



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 1ST JULY 2019
AT 6.00 P.M.

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

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

MEMBERS: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), S. J. Baxter, A. J. B. Beaumont, S. P. Douglas, A. B. L. English, M. Glass, S. G. Hession, J. E. King, P. M. McDonald and P.L. Thomas

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

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

AGENDA

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

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

3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 3rd June 2019 (Pages 1 - 8)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 19/00220/FUL - Demolition of buildings and erection of 11 dwellings, with associated landscaping, bin storage - Burcot Garden Centre, 354 Alcester Road, Burcot, Bromsgrove, Worcestershire, B60 1PW - Mr. M. Richardson (Pages 9 - 32)
6. 19/00305/FUL - Residential development of 8 No. dwellings and associated garaging - Yew Tree Farm, St Kenelms Road, Romsley, Halesowen, Worcestershire, B62 0NU - Kendrick Homes Ltd (Pages 33 - 44)
7. 19/00542/FUL - Erection of a free standing greenhouse - Sunday Hill, Whinfield Road, Dodford, Bromsgrove, Worcestershire, B61 9BG - Mrs P. Lydon (Pages 45 - 54)
8. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

20th June 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 3RD JUNE 2019, AT 6.00 P.M.

PRESENT: 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 (in the Chair Minute No. 10/19)

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

1/19 **ELECTION OF CHAIRMAN FOR THE ENSUING MUNICIPAL YEAR**

RESOLVED that Councillor R.J. Deeming be elected Chairman of the Committee for the ensuing Municipal Year.

2/19 **ELECTION OF VICE-CHAIRMAN FOR THE ENSUING MUNICIPAL YEAR**

RESOLVED that Councillor P. J. Whittaker be elected Vice-Chairman of the Committee for the ensuing Municipal Year.

3/19 **APOLOGIES**

No apologies for absence were received.

4/19 **DECLARATIONS OF INTEREST**

Councillor R. J. Deeming, declared an Other Disclosable Interest in relation to Agenda Item 10 (Application 19/00383/FUL – Beaumont, Cofton Church Lane, Cofton Hackett, Birmingham, Worcestershire, B45 8DE), in that, as Ward Councillor he had brought the Application to Planning Committee for consideration. Councillor Deeming withdrew from the meeting prior to the consideration of the Application and took no part in its discussion nor voted on the matter.

Councillors S. J. Baxter and S. G. Hession, declared an Other Disclosable Interest in relation to Agenda Item 12 (Application 19/00396/FUL – Headley Rise, Packhorse Lane, Hollywood, Birmingham, B38 0DN), in that they were Councillors for Wythall Parish Council, who had been consulted on the Application. Having advised that, they had not attended the meeting when the application was

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considered at the Parish Council meeting; Councillors Baxter and Hession participated and voted on the matter.

Councillor P. J. Whittaker declared a Disclosable Pecuniary Interest in relation to Agenda Item 13 - Planning Application 19/00492/LBC - Stoney Lane Farm, Stoney Lane, Broad Green, Alvechurch, Worcestershire, B60 1LZ, in that he was the Applicant. Councillor Whittaker withdrew from the meeting prior to consideration of this item and took no part in the discussion or voting on the matter.

Councillor J. E. King declared an Other Disclosable Interest in relation to Agenda Item 9 (Application 19/00302/FUL - 1 Blakes Field Drove, Barnt Green, Birmingham, Worcestershire B45 8JT), in that she had been involved in Parish Council discussions on the Application and considered she had a pre-determined view on the matter and would be withdrawing to the public gallery to speak on this item as Ward Councillor under the Council's public speaking rules.

Councillor King withdrew from the Committee into the public gallery prior to the consideration of the item and addressed the Committee as Ward Councillor under the public speaking rules and took no part in the discussion or voting on the matter.

5/19

MINUTES

The minutes of the meeting of the Planning Committee held on 29th April 2019 were received.

RESOLVED that the minutes of the meeting of the Planning Committee held on 29th April 2019, be approved as a correct record.

With the agreement of the Chairman the running order of the Agenda was altered, in order for Agenda Items 8 and 13, Listed Building Consent (Applications 19/00245/LBC and 19/00492/LBC), to be considered consecutively.

6/19

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

This matter was withdrawn from the Agenda by the Applicant and was not discussed.

7/19

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

Officers clarified that the Application had been brought to the Planning Committee for consideration at the request of the former Ward Member.

Officers reported that, as detailed in the report, that the applicant's aspirations for improving the air tightness and thermal performance, thus reducing heating costs of the building had been noted. However, it was considered that this did not necessitate the removal and replacement of all 23no existing single glazed windows. Weather stripping and draught proofing were visually more innocuous changes as well as thermally efficient and cost-effective. The existing windows were of varying styles and patterns, with joinery details only being provided for 1no window, W16. 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.

At the invitation of the Chairman Councillor M. Thompson, in whose Ward the Site was located, addressed the Committee.

The Committee then considered the Application, which was recommended for refusal by Officers.

Officers responded to questions from Members with regard to the dormer windows that had been installed and the community centre being within the curtilage of the principal listed building. Whilst Members were sympathetic and understood the need for the community centre, Members were of the view that limited information had been submitted with the application; and that it would have been useful if more detailed information on costings to repair the existing windows and alternative finishes had been included with the application.

Having considered all of the information provided and Officer responses to the questions raised, Members were in agreement that the proposed alterations would cause harm to the special architectural interest of the building and were therefore minded to refuse the application.

RESOLVED that Listed Building Consent be refused for the reason as set out on page 24 of the main agenda report.

8/19

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

RESOLVED that authority be delegated to the Head of Planning and Regeneration Services to determine the Listed Building Consent application following:

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3rd June 2019

a) The expiry of the consultation period on 3 June 2019 and in the event that further representations were 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 had been raised, and to issue a decision after the expiry of the statutory publicity period accordingly;

and

b) the Conditions as detailed on page 49 of the main agenda report.

9/19

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

Officers confirmed that the site had been subject to a number of previous planning applications, as detailed on pages 28 and 29 of the main agenda report.

At the invitation of the Chairman, Mr. J. Watson, addressed the Committee in objection to the Application, Mr. D. Jones, the Applicant's Agent addressed the Committee on behalf of the Applicant. Councillor J. E. King, in whose Ward the Site was located addressed the Committee. Mr. S. Nock on behalf of Lickey & Blackwell Parish Council also addressed the Committee in objection to the Application.

The Committee then considered the Application, which Officers had recommended for approval. Members who had attended the Site Visit commented that it had proved very useful.

In response to queries from Members, Officers confirmed that any internal works carried out or proposed internal works did not require planning consent; and that the existing retaining wall had not required planning permission as the wall was not more than 2 metres in height. In the applicants agents address to the Committee the agent confirmed that two families were already living at the address and paying Council Tax. Officers confirmed that Council Tax was not a planning matter.

Having considered the Officer's report and information provided by all of the public speakers, and having conducted a Site Visit; Members commented that the dwelling house was currently occupied by two families and that the only addition externally was the addition of a porch to the side of the dwelling to serve unit 1.

Members queried Officers on the permitted development options available to the property. Having had regard to this, Members decided it was necessary to remove the property's permitted development rights. The Committee were therefore minded to approve the Application, subject to the removal of the property's permitted development rights.

RESOLVED that Planning Permission be granted, subject to Conditions, as set out on page 30 of the main agenda report and a unilateral agreement to remove Part 1, Class A – E permitted development rights.

10/19

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

Officers clarified that the Application had been brought to the Planning Committee for consideration at the request of Councillor R. J. Deeming, Ward Member.

Officers reported that an additional 5 letters of support had been received.

Officers further reported that the Application site was located within the Green Belt and was currently a grassed field. The applicant had recently laid hard core for an access and parking area and had constructed a wooden shed on site. This required planning permission and therefore the proposal was part retrospective. The site was located outside of any existing settlement and did not have good transport links to the surrounding settlements. The location had created the requirement to use a collection service which was indicative of this unsustainable location. No information had 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 collecting the dogs that the business intended to accommodate. Officers highlighted that the Council did not consider a reliance on a collection service as a reasonable or enforceable Condition and that County Council Highways was also in agreement that a condition to control a collection service was not reasonable.

Worcestershire Regulatory Services (WRS) had provided detailed comments in respect of this proposal. A high percentage of calls received by WRS related to barking dogs. Barking noise in any setting can be different volumes/intensities and occur at random times of day for varying durations. In this instance the site had a number of dwellings within 500m of the site. Furthermore the area was largely undeveloped with open expanses which would allow the noise to travel in an otherwise quiet area. No noise assessment, noise management plan or proposed mitigation had been supplied with the application.

At the invitation of the Chairman, Miss B. Field, the Applicant addressed the Committee.

The Committee then considered the Application, which had been recommended for refusal by Officers. Having considered all of the information provided and clarification from Mr S. Hawley, County Council Highways Officer; that the lack of adequate footway provision and street

lighting would discourage both pedestrian and cycling access to the proposal; Members were minded to refuse the Application.

Whilst the Committee noted that a number of residents had supported the proposal stating that the service was welcomed; the Committee had concerns regards the narrowness of the lane and gave considerable weight to this and the written objection and verbal information provided by Worcestershire Highways.

RESOLVED that Planning Permission be refused for the reasons as set out on pages 36 and 37 of the main agenda report.

11/19

19/00395/FUL - PROPOSED STAND TO COVER EXISTING TERRACE SEATING - VICTORIA GROUND, BIRMINGHAM ROAD, BROMSGROVE, WORCESTERSHIRE, B61 0DR - BROMSGROVE SPORTING FOOTBALL CLUB LIMITED

Officers clarified that the Application had been brought to the Planning Committee for consideration because it was situated on Council owned land.

RESOLVED that authority be delegated to the Head of Planning and Regeneration Services to grant Planning Permission, subject to:

- 1) the Conditions set out on pages 41 and 42 of the main Agenda report.

12/19

19/00396/FUL - ALTERATIONS AND EXTENSIONS TO EXISTING DWELLING - HEADLEY RISE, PACKHORSE LANE, HOLLYWOOD, BIRMINGHAM, B38 0DN - MR & MRS COX

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 drew Members' attention to page 45 of the main agenda report and the applicant's case for Very Special Circumstances; in that the work that was possible under permitted development rights would have a far more detrimental effect of the openness on the Green Belt than the proposals. Members were reminded that they were being asked to consider the Application before them and not the possible work that the Applicant could carry out under permitted development rights.

At the invitation of the Chairman, Mr. and Mrs. Cox, the Applicants addressed the Committee.

With the agreement of the Chairman, the Council's Legal Adviser read out a statement from Councillor G. N. Denaro, Ward Member, who had been unable to attend the meeting.

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The Committee then considered the Application, which had been recommended for refusal by Officers.

In response to queries from Members, Officers clarified that attic space would not be counted as usable habitable floor space. As detailed on page 44 of the main agenda report, previous extensions to the property in the form of a rear extension and detached garage linked by a front wall amounted to an increase in the original footprint of 43.5%. The existing dwelling was 136.36 square metres. The proposed additions of 121.74 square metres resulted in a total of 258.1 square metres taking into account the removal of the existing detached garage of 27 square metres. This amounted to a cumulative increase in the total floor area to the original dwelling of 89.2%. This could not be considered proportionate to the original dwelling.

Whilst there was no concern about the design of the extension in character and appearance terms. This was, however, a distinct from the matter of openness. The Applicant's agent appeared to accept that the existing extensions exceeded the guidelines and that any further extensions would be contrary to policy.

Having considered all of the information provided and the responses from Officers to the queries raised; the Committee were minded to approve the application.

Members considered that the extent of work possible under permitted development rights would have a far more detrimental effect on the openness of the Green Belt than the proposals. Members considered this to constitute very special circumstances to outweigh the harm caused to the Green Belt by virtue of inappropriateness.

RESOLVED that Planning Permission be granted, subject to a specific Condition requested by Members to remove Part 1, Class A – E permitted development rights.

The meeting closed at 7.59 p.m.

Chairman

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr M Richardson	Demolition of buildings and erection of 11 dwellings, with associated landscaping, bin storage Burcot Garden Centre, 354 Alcester Road, Burcot, Bromsgrove, Worcestershire B60 1PW		19/00220/FUL

RECOMMENDATION:

- (a) Minded to **APPROVE FULL 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 S106 planning obligation ensuring that:
- (i) The provision of 3 affordable dwellings on the site to be restricted to shared ownership in perpetuity
 - (ii) Highway Infrastructure Delivery Plan contributions of £32,285.44
 - (iii) Contribution of £33,000 towards off-site open space enhancement at Lickey End Recreation ground
 - (iv) £575.08 contribution for refuse and re-cycling bins
 - (v) A financial contribution of £18,679 towards Worcestershire Acute Hospitals NHS Trust

Lickey and Blackwell Parish Council

Lickey and Blackwell Parish Council acknowledge that this application is not within our parish boundary, however we would like to express our sadness that our residents will lose this business and we have concerns regarding impact on the highway, in particular the access from Pikes Pool Lane.

Conservation Officer

Burcot comprises a linear development which has developed organically with buildings dating back over 400 years. Soft Worcestershire red brick and red/brown clay tile roofs predominate.

Within the vicinity are three listed buildings; Burcot Farmhouse, 353 Alcester Road; 352 Alcester Road and Burcot House, 350 Alcester Road and the adjacent barns which are curtilage listed. 353 is constructed in red brick, 352 a mix of stone, timber framing and red brick, some modern, both in a vernacular style in architectural terms. Burcot House does stand out being painted white, and more formal in architectural terms, with high, painted brick garden walls. The curtilage listed barns are like the rest of the settlement red brick. The significance of all three buildings is largely derived from their historical and architectural interest. Their location in the small settlement of Burcot and the way they blend in with surrounding buildings and contribution to the street scene also adds to their significance. 353 Alcester Road overlooks the site, while 352 is located to the north west of the site.

Historic Environment policies within the District plan support development proposals which sustain and enhance the significance of Heritage Assets including their setting. This is supported by policies in the NPPF, including Paragraph 189, 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'; paragraph 192 'the desirability of new development making a positive contribution to local character and distinctiveness'; Paragraph 193, '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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'; Paragraph 194, 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

I would have no objection to the principle of replacing the garden centre, as none of the structures are of any architectural merit, and the extensive carpark does not make a positive contribution to the street scene or local character. Equally I would have no objection to a residential scheme. I do have concerns that setting all the houses behind a service road off the main roads will be at odds with the character of Burcot, setting the scheme apart from the rest of the settlement. In addition I have concerns regarding the choice of the roofing materials. Any new housing scheme needs to respect the existing character of the area, and in this case red clay tiles are the predominant roofing material.

North Worcestershire Water Management

While I have no objections to the proposals and I can see there may be benefits in terms of flood risk and drainage, it requires a site drainage strategy condition and finished floor levels condition.

WRS - Contaminated Land

The application has been reviewed in relation to contaminated land. No significant concerns have been identified and therefore WRS have no adverse comments to make in this respect.

WRS - Noise

Noise: No objection to the application in terms of road traffic noise adversely impacting future residents.

Nuisance: In order to minimise any nuisance, from noise, vibration and dust during the demolition and construction phases, the applicant should refer to the WRS Demolition & Construction Guidance (attached) and ensure its recommendations are complied with.

Highways - Bromsgrove

No objection to the amended scheme, subject to a subject to the applicant entering into a legal agreement for a Highway Infrastructure Delivery Plan contribution and planning conditions:

1. Pedestrian visibility splays
2. Residential Parking Provision
3. Electric vehicle charging point
4. Cycle Parking
5. Conformity with Submitted Details
6. Vehicular visibility splays approved plan
7. Existing access closure
8. Residential Welcome Pack

WCC Lighting Team

WCC Lighting Team has indicated the existing lighting is not suitable for a conflict area of this type and will need to be upgraded as part of the works.

As a minimum the developer shall expect to replace lighting points and bring the lighting in this conflict area up to standard;

Because of the nature of the conflict area,

- Lighting columns; 41, 42, 43, 44, 45, 46, 47 & 48 shall be replaced at the developer's expense as part of the works.
- The developer shall contact WCC Lighting Team as part of the process to retrieve a design brief to inform a lighting design for the area.
- The extents of the work shall be covered within the design brief, these may extend significantly past any S38 or S278 boundaries to ensure continuity of light and power supply.
- The developer will be responsible for any works above what WCC street lighting considers normal maintenance activities.

Arboricultural Officer

No objection subject to conditions

1. All the trees and hedge line to be retained within the site or within influencing distance of any ground or development work in any adjoining land are provided protection in accordance with BS5837:2012 recommendations throughout any ground or development work on the site.
2. A full landscape plan and specification should be provided for the Council's consideration and agreement.
3. Plans showing the intended routing of all utility services should be provided for the Council's consideration and agreement.

Worcestershire Wildlife Trust

We note the contents of the various associated documents and in particular the findings set out in the Ecological Walkover Survey report by Betts Ecology. There do not appear to be any overriding ecological constraints to development here and we do not wish to object to the application. We would however recommend that you append a condition covering the recommendations made in the Betts report and appropriate levels of biodiversity enhancement to any permission you may be otherwise minded to grant.

Housing Strategy

Strategic Housing are happy to support this application. I am happy for the three terraced houses to be the affordable units. I would ask that due to the location of the site and the

very small nature of the development that the affordable units are shared ownership in preference to rented units.

Waste Management

A financial contribution towards the provision of bins is required.

Leisure Services Manager

With regard to Leisure and recreation/play requirements from this development, to mitigate for any potential under provision of open space for residents on site we would request calculated off site contribution to be provided at Lickey End Park, Alcester Road which is within easy access to the proposed development.

Worcestershire Archive and Archaeological Service

The above application site lies within the medieval settlement of Burcot, documented in the Domesday book of 1086 as Bericote. Burcot Lane, Alcester Road, Greenhill and Pike's Pool Lane are all potentially medieval or earlier routeways, and the settlement of Burcot lies at their junction. The earliest of the surviving buildings in the village are of 18th century date, but there is likely to be evidence of earlier settlement within the village. Should properties have existed along the Alcester Road within the development site, there is a moderate chance of below-ground survival given the shallow nature of the later development.

Consequently, the application site is judged to potentially impact heritage assets of archaeological interest that would be lost or damaged by the development. On this basis, should you be minded to grant planning permission for this scheme it is recommended that a programme of archaeological works should be secured and implemented by means of a suitably worded condition attached to any grant of planning permission. This should comprise an archaeological evaluation in the first instance. This could be followed by mitigation depending on the results of the evaluation.

NHS/Medical Infrastructure Consultations

Redditch & Bromsgrove CCG will not be seeking a contribution from the developer of this development.

NHS Acute Hospitals Worcestershire

The Trust has requested a contribution of £18,671, which will be used directly to provide additional services to meet patient demand. The Trust is currently operating at full capacity in the provision of acute and planned healthcare. This development imposes an additional demand on existing over-burdened healthcare facilities and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. The contribution is necessary to maintain sustainable development. Furthermore the contribution is carefully calculated based upon specific evidence and fairly and reasonably related to the scale and kind of the development.

Education Department at Worcestershire

The proposals as submitted sit in the catchment area of Blackwell First School, Alvechurch CE Middle School and the shared catchment area of North Bromsgrove High School and South Bromsgrove High School. Analysis of pupil numbers show that the proposed development is likely to yield less than one pupil on average per year group.

Due to the low impact from the proposed development Children Families and Communities will not be seeking a planning obligation to mitigate the proposed development.

Publicity

A total of 21 neighbour notification letters were sent on 04.03.2019 expired 28.03.2019

A further 63 notifications sent out on 24.05.2019 expired 10.06.2019

Site notice was displayed on expired on 31.03.2019

The development was advertised in the Bromsgrove Standard on 15.03.2019 and expired 01.04.2019

Representations

30 objections have been received and summarised as below:

- Inappropriate development in Green Belt
- Significant adverse impact on the openness of the Green Belt
- Very special circumstances put forward by the applicants do not justify outweighing the significant harm caused to the openness and purposes of including land within the Green belt and all other harm
- No need for new housing
- Not a brownfield site
- Outside the village boundary
- Insufficient consideration of drainage
- Access should not be from Pikes Pool Lane (N.B. this has been now been amended)
- Sprawl
- Loss of community facility, increase distance to other facilities
- Loss of jobs
- Increase of noise at night
- Increase of light at night
- Loss of amenity and overlooking
- Increase in traffic
- Change the character of the village
- Poor design
- Overdevelopment of the site
- Lack of parking
- Disturbance during construction phase
- Requires site boundary planting
- Loss of views
- Developer should compensate the local community
- Rural character will be lost

Burcot Village Hall Committee (BVHC)

Following a public meeting held on 21st March 2019, BVHC have raised the following issues and concerns:

- Excessive number of houses – 13% increase in village total
- Village rural character threatened

- Threat to green belt
- Loss of community resource if garden centre and café are closed
- Loss of employment
- Significant additional traffic and road safety issues
- Significant car parking issues

17 letters of support have been received and summarised as below:

- Need for new housing, housing shortfall in Bromsgrove
- Develops a brownfield site
- Improves the appearance of the existing site
- Garden centre is rundown and there are better garden centres nearby
- Only a small garden centre
- Sustainable site
- Reduce pressure to develop more rural less sustainable sites
- Business will likely close no matter the outcome of the application
- Capacity at Blackwell First School to take new pupils

Other non-material planning considerations have also been raised; these do not form part of the assessment of the proposal.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP2 Settlement Hierarchy
BDP3 Future Housing and Employment Development
BDP4 Green Belt
BDP7 Housing Mix and Density
BDP8 Affordable Housing
BDP12 Sustainable Communities
BDP16 Sustainable Transport
BDP18 Local Centres
BDP19 High Quality Design
BDP20 Managing the Historic Environment
BDP21 Natural Environment
BDP25 Health and Well Being

Others

NPPF National Planning Policy Framework (2019)
NPPG National Planning Practice Guidance
SPD High Quality Design

Relevant Planning History

13/0196	Covered walkway to link two buildings. Extension of time 10/0186	Approved	20.06.2013
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10/0186	Converted walkway to link two buildings (Renewal of B/2005/0129)	Approved	23.04.2010
B/2005/0129	Covered walkway to link two buildings.	Approved	08.04.2005
B/2002/1205	Re-roofing of the greenhouse using modern materials, being insulated roof panels and polycarbonate vents.	Approved	10.12.2002
B/19533/1990	Residential development (Outline). APPEAL DISMISSED 26.4.91	Refused	13.08.1990
B/19063/1990	Outline application for redevelopment of existing nurseries for residential use.	Refused	09.04.1990
B/19088/1990	Retention of garden buildings and conservatory display area bases and walls	Refused	09.04.1990
B/12136/1984	Residential development (6-8 dwellings) (Outline)	Refused	13.08.1984
B/12365/1984	Redevelopment of existing garden centre erection of glass house and sundry buildings (As amended by plans received 17.10.84)	Approved	22.10.1984

Assessment of Proposal

Site

The application site comprises Fresh @ Burcot Garden Centre situated on Alcester Road and extends to around 0.65ha in size. The site is bound to the north by Alcester Road, Pikes Pool Lane to the east, fields to the south and residential properties to the west. The site is currently in active use, by an independent operator. The primary activity of the garden centre is retail sales of plants and garden related products, as well as giftware, clothing and fireplaces with ancillary café. The garden centre comprises retail buildings, canopy areas, plant display, storage areas and hardstanding customer car parking.

Proposal

The application seeks full planning permission to demolish all existing buildings and structures and redevelop the site for a residential scheme of 11 dwellings. The application proposes 8 market dwellings and 3 affordable dwellings.

The layout proposes all 11 dwellings on the frontage with Alcester Road. This includes a terrace of three (affordable dwellings) to the north west and the further 8 dwellings (4 no. 3 bedroom semi-detached, 1 no. 3 bedroom detached and 3 no. 4 bedroom detached dwellings). Landscaping and planting would be introduced along the Alcester Road frontage and it is proposed to retain the landscape buffer with Pikes Pool Lane.

Summary Information

	Existing	Proposed	Change (+/-)	% Change
Site Area	0.65ha		No Change	
Land use	Garden centre and parking	11 No. C3 residential units	+ 11 No. C3 residential units	-
Volume (m3)	6117.5	5803	-314.5	-5.14%
Internal Footprint (m2)	1575.4 (gross external)	786.8	-788.6	-50%
Gross Internal Floorspace (m2)	1575.4 (gross external)	1471.6	-103.8	-6.5%
Hardstanding (m2)	5032.84	1,222	-3810.84	-75.72%
Max height (m)	5	9.07	+4.07	+81.4%
Max eaves (m)	3	5.38	+2.38	+79.3%
Garden/Green space, landscaping	Landscape buffer to Pikes Pool Lane and existing on Alcester Road	3897	+3897	+3897%

Assessment

The site is situated within the West Midlands Green Belt, outside Burcot Village boundary, as defined in the Bromsgrove District Local Plan.

The main issues are therefore considered to be:

- Housing Land Supply
- Green Belt
- Sustainability of the location
- Provision of affordable housing
- Loss of Garden centre
- Design considerations
- Heritage
- Residential Amenity
- Flooding and Drainage
- Ecology
- Tree and landscaping
- Highways
- Planning Obligations

Housing Land Supply

Paragraph 73 of the NPPF requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition there must be an additional buffer of between 5% and 20%, depending on the particular circumstances of the LPA.

The Council has identified that (inclusive of the 5% buffer required by the NPPF) it can currently demonstrate a housing land supply of 4.02 years. Therefore despite progress which has been made in identifying sites and granting planning permissions the Council still considers that it cannot demonstrate a five year housing land supply.

Where a Local Planning Authority cannot demonstrate a five year housing supply, Paragraph 11 (d) of the NPPF is engaged. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- i. the application of policies in this Framework (listed in footnote 6) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Footnote 7 to the NPPF states that this includes (for applications involving the provision of housing) situations where the LPA cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, as set out in paragraph 73. Footnote 6 states these policies include 'irreplaceable habitats' which para 175 states includes Green Belts.

As the spatial strategy for the delivery of housing in District Plan (such as BDP2) and associated policies regarding the village envelope are relevant for the supply of housing, they are considered to be out-of-date. The key matters on which this decision turns are therefore considered to be: -

- Does NPPF Greenbelt policy indicate this development should be restricted;
- Ultimately, whether or not the proposal would represent a sustainable form of development, having regard to local planning policies and the NPPF, and particularly whether specific NPPF policies indicate this development should be restricted.

Therefore the relevant test is whether or not the proposal would represent a sustainable form of development, having regard to local planning policies and the NPPF, and particularly whether specific NPPF policies within para 11 and Footnote 7 indicate this development should be restricted. Para 8 of the NPPF explains that there are three dimensions to sustainable development:

"an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places

and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

It can be seen that sustainability is thus a multi-faceted and broad-based concept. It is often necessary to weigh certain attributes against each other in order to arrive at a balanced position.

The site has been identified within the Strategic Housing Land Availability Assessment (SHLAA) September 2015 as a Category 4 - Green Belt Potential. These sites are located on the edges of settlements of the district and were previously discounted solely on the grounds of being within the Green Belt. SHLAA's are expected to form a key component of the evidence base to support the delivery of sufficient land for housing to meet district housing requirements. The main aim of SHLAA's is to identify as many sites with housing potential in and around as many settlements as possible.

It is important to note that whilst the SHLAA is an important evidence source to help inform the plan-making process, it will not in itself determine whether a site should be allocated for housing development or whether planning permission would be granted for residential development.

Green Belt

The application site resides within an area designated as Green Belt. The key policies are BDP2 and BDP4 and Chapter 13 of the NPPF, specifically paragraph 145. Within this designation, the policy focus is on preventing “inappropriate” development in the Green Belt with the fundamental aim being to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. It should be noted that development defined as ‘inappropriate’ is by definition harmful to the Green Belt, and attracts substantial weight in decision making. Such development should only be approved in very special circumstances where the harm by reason of inappropriateness (and any other harm) is clearly outweighed by other considerations.

One form of development not considered ‘inappropriate’ in the Green Belt (as set out in para. 145) is as follows:

“(g) – limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

Point (g) of para. 145 is considered to be the most relevant policy test to this application. The site is considered to be a non-agricultural or forestry use and is occupied by permanent structures and fixed surface infrastructure. As such, the site is considered ‘previously developed land’ in accordance with the definition set out in Annex 2 of the NPPF.

In assessing the impact on openness, the following is considered relevant:

- The footprint of residential development on the site would be reduced in comparison to the existing garden centre (1575.4sqm. to 812.4sqm).
- The overall volume of the buildings on the site will be reduced by around 5%.
- Replacement of the existing buildings (which range up to 5m in height) with two storey residential which is up to a maximum height of 9.07m.
- The new housing would be constructed across the whole site including where part of the site’s existing built form is concentrated. However, it would also extend over parts of the site which are currently free from any built development other than car parking.
- The replacement of lightweight glass structures (such as greenhouses and open canopies) with more substantial buildings suitable for residential use.
- There would be an increase in green space and landscaping, reducing the amount of hardscape on the site.

Taking all the above points into consideration, it is considered that the development would have a greater spatial impact on the openness of the Green Belt than the existing development. Whilst there would be reductions in footprint, this is outweighed by the greater height of the replacement buildings. These buildings would visually appear more prominent by virtue of their massing and residential form. Moreover, the development not being entirely concentrated where the existing buildings area location, will result in new buildings in an area on the site which is particularly more open.

Point 2 of (g) is therefore engaged, which states that development which would not “cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority” is not inappropriate.

Therefore it is important to assess whether the proposed development would result in substantial harm to the openness of the Green Belt having had regard to the contribution that the existing site makes to the visual aspect of openness, as well as the purposes of including land within the Green Belt.

The application site is situated on adjacent to the village boundary and by reason of existing previously developed land there is already some encroachment and loss of openness. In addition, its general poor appearance and extensive car parking area do not give the site a particularly rural feel. Both visually and spatially the site is more connected with the settlement of Burcot than the open countryside that is nearby. The new housing is almost entirely surrounded by existing residential development, the proposed development would be of a similar scale to these dwellings and would not be uncharacteristic in this location.

The new housing would be visually contained by existing landscape features. In addition, the proposal would provide an opportunity to rationalise development over the whole of the site.

The 2019 NPPF clearly signals the great weight that the government places on the need to provide affordable homes and the re-use of PDL. It states that a development that re-uses PDL in the Green Belt and makes a contribution to affordable housing should not be considered to be inappropriate development unless the harm to the openness of the Green Belt would be substantial.

Having regard to existing encroachment on the site, including the number and scale of the permanent buildings that are dispersed within it. The proposed development would rationalise the amount and the location of built form on the site and the overall landscape quality of the site would be enhanced. Taking into account the ability of the new housing to be absorbed into existing neighbouring developments and contained within an established landscape without causing significant harm to the open character and visual qualities of the surrounding countryside and Green Belt as a whole.

As noted above, whilst the proposal would have a greater impact on the Green Belt's openness, the harm attached to this would not be considered 'substantial'.

In terms of housing need, The Worcestershire Strategic Housing Market Assessment (SHMA, 2012) emphasises that there is a need for affordable housing across the District in both urban and rural areas. As outlined in the Local Plan with the current provision of affordable housing very limited in rural areas some residents have little option but to look for more affordable housing outside their Parish and in some cases outside Bromsgrove District. The SHMA identifies that a total of 219 new affordable dwellings are required per year. Paragraph 8.73 of the District Plan indicates that there is a greatest need for smaller properties reflecting the reduction on the size of the average household.

The 3 units proposed will help to create a more balanced housing market in rural areas, which is an issue highlighted both in the SHMA, Local Plan and nationally in the NPPF as facilitated under the affordable housing exceptions set out in paragraph 145. The 3 units would meet an identified affordable housing need within the area of the Bromsgrove District authority.

In summary, the proposal is not considered an inappropriate form of development in the Green Belt, due to compliance with paragraph 145. It is noted that BDP4.4 is not consistent with the NPPF in this regard, and thus is afforded reduced weight in the determination of this application.

Further to the inappropriateness test, there is no other significant harm to the Green Belt. The proposal would not conflict with the purposes for including land within the Green Belt. There is a greater impact on openness, although this is discussed above. Paragraph 145 in determining inappropriate (and by virtue appropriate) forms of development in the Green Belt registers an inherent impact on openness.

The proposal complies with the relevant Green Belt aspects of the NPPF and is considered to have an acceptable impact on the Green Belt.

Sustainability

Paragraph 79 of the NPPF seeks to avoid the creation of isolated homes in the countryside. For the purposes of this application, the site is outside the village boundary of Burcot, which is defined as a small settlement within the District Plan.

Whilst BDP2 is a restraint on new housing development in itself it is not “up-to-date” with the NPPF (for the reasons set out above), the sub-text to Policy BDP2 in the District Plan (para 8.6) sets out the policy on the future role of the District’s settlements and villages to enable allocation of appropriate levels and types of development to different settlements. The site is adjacent to the village boundary of Burcot and is thus very close to the boundary of such an area.

There is a sheltered bus stop located on Alcester Road, on the southern side of the carriageway, approximately 100m from the site entrance. The site is located approximately 1.6km to the east of Bromsgrove, where there are a number of shops and amenities. Blackwell is located 1km to the north-east and has a variety of local amenities, including Blackwell First School and Blackwell convenience store.

In conclusion, bearing in mind the issues as set out above, the location and accessibility of the site is considered to be reasonably sustainable in relation to its proximity to services and the nature of the route to them.

Provision of Affordable Housing

The principal social benefit of the proposed development would be the provision of additional housing, including 3 of the 11 of the dwellings being affordable. All 3 will be shared ownership which is the most accessible forms of affordable housing supported by Housing Strategy. Given the NPPF priority to significantly boost the supply of housing the additional dwellings to be provided must carry significant weight in this balance. In April 2016, 10.5% of the dwellings in the District were affordable housing stock. This is lower than both the affordable housing provision in Worcestershire (15%) and England (17.3%).

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development.

Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants which would be likely to be spent in the local area with some increase in the demand for local goods and services.

Loss of existing garden centre use

The site is not considered to be an employment use in planning terms (B1, B2 or B8 Use Class) but the proposals would result in the loss of the garden centre which employs 5.2 full time equivalent staff. Since the application was submitted in February 2019, a number of existing staff have already left the business and according to information provided by the owner have already found alternative employment, their positions have not been replaced, hence the low full time equivalent staff that are now employed in the business.

A statement from the owners has been provided that outlines the reasoning behind the decision to develop the site. They purchased the former Hurrans Garden Centre in January 2008 and are currently faced with a multitude of issues, including the buying habits of the consumer, increased competition from discount retailers such as those recently opened in Birmingham Road (Aldi, Lidl and Home Bargains) that cherry pick specific garden lines and make it difficult for smaller independent operators to remain in business. The rising costs of operating a business including utility costs trading from outdated, thermally inefficient buildings compared to modern retail developments. The garden centre market is increasingly being dominated by larger destination outlets with greater buying power and marketing budgets such as at Wychbold and Lickey End. Attempts to develop the business by diversification have been thwarted by planning restrictions.

The business has expanded its offer, catering is ancillary to the main business while the business has expanded its retail offer into a limited range of foodstuffs, these are purely gift lines so not to compete with other local business who rely on selling staples. The owner has explored a number of successions for the business, but these have not progressed. This has been further damped by the financial troubles of Wyevale Garden Centre, which has swamped the market with small outdated garden centres.

The continued viability of a garden centre on this site is therefore questionable, particularly given the stated challenges faced by an operator who has been on the site for over 10 years (with the local reputation and goodwill which might be associated with that).

Given the existing use and the above factors, whilst is a factor that weighs against the proposals, it is considered the loss of the garden centre, in employment terms alone, would not warrant sufficient grounds to refuse planning permission in this instance.

In terms of the value of the garden centre as a community facility, it is important to deliver sufficient community facilities and services to meet local needs as outlined in BDP12. Further to this, Section 8 of the NPPF promotes healthy communities and refers to the important role that the planning system can play in facilitating social interaction and creating inclusive communities.

Due to the nature of the items sold within a garden centre, it is not considered to be a 'local shop' and it would not fall strictly within the definition of a 'community facility'. However, comments have been received stating that the Garden Centre, in particularly the café, does provide a place for local people to meet and the impact of losing this facility is a material consideration. However, there are a number of alternative facilities available, in particular Little Heath Garden Centre, Willowbrook Garden Centre, Singletons Nurseries and also smaller dedicated plant nurseries. Given the above

alternatives, there is considered to be adequate provision within a reasonable travel distance which would continue to serve the needs of residents in absence of this facility. With the lack of protection of this specific use (sui generis garden centre), it is difficult to conclude that the proposal would result in the loss of a valued facility or that the ability of residents to meet their day-to-day needs would be significantly undermined. As such, whilst the proposals would result in the loss of the garden centre, it is not considered there would be conflict with Policy BDP12 and the NPPF.

Design

The proposal would see the demolition of the existing buildings on the site. The layout provides for a total of 11 new dwellings, all fronting onto Alcester Road. This layout and the overall quantum of development is considered to be appropriate for the site, resulting in plot sizes and spacing which reflects and sits comfortably within the quite varied pattern and grain of development in the village and surrounding area. The development will result in a density of approximately 17 dwellings per hectare.

Taken together, it is considered that the scheme in terms of its layout, plots sizes and spacing is such that the development would not appear cramped and would have spaciousness appropriate to the village location.

In terms of scale and height, the proposed dwellings would be two storeys of varying heights. The scale, massing and form of the proposed dwellings are considered to respond appropriately to that of the existing properties, creating a coherent street scene. They would provide a mixture of terraced, semi-detached pairs and detached a dwelling which is considered to be acceptable and reflective of the character of the area.

The design of the individual house-types is considered to be of a high-quality and subject to securing suitable materials, it is considered the proposals would have sufficient regard to the character of the area and result in a high quality development.

It is recommended that permitted development rights are removed in order that the Council is able to exercise control over future additions in the interests of the openness of the Green Belt.

Overall, it is concluded that the proposals, both in terms of layout, scale and appearance, would – subject to the recommended conditions - achieve a high quality development appropriate to the character of the area and the transitional edge of settlement location of the site. The proposal is therefore considered to comply with policies BDP19 and the provisions of “good design” in the NPPF.

Heritage

Within the vicinity are three listed buildings; Burcot Farmhouse, 353 Alcester Road; 352 Alcester Road and Burcot House, 350 Alcester Road and the adjacent barns which are curtilage listed. 353 is constructed in red brick, 352 a mix of stone, timber framing and red brick, some modern, both in a vernacular style in architectural terms.

The Conservation officer has no objection to the development.

Residential Amenity

The proposed dwellings are positioned in a low density arrangement that would create ample space for external landscaping and private amenity space. Units 2 does contain smaller garden area than required in guidance although the space (approximately 68 sq m) is considered to be sufficient for their purposes as a private garden for the two bedroom house proposed. The properties are situated such that they would not be overbearing upon one another, nor cause significant losses of daylight or sunlight.

Objections have been received from neighbours based on loss of privacy. It is considered important at this juncture to distinguish between overlooking (and a consequential loss of privacy) and merely being able to see towards another property.

Policy BDP1: Sustainable Development Principles requires that in considering new development, regard will be had to:

“e) Compatibility with adjoining uses and the impact on residential amenity”

The proposed location of the development on the site is considered to ensure that effects on residential amenity are minimised, taking into consideration separation distance between existing properties and the proposed housing.

The proposed development would not have an overbearing or visually intimidating impact upon nearby properties. It is considered that daylight to existing habitable rooms would not be prejudiced and that no loss of privacy would occur.

No issues are raised with noise given the rural context of the site by WRS Noise. It is noted that a number of objectors are concerned with any construction phase of development, it is considered that this can be adequately controlled by a construction management condition.

Flooding and Drainage

The site falls within Flood Zone 1 according to the Environment Agency flood mapping (low risk of fluvial flooding; i.e. from a river or the sea). According to NWWM the area is susceptible to surface water flooding during storm events as it appears that water currently builds up against buildings.

NWWM have raised no objection subject to a drainage and levels condition.

Ecology

The application includes a Phase 1 Habitat Survey. There would not be significant harm to ecological interests arising from the scheme, owing to the limited ecological potential within the site. No protected species have been found. Biodiversity enhancement is recommended for the site, it is considered that this can be conditioned.

Trees and landscaping

The site is presently dominated by built form and hardstanding with relatively little arboricultural interest or landscaping within the site. The tree officer considers the revised

layout removed any conflict with existing hedges and tree lines around the perimeter of the site.

Full details of the landscaping and planting proposals will be secured through condition. Accordingly subject to conditions, the proposal would not have an undue impact on existing trees and would secure enhancements to the landscape character and visual amenity of the site.

Highways

The application originally proposed a secondary access off Pikes Pool Lane, however this element has been removed as part of the consideration of the application, following an objection from County Highways.

There are no traffic impact issues arising from the 11 units and it also has to borne in mind that this site is currently a garden centre that generates trips to the site.

The position of the access is acceptable and does provide an acceptable level of visibility in both directions.

Sufficient space would exist within the site to accommodate parking in accordance with Worcestershire Streetscape Design Guide (2018) standards. These are as follows:

2/3 bedroom – 2 spaces per dwelling

4 bedroom – 3 spaces per dwelling

No highway objections are raised, subject to the applicant entering into a legal agreement for Infrastructure Delivery Plan contribution and suitable conditions.

WCC Lighting Team have indicated the existing lighting is not suitable for a conflict area of this type and will need to be upgraded as part of the works.

As a minimum the developer shall expect to replace lighting points and bring the lighting in this conflict area up to standard.

Planning obligations

In accordance with Paragraph 56 of the NPPF and Section 122 of the CIL regulations, planning obligations have been sought to mitigate the impact of this major development, if the application were to be approved.

A S106 agreement has been drafted. The obligation in this case would cover:

- The provision of 3 affordable dwellings on the site to be restricted to shared ownership in perpetuity
- Highway Infrastructure Delivery Plan contributions of £32,285.44
- Contribution of £33,000 towards off-site open space enhancement at Lickey End Recreation ground, due to increased demand from future residents, required in compliance with SPG11
- Contributions for refuse and re-cycling bins of £575.08 for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy

- A financial contribution of £18,679 towards Worcestershire Acute Hospitals NHS Trust

At the time of writing, the planning obligation is being finalised in draft form.

Conclusion

The proposals are considered to cause a greater impact on the openness of the Green Belt, but this impact would be less-than substantial in terms of harm. Three affordable units would be included within the housing mix which would provide a small contribution to the District commitment to providing affordable housing. The less than substantial harm to the openness of the Green Belt coupled with the affordable housing provided on this previously developed site enables compliance with paragraph 145 of the NPPF.

The site has been identified as being suitable for residential development. The detailed design, form and layout of the development is considered to be appropriate in its context. It is considered that, in the absence of the Council being able to demonstrate a five year housing supply, the policies within the Development Plan with regards to housing have to be seen as out of date. In such circumstances the NPPF sets out that the issue to consider is whether the proposal represents sustainable development and if it does there is a presumption in favour of the scheme.

For the reasons as set out in the report, it is considered that the proposal does satisfy the three dimensions of sustainable development. Given the view taken that the development is sustainable the question to be considered is whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF as a whole. The impacts of the development have been assessed and no adverse impacts would outweigh the benefits of the scheme. Overall, it is considered that the benefits of the proposed development significantly and demonstrably outweigh the impacts identified in this report.

Therefore, in conclusion, the application is recommended for approval, subject to conditions and a Section 106 agreement.

RECOMMENDATION:

(a) Minded to **APPROVE FULL 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 S106 planning obligation ensuring that:

- (i) The provision of 3 affordable dwellings on the site to be restricted to shared ownership in perpetuity
- (ii) Highway Infrastructure Delivery Plan contributions of £32,285.44
- (iii) Contribution of £33,000 towards off-site open space enhancement at Lickey End Recreation ground
- (iv) £575.08 contribution for refuse and re-cycling bins
- (v) A financial contribution of £18,679 towards Worcestershire Acute Hospitals NHS Trust

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 permitted shall be carried out in accordance with the following approved plans:

Existing Block Plan – 119027-100A
Proposed Block Plan – 119027-210B
Proposed Block Plan EVC -119027- 220EVC
Proposed Plots 1-3 – 1190297-200B
Proposed Plots 4 – 119027-201B
Proposed Plots 6-7 – 119027-202B
Proposed Plots 8 – 119027-203B
Proposed Plots 9-11 – 119027-204B
Proposed Elevations 9-11 – 119027-205B

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

- 3) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs 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 ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area

- 4) No works or development shall take place until a site drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. If infiltration techniques are used then the plan shall include the details of field percolation tests. The development shall be implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

- 5) Finished floor levels within the development shall be set no lower than 150 mm above the surrounding finished ground levels.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

- 6) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- a) The programme and methodology of site investigation and recording.
 - b) The programme for post investigation assessment.
 - c) Provision to be made for analysis of the site investigation and recording.
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In accordance with the requirements of paragraph 199 of the NPPF.

- 7) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 6 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 199 of the NPPF.

- 8) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, all trees and hedgeline to be retained within the site both on or adjacent to the application site shall be protected with fencing around the root protection areas. This fencing shall be constructed in accordance with the guidance in the British Standard BS5837:2012 and shall remain as erected until the development has been completed.

Reason: In order to protect the trees which form an important part of the amenity of the site.

- 9) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, a plan showing the intended routing of all utility services on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The excavation work required to install such services has the potential to cause extensive damage to the roots of trees.

- 10) Prior to occupation of the proposed dwellings, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:

- a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;
- b) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.
- c) details of ecological enhancements such as bird, bat and invertebrate boxes and additional planting.

The approved scheme shall be implemented within 12 months from the date when any of the dwellings hereby permitted are first occupied.

Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: To protect and enhance the character and ecology of the site and the area, and to ensure its appearance is satisfactory.

- 11) No part of the development hereby approved shall begin until a Construction Management Plan to include details of:
- a. Parking for site operatives and visitors
 - b. Area for site operatives' facilities
 - c. Parking and turning for delivery vehicles
 - d. Areas for the storage of plant and materials
 - e. Wheel washing equipment
 - f. Boundary hoarding (set clear of any visibility splays)
 - g. Hours of operation for the construction phase of the development

have been submitted to, and approved in writing by, the Local Planning Authority. Only the approved plan shall be implemented throughout the construction period.

Reason: To ensure the provision of adequate on-site facilities, in the interests of highway safety, to prevent indiscriminate parking in accordance with the NPPF and protect neighbour amenity.

- 12) The development hereby approved shall not be occupied until an area has been laid out within the curtilage of the dwellings for the parking of (see below) at a gradient not exceeding 1 in 8. This area shall thereafter be retained for the purpose of parking a vehicle only.

Two and three bed - 2 car parking spaces
Four bed - 3 car parking spaces

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

- 13) The Development hereby permitted shall not be first occupied until each of the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To encourage sustainable travel and healthy communities.

- 14) The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

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

- 15) The development hereby approved shall not be occupied until the visibility splays shown on drawing Access Visibility drawing located within the Transport Statement 01 Rev P have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

Reason: In the interests of highway safety.

- 16) The development hereby approved shall not be occupied until the existing vehicular / pedestrian access shall be permanently closed in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe and free flow of traffic using the adjoining highway.

- 17) The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

Reason: To reduce vehicle movements and promote sustainable access.

- 18) All proposed works shall be carried out in accordance with the recommendations as set out in the Ecological Walk Over Survey by Betts Ecology dated January 2019.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Local Plan No. 4 and Paragraph 170 of the NPPF.

- 19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Classes A to E shall be carried out without the prior approval of the local planning authority to an application in that behalf.

Reason: To protect the visual amenity of the area.

Case Officer: Mr Paul Lester Tel: 01527 881323
Email: paul.lester@bromsgroveandredditch.gov.uk

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Agenda Item 6

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Kendrick Homes Ltd	Residential development of 8 No. dwellings and associated garaging Yew Tree Farm, St Kenelms Road, Romsley, Halesowen, Worcestershire B62 0NU	15.05.2019	19/00305/FUL

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

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

Consultations

Highways - Bromsgrove Consulted 10.05.2019

The Highways Authority has no objection subject to the conditions relating to;

- Pedestrian visibility splays
- Electric charging points
- Residential welcome pack promoting sustainable forms of access to the development

Senior Community Safety Project Officer Community Safety Consulted 02.04.2019

No objection however consideration should be given to ensuring the site has natural surveillance.

Romsley Parish Council Consulted 02.04.2019

No Comments Received To Date

Waste Management Consulted 02.04.2019

No objection.

Worcestershire Wildlife Trust Consulted 02.04.2019

No objection subject to conditions.

Arboricultural Officer Consulted 02.04.2019

No objection subject to conditions.

WRS - Contaminated Land Consulted 02.04.2019

No Comments Received To Date

Hereford & Worcester Fire And Rescue Consulted 02.04.2019

No objection.

North Worcestershire Water Management Consulted 02.04.2019

No objection is raised subject to condition.

Publicity

91 letters were sent to the surrounding properties on 2nd April 2019 and expired on 26th April 2019. A 17 day amendment notification was sent on 10th May 2019 following an amendment to the Site Plan with the introduction of a second vehicular access. The most recent consultation expired on 27th May 2019.

49 letters of objection have been as a result of the initial consultation and a further 45 have been received following the amended plans. The comments received have been summarised as follows;

- Hazardous traffic along St Kenelms Road (including width of road not allowing vehicles to pass, non-compliance with yellow lines and poor driving, use of southern part of the street for Coop staff, shoppers and deliveries, risk to pedestrians and coach collecting school children)
- 700mm pathway donated to WCC is insufficient
- Green Belt
- Proposal would set a precedent if approved
- Disruption during construction/ Construction Management matters
- Scheme proposes one additional dwelling above previous refusal
- Loss of light to neighbouring properties
- Loss of a view/visual impact
- Bins during collection days
- Overdevelopment of the site
- Other large scale developments proposed locally could provide for local housing needs
- Previous refusal reasons have not been addressed
- Site provides habitats for a number of wildlife
- Reduction in house values
- Date of consultation during holiday
- Dwellings could be designed to be 'more in keeping' with local character
- Other similar applications been refused throughout District
- Strain on existing driveways

Councillor Sherrey

The application should be called into Planning Committee due to the level of public interest and concerns predominately relating to the safety of the highways

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP7 Housing Mix and Density

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP21 Natural Environment

Others

NPPF National Planning Policy Framework (2019)

High Quality Design SPD

Relevant Planning History

18/00282/FUL	Residential development of 7 No. Dwellings associated garaging	Refused; Currently at Appeal (Decision pending)	18.12.2018
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Proposal Description

The application site is located within the Green Belt, with three boundaries adjacent to the designated village envelope. The site is located within the settlement of Romsley and is currently a grass field with a hedgerow along St Kenelms Road. The proposed development is for the construction of 8 dwellings.

The dwellings will consist of the following;
Plot 1 and 2 – Four bed detached dwellings
Plot 3 and 4 – Three bed detached dwellings
Plot 5 – Three bed semi-detached dwelling
Plot 6, 7 and 8 – Two bed semi-detached dwellings

The proposed access for the dwellings will be sited from St Kenelms Road and the dwellings would be sited in a linear form continuing the existing street scene to the west. The proposal also comprises of engineering operations to facilitate the construction of an addition 2m width to the footpath within the red line plan along St Kenelms Road. A further 700mm verge will be provided and donated to Worcestershire County Council.

Assessment of Proposal

Background

This application follows application reference 18/00282/FUL for the construction of 7 dwellings on the site. The previous application was heard by members at the planning committee meeting on 10th December 2018 with a recommendation for approval. Members considered the application and refused planning permission on pedestrian safety and that the proposal did not make the best use of land and did not provide a good mix of housing. This application is currently at appeal and the decision has not been made at the time of drafting this report. The applicants have re-submitted the scheme in an attempt to overcome the two refusal reasons on the previous application. The two amendments to the previous scheme are a reduction in vehicular accesses from St Kenelms Road from 4 to 2 and a change in the mix of dwellings provided from two No. 5 bed, two No. 3 bed and three No. 2 bed properties to two No. 4 bed, three No. 3 bed and 3 No. 2 bed properties.

Green Belt

The development of new buildings in the Green Belt is considered inappropriate, except for a closed list of exceptions outlined in BDP4 of the Bromsgrove Local Plan and the National Planning Policy Framework (2018). BDP4 allows for limited infilling in Green Belt

settlements. This policy is compliant with the NPPF which allows for limited infilling in villages under Paragraph 145(e). Romsley is a small settlement as defined in BDP2 of the District Plan. Furthermore, Romsley is one of the settlements within the District where a village envelope has been defined and therefore represents a village in respect of the definition within the NPPF.

The term 'limited infilling' is not defined, however it normally comprises of the development of a modest size gap in an otherwise substantially built-up frontage which is broadly linear in formation. There is no requirement within either the Local Development Plan or the NPPF for the site to be wholly within a defined village envelope. In this instance, the existing site is a break within a ribbon of development along both sides of St Kenelms Road. The linear form of development will create 8 dwellings which bridge this gap in the street scene and the layout follows the overall scale and density of the surrounding built form. The purpose of the policy is to allow for limited infilling which is within the village both physically and functionally. The application site is located opposite the post office and local convenience store and is adjacent to the pub along one of the main routes into the village; therefore the application site is considered to be both physically and functionally linked to the settlement and therefore can be considered as part of this village. Furthermore the scale of 8 dwellings when taking into consideration the size of the village of Romsley is considered to be limited infilling. Having regard to this, the development would present 'limited infilling' and would thus, not represent inappropriate development in the Green Belt within the context of Green Belt policies. No objection was raised on this principle on the previous application.

The proposed development also requires engineering operations to extend the width of the footpath to the south of the site within the red line. Paragraph 146 of the NPPF allows for engineering operations provided that they preserve openness and do not conflict with the purposes of the Green Belt. The engineering operations consist of widening the footpath to 2m with the re-siting of the front hedgerow. The proposed footpath is within the context of the existing street and will be a minor increase in hardstanding within the context of other built form. The proposal is considered to preserve openness and is an acceptable form of development in the Green Belt. No objection was raised on this principle on the previous application.

Design and layout

St Kenelms Road has a mix of character, the existing street scene comprises of a mix of two storey and single storey dwellings which vary with pitched and hipped roof types. The north of the street is fairly spacious with a verdant character given its edge of settlement location. The dwellings on the north of the street are generally set back within their plot and set in from their side boundaries. The buildings to the south and east of the site are sited hard on the footpath and to the south of the site there is also the cul-de-sac Kenelm Court which consists of 10 bungalows.

The proposed dwellings have been designed to reflect the character and density of the locality. The scheme sites the two larger dwellings on the west of the site and the dwellings get smaller and more rural in character when travelling towards the east to reflect the rural character at the edge of the settlement. The dwellings have been set back to provide parking and turning and some trees and hedging are shown along the front boundary to maintain the verdant edge of settlement character. The previous

application was refused as members did not consider that the proposal made the best use of the land. BDP7 requires the density of new housing make the most efficient use of land whilst maintaining character and local distinctiveness. This policy further requires proposals for housing take into account the identified need and focus on delivering 2 and 3 bed dwellings. In this instance, the larger dwellings have been reduced to 4 beds rather than 5 beds and a further 3 bed dwelling has been proposed providing a total of 6 No. 2 and 3 bed dwellings. For these reasons, it is considered that the proposal has overcome the previous refusal reason by providing a better density and more smaller type properties. Furthermore the design would reflect the traditional pattern of development along St Kenelms Road in accordance with policies BDP7 and BDP19 of the BDP and SPG1.

Neighbour Amenity

The proposed dwelling at plot 1 will be sited adjacent to the existing dwelling No. 24 St Kenelms Road. Given the orientation of these dwellings no concerns are raised in respect of overlooking, overbearing or loss of light to the occupiers of this property. Furthermore the proposed dwellings have been designed not to cause an adverse relationship for the future occupiers of the development given the staggered linear form and distances achieved. The neighbour's comments have been considered in respect of overlooking and loss of privacy to the properties opposite. However, the separation distance achieved given the set back of the proposed dwellings within the plots is approximately 31 metres and the orientation of the proposed dwellings would not directly face onto the dwellings on the south of St Kenelms Road opposite. Therefore, overall it is considered that the proposed dwellings would have an acceptable amenity impact on all the surrounding properties in accordance with the guidance within the Councils SPG and Policy BDP1 of the BDP.

Highways

The proposed development proposes 2 vehicular accesses to facilitate the 8 dwellings. A significant number of objections have been received from the local residents in respect of the existing parking/blocking of road issues due to its width, close proximity to the Co-op shop and the fact that the road is one of the main arteries into the village. The Highways Authority has considered this application and do not raise any objection to the proposal. The development has provided sufficient parking onsite to cater for itself in order to ensure no displacement of vehicles from the proposed development occurs. Furthermore due to the existing situation on the roads and the concerns raised by the local community the applicant has proposed to increase the footpath width to a minimum 2m; the applicant has also allocated to Worcestershire Highways a 0.7m verge beyond the widened footpath.

The previous application was refused by members given the construction of four vehicular accesses from St Kenelms Road and the existing situation with passing vehicles would cause drivers to mount the kerbs resulting in safety concerns for pedestrians. The current proposal has reduced the number of access points from St Kenelms road to two. Given the reduction in number, the greater distance achieved between the access points and the introduction of a condition requiring pedestrian visibility splays be provided and maintained free of obstruction thereafter Officers are satisfied that this reason for refusal has been addressed.

It is noted that the County Council have received complaints in respect of this stretch of road and vehicles have had difficulties passing each other. However, it is not considered by the Highways Authority that the proposed development would worsen the existing situation and there are no mechanisms to expect the developers of this site to fix existing issues with the highway network. The applicants have provided some mitigation in this instance however with the widening of the footpath and donation of 700mm verge to allow the Highways Authority to make future improvements should it be deemed necessary.

In respect of making a decision on this application consideration should be given to paragraph 109 of the NPPF which states that development should only be prevented or refused on highways grounds if the proposed development would have an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Therefore although residents are experiencing issues of vehicles illegally parking and/or blocking the road, the existing issues do not make it reasonable to refuse this planning permission in respect of highways matters or expect this planning permission to resolve existing issues.

Trees/Ecology

The proposal results in a loss of the Aspens trees on the west boundary, this does not cause concerns given these trees are reaching the end of their safe useful life expectancy and their removal can be adequately mitigated. The front hedge will be required to be removed due to the works widening the footpath. Although the loss of this hedge is not ideal, this is a single species hedge and can be replaced adequately by condition. The Tree officer has raised no objection to the scheme on the basis of the trees to be removed and the replanting proposed.

The applicants have submitted a Preliminary Ecological Appraisal which has suggested that there was no evidence of roosting bats, badgers or reptiles and amphibians on site and has recommended various mitigation measures to avoid committing an offence to any possible protected species. Concerns have been raised locally in respect of the loss of wildlife as a result of this proposal. Whilst the habitat has been identified as less than ideal through the ecology survey, it as an open farmland space with trees and open countryside to the north. Therefore it has been considered necessary to condition the recommendations as outlined within the Ecology Appraisal and the landscaping plan to ensure that the development results in a net gain of ecological habitats.

Drainage

Based on information from North Worcestershire Water Management the site itself is not at risk of flooding. The site is currently Greenfield. The proposed development will increase the amount of impermeable area, and therefore the amount of runoff generated on this site. In order to not increase flood risk elsewhere the development will need to include measures to not increase the amount of runoff leaving this site. The submitted water management report (Rev A) sets out that the applicant will discharge all surface water via infiltration (soakaway etc) providing that site investigations suggest that ground conditions are suitable. No concerns have been raised on this matter subject to conditions.

Contamination

Worcestershire Regulatory Services have identified an area of buried tanks opposite the application site. This area was developed with the construction of Kenelms Court in 1989. Worcestershire Regulatory Services have requested a condition in respect of land contamination as a precautionary measure. This matter was not raised on the previous application currently under appeal and given the distance to this site across St Kenelms Road and the residential development that has already taken place on this site it is considered unreasonable to require this condition. The applicant is however advised to act with caution when carrying out any grounds works on the site.

Public Consultation

A number of comments have been received as a result of this public consultation and many of these concerns have been addressed within this report. Concerns have also been raised in respect of the development setting a precedent locally and the fact that other 'similar' applications have been refused throughout the District. Whether other applications have been refused locally or whether the proposal would set a precedent does not justify refusal of this application. Each application is considered on its individual merits and therefore would need to be assessed against the current local and national policies at the point of submission of the Local Planning Authority

Although construction is a short term disruption it is acknowledged that St Kenelms Road is a main road into the village and therefore it has been considered reasonable to condition a construction plan to consider the timings of work, the schedule of deliveries and the parking for operatives to ensure that any disruption to the village is kept to a minimum.

Comments have been received from Community Safety in respect of the layout of the proposed development. They have suggested that external lighting be considered and that the front hedge be no greater than 1m in height for community safety reasons. The ecologist and tree officer have both requested that the hedgerow be reinstated to offset for any loss in habitats. Furthermore these officers have also raised concerns in respect of external lighting and required the maintenance of dark routes to protect wildlife which is outlined in the submitted ecology appraisal. On balance it is considered that given the location of the site is in a busy part of the village on the main road with a shop and pub in close proximity it is considered that the activity around the site will reduce any issues of community safety concerns and therefore the lighting can be reduced and the hedgerow re-instated to protect wildlife.

The development is proposed to be on an existing green field and there will be a change of view to the neighbouring dwellings, particularly those sited to the south. The loss of a view is not however a material planning consideration.

House values are not a planning consideration and therefore are not considered as part of this application.

Conclusion

The previous application was refused by members of the planning committee on pedestrian safety and the effective use of land within the site. All other matters in regards to Green Belt, design and amenity were considered acceptable. To overcome these refusal reasons the applicant has amended the proposal to reduce the number of vehicular accesses and increase the number of dwellings providing more 2 and 3 bed properties. Officers consider that these amendments have addressed the refusal reasons and have therefore recommended approval for his application.

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:

360-01-02 Rev C - Planning Layout, Location Plan and Street Scene
360-04-02 Rev A – Plot 1 Elevations
360-04-01 – Plot 1 Floor Plans
360-05-02 Rev A – Plot 2 Elevations
360-05-01 – Plot 2 Floor Plans
360-06-02 Rev A – Plot 3 Elevations
360-06-01 – Plot 3 Floor Plans
360-07-02 Rev B – Plot 4 Elevations
360-07-01 Rev A – Plot 4 Floor Plans
360-08-02 Rev A – Plot 5 and 6 Elevations
360-08-01 - Plot 5 and 6 Floor Plans
360-09-02 Rev A – Plot 7 and 8 Elevations
360-09-01 – Plot 7 and 8 Floor Plans
356-02-706 P3 - Highways Overlay

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

- 3) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs 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 ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area

- 4) Prior to occupation of the proposed dwellings, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-
- a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;
 - b) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.

The approved scheme shall be implemented within 12 months from the date when any of the building(s) hereby permitted are first occupied.

Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site in accordance with policies BDP19 and BDP21 of the Bromsgrove District Plan January 2011-2030.

- 5) Development shall not commence until a method statement for the protection of the water environment from pollution during the course of construction has been submitted to and approved in writing by the local planning authority. The statement shall assess the risks from all pollution sources and pathways (including silt, cement and concrete, oils and chemicals, herbicides, aggregates, contaminated land and waste materials) and describe how these risks will be mitigated for this development. Development shall be carried out in accordance with the approved details.

Reason: Given the proximity of the site to the adjacent ditch to ensure that the site does not result in flooding. This is required to be a pre commencement condition, as often the first phases of a development (ground works) can pose the highest risk.

- 6) No works in connection with site drainage shall commence until a scheme for surface water drainage for all hardstanding areas has been submitted to, and approved in writing by the Local Planning Authority. If infiltration techniques are used then the plan shall include the details and results of field percolation tests. If soakaway drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS). There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. The scheme shall provide an appropriate level of runoff treatment. The development shall be implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained.

Reason: In order to secure the satisfactory drainage condition on site.

- 7) No building operations shall take place until a scheme for surface water drainage for all impermeable areas has been submitted to, and approved in writing by the Local Planning Authority. If infiltration techniques are used then the plan shall include the details and results of field percolation tests. If soakaway drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS). There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. The scheme shall provide an appropriate level of runoff treatment. The development shall be implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained.

Reason: Given the proximity of the site to the adjacent ditch to ensure that the site does not result in flooding.

- 8) No part of the development hereby approved shall begin until a Construction Management Plan to include details of:
- a. Parking for site operatives and visitors
 - b. Area for site operatives' facilities
 - c. Parking and turning for delivery vehicles
 - d. Areas for the storage of plant and materials
 - e. Wheel washing equipment
 - f. Boundary hoarding (set clear of any visibility splays)
 - g. Hours of operation for the construction phase of the development

have been submitted to, and approved in writing by, the Local Planning Authority. Only the approved plan shall be implemented throughout the construction period.

Reason: To ensure the provision of adequate on-site facilities, in the interests of highway safety and to prevent indiscriminate parking in accordance with the NPPF. This condition is required to be pre-commencement as site operatives would be required to access the site from the start of any site clearance or development.

- 9) All proposed works shall be carried out in accordance with the recommendations as set out in the Preliminary Ecological Appraisal by Cotswold Wildlife Surveys dated November 2017.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Local Plan No. 4 and Paragraph 170 of the NPPF.

- 10) The Development hereby permitted shall not be first occupied until one of the proposed car parking spaces at each dwelling has been fitted with an electric vehicle charging point and thereafter the charging point shall be kept available for the charging of electric vehicles.

REASON: To encourage sustainable travel and healthy communities.

- 11) The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

REASON: To reduce vehicle movements and promote sustainable access.

- 12) The Development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of verge shall be provided on both sides of the access. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.

REASON: In the interests of highway safety

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Agenda Item 7

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mrs P Lydon	Erection of a free standing greenhouse Sunday Hill, Whinfield Road, Dodford, Bromsgrove, Worcestershire B61 9BG	20.06.2019	19/00542/FUL

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

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Dodford with Grafton Parish Council Consulted 08.05.2019
No objections.

Conservation Officer Consulted 08.05.2019

The proposal would sustain the character and appearance of the Dodford Conservation Area, thus complying with BDP20 of the Bromsgrove District Plan (2017). No objections subject to conditions.

Public Consultation

1 site notice was posted 10.05.2019, expired 03.06.2019; No response received.

A press notice was published in The Bromsgrove Standard 13.05.2019, and expired 03.06.2019; No response received.

Councillor Beaumont Requested that the application be considered by Planning Committee due to the level of public interest.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP19 High Quality Design
BDP20 Managing the Historic Environment

Others

NPPF National Planning Policy Framework (2019)
NPPG National Planning Practice Guidance
High Quality Design SPD
Draft Dodford Conservation Area Appraisal

Relevant Planning History

BR/170/1964 Extensions. Approved 14.04.1964

B/2004/0407	Two storey rear extension, replacement of flat roof of previous extension with pitched roof, alterations to front elevation.	Approved	09.07.2004
B/2005/0150	Demolition of existing conservatory and construction of new conservatory.	Approved (not implemented)	06.04.2005
10/0234	Single storey extension to rear.	Approved	07.05.2010
14/0084	Demolition and replacement of garage	Refused	26.09.2014
15/0710	Demolition of existing garage and construction of new garage and agricultural store.	Refused	07.10.2015
15/1041	Demolition of existing garage and construction of new garage and agricultural store (amendment to previous application 15/0710)	Approved	14.01.2016
18/00030/FUL	Erection of a greenhouse	Refused (Dismissed at Appeal)	12.04.2018

Assessment of Proposal

The application site is located within Dodford Conservation Area and within an area designated as Green Belt.

The proposal is for the erection of a new greenhouse in the rear garden of the dwelling. The site was subject to a previous planning application for a greenhouse which was to be attached to a brick wall. This application was recommended for refusal by Officers and was refused by members at Planning Committee in April 2018. Following this, the application was subject to an appeal in November 2018, where it was dismissed. This current planning application removes the wall element of this previous proposal. The appeal decision is attached as Appendix One to this item.

Given the constraints of the site, the main issues to consider are whether the proposal would constitute inappropriate development, the impact on the openness of the Green Belt, and the impact of the proposal on the character and appearance of Dodford Conservation Area.

Green Belt

Development within the Green Belt is considered inappropriate unless it falls within a limited number of exceptions contained within paragraphs 145 and 146 of the National Planning Policy Framework (NPPF). This list does not include the provision of new domestic outbuildings. Policy BDP4 of the Bromsgrove District Plan (BDP) is consistent with this, and therefore the proposed greenhouse building constitutes inappropriate development within the Green Belt.

In cases where domestic outbuildings are sited within 5 metres of a dwelling, it may be appropriate to consider the building as an extension rather than a separate building. In order to be appropriate development within the Green Belt, extensions are required to be proportionate to the original, and Policy BDP4 limits a proportionate addition to be up to 40% above that of the original. In this case the new building would be approximately 5 metres from the main dwelling, however even if the proposed greenhouse were to be treated as an extension, it is noted that previous extensions amount to 71% and therefore any further extensions would automatically amount to inappropriate development.

Part 1, Class E of the General Permitted Development Order allows for new domestic outbuildings which are incidental to the main dwelling and fall within certain size parameters. However, with respect to this particular application site, there has been a previous planning permission granted (15/1041) which included a condition to remove Class E rights. As this permission has been implemented, the occupiers no longer have the benefit of constructing outbuildings without the requirement of planning permission.

The greenhouse would be of a modest scale and would be sited within the curtilage of the dwelling. The building would comprise a low brick wall, however would be of a glass construction above this. The appearance of the building would therefore be predominantly transparent. Notwithstanding this, the addition of this building would still have a modest impact on Green Belt openness.

In view of the above, the proposal would amount to inappropriate development within the Green Belt, which would have a modest impact to the openness of the Green Belt. Where there is harm arising to the Green Belt, paragraph 143 of the NPPF states that development should not be approved except in very special circumstances. Further to this paragraph 144 of the NPPF states that very special circumstances would need to clearly outweigh harm arising to the Green Belt by reason of inappropriateness and any other harm.

Very Special Circumstances

A number of matters were raised within the supporting statement provided with the application. It was stated that as the wall element of the proposal has been removed, the openness of the Green Belt will remain. However the greenhouse in itself will have a modest impact to openness and as it would be inappropriate development it would be harmful to the Green Belt as a matter of fact.

The statement also raised that the greenhouse would not harm the character of the Green Belt, would be visually attractive and of a high quality build, would have a high degree of transparency, would not affect any trees or protected wildlife populations, and

would allow the enjoyment of the garden area in line with one of the ideals of the Chartist movement. These factors would only have neutral weight within the planning balance.

On the basis of the above there are no very special circumstances present that would clearly outweigh harm arising to the Green Belt by reason of inappropriateness and any other harm.

Character/Conservation Area

The Conservation Officer has provided comments in relation to this application and notes that although Sunday Hill was constructed on one of the Chartist lots, it was developed slightly later than the Chartist cottages, and is of a grander scale and design than the simple Chartist cottages. Although the building is not statutory listed, it is described in the Draft Dodford Conservation Area Appraisal as a building of local interest.

In terms of the current proposal, the Conservation Officer considered that the greenhouse would be in keeping with the semi-rural character of the area, and that its design would complement the design and detailing of the host dwelling. Overall, subject to the control of joinery details, it was considered that the proposed greenhouse would sustain the character and appearance of the Dodford Conservation Area, and would therefore comply with policy BDP20 of the BDP.

Other Matters

In view of the distance between the proposed development and any neighbouring residential properties, the proposal would have no adverse impact to neighbouring amenity, in line with policy BDP1 of the BDP.

No technical matters have been raised during the consultation period of the application.

Dodford and Grafton Parish Council have raised no objections to the proposal and have provided further comments questioning whether the condition in place to restrict further outbuildings should cover the restriction of a greenhouse. However as the proposed greenhouse would clearly constitute a new outbuilding that would fall under Part 1, Class E of the General Permitted Development Order (GPDO), this matter is not given weight. Furthermore it is stated that the dimensions of the building would fall within the limitations of Part 1, Class E development, however as these rights are not available to the applicants, this matter is again not given any weight. It was also raised that the development would not be seen from Whinfield Road and would blend in with the surroundings. However as the development is considered inappropriate by definition, this does not outweigh the Green Belt harm. Finally the Parish Council commented that whilst they do not object to this application, they would object to a shipping container. However this is not a matter to be considered as part of this current planning application.

RECOMMENDATION: That planning permission be **Refused**

Reason for Refusal

- 1) The proposal comprises the erection of a new building in the Green Belt which is unacceptable in principle. New domestic outbuildings are not included within the closed list of exceptions to inappropriate development in the Green Belt contained within Paragraphs 145 and 146 of the NPPF. The proposal would therefore

amount to inappropriate development which is harmful by definition and should be given substantial weight. Furthermore the proposal would have a modest impact on the openness of the Green Belt. No very special circumstances exist or have been put forward that would outweigh the substantial harm identified arising to the Green Belt. The proposal would therefore be contrary to Policy BDP4 of the Bromsgrove District Plan and section 13 of the NPPF.

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Appeal Decision

Site visit made on 16 October 2018

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2018

Appeal Ref: APP/P1805/D/18/3206203

Sunday's Hill, Whinfield Road, Dodford B61 9BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs R Lydon against the decision of Bromsgrove District Council.
 - The application Ref 18/00030/FUL, dated 11 January 2018, was refused by notice dated 12 April 2018.
 - The development proposed is to erect a greenhouse.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The name of the appeal property is spelt differently throughout the appeal evidence. In this decision I have used *Sunday's Hill* as it is set out on the planning application and appeal forms.

Main Issues

3. The main issues in this appeal are whether the proposed greenhouse would amount to inappropriate development in the Green Belt; its effect on the openness of the Green Belt; and, if the greenhouse does amount to inappropriate development, whether the harm by reason of inappropriateness, along with any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

4. The appeal proposal seeks consent for the erection of a greenhouse. Its rear elevation would comprise a new 15m long wall which would extend beyond the width of the greenhouse on both sides. The greenhouse would be to the rear of, but separate from, Sunday's Hill, a house with adjacent open fields which is located in the Green Belt. The appeal site is also within the Dodford Conservation Area.
5. Greenhouses can often be built without requiring planning permission. However, the Class E permitted development allowances for Sunday's Hill were removed in January 2016 under Condition 3 of planning permission 15/1041. The approved replacement garage with an agricultural store has been constructed. The proposed greenhouse therefore requires planning permission

and is subject to the relevant local and national policies and guidance. The Council states that by itself the wall could be built under permitted development rights and there are no reasons to disagree.

6. Much of Bromsgrove District is designated as Green Belt. Although the appeal site and Dodford Conservation Area are a small part of the wider Green Belt, this does not alter the designation of the appeal site. I cannot agree with the appellants that Policy BDP4 of the Bromsgrove District Plan (BDP) which deals with Green Belt matters or the similar guidance within National Planning Policy Framework (the Framework) have been unreasonably applied to the appeal proposal.

Whether the greenhouse would amount to inappropriate development

7. The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, save for a number of exceptions. The appellants point to the exception relating to buildings for agriculture and forestry. The appellants keep some sheep and chickens and grow fruit trees and bushes on the land. The greenhouse would be located just over 5m from the dwellinghouse and would be used for growing and bringing on crops. However, it would be on a domestic scale and the appellants state that they intend to use the greenhouse for their own enjoyment and the furtherance of self-sustainability. Considering all of these factors together, I am not convinced that the proposed greenhouse could reasonably be described as a building for agriculture. In my judgement the appeal proposal is for a domestic outbuilding which is not included within the Framework's list of exceptions. In this regard I have reached the same conclusion as the Council.
8. I therefore conclude that the proposed development amounts to inappropriate development in the Green Belt which is harmful by definition and should not be approved, except in very special circumstances. The Framework directs that substantial weight should be given to any harm to the Green Belt.

Effect on openness

9. The greenhouse would be introduced onto part of the site which is free from development. It would inevitably have some effect on openness, notwithstanding that it would be predominantly glazed, therefore having a degree of transparency. However, there would be limited views of the greenhouse from the public realm, it would be of a modest size and it would be seen within a residential setting between the house and its garage/agricultural store. Within this context I conclude that the greenhouse alone would have a modest effect on openness. If the greenhouse is considered alongside the 15m long wall which in part would form its rear elevation, the development would have a moderate effect on openness. Under both scenarios I conclude that the openness of the Green Belt would be diminished. This harm attracts substantial weight.

Other considerations

10. The Framework indicates that very special circumstances will not exist unless the harm to the Green Belt by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
11. The historic development of the surrounding area includes small single storey dwellings that were built in accordance with the aims of the Chartist Movement.

The dwellings were provided with sufficient land to be both self-sufficient and to make a small profit. In principle, the erection of a greenhouse would be consistent with these principles.

12. This historic context is fundamental to the designation of the Dodford Conservation Area. Sunday's Hill is of a grander scale and design than the simple Chartist cottages in the area. The high quality design of the greenhouse and the traditional materials proposed would complement its design and would be appropriate to its status. The greenhouse would also be in keeping with the predominantly semi-rural character of the surrounding area which includes ancillary curtilage buildings and structures.
13. I conclude that the greenhouse would preserve the character and appearance of the Dodford Conservation Area in accordance with BDP Policy BDP20. This policy supports proposals which, amongst other things, sustain and enhance the significance of heritage assets. However, the absence of harm does not weigh in favour of the proposed development.
14. The appellant has identified a large number of greenhouses in the locality. It is likely that they were constructed under permitted development rights. Nonetheless, this does not alter the planning circumstances pertaining to the appeal site and I can give little weight to the presence of these greenhouses.
15. The fact that there were no objections from local residents or the Parish Council to the proposed development can be given only neutral weight in the overall balance of considerations and does not affect my conclusions.

Conclusion

16. I have concluded that the greenhouse would amount to inappropriate development in the Green Belt. The development would have a modest to moderate impact on the openness of the Green Belt. The other considerations put forward whether considered in isolation or together do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances required to justify the development do not exist. The erection of the greenhouse would be contrary to BDP Policy BDP4 and the similar Green Belt guidance within the Framework.
17. For the reasons I have set out the appeal is dismissed.

Elaine Benson

INSPECTOR

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