing of the roof of the five ALU blocks would result in cluster of buildings with lower profile roof. Given their proposed siting of this cluster of buildings close to the boundary of the grounds with the open countryside reduction would result in a noticeable reduction in the loss of openness of the green belt and rural encroachment.

The increase in the height and massing of the CCS block would be disguised by its proposed relatively close juxtaposition with the substantial Burcot Grange main building. This would result in the greater mass appearing to have less of an effect on openness of the green belt. Moreover, the steeper pitched roof by enabling it to harmonise more with the distinctive design of the Burcot Grange than the 2015 scheme would slightly reduce countryside encroachment.

The additional proposed parking spaces and the proposed bin store areas would result in some further loss of openness, particularly when vehicles are parked and bins are stored. However, they would be positioned in relatively close juxtaposition with the cluster of ALU buildings and would be disguised by the retention of groups of mature trees and shrubs. Nevertheless, there would be limited additional harm to the openness of the green belt.

Issue 2: Whether the proposed development represents high quality design which does not unacceptably harms the setting and significance of an undesignated heritage asset.

The proposed scheme for the CCS block with its more steeply pitched roof and less cluttered, top heavy roof, notwithstanding the slightly greater height and mass, would be in greater harmony with the distinctive design of the Burcot Grange main building, than the approved scheme. These design changes would accord with the large scale and steeply pitched roofs of the Burcot Grange building, which is recognised as an undesignated heritage asset.

The proposed scheme for the five ALU blocks with its less top heavy roof and its lower ridge heights would arguable be a better design than the approved plans for planning permission 15/1008. Thus its lower profile would be more in accord with the parkland setting of the Burcot Grange building and the open countryside beyond. Also, it is accepted that due to the distance separation from Burcot Grange and its positioning in a glade between groups of trees which would help integrate the proposed buildings it is not necessary mimic the steeply pitched roofs of Burcot Grange.

The proposed additional parking space and bin store areas represent a relatively small increase in the amount of the parkland grounds being developed. Moreover, their close juxtaposition with the proposed buildings and the fact that retained groups of trees and shrubs would help disguise these areas. This would mean that the setting of Burcot Grange as an undesignated heritage asset would be sustained. Nevertheless, there would be limited additional harm to the setting of the undesignated heritage asset.

In conclusion, the proposed development would not unacceptably harm the setting of an undesignated heritage asset and would thereby accord with BDP 20 of the Bromsgrove District Plan. Moreover, it would represent high quality design in accordance with policy BDP 19e

Issue 3: The effect of the proposed development on the trees within the grounds of the Burcot Grange

Policy BDP 24.1 of the Bromsgrove District Plan, states that the Council will deliver a high quality multi-functional Green Infrastructure network by ensuring/ requiring, amongst other things, improved connectivity and enhancement of the quality of Green Infrastructure and appropriate long term management. The reasoned justification to this policy refers to the importance of landscape character assessments. This is a policy specifically covering green infrastructure which was introduced in the Bromsgrove Local Plan, adopted in 2017 and replaced a more general policy regarding effects on the landscape. Policy BDP24 is reinforced by Policy BDP19.1p) which relates to achieving high quality design by ensuring that all trees that are appropriate are retained and integrated within the new development.

The application site lies within the Settled Farmlands with Pastoral Landscape type as defined by the Worcestershire Landscape Guidelines. The key characteristics of this landscape include individual trees within settlement and hedgerows trees

providing tree cover. The site with its parkland and mature trees makes a significant local contribution to this landscape type. Moreover given the importance of the parkland setting to the undesignated heritage asset and the integration of what is substantial development within its grounds it is important that the trees intended to be retained are fully protected from the development

The Council's Tree Officer's conclusions are that the protection and welfare of the valuable tree needs updated and has consequently modified the tree related conditions. These include measures such as 'no dig construction for parts of the proposed road, approval of storm drainage details, an 'air spade' for excavations within those part of the proposed blocks 2 and 3 which encroach into the root protection areas (RPA's) and in the case those parts of block 5 encroaching upon RPA's the need for mini pile and beam foundations.

The need for these updated modified conditions has been shared with the applicant and they have argued that this would be unreasonable particularly in the context of the potential fall-back position of implementing a similar project with less onerous conditions. However, it is considered since the project involves a major development, given the importance of the trees and the heritage setting, and taking account of the material changes in policy context and the detailed representations of the tree officer it is necessary and proportionate to imposed updated conditions.

Subject to the imposition of suitable Conditions, I raise no objection on tree grounds.

Issue 4 – The effect of the increased provision of suites and units on the demand for NHS services

The policy context for this issue is provided by BDP 6.1 in the adopted Bromsgrove District Plan. Amongst other things this states that financial contributions towards development and infrastructure provision will be co-ordinated to ensure that development growth is supported by the provision of services, facilities and infrastructure. BDP6.2 indicates that irrespective of size, the development will contribute towards measures to mitigate its impact, secured through planning obligations. As a material minor amendment which is a fresh application it is necessary to assess the application against this adopted local plan policy which relates to all types of development, This is a different wording to the planning obligations policy in the superseded local plan, which was extant at the time of application 15/1008. Policy BDP6 is reinforced by policy BDP12 which states that new development that adds to the requirement for services and infrastructure will be expected to contribute to the provision of or necessary improvement in services and infrastructure in accordance with BDP6

The NHS consultation comments emphasise the unanticipated demand beyond planned growth and funding of services which cannot be achieved by other means have been quantified and costed and make reference to a specific facility. These specialist comments are a significant material consideration on which to assess the application, irrespective of not being raised with previous applications, particularly in this policy context.

The NHS's consultation comments were shared with the applicant on 24th April 2019 and a response has been progress chased, but to date the applicant has not made submissions. Whilst the applicant may potentially argue that it can fall back on permission on which there was no planning obligation to secure NHS contributions, this does not justify not requiring the necessary contributions when they are in accordance of current local plan policies. It is considered that the applicant by seeking amendments and not completing previous proposed planning permissions is signalling that the proposed development in this current application is their clear preference to move the project forward.

Therefore since the proposed development would cause unacceptable demands on NHS facilities without extra resources being spent on services and facilities and without such mitigation the proposed development would not comply with policy BDP6 it is necessary to secure the specific quantified contributions through a planning obligations.

Other issues

Highways: Given that there are no highway objections and the access junction into the site has been improved with the previous applications it can be concluded that the application is acceptable in terms of highway safety.

Sustainability: Given that this is an established site which has been enlarged, the fact that there is a bus service with a bus stop outside the site entrance and taking account of the fall back positions the application is acceptable in terms of sustainability

Ecology: Worcestershire Wildlife Trust have raised no objection. Therefore it is considered that the proposed development is acceptable in ecology terms. Members will note that a suitable condition is recommended.

Waste Management. In view of the Council's Waste Management Team's conditional support of the proposed layout, and request for a contribution it is considered the waste management aspects are acceptable subject to such a condition and a planning obligation.

RECOMMENDATION:

- (a) Minded to **APPROVE PLANNING PERMISSION**
- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following the satisfactory completion of a suitable planning obligation relating to:
 - i) The prevention of the implementation of more than one of the three planning permissions granted or recommended to be granted for similar developments on the proposed site, namely planning permission 10/0337 (as augmented by Lawful Development Certificate 13/0559), planning permission 15/1008 and planning permission 18/00811/S73.

- ii) £9453 capital contribution for NHS Primary Care Commission to mitigate the primary care impacts arising from the proposed development which would be used for medical infrastructure at Davenal House, Birmingham Road, Bromsgrove
- iii) £24891 for Worcestershire Acute Hospitals NHS Trust related to the generation of extra interventions.
- iv) £1044.80 for bin collection and waste management services to Bromsgrove District Council.

Conditions

1. The development must be begun not later than 13 June 2019.

Reason: Planning permission cannot be granted under Section 73 of the Town and Country Planning Act 1990 to extend the time limits within which a development must be started

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

- 10940-PL-001 – Site Location Plan
- 10940 PL 002-B – Site Plan
- 10940_PL-003-B – Close Care Suites Floor Plans
- 10940 PL 007A - Close Care Suite Elevations
- 10940_PL-005-B – Assisted Living Units Floor Plans
- 10940_PL-008 – Assisted Living Units Elevations Blocks 1 & 2
- 10940_PL-009 – Assisted Living Units Elevations Block 3
- 10940_PL-010-A – Assisted Living Units Elevations Blocks 4 & 5

3. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.0 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 25 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: Required as a pre commencement condition in the interests of highway safety

4. Prior to the first occupation of the development, secure parking for 6 cycle parking spaces shall be provided and these facilities shall thereafter be retained for the parking of cycles only.

Reason: In order to meet the Councils Parking Standards .

5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning

Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason: Required to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. The occupancy of the development hereby approved shall be limited to persons aged 65 and over (the qualifying person), together with any spouse or partner and any surviving spouse or partner. The applicant shall retain a register of occupants which shall be provided to the Local Planning Authority upon reasonable request.

Reason: This is to ensure that the development initially meets and continues to meet provision for housing needs for those aged 65 and over in perpetuity.

7. The development hereby approved shall be carried out in strict accordance with the recommendations as set out in Section 6 of the Ecological Appraisal (Report Ref: ECO4378.EcoApp.vf) submitted unless otherwise agreed in writing by the Local Planning Authority. Reason:

Reason: In order to protect the ecological resources of the site in accordance with the National Planning Policy Framework, Wildlife and Countryside Act 1981 and the Natural Environment and Rural Communities Act 2006.

8. The methods for the protection and mitigation of existing trees and the arboriculture method statement set out in the Aspect Arboricultural Report and Method Statement reference number AA.AIMS.01 (Rev B), published in April 2010, as supported by a revised Tree Survey and Schedule reference number 9005.TS.01 (Rev A) dated July 2015 and a tree constraints plan dated November reference number 9005.TCP.01 (Rev B) and Tree Protection Plan dated Dec 2015 reference number 9005 TPP 01 shall be fully implemented and the construction works shall take place in accordance with BS5837:2012 (Trees in relation to Construction), This shall include the provision of construction exclusion zones, ground boarding and protective fencing before construction commences and maintained for the duration of the construction works. It shall also include hand digging of construction works and excavations within root protection zones of T36 Corsican Pine, T46, T46 Lime and T91 cedar caused by the footprints of the Assisted Living Units Blocks 2,3 and 5 of the proposed development. This shall apply except where modified by subsequent conditions no 10, 11, 12, and 13,

Reason: This is required as a pre commencement condition to protect the trees which form an important part of the amenity of the site.

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9. The excavation and construction works including utility services associated the Assisted Living Units, Blocks 2 and 3, within root protection zones of T36 Corsican Pine, T46 and T46 Lime shall be undertaken by 'Air Spade' (excavation by pressurised air which digs trenches several cms deep each pass and does not significantly damage tree roots).

Reason: To protect the trees which form an important part of the amenity of the site

10. No excavation and construction works shall commence on the proposed Assisted Living Unit, Block 5, until constructional details of a pile and beam foundations (a system of posts/piers set into the ground to support the building on beams to allow air and water to permeate the soils beneath) are submitted to and approved, in writing, by the Local Planning Authority. The construction works shall be undertaken in accordance with the approved details.

Reason: This is required as a pre commencement condition to protect the trees which form an important part of the amenity of the

11. No excavation and construction works for those part of the proposed main feeder road, adjacent to the side of the existing Burcot Grange House, which would result in the incursion in the root protection areas of Beech trees T6 and T7 shall commence until specification details of the proposed method of construction using no dig construction techniques have been submitted to and approved, in writing by the local planning authority; and its construction shall be undertaken in accordance with the approved details of no dig construction.

Reason: This is required as a pre commencement condition to protect the trees which form an important part of the amenity of the site

12. No development shall take place until details of the proposed foul and storm water drainage system shall be submitted to and approved, in writing, by the local planning authority; and the proposed development shall be implemented in accordance with the approved details.

Reason: This is required as a pre commencement condition to protect the trees which form an important part of the amenity of the site

13. The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:
- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
 - Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
 - The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
 - Details of any temporary construction accesses and their reinstatement.

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- A highway condition survey, timescale for re-inspections, and details of any reinstatement.
- Site operation hours

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

14. Before the proposed development of the Assisted Living Units blocks are brought into beneficial use, the road surfaces adjacent and providing vehicular access to the proposed bin stores shall be denoted with road markings.

Reason: To discourage these adjacent access areas from being used for additional car parking thereby facilitating the manoeuvring of refuse vehicles

The author of this report is Mr David Edmonds, Principal Planning Officer, who can be contacted on Tel. 01527 881345 Email: david.edmonds@bromsgroveandredditch.gov.uk for more information.

Agenda Item 8

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Rev Graham Wilkinson	Replace all existing timber and metal single glazed windows with UPVC double glazed units. St Peters Community Centre, Rock Hill, Bromsgrove, Worcestershire B61 7LH	10.06.2019	19/00245/LBC

This application was requested by the former Ward Member to be considered by Planning Committee rather than being determined under delegated powers.

RECOMMENDATION: That listed building consent be **Refused**

Consultations

No formal consultations required

Public notifications

One site notice was posted 14.03.19 and expired 07.04.19

One publication was posted in the Bromsgrove Standard on 11.03.19 and expired 01.04.19.

No representations have been received.

Relevant Policies

Bromsgrove District Plan

BDP20 Managing the Historic Environment

Others

NPPF National Planning Policy Framework (2019)

NPPG National Planning Practice Guidance

Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990

Relevant Planning History

B/1999/0437	External alterations to proposed parish/community hall (amended by plans received 14.6.99).	Approved	28.06.1999
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Assessment of Proposal

St Peters Community Centre is a building within the curtilage of Grade II listed St Peters Church, Rock Hill, Bromsgrove. The church was listed on 4th October 1995 and dates from 1858. The community centre is the former St Peter's RC First School and dates from the mid-19th century. The building was substantially extended in 1886 by renowned local architect John Cotton and later extended by Sandy & Norris in 1931. It is of red brick with

simple blue brick cross motifs and with plain clay tile roof. The building is of a simple architecture with decorative features such as a bell turret, weathervane and gothic timber windows by John Cotton.

The community centre dates from before 1948, was in the same ownership of St Peters RC church at the date of listing, and has always been used for purposes ancillary to the listed church. The community centre is therefore within the curtilage of the principal listed building and is to be treated as part of the listed building.

The proposal is for the replacement of all 23no existing single glazed windows constructed of metal (17no), timber (4no) and uPVC (2no) with double glazed uPVC windows to the curtilage Listed Building. The existing doors are to be retained (as confirmed by the applicant in email dated 17.05.19).

The main issue to consider with this application are the impact on the special architectural and historic character of the curtilage listed building.

Principle of Development

With reference to Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This is supported by Policy BDP20 of the Bromsgrove District Plan (2017) which states that development affecting heritage assets, including alterations, should not have a detrimental impact on the character, appearance or significance of the heritage asset.

This policy accords with Paragraph 193 of the NPPF (2019) which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, Paragraph 194 states that any harm to the significance of the designated heritage asset should require clear and convincing justification and Paragraph 196 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefit of the proposal.

Impact on the special architectural and historic character of the curtilage Listed Building

The original windows are predominantly (17no) single glazed metal framed windows in various patterns with thin mullions, transoms, bead sections and integral glazing bars. Two large gothic style timber single glazed windows are located on the north and south elevations, also with thin mullions, transoms and integral glazing bars and central square opening light. There are 2no further timber single glazed windows on the north elevation, again with thin mullions, transoms and integral glazing bars. The windows are of different styles with various opening lights. I note that the building does have 2no uPVC dormer windows to the south elevation, however these do not benefit from listed building consent – the 1997 application for external alterations to the proposed parish/community hall indicated that the dormer windows were to be constructed of timber.

Metal and timber windows, naturally, require maintenance and this involves periodically re-decorating them which prolongs their longevity. It should be noted that as stated in paragraph 191 of the NPPF that where there is evidence of neglect of a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. Visits to the site confirm that the existing windows are in need of maintenance and some repair. However they are not beyond repair. The applicant has failed to explore alternative options such as repair, the addition of secondary glazing and like for like replacement. The loss of historic fabric is also of concern, as part of the windows significance derives from their evidential value.

The proposed replacement windows are 28mm uPVC double glazing units using the Duraflex system. The standard double glazing system comprises 2no 4mm panes of glass separated by a 20mm void filled with Argon gas, with the panes of glass held apart by perforated warm edge spacer. The principle of using uPVC windows in listed buildings is not normally acceptable as plastic sections tend to be bulky and the plastic has a machine-made smooth finish, very different from that of a timber or metal window, and therefore results in an alien and incongruous feature to the listed building. The joinery details proposed for this application are typical of standard uPVC units and therefore for the reasons outlined above would be an unsympathetic alteration to the special architectural and historic character of the listed building. Given the slim profile and proportions of the existing windows it is unlikely that this could be replicated in uPVC without significantly altering the overall appearance of the building. Therefore the principle of uPVC units would not be acceptable

The size of the frames are significantly larger than the existing and would reduce the area of glass within the windows giving them an uncharacteristically heavy appearance and an altered ratio of timber to glass. This would be particularly evident in the metal framed windows. It is proposed that the replacement glazing units would have applied (stick-on) 18mm 'Astrical faced Georgian' glazing bars. This would result in an incongruent appearance by reasons of the design of the bars which are not characteristic of the simple flat glazing bars.

The introduction of double glazed units would appear visually very different to single pane of glass in terms of its reflectivity of light and double register effect, which in turn would draw the eye to the unsympathetic change.

As mentioned above the existing windows are of varying styles and patterns; however joinery details have only been provided for 1no window, W16. The applicant has indicated that the proposed stick on glazing bars will follow the existing patterns of the window and that some of the opening lights may vary, however no joinery details have been provided at this stage. Whilst further joinery details could be conditioned, as the replacement of windows forms the basis of this application this information is intrinsic to the assessment of the proposed windows.

The applicant's aspirations for improving the air tightness and thermal performance, thus reducing heating costs, of the building are noted. It is considered that this does not necessitate removal of the existing windows. Weather stripping and draught proofing are visually more innocuous changes as well as thermally efficient and cost-effective. The aspirations for improved thermal insulation could therefore be achieved without adversely

affecting the external appearance. Secondary glazing in a removable inner frame is another acceptable option for some windows. Where windows are beyond repair they should be replaced with accurate copies which mirror the original in all respects; including materials, style, dimensions and opening directions of the historic window.

The applicant's financial argument regarding the cost of replacement metal and timber windows versus the cost of uPVC windows is noted. Again it is considered that this does not necessitate removal of all the existing windows. Repair of the windows would be of a lower cost. Whilst it is acknowledged that new metal and timber windows would be more expensive than uPVC this is not a planning matter and this therefore does not justify the harm that would arise through the replacement of the original windows.

The applicant has suggested that some public benefit would arise through keeping the building in use, by ways of allowing the cheaper uPVC windows; however a combination of repair of the existing windows through weather stripping and draught proofing would result in the same level of public benefit without harm. I therefore find that there would be insufficient public benefit to offset the identified harm.

Conclusion

In summary by reason of its design, materials and construction the proposed alterations would cause harm to the special architectural and historic interest of the building. The proposals are therefore considered unacceptable and would fail to comply with BDP20 of the Bromsgrove District Plan.

It is considered that the proposed works requiring listed building consent, namely the replacement windows, would fail to preserve the features, special architectural and historic interest of the building as required by the Planning (Listed Buildings and Conservation Areas) Act 1990.

In terms of the NPPF (Paragraph 196) the harm would be less than substantial harm, for which the NPPF states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal; from the information submitted to date it is unlikely that any true public benefits would arise from this scheme, only private benefits to the owners of the community centre through ways of reduced heating costs. It is also considered that clear and convincing justification of the harm to the significance of the designated heritage asset has not been provided.

RECOMMENDATION: That listed building consent be **Refused**

Reasons for Refusal

1. By reason of its design, materials and construction the proposed alterations would fail to preserve the special architectural and historic interest of the Grade II curtilage listed building as required by the Planning (Listed Buildings and Conservation Areas) Act 1990. Further to this the proposed alterations would be contrary to policies BDP20 of the Bromsgrove District Plan and the guidance within the NPPF and NPPG.

19/00245/LBC

Case Officer: Hannah Sharp Tel: 01527 881658
Email: Hannah.Sharp@bromsgroveandredditch.gov.uk

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Agenda Item 9

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Ian Watson	Conversion of dwelling house into two dwellings porch to the side to serve unit 1 1 Blakes Field Drive, Barnt Green, Birmingham, Worcestershire, B45 8JT	01.05.2019	19/00302/FUL

RECOMMENDATION: That planning permission be **Granted**

Consultations

Lickey and Blackwell Parish Council Consulted 06.03.2019

Parish Council object to the application and has requested that application is refused.

Matters raised:

- Character of area
- Protection of hedges
- Backland development
- Adverse impact on the street scene

Highways - Bromsgrove - Consulted 02.04.2019 - No objection subject to condition

Public Consultation – Consulted on 6.3.2019 Expired – 30.03.2019

24 letters of objection received – following matters raised:

- Car parking
- Traffic
- Overdevelopment
- Adverse impact on character of the area
- Density

A number of issues have been raised which are not material planning considerations and therefore have not been reported to members

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP19 High Quality Design

Others

NPPF National Planning Policy Framework (2019)
SPG1 Residential Design Guide

Relevant Planning History

11/1102	Demolition of existing dwelling and erection of 3 no. detached dwellings and associated parking.	Refused	22.02.2012
12/00023/REF	Demolition of existing dwelling and erection of 3 no. detached dwellings and associated parking.	Dismissed at Appeal	20.09.2012
12/0895	Erection of a detached dwelling house	Approved	10.01.2013
13/0738	Proposed new 6 bedroom detached dwelling.		10.01.2014
13/0739	Erection of bedroom over garage area, remodelling of internal floor plan and provision of roof dormers.	Approved	11.12.2013
14/0144	Proposed new 6 bedroom detached dwelling with the addition of a family room to the rear from the previously approved planning application 13/0738.	Approved	11.04.2014
14/0592	Erection of single storey detached car port and surfaced drive	Approved	03.11.2014
14/0746	Proposed Extensions and Alterations to Existing Bungalow	Approved	12.11.2014
14/1007	Demolition of existing bungalow and erection of pair of semi-detached dwellings	Refused	06.10.2015
16/00006/REF	Demolition of existing bungalow and erection of pair of semi-detached dwellings	Dismissed at Appeal	18.05.2016
16/0655	Proposed new render to external walls, replacement roof tiles, elevational changes and new porch		23.08.2016

Plan reference

17/01096/FUL	Single and 2 storey side extensions		03.01.2018
18/00212/FUL	Amendments to previous planning approval (17/01096) slightly raising ridge height to follow pattern of development and alter some fenestrations. Removal of high level conservatory and replacement with low level orangery.		13.04.2018
18/01119/FUL	Amendments to previously approved scheme 18/00212/FUL	Refused	10.12.2018
18/01611/FUL	Resubmission of 18/01119/FUL with amendments - Change the front dormer window and high bay window from flat to pitched roofs		16.01.2019

Assessment of Proposal

The site lies in an area designated as residential in the Bromsgrove District Plan 2017. Blakesfield Drive is a cul-de-sac which is accessed off the northern side Plymouth Road.

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

- (i) Character impact; and
- (ii) Residential amenity impact

This application is to sub-divide the dwelling into two separate dwellings to create two four bedroom units and the construction of a porch on the southern side elevation to serve Unit One. The porch would be 4 metres wide, 2 metres deep, 5.5 metres high and host a pitched roof. There are no further external alterations proposed to facilitate the conversion. Members will note internal works are proposed but these do not require planning consent.

The site is currently bound partially by a retaining wall and partially by a mature predominantly Holly hedge with a footpath running immediately to the south. The curtilages associated with the individual plots will be divided up with appropriate fencing and the extent of these areas does not extend beyond the curtilage of the existing dwelling. The existing access and driveway serving the existing dwelling will be used for the two new dwellings.

The proposed formation of the two dwellings creates a density acceptable in this location. It does not introduce any additional planning harm in terms of residential amenity and the scheme would be an acceptable form of development in the streetscene. The location is sustainable. The scheme therefore complies satisfactorily with the Development Plan and the guidance within the NPPF.

All matters as a raised as a result of the public and standard consultation process have been considered during the decision making process.

RECOMMENDATION: That planning permission be **GRANTED**:

Conditions:

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

Location and Site Plan - Dated February 2019
Proposed Ground Floor Layout - Dated February 2019
Proposed First Floor Plan - Dated February 2019
Proposed Front Elevation - Dated February 2019
Proposed Side Elevations - Dated February 2019
Proposed Rear Elevation - Dated February 2019

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

- 3) The two dwellings hereby permitted shall be fitted with electric vehicle charging points to serve each of the dwellings and once provided they shall be retained and maintained as such at all times.

Reason: To support sustainable communities.

Case Officer: Nina Chana Tel: 01527 548241 Ext 3207
Email: nina.chana@bromsgroveandredditch.gov.uk

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr & Mrs B Field	Change of use to form doggy daycare compound Beaumont, Cofton Church Lane, Cofton Hackett, Birmingham, Worcestershire B45 8BE	20.05.2019	19/00383/FUL

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

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Worcestershire Wildlife Trust Consulted 15.05.2019

Thank you for sending us details of this application. We note the contents of the various associated documents and the comments submitted by the public. Given the current status of the field in question it does not seem likely that ground-nesting birds would be a significant issue but it is possible that the disturbance caused by dogs would have an impact on the immediate environment (including for example anything nesting in adjacent hedges, small mammals and the like).

Cofton Hackett Parish Council Consulted 10.04.2019

Although there would seem to be a need for this sort of service and on the face of it there is land available. However, Cofton Church Lane is very narrow in places and could not really accommodate the extra vehicle movements, particularly at the times when dogs would be delivered and then collected. The applicant intimates some customers will walk to and from the facility, hardly likely due to the distance from potential customers' homes. The Parish Council would not sanction this increase in traffic. The area proposed lies within Green Belt and so the Parish Council would be against any development. The Parish Council is therefore minded to object to this application.

North Worcestershire Water Management Consulted 10.04.2019

The site is in flood zone 1 (low risk of modelled river and tidal flooding), it has low surface water flood risk according to the EA's surface water flood maps and we have no flooding history at the property. It therefore not deemed necessary for this planning application to recommend attaching a drainage condition.

WRS - Noise Consulted 10.04.2019

Objection. As yet no noise assessment, noise management plan or proposed mitigation has been supplied with this application and as such a determination of the impact of noise cannot be established. There is the potential for significant impact upon amenity from this development as there are sensitive receptors in close proximity to the site.

WRS - Air Quality Consulted 10.04.2019

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

Highways - Bromsgrove Consulted 10.04.2019

Objection.

- Application site is not located within a sustainable location.
- The lack of adequate footway provision and street lighting will deter journeys on foot particularly in times of darkness and adverse weather conditions.
- Similarly these factors are unlikely to encourage cycling by staff to the site, to services and to facilities.
- A condition to control collection service is not reasonable.

Worcestershire County Council Countryside Service Consulted 10.04.2019

No objections.

Cllr Deeming Consulted 10.04.2019

Given the planning considerations of this application it is requested that this be called into Committee to allow Members to consider.

Publicity

One site notice displayed on 11th April 2019 and expired 5th May 2019. The application was also published in the Bromsgrove Standard on 26th April 2019 and expired 26th May 2019.

39 letters of support have been received as a result of this consultation. The comments outline that the service is welcomed and will be used. No planning matters have been cited.

One objection has been received in respect of this proposal. The objection raises concerns on ground nesting birds and traffic matters.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP12 Sustainable Communities

BDP16 Sustainable Transport

BDP19 High Quality Design

Others

NPPF National Planning Policy Framework (2019)

Relevant Planning History

No relevant history.

Assessment of Proposal

Site Proposal and Description

The application site currently comprises of a field located off a public right of way on Cofton Church Lane. The site contains a metal sheeting structure in the north west corner, a shed in the north east corner and some hardstanding for a vehicular access at the north of the site. It is noted that the shed and hardstanding do not currently benefit from planning permission and therefore are assessed retrospectively as part of this proposal for the change of use. The proposal is to change the use of land to form a dog day care centre. The land will be used for the dogs to roam free and exercise. The applicants have confirmed it is anticipated that the centre will accommodate a maximum of 30 dogs and that they intend to use the existing buildings on site in addition to the adjacent dwelling known as Beaumont for indoor facilities. The applicants have suggested they intend to provide a pick-up and drop off service to reduce vehicular movements to and from the site. No information has been provided in respect of the details or logistics of the pick-up service or details on the bus, or number of trips inward and outward required to collect the dogs the business intends to accommodate.

Green Belt

The application site is located within the Green Belt and is currently a grassed field with a small disused metal structure in the north east corner. The applicant has recently laid hard core for an access and parking area and constructed a wooden shed on site. This requires planning permission and therefore the proposal is part retrospective.

Under paragraph 146 of the NPPF; the re-use of a building provided it is of permanent and substantial construction, engineering operations and the change of use of land can be considered as appropriate development provided it preserves openness and does not conflict with the purposes of including land within it. The applicant has confirmed that the existing structures on site would be used to facilitate the change of use and that staff will use toilet facilities within the adjacent dwelling which is in ownership of the applicant. The existing metal sheeting structure on site is a dis-used agricultural building and is not considered to be of substantial construction. Full details on the re-use of this building have not been provided however it would not be considered as appropriate development within the Green Belt. The applicants also intend to use the adjacent dwellinghouse known as Beaumont for toilet facilities. The use of the dwelling for this facility is considered to be an incidental use and would not change the use of the building from a residential property. No concerns are raised in respect of using the dwellinghouse in this manner.

The area of hardstanding is a retrospective element of this proposal. Given the extent of the hard core and the materials used this is not considered to have a detrimental impact on openness however the area of hardstanding is considered to encroach into the countryside contrary to the five purposes of the Green Belt as outlined in Paragraph 134 of the NPPF. The hardstanding is therefore not considered as appropriate development within the Green Belt.

The timber shed building has recently been constructed on site and is therefore considered to be a new building. The development of new buildings in the Green Belt is

considered to be inappropriate. The building is sited on the north east corner of the site and is highly visible from public views from the public right of way which runs along the north of the application site. Having regards to this, the timber building would not preserve openness. The fencing is proposed to be 1.8m in height and therefore does not require planning permission. Due to the requirement of this new building to facilitate the change of use the proposal is considered to be inappropriate development within the Green Belt and should not be approved except in very special circumstances.

The applicants have put forward that there was previously a kennels in the area. Having reviewed the planning history a kennels was approved in 1968 under reference BR/530/1968 at The Tower House to the south of the site. These kennels have not been used for many years and were granted planning permission under previous legislation and therefore do not carry weight in favour of the current proposal. No very special circumstances exist or have been put forward to overcome the harm by reason of inappropriateness or the harm to openness.

Dimensions of Sustainable Development

Having regard to the scheme under the three dimensions of sustainable development outlined in Paragraph 7 of the NPPF I have afforded appropriate weight to all the factors as outlined below.

Economic

In terms of the economic benefits of the scheme it is acknowledged that it will provide 4 jobs to which I afford moderate weight in favour of the proposal. In terms of the demand, a number of comments in support of the proposal have been received; however demand is not a need. This is therefore given limited weight in favour of the scheme. The economic role within the NPPF requires the right type of development is located in the right places. I would suggest that given the up to date Local Plan has allocated land for the requirement of businesses; and in this instance the business has no requirement to be in this location and would in fact be better located within the more urban areas I afford this moderate weight against the scheme.

Social

In terms of the social role; it is acknowledged that the business would create access to the service for rural communities. However, the purpose of the social role is to create accessible local services that reflect the community's needs. The use of a dog day service, although welcomed in the public comments, is not a local need. Furthermore it is noted that a number of these comments have been received from residents who live away from the site in Birmingham areas such as Rednal, Northfield and Rubery. Furthermore the proposed use would only benefit a limited number of local residents and therefore is not a need for the community as a whole. The site is not accessible to the local community given its location and lack of transport options. I therefore afford this moderate weight against the scheme.

Environmental

The concern in regards to the environmental impacts of this proposal relate to the rural location of the site which is to be afforded significant weight. The lack of adequate footway provision and street lighting will deter journeys on foot particularly in times of darkness and adverse weather conditions. Similarly these factors are unlikely to encourage cycling by staff to the site, to services and to facilities. BDP2 of the District Plan outlines that proposals should be located in accordance with the Council's Settlement Hierarchy to ensure that development contributes to the regeneration properties of the area; preserves the attractiveness of the environment, reduces the need to travel and implications for the local and strategic road network and promotes sustainable communities based on services and facilities that are available in each settlement. This site is located outside of any existing settlement and does not have good transport links to the surrounding settlements. The location has created the requirement to use a collection service which is indicative of this unsustainable location. No information has been provided in respect of the details or logistics of the pick-up service or details on the bus, or number of trips inward and outward required to collect the dogs the business intends to accommodate. In any event the Council do not consider a reliance on a collection service as a reasonable or enforceable condition. If such a condition was to be used should the collection service not become commercially viable the entire business would be required to cease on site. Furthermore given the rural location of the site it would have no public surveillance and would be difficult for the Council to monitor and enforce. The Highways Authority has raised objections to the proposal on the basis of lack of the lack of adequate footway and street lighting discouraging both pedestrian and cycling access to the proposal and has agreed that the use of a condition controlling the bus service as unreasonable. I afford this significant weight against the scheme.

Noise

Worcestershire Regulatory Services have provided detailed comments in respect of this proposal. A high percentage of calls received by WRS relate to barking dogs. Barking noise in any setting can be of different volumes/intensities and occur at random times of day for varying durations. Due to the unpredictability and impulsive nature of barking, the repeated exposure and audibility of such behaviour is considered by most people to be irritating and in some cases can be a statutory nuisance even at very low noise levels. *"Barking may be audible over extended distances, giving rise to nuisance at up to 500 m (EPA Victoria, 2008). On occasions, a number of dogs may contribute to an extended barking frenzy, giving rise to potentially severe noise nuisance at neighbouring dwellings (An Bord Pleanála, 2001; Manley v New Forest DC, 2007)."* In this instance the site has a number of dwellings including Tower House, Tower Cottage and Cofton Richards Cottage within 500m of the site. Furthermore the area is largely undeveloped with open expanses which would allow the noise to travel in an otherwise quiet area. For the reasons stated above WRS consider the importance of mitigating noise a critical aspect in considering the suitability and viability of these proposals

As yet no noise assessment, noise management plan or proposed mitigation has been supplied with this application and as such a determination of the impact of noise cannot be established. There is the potential for significant impact upon amenity from this development as there are sensitive receptors in close proximity to the site as outlined

above. In the absence of such an assessment, insufficient information has been submitted to prove that the scheme would not lead to unacceptable noise levels that would be detrimental to residential amenity.

Ecology

Public comments have been received raising concerns in respect of ground nesting birds and therefore advice has been sought from Worcestershire Wildlife Trust (WWT). WWT advise that given the current status of the field in question it does not seem likely that ground-nesting birds would be a significant issue but it is possible that the disturbance caused by dogs would have an impact on the immediate environment (including for example anything nesting in adjacent hedges, small mammals and the like). In this instance the applicant proposes a fence around the site that would ensure the dogs did not have access to the surrounding hedgerow. This is considered sufficient to ensure the protection of any species that use these hedges. I therefore raise no objections on ecology grounds.

Conclusion

The application is considered to be inappropriate development within the Green Belt. Inappropriate development should not be approved except in very special circumstances. No very special circumstances exist or have been put forward to overcome the harm by reason of inappropriateness, the harm to openness and the other harm identified by reason of its unsustainable location.

The applicants have stated that they would welcome the condition controlling the use of a service to collect and return the dogs to the site. I am not convinced that all customers would want to use this service and I would expect that some customers would want the flexibility to drop off or collect their dog when convenient. The Council do not consider a reliance on a collection service as a reasonable or enforceable condition. If such a condition was to be used should the collection service not become commercially viable the entire business would be required to cease on site. Furthermore given the rural location of the site it would have no public surveillance and would be difficult for the Council to monitor and enforce. The requirement for this condition is indicative of the unsuitable location of this proposed development and therefore would not mitigate the adverse effects of the development.

In addition, Members will note insufficient information has been submitted to prove that the scheme would not lead to unacceptable noise levels that would be detrimental to residential amenity.

RECOMMENDATION: That planning permission be **REFUSED**

Reasons for Refusal

- 1) Under paragraph 146 of the NPPF; the re-use of a building provided it is of permanent and substantial construction, engineering operations and the change of use of land can be considered as appropriate development provided it preserves

openness and does not conflict with the purposes of including land within it. The existing metal sheeting structure on site is not considered to be substantial construction and therefore the re-use of this building is considered to be inappropriate development. Furthermore the hardstanding on site is considered to encroach into the countryside contrary to the five purposes of the Green Belt and is therefore considered to be inappropriate development in the Green Belt. The proposed change of use requires the retention of a timber building which is located within a highly prominent position on site with public views from the public right of way. For these reasons the proposal would not preserve openness and the building does not fall into any of the closed list of exceptions to inappropriate development. Therefore having regard to this, the proposal would constitute inappropriate development in the Green Belt and would have an adverse impact on the openness of the Green Belt. No very special circumstances exist or have been put forward that would outweigh the harm by reason of its inappropriateness and by reason of the harm to openness. As a result the proposal is contrary to Paragraph 146 of the National Planning Policy Framework (2019) and policy BDP1 of the Bromsgrove District Plan 2011-2030.

- 2) The business is proposed to be situated in the countryside, outside any defined village envelope and isolated from key facilities. The business has poor access to public transport with no pedestrian footway. Customers and staff would be likely to rely heavily on the private car for travel to and from the service. The proposal therefore does not constitute a sustainable form of development having regard to the three dimensions as outlined in Paragraph 7 of the NPPF. It is therefore contrary to policies BDP1, BDP12, BDP14, BDP15, BDP16, BDP22 of the Bromsgrove District Plan 2011-2030 and Paragraph 7 of the NPPF.
- 3) There is the potential for significant impact upon amenity from this development as there are sensitive receptors in close proximity to the site. No noise assessment, noise management plan or proposed mitigation has been submitted with this application and as such insufficient information has been provided to establish whether there is an acceptable impact on the amenity of the surrounding properties existing from noise contrary to policy BDP1 of the Bromsgrove District Plan 2011-2030.

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

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Bromsgrove Sporting Football Club Ltd	Proposed stand to cover existing terrace seating Victoria Ground, Birmingham Road, Bromsgrove, Worcestershire, B61 0DR	25.06.2019	19/00395/FUL

This application is being reported to members because it is situated on Council owned land and because it is a major planning application.

RECOMMENDATION: That planning permission be Granted.

Consultations

Sport England Consulted 05.04.2019

The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use. This being the case, Sport England does not wish to raise an objection to this application.

Leisure Services Manager Consulted 05.04.2019
No Comments Received To Date

Conservation Officer Consulted 05.04.2019

It is considered that the proposed development would sustain the character, appearance, and the significance of the settings of the aforementioned heritage assets, thus complying with BDP20 of the Bromsgrove District Plan (2017). Should you be minded to grant permission, I would suggest that the paint colour is conditioned.

Publicity

49 neighbour notification letters sent on 05/04/2019 expired 29/04/2019

Site notice displayed on 11/04/2019 expired 05/05/2019

Press Notice published on 12/04/2019 expired 29/04/2019

Representations

Two representations in support of the application have been received and summarised as below:

- My property will overlook this development. However, I fully support this application and see it as a valuable asset to the club and town, and a fitting memorial.
- Great addition for the club and I can't see how it will distract from the local area. I fully support this application.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
 BDP12 Sustainable Communities
 BDP17 Town Centre Regeneration
 BDP19 High Quality Design
 BDP20 Managing the Historic Environment
 BDP21 Natural Environment
 BDP25 Health and Well Being

Others

NPPF National Planning Policy Framework (2018)
 NPPG National Planning Practice Guidance

Relevant Planning History

18/00748/ADV	Proposed advertisement on net of net fencing system	Refused	09.10.2018
18/00979/FUL	Erection of a net fencing system	Granted	09.10.2018

Assessment of Proposal

Site Description

The Victoria Ground football ground is located on the north western side of Birmingham Road in Bromsgrove. It is bounded by Aldi supermarket to the southwest, residential housing to the northwest and northeast along Stourbridge Road and Victoria Road, and a mix of residential and commercial buildings to the southeast along Birmingham Road.

The site is situated within the urban area of Bromsgrove in an area designated as Town Centre Zone in the Bromsgrove District Plan and is within the setting of several Grade II listed buildings and the Bromsgrove Town Centre Conservation Area.

Proposal

The application is for the erection of a metal stand to cover the existing terrace seating at the southern end of the ground to provide a covered standing area for spectators. The proposed stand is required to improve the existing facilities at the ground along with helping to better screen noise and light from neighbouring properties and prevent wayward footballs from entering the Aldi supermarket car park. The proposed stand would not increase the capacity of the ground. The proposal does also include the planting of trees to the southern side of the side adjacent to the boundary with Aldi Supermarket. Although no specific details of the types of planting or there sizes have been provided to date.

Historic Environment and character and appearance of area

The proposed stand would be a large structure which given the change in levels in the area would be visible from the Birmingham Road across the existing Aldi supermarket car park.

The Councils Conservation Officer has commented on the application setting out that the site itself is of no historic or architectural interest, however does fall within the setting of several Grade II listed buildings and the Bromsgrove Town Conservation Area.

At the south of the football ground there is an existing concrete terrace which extends the full width of the football pitch with a rear 2.35m concrete wall, which is visible from Birmingham Road and the Aldi supermarket car park. Currently to the south of the existing terrace is a small area of scrub land which separates the terrace from the Aldi supermarket car park. The proposed stand would cover the full width and length of the existing terrace, with an overall height (taken from the scrub land to the rear of the terrace) of 4.9metres. The stand would be formed of a metal frame with a metal clad roof and part clad rear wall. The cladding on the rear of the proposed stand would extend down over the existing concrete wall and would be green coloured in colour.

The visual impact of the stand, as viewed from the south, would be softened by an area of tree planting in the existing scrub area and it is also noted that the increased enclosure of the site will help to contain the light from the floodlights and noise levels.

The Councils Conservation Officer considers that the proposed stand would be a visual improvement in the area. They also consider that the proposed green colour to be acceptable as this would match the existing stand situated at the northern end of the ground and would blend in well with the proposed planting.

Overall subject to a condition relating to the colour of the proposed stand, the Conservation Officer has raised no objection to the proposal as it is considered that it would sustain the character, appearance, and the significance of the settings of the nearby heritage assets.

Amenity

Due to the sitting and design of the proposed stand, it is not considered that it would adversely affect the amenities of the occupiers of the neighbouring residential properties.

It is noted that 2 representations have been received in support of the proposal.

Conclusion

Overall it is considered that the proposal accords with the policies in the Bromsgrove District Plan and the NPPF and is therefore acceptable.

RECOMMENDATION: That planning permission be Granted.

Conditions:

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

Drawing No. 641-01 Rev. A Existing and Proposed Plans of New Stand
Drawing No. 641-02 Rev. A Existing and Proposed 3D views of New Stand

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

3. Prior to its first installation details of the paint colour to be used on the proposed development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To protect the amenity of the area and the setting of the heritage assets in this location.

4. Prior the first use of the development hereby approved details of a landscaping scheme, including a planting schedule, showing details of the new landscape planting (including species, plant sizes, numbers and densities) shall be submitted to and approved in writing by the Local Planning Authority.

Such approved planting shall be completed prior to the first use of the development hereby approved or such other time as is agreed as part of the details to be submitted.

All such planting shall be maintained to encourage its establishment for a minimum of five years following contractual practical completion of the development. Any trees or significant areas of planting which are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: In order to secure a well-planned development.

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

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr & Mrs Cox	Alterations and extensions to existing dwelling Headley Rise, Packhorse Lane, Hollywood, Birmingham, B38 0DN	06.06.2019	19/00396/FUL

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

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Wythall Parish Council Consulted 15.04.2019

Objection due to green belt, large extension appears to be over the 40% allowed.

Publicity

3 neighbours notified 15.04.2019 (expire 09.05.2019): No response received.

1 site notice was posted 30.04.2019 (expires 20.05.2019): No response received.

Councillor Denaro

Would like members to consider the very special circumstances put forward by the applicant.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP19 High Quality Design

Others

SPG1 Residential Design Guide

NPPF National Planning Policy Framework (2019)

Relevant Planning History

18/01269/FUL	Alterations and extensions to existing dwelling	Withdrawn	12.12.2018
B3174	Erection of single storey lounge and kitchen	Granted	02.02.1977
BR/1107/73	Garage	Granted	05.04.1973

Assessment of Proposal

The main issues are:

- (a) Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework;
- (b) The effect on the openness of the Green Belt;
- (c) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
- (d) impact on neighbouring amenity

Inappropriate development

Paragraphs 143-145 of the National Planning Policy Framework (the Framework) makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics, those being openness and permanence. Paragraph 143 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings are to be regarded as inappropriate development, subject to the express exceptions outlined in paragraphs 145.

One such exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy BDP4 of the Bromsgrove District Plan (BDP) (2017) is more specific and states that inappropriate development will not be allowed in the Green Belt unless justified by very special circumstances.

Criterion (c) allows extensions to existing residential dwellings up to a maximum of 40% increase of the original dwelling or increases up to a maximum total floor space of 140m² (original dwelling plus extensions) provided that the scale of development has no adverse impact on the openness of the Green Belt.

The planning history of extensions at the property since its original construction has been considered. This confirms that there have been previous extensions to the property in the form of a rear extension and detached garage linked by a front wall and that these, amount to an increase in the original footprint of 43.5%. The existing dwelling is 136.36 square metres. The proposed additions of 121.74 square metres result in a total of 258.1 square metres taking account of removal of the existing detached garage of 27 square metres. This amounts to a cumulative increase in the total floor area to the original dwelling of 89.2%. This cannot be considered to be proportionate to the original building.

The proposal cannot be considered to fall within the exceptions listed in the Framework and is, therefore, inappropriate development and consequent harm arising in accordance with paragraph 143-5 of the Framework. The development is also in conflict with Policy BDP4 of the BDP.

Openness

As set out above, the essential characteristics of the Green Belt are its openness and permanence. Openness is in effect the absence of buildings and so the introduction of the proposed extension, with its substantial scale and mass would be at odds with this, consolidating the built form to a previously open area above the garage. As such, the development would harm the openness of the Green Belt. The harm to openness adds to the Green Belt harm that has been identified above.

The increased bulk of the building's roof reduces the gap which existed above the garage. The closing of the gap is evident from the road and has the effect of consolidating the built forms of development within the curtilage of the dwelling. For these reasons it is concluded that the scheme visually and physically reduces the openness of the green belt. In terms of openness it would create a loss of openness and larger scale and mass of the dwelling overall.

There is no concern about the design of the extension in character and appearance terms. This is, however, a distinct from the matter of openness.

Very Special Circumstances

The Framework and BDP4 makes it clear that substantial weight is to be given to any harm to the Green Belt. It advises that that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The agent appears to accept that existing extensions exceed the guidelines and that any further extensions would be contrary to policy. In respect of very special circumstances the agent is of the view that the extent of work that is possible under permitted development rights would have a far more detrimental effect on the openness on the Green Belt than the proposals. The applicant is also content to accept a condition that removes permitted development rights in relation to further extensions.

The permitted development options show a detached outbuilding as well as extensions, although it is clear that the applicants require first floor space rather than ancillary buildings. The applicants have resided at the property for several years and have not implemented any permitted development options. It is not considered therefore that the permitted development fall back put forward by the applicant is realistic as it bears no relationship to the scheme as submitted. It is unlikely that the applicants would want bulky box dormers that detract from the character of the property. In addition the creation of a rear permitted development extension as shown would require the removal of the existing rear extension. Again this would be unlikely to be desirable or cost effective. Given these circumstances, it is not considered that any very special circumstances exist or have been forward to outweigh the harm caused to the principle of inappropriate development in the Green Belt.

Impact on Residential Amenity

The extensions would not impact adversely on the adjacent dwelling at Oakdene, being over 10 metres away and divided by a fence and driveway, nor to the dwellings to the rear, The Bungalow and Wood House Farm, due to the distance of over 35 metres away.

It is not considered that an unduly detrimental impact will occur and this is therefore in accordance with policy BDP19 of the Bromsgrove District Plan and SPG1; Residential Design Guide.

Conclusion

It is considered that the proposal amounts to inappropriate development in the Green Belt. Inappropriate development is, by definition harmful to the Green Belt. Although the scheme is of an acceptable design with no adverse impact on neighbours, there are no considerations sufficient to clearly outweigh the harm to the Green Belt and so there are no very special circumstances to justify the proposal. The application is therefore considered to be unacceptable.

RECOMMENDATION: That planning permission be **REFUSED**

- 1) The proposal amounts to inappropriate development in the Green Belt. Inappropriate development is, by definition harmful to the Green Belt. No very special circumstances exist or have been put forward to outweigh the harm that would be caused to the Green Belt. The proposal is therefore considered contrary to the provisions of Policy BDP4 of the Bromsgrove District Plan 2017 and the provisions of the NPPF.

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr P Whittaker	Proposed Alterations to fabric of proposed Unit 3A (part retrospective): Listed Building Consent. Stoney Lane Farm, Stoney Lane, Alvechurch, Worcestershire, B60 1 LZ	18.06.2019	19/00492/LBC

RECOMMENDATION:

- (1) Minded to **APPROVE LISTED BUILDING CONSENT**
- (2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the Listed Building Consent application following:
 - (a) The expiry of the consultation period on 3 June 2019 and in the event that further representations are received, that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

Consultations

None Required

Publicity

One site notice was placed on site on 30 April 2019 (expired 24 May 2019)
An advertisement was placed in the Bromsgrove Standard on 17 May 2019 (expiring 3 June 2019)

No public comments had been received

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP20 Managing the Historic Environment

Others

NPPF National Planning Policy Framework (2019)

Relevant Planning History

16/1028	Change of use of farmhouse and attached barns to form holiday let accommodation with reinstatement roof works to the attached barns; change of use of detached barn to create dwelling house with single storey	Granted 15.02.2017
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extension; creation of new access track and parking area to farmhouse and remediation and reinstatement works to dovecot

16/1029	Change of use of farmhouse and attached barns to form holiday let accommodation with reinstatement roof works to the attached barns; change of use of detached barn to create dwelling house with single storey extension; creation of new access track and parking area to farmhouse and remediation and reinstatement works to dovecot: Listed Building Consent	Granted 15.05.2017
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Assessment of Proposal

Stoney Lane Farm comprises an early 19th century farmhouse with a later 19th rear wing, and a range of barns to the rear. Adjacent to the road is a 17th century timber framed barn with later 19th additions to the south west, in addition there is a mid 19th century range of barns to the south east on the opposite side of the rear farmyard. To the south east of the main farmhouse is a stone dovecot. All of the buildings are currently redundant and in a deteriorating condition, especially the barns adjacent to the road. Planning permission and listed building consent was granted in 2017 to convert the farmhouse and barns into holiday lets.

The roof structure to the timber framed barn to the rear of the farmhouse had been in a particularly poor condition, and started to collapse at the beginning of the year. With the agreement of the Conservation Officer the tiles were removed, which revealed more serious structural problems with the roof timbers. Two of the timbers ~~can be~~ are proposed to be replaced in oak as indicated on the submitted plans. It is also proposed to replace a failed purlin on the front elevation with a cranked steel beam, as indicated on the plan, to support the hipped roof on the south west elevation. This will be boxed in, to provide thermal insulation but the shape will remain visible, reflecting form of existing oak purlins that are to remain.

Sections of the south east elevation have been rebuilt and new steel lintels installed as removal of the roof revealed that this wall was also structurally unstable. It has been reconstructed in matching materials. Part of the north-west elevation, as indicated on the plans will similarly have to be rebuilt, again in matching materials. When the roof structure has been reinstated the roof will be recovered in tiles to match the existing.

BDP 20.2 of the Bromsgrove District Plan states that the Local Authority will 'support development proposals which sustain and enhance the significance of Heritage Assets including their setting.' Similarly BDP20.3 states 'Development affecting Heritage Assets, including alterations or additions as well as development within the setting of Heritage Assets, should not have a detrimental impact on the character, appearance or significance of the Heritage Asset or Heritage Assets'. This proposal is considered to preserve the character of the listed building and therefore accords with the conservation principles contained within section 16 of the NPPF (2019) the Listed Buildings and Conservation Area Act 1990 and Policy BDP20 of the BDP.

RECOMMENDATION:

- (1) Minded to **APPROVE LISTED BUILDING CONSENT**
- (2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the Listed Building Consent application following:
 - (a) The expiry of the consultation period on 3 June 2019 and in the event that further representations are received, that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

Conditions:

- 1) The works to which this Listed Building Consent relates must be begun not later than the expiration of six months beginning with the date of the grant of this permission.

Reason:- In accordance with the requirements of Section 18 of the Listed Buildings and Conservation Areas Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

19-16-00 LOCATION MAP
19-16-03 ELEVATIONS (SHEET 1)
19-16-04 ELEVATIONS (SHEET 2)
19-16-13 ELEVATIONS (SHEET 1)
19-16-14 ELEVATIONS (SHEET 2)
19-16-13A ELEVATIONS (SHEET 1)
19-16-14A ELEVATIONS (SHEET 2)
SKM_C28719021412342
19-16-02 FIRST FLOOR PLAN
19-16-12 FIRST FLOOR PLAN

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

- 3) All materials including bricks, lime mortar and tiles to match those in the existing structure, known as Unit 3A.

REASON: To ensure the special architectural and historical interest of the Listed Buildings is retained

19/00492/LBC

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