



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE PLANNING COMMITTEE**

**MONDAY 4TH NOVEMBER 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 7th October 2019 (Pages 1 - 10)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 18/01593/FUL - Demolition of existing house and garage and construction of new dwelling - 11 Cherry Hill Avenue, Barnt Green, Birmingham, Worcestershire, B45 8LA - Mr. B. Hasnain (Pages 11 - 24)
6. 19/00186/FUL - Demolish existing bungalow and construction of 2 detached dwellings with integral garages - 8 St. Catherine's Road, Blackwell, Bromsgrove, Worcestershire, B60 1BN - Mr. A. Pullen (Pages 25 - 32)
7. 19/00328/FUL - Retrospective application for change of use from B1 (light industrial) use to B8 (storage and distribution) use, and erection of associated cold storage facilities to the rear of the premises - 30 The Avenue, Rubery, Birmingham, Worcestershire, B45 9AL - Adam Food Services Limited (Pages 33 - 42)
8. 19/00951/FUL - Change of use application to convert a caravan storage area to caravan park - 43A Barkers Lane, Wythall, Worcestershire, B47 6BY - Wilson (Pages 43 - 54)
9. 19/01177/FUL - First floor side and single storey front extensions - 44 Malvern Road, Bromsgrove, Worcestershire, B61 7HE - Mr & Mrs McCarthy-Smith (Pages 55 - 58)
10. 19/01196/FUL - Re-modelling of existing bungalow with rear, side and front extensions and roof space conversion into dormer bungalow - 161 Station Road, Wythall, B47 6AF - Mr. J. Kerr (Pages 59 - 62)
11. 19/01261/FUL - Single storey extension to dwelling - 11 Parkstone Avenue, Bromsgrove, B61 7NS - Mr. I. Felton (Pages 63 - 66)
12. 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

24th October 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](http://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](http://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](mailto:p.ross@bromsgroveandredditch.gov.uk), or telephone (01527) 881406



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE PLANNING COMMITTEE**

**MONDAY, 7TH OCTOBER 2019, AT 6.00 P.M.**

PRESENT: Councillors P. J. Whittaker (Vice-Chairman, in the Chair), S. J. Baxter, A. J. B. Beaumont, S. P. Douglas, A. B. L. English, S. G. Hession, J. E. King, H. D. N. Rone-Clarke (Substitute), C. J. Spencer (Substitute) and P.L. Thomas

Officers: Mr. D. M. Birch, Ms. C. Flanagan, Mr. S Edden, Mr. D. Edmonds, Mr. S. Jones, Mr. P. Lester and Ms. A. Scarce

31/19 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors R. J. Deeming, M. Glass and P. M. McDonald, with Councillor C. Spencer attending as substitute for Councillor Glass and Councillor H. Rone-Clarke as substitute for Councillor McDonald.

32/19 **DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

33/19 **MINUTES**

The Minutes of the meeting of the Planning Committee held on 5<sup>th</sup> August 2019 were received.

**RESOLVED** that the minutes of the meeting of the Planning Committee held on 5th August 2019, be approved as a correct record.

34/19 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING (TO BE CIRCULATED PRIOR TO THE START OF THE MEETING)**

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

35/19 **18/00769/FUL - THE ERECTION OF A 61 BED CARE HOME (USE CLASS C2) AND ASSOCIATED WORKS INCLUDING CAR PARKING, ACCESS, LANDSCAPING AND RELATED ENGINEERING WORKS - LAND ADJACENT TO BENNETT DRIVE, HAGLEY, DY9 0WA - HAGLEY CARE HOMES LIMITED**

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Officers gave a detailed presentation of the application and highlighted a number of design elements and the landscaping which would be included within the development and made reference to the relevant national and local planning policies.

Officers provided a summary of the issues raised within the report, and, having particular regard to the nature of the development, its partial compliance with policy BDP14. There was a material consideration of the principle development and the views of the Worcestershire Economic Development Team were highlighted. It was confirmed that the Council's Viability Consultant had concluded the site was non-viable for a standalone employment use, whilst it was acknowledged that it could be viable for mixed residential and business use, residential use was not envisaged for this site. It was further accepted that the development would provide some employment.

Extensive discussions had taken place with Worcestershire Highways and the Developer to ensure that the parking spaces were sufficient and it was readily accessible by public transport or by foot and cyclists. It was stated that it would not have a material impact on the operation of the local highway network.

Responses from other consultees were also referred to and the contributions recommended to be made to address some of the areas discussed. This was reflected in the revised recommendations, which had been included within the updates provided prior to the meeting.

At the invitation of the Chairman, Mr R. Gardner of Avison Young, the Applicant's Agent addressed the Committee. Councillor R. Jenkins, as Ward Councillor for the area where the site was located also addressed the Committee.

Members were reminded that the decision they were making at this meeting was in respect of the report in front of them. There had been no objection in respect of parking from Worcestershire Highways nor any objection from Worcestershire Regulatory Services in respect of noise or air quality.

The Committee went on to consider the application with Officers responding to the points raised by Members during the debate, with particular reference to car parking and the approach taken when calculating the number of spaces and the anticipated number of employees. Whilst being sympathetic to the concerns raised, Members noted that this was a much needed facility.

Having considered the Officer's report, the information provided by the speakers and clarification from Officers of a number of points, Members were minded to approve the application.

**RESOLVED** that full planning permission be granted;

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1. authority be delegated to the Head of Planning and Regeneration to determine the Planning Application, subject to:
  - a) The Satisfactory completion of a S106 planning obligation ensuring that:
    - i) Capital contribution for NHS Primary Care commission to mitigate the primary care impacts arising from the proposed development which would be used for medical infrastructure (financial figure to be confirmed);
    - ii) £18,500 – contributions for Community Travel to serve the Hagley area regarding the transport needs of elderly and disable residents who cannot use bus services and in accordance with the 2010 Equality Act;
    - iii) The occupancy of the development hereby approved shall be limited to persons aged 55 and over (the qualifying person), together with any spouse or partner and any surviving spouse or partner and ensuring that a minimum level of care is needed and taken up by future residents, with the exception of those persons diagnosed with dementia and requiring care, to which there is no age restriction;
    - iv) Planning Obligation Monitoring charge – the fee to be agreed by the Head of Planning and Regeneration in conjunction with the Planning Portfolio Holder following the meeting of full Council on 25<sup>th</sup> September 2019.
  - b) the expiry of the publicity period on 18<sup>th</sup> October 2019.
2. authority to be delegated to the Head of Planning and Regeneration Services, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly; and
3. the Conditions set out on pages 26 to 29 of the main agenda report, with the following amendment to Condition 8:

External lighting and CCTV measures, to be amended from a timing of 'pre-commencement to 'preoccupation'.

36/19

**18/01053/FUL - DEMOLITION OF TWO STOREY WING OF EXISTING CLASS C2 USE BUILDING AND THE ERECTION OF A NEW PART-SINGLE/PART-TWO STOREY DETACHED BUILDING AND ASSOCIATED WORKS, INCLUDING RECONFIGURATION OF CAR PARKING - LICKEY HILLS NURSING HOME, WARREN LANE, LICKEY, B45 8ER - PRIORY HEALTHCARE**

Officers summarised the report and highlighted that there were two main issues in respect of the existing plan and the proposal. The first issue was in respect of the Green Belt and whether it was an inappropriate

development which would cause unacceptable harm to openness for the purposes of Green Belt policy. The second was whether the proposed development represented high quality design and protected the rural character. Officers provided Members with detailed explanations in respect of these issues, as detailed within the report in front of them.

The Committee discussed a number of areas and understood that there was a need for such a facility, but were disappointed in the design that had been brought before them and the significant impact that it would have on the Green Belt.

Having considered the Officer's report and clarification from Officers with regard to a number of points raised, Members were minded to refuse the application.

**RESOLVED** that Planning permission be refused for the reasons set out on page 38 of the main agenda report.

37/19

**19/00478/FUL - FULL PLANNING APPLICATION FOR THE ERECTION OF 6 DWELLINGS - LAND TO THE REAR OF 454 BIRMINGHAM ROAD, MARLBROOK, WORCESTERSHIRE, B61 0HR - MR. S. HUSSEY**

Officers clarified that the Application has been brought to the Planning Committee for consideration at the request of Councillor H. Jones, Ward Member.

Officers reported the current composition of the site which was located between a number of residential dwellings fronting Birmingham Road with dwellings along Hazelton Road and Belle Vue Close backing onto the site. Proposals were to retain the existing property at 454 Birmingham Road and the erection of six dwellings to the rear. Officers advised that the development was of a cohesive design and would make effective use of the land and would not appear cramped. It was an accessible location in an established residential area. The benefits provided by the delivery of six dwellings came at a time when the Council was unable to demonstrate a five year housing land supply and there was a national drive to boost housing levels. With this in mind it was noted that NPPF stated that where Councils were unable to demonstrate a five year housing land supply, then planning permission should be granted unless any adverse impact in doing so significant and demonstrably outweighed the benefits. In this instance Officers advised that the scheme was considered to be acceptable.

At the invitation of the Chairman, Mrs. N. de Sousa addressed the Committee in objection to the application. Mr. G. Jones of Tyler Parkes (Applicant's Agent) and Councillor H. Jones, Ward Councillor for where the site was located, were invited to address the Committee.

The Committee went on to consider the application with Officers responding to a number of points raised during that debate; the adequacy of the density of properties in the area, and the difficulties

arising from the Council not having a five year housing land supply. Particular reference was also made to refuse collection and the ability of the vehicle to access the area safely. Worcestershire Highways highlighted concerns which had been raised within the report and whether the dwellings being serviced off a shared driveway resulted in a severe impact on capacity or adversely impacted safety and concluded that they did not.

Having considered the Officer's report, the information provided by the speakers and clarification from Officers of a number of points which had been raised, Members were minded to approve the application.

**RESOLVED** that Planning Permission be granted subject to the Conditions as set out on pages 48 to 51 of the main agenda report.

38/19

**19/00619/REM - APPLICATION FOR APPROVAL OF RESERVED MATTERS RELATING TO APPEARANCE, LANDSCAPING, LAYOUT, SCALE AND ACCESS (INTERNAL TO THE SITE) FOR A USE CLASS B8 (STORAGE AND DISTRIBUTION) BUILDING WITH ANCILLARY FLOORSPACE INCLUDING USE CLASS B1 (OFFICES); EARTHWORKS; PLOT AND STRUCTURAL LANDSCAPE WORKS INCLUSIVE OF AN ECOLOGICAL ENHANCEMENT AREA; INTERNAL ACCESS ROADS, CAR PARKING, GATEHOUSE; UTILITIES AND PLANT INFRASTRUCTURE; ON THE NORTHERN DEVELOPMENT PARCEL PURSUANT TO S73 PERMISSIONS SDC 18/03746/VARY, BDC 18/01596/S73, RBC 18/01626/S73 FOLLOWING OUTLINE PERMISSIONS SDC 17/01847/OUT, BDC 17/00701/OUT, RBC 17/00700/OUT - REDDITCH GATEWAY LAND ADJACENT TO THE A4023, COVENTRY HIGHWAY, REDDITCH, WORCESTERSHIRE - STOFORD GORCOTT LIMITED**

Officers reminded the Committee that the principle of the development of the application site had been granted planning permission in June 2018 under 17/00701/OUT, and subsequently varied in April 2019. This application was for planning permission regarding the reserved matters, relating to appearance, landscaping, layout, scale and details of internal circulation routes reserved, for the development on a phased basis, for employment land for business/industrial uses.

The site plan highlighted to Members that the application before them related to the northern development parcel of the wider Redditch Gateway site. This particular section was land within both Stratford-on-Avon's boundary and that of this Council. There was a small area of green land on the boundary of Redditch Borough Council, which was consulted on both applications as a neighbouring authority, given the proximity of the application site to land within its area. It was confirmed that as the application did not fall within Redditch, a reserved matters application had not been submitted to Redditch Borough Council.

The Committee was advised that some responses from third parties were matters of principle which had already been discussed at the

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earlier stage of the process. Members' attention was drawn to the Update report, which had been published prior to the meeting and which highlighted a number of further representations and comments from the Applicant. It also confirmed that Stratford-on-Avon District Council's Planning Committee had approved the parallel application on 2<sup>nd</sup> October 2019.

Officers advised that there were a number of conditions attached to this application as highlighted on page 73 of the main agenda report, however these had not been presented in their final form. Officers advised that there had been 43 Conditions attached to the Outline application, with delegated authority being requested on some matters. It was confirmed that the conditions reflected those which had been approved at Stratford-on-Avon on 2<sup>nd</sup> October 2019.

The Chairman allowed a brief adjournment of the meeting to allow the resident speakers to review the content of the Planning Update document, which had been published prior to the meeting.

At the invitation of the Chairman, Mrs. Berry and Mr. Quartly (on behalf of the Winyates Green Residents Association) addressed the Committee in objection to the application. Ms. J Russell, Applicant, also addressed the Committee.

Officers responded to comments made by the objectors and made particular reference to the Steering Group which had been set up by Stratford-on-Avon District Council, which had been aware of the proposals put forward.

Members commented that this was the third time that this application had come before the Committee and whilst it had some sympathy with residents, it was noted that this land had always been designated as employment land and this proposal was an opportunity for economic development within the area. Members also commented on the development's EPC rating and the inclusion of EV points, which was encouraging in the context of the impact of climate change.

Having considered the Officer's report, the information provided by speakers and clarification from Officers of a number of points, Members were minded to approve the application.

**RESOLVED** that

- a) delegated powers be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of Conditions, as detailed on page 77 of the main agenda report.

39/19

**19/00820/FUL - CONVERSION AND CHANGE OF USE OF EXISTING 27 BEDROOM HOTEL (C1 USE) INTO 22. NO ONE BEDROOM APARTMENTS (C3 USE) WITH EXTERNAL ALTERATIONS AND**

## **EXTENSIONS - INKFORD HOTEL, ALCESTER ROAD, WYTHALL, WORCESTERSHIRE, B47 6DJ - MR. R. HAIDER**

Councillor S. Baxter and S. Hession declared that they were Members of Wythall Parish Council but had not been party to any discussions on this matter at the Parish Council meetings.

Officers summarised the report and highlighted that it was for the conversion and change of use of the building, including the reduction of the number of car parking spaces. The property was in the Green Belt and had ceased trading as a hotel in 2014, being vacant since that date. It was now in a state of disrepair. A previous planning application for change of use had been granted in July 2010 which had now lapsed.

Whilst the proposals were considered to represent inappropriate development in the Green Belt by reason of the additional extensions, the harm caused would be limited in terms of spatial and visual aspects. The wider benefits which would result from granting permission would in this case outweigh any harm caused. Reference was again made to the Council's lack of a five year housing land supply and the economic and social benefits, represented the very special circumstances of this development. The full details of the planning obligations were highlighted on pages 90 to 91 of the main agenda pack report.

A minor amendment to the additional condition 12 detailed in the Update report was proposed, which referred to the re-instatement of the "footway" along Alcester Road rather than the "footpath" referred to in the Update report, which Members were in agreement with. In discussing this amendment it was suggested that this could go further and include use by cycle and scooter users, however following clarification from the Worcestershire Highways Officer, it was accepted by Members that this was not feasible due to the width of the footway.

The Committee were mindful that the building had been empty for some time and had become derelict and the application would address this. It would also go some small way towards addressing the housing need and the improvements to the footway would be welcomed.

Having considered the Officer's report and received clarification on a number of points raised by Officers, Members were minded to approve the application.

### **RESOLVED** that

- a) Planning Permission be granted, subject to the Conditions as set out on pages 92 to 94 of the main agenda report and the inclusion of Condition 12 as detailed in the Planning update document, and as amended in the pre-amble above;
- b) 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 ensure that;

- (i) The Council receive a contribution of £2,524.30 for refuse and recycling bins;
- (ii) A financial contribution of £5,037 towards the NHS Clinical Commissioning Group (CCG) be secured;
- (iii) S106 monitoring fee (as of 1 September 2019, revised Regulations were issued allowing the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the agreement are met. The fee/charge is subject to confirmation following authorisation to proceed with this provision at the meeting of full Council on 25<sup>th</sup> September 2019).

40/19

**19/01037/FUL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF TWELVE DWELLINGS (OF WHICH FOUR ARE AFFORDABLE) AND ANCILLARY LANDSCAPING, GARAGES AND BIN STORAGE - BURCOT GARDEN CENTRE, 354 ALCESTER ROAD, BURCOT, BROMSGROVE, WORCESTERSHIRE, B60 1PW - MR. M. RICHARDSON**

Members were reminded that this application had come before them at the July 2019 meeting, when it had been refused on the grounds of insufficient provision of affordable housing and that the affordable housing had not been distributed throughout the application site and was easily distinguishable from the market housing. The new submission hoped to address this with the Officer drawing Members' attention to page 102 of the main agenda report which provided a breakdown of the revisions made. It was also highlighted that Policy BDP8 related to a requirement of 30% affordable housing provision in brownfield sites over a threshold of eleven dwellings. Details of the revised NPPF, which was published in February 2019, were also included on page 108 of the main agenda report. The number of units proposed was considered to meet the policy requirement of BDP8. Full details of how the other areas of refusal had been addressed were also included within the main agenda report.

The Committee was referred to the Update report in which it was stated that the Worcestershire Acute Hospitals Trust had withdrawn its request for financial contributions.

At the invitation of the Chairman, Mr. M. Bouldrey and Mrs S. Hibbert addressed the Committee in objection to the application. Mr. S. Warner, Applicant's Agent, also addressed the Committee.

Members were reminded that the application had been re-submitted in light of the previous reasons for refusal, all of which had been addressed by the applicant. Those changes were welcomed and Members thanked them for taking on board its comments and bringing forward the revised application.



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Having considered the Officer's report, the information provided by the speakers and clarifications from Officers of a number of points, Members were minded to approve the application.

**RESOLVED** that

- a) the application be granted, subject to the Conditions as set out on pages 115 to 119 of the main agenda report; and
- b) 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 four affordable dwellings on the site to be restricted to shared ownership in perpetuity;
  - ii) Highway Infrastructure Delivery Plan contributions of £35,200.48;
  - iii) Contribution of £36,000 towards off-site open space enhancement at Lickey End Recreation Ground;
  - iv) £627.36 contribution for refuse and re-cycling bins;
  - v) A financial contribution of £4,416 towards Redditch and Bromsgrove CCG; and
  - vi) A section 106 monitoring fee.

The meeting closed at 9.02 p.m.

Chairman

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr B. Hasnain	Demolition of existing house and garage and construction of new dwelling.  11 Cherry Hill Avenue, Barnt Green, Birmingham, Worcestershire, B45 8LA		18/01593/FUL

**This application was requested by Councillor Hotham to be considered by Planning Committee rather than being determined under delegated powers.**

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

### Consultations

#### **Barnt Green Parish Council**

Objects, would like to see the application refused for the following summarised reasons:

- The existing building makes a significant and important contribution to the Conservation Area, contrary to the BDC Conservation Area Policy
- Loss of bungalow
- Increase in height is overbearing, detrimental to the neighbouring properties and the street
- Overdevelopment, particularly detrimental to the area's character because it will reduce the gap between residential properties.
- Proximity to neighbouring properties, cramped, harmful to the character and appearance of the Barnt Green Conservation Area
- Replacing the existing distinctive bungalow with the proposed property, it is not in keeping with the diverse nature of the buildings in the road.
- Concerns over ground conditions as a result of removing large amounts of earth to accommodate the proposed building
- Inadequate parking
- If approved then permitted development rights should be removed.

#### **Conservation Officer**

The Conservation Officer has no objection to the most recent revision of the application. It is considered that the revised scheme would have a neutral impact on the character and appearance of the Conservation Area as required by the 1990 Act and the Bromsgrove District Plan. The officer has recommended two conditions:

1. External materials
2. Joinery details at 1:5 scale.

#### **Arboricultural Officer**

No objection subject to conditions

1. All trees to be retained within the site and within influencing distance of any development work on any adjoining land are to be given full protection in accordance with BS5837:2012 recommendations throughout any demolition, ground or development work on the site.
2. A tree protection plan and method statement should be submitted.

## **Highways - Bromsgrove**

No objection subject to conditions.

1. Residential Parking Provision
2. Electric vehicle charging point

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles  
BDP2 Settlement Hierarchy  
BDP 7 Housing Mix and Density  
BDP19 High Quality Design  
BDP20 Managing the Historic Environment  
BDP21 Natural Environment

### **Others**

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

### **Publicity**

A total of 20 neighbour notification letters were sent on 11.01.19 expired 04.02.2019  
A further 35 notifications were sent out as part of a reconsultation on 03.05.2019 expired 20.05.2019  
A further 35 notifications were sent out as part of a reconsultation on 30.08.2019 expired 16.09.2019

A site notice was displayed on 18th January 2019 and expired 11th February 2019.

A press notice was published on 18th January 2019 and expired 4th February 2019.

### **Representations**

A total of 32 objections have been received and summarised as below:

#### Design and Appearance

- Not in keeping with the Conservation Area
- Detrimental impact on character and appearance of the area including the streetscene
- Overdevelopment/ Housing density is too high
- Poor design
- Footprint, volume, height of the dwelling is too large
- Cramped and contrived design
- Potential to convert roof to increase the number of bedrooms, up to potentially 6

#### Highways

- Parking arrangement unsatisfactory

- Inadequate access for emergency vehicles and refuse collection during construction

## Amenity

- Loss of amenity and overlooking/separation distances inadequate
- Loss of privacy
- Overshadowing
- Increased sense of enclosure, overbearing and oppressive impact
- Disruption during construction phase including noise and construction traffic

## Wildlife and Trees

- Ecological Impact, especially on bats
- Loss of front garden for parking and turning area
- Loss of trees and vegetation
- Impact on root protection areas of existing trees

## Housing Mix and Affordable housing

- Loss of bungalow
- Not an affordable dwelling

## Precedent

- Precedent for further loss of bungalows

## Other

- Concern over the proposed excavations and removal of material
- Added pressure on drainage and sewage systems

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

## **Councillor Hotham**

Councillor Hotham shares the concerns of the local residents regarding the proposed development, including the impact on the Conservation area, character and appearance of the area and impact on neighbours.

## **Relevant Planning History**

18/00652/FUL	Demolition of existing house and garage and construction of new dwelling. Re-submission of planning ref 17/01199/FUL	Refused	19.07.2018
17/01199/FUL	Demolition of existing house and garage with the construction of new dwelling	Withdrawn	26.03.2018

## **Assessment of Proposal**

### **Description of the Site and Application**

The application site currently comprises a 3 bedroom dormer bungalow and detached garage located within the built up area of Barnt Green. The properties in the area are predominately two storeys, and consist of a mixture in terms of their age and design. The site is within the Barnt Green Conservation Area.

This application seeks planning permission to demolish the existing dormer bungalow and the erection of a replacement, two-storey 4 bedroom dwelling. The proposed development will be located in a similar position to the existing dwelling, as part of the application it proposes to reduce the ground floor level from that of the existing bungalow. The proposal has been amended since the original application submission, with the latest revision reducing the main rear projection of the house by over 2m, and an overall reduction in floor area of 38 sq m.

### **Main Issues**

The key issues to be determined in this case are:

- Principle of Development;
- Character and Appearance;
- Impact upon Conservation Area;
- The effect of the proposal on the living conditions of the occupiers of neighbouring properties;
- Removal of Permitted Development Rights; and
- Other Material Considerations.

### **Principle of Development**

The application site is located within the residential area of Barnt Green as defined in the Bromsgrove District Plan Proposals Map. There is general presumption in favour of residential development in urban areas, however it is necessary to assess whether the proposals meets the specific criteria within the District Plan and Bromsgrove High Quality Design SPD.

### **Character and Appearance**

The site comprises a detached dormer bungalow, garage and associated garden land. This application seeks the demolition of the existing dwelling on the site and its replacement with a two storey dwelling.

Previous planning applications for a replacement dwelling have been withdrawn or refused due to concerns relating to the design, scale and mass of the building on this site.

This proposal shows the scale of the proposed replacement dwelling has been reduced in response to concerns raised by officers. The design of the house also takes more reference from properties in the vicinity.

The application site covers an area of approximately 595 sq m, whilst the replacement dwelling would increase the footprint of built development within the site (from 117 sq m to 156 sq m), it is considered that the replacement dwelling sufficiently respects the size of the plot and does not project forward of the existing building line. The dwelling retains an open site frontage incorporating driveways and a small garden area and there is sufficient spacing between neighbouring dwellings.

11 Cherry Hill Avenue is the only remaining bungalow in the Avenue, so arguably a two storey property would be more in keeping with existing development. Given the proximity to other dwellings and the changes in ground levels, the height of the proposed replacement dwelling has been an important consideration. It is now considered that this revised scheme is of appropriate scale and mass and can be sited in the streetscene in harmony with the building characteristics of the area.

The existing dormer bungalow on site is constructed in the late 1920's or early 1930's, with a garage which possibly dates from the 1950's. It is relatively unaltered and has a projecting pyramidal roof, timber detailing and original windows including a modest dormer.

In terms of design, it is considered that the elevation fronting onto Cherry Hill Avenue is appropriate in terms of design and scale. The dwelling has a two storey appearance on the front elevation, which due to the design features and lead dormer over the single garage not only breaks up the overall bulk of the development but creates a good level of visual interest to the building. Furthermore the use of brick on the ground level and render on the first floor further adds to the visual interest of the building.

The siting, scale and design of the proposed dwelling is therefore considered to be acceptable. It is not considered the proposal would appear visually intrusive, but positively integrates with the denser form of the development along Cherry Hill Avenue and the surrounding area. Nor would it represent a cramped form of development resulting in an over development of the site, which already has a lawful residential use. The rear garden area will be reduced in size, however it is still in excess of 200 sq m in size, which more than meets the requirements of the High Quality Design SPD and the size is still characteristic of the other detached properties along Cherry Hill Avenue. This ensures that there is sufficient amenity space for this family home.

Samples of materials will be sought via condition to ensure a good quality finish to the development.

On balance it is considered that the proposal would reflect the pattern of development along Cherry Hill Avenue in accordance with policies BDP7 and BDP19 of the BDP and High Quality Design SPD.

## **Impact upon Conservation Area**

As this proposal is situated within the Barnt Green Conservation Area, the development must be considered against paragraph 193 of the NPPF in terms of its impact on the significance of designated heritage assets.

This recommendation must also be mindful of the requirements to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The consideration of this issue goes to the heart of the decision making process.

The early development in Barnt Green dates from the late 19th century when land was sold by the Plymouth Estate and large houses were constructed for Birmingham industrialists, largely around the Shepley Road and Fiery Hill Road areas, who commuted into the nearby city from the station constructed by the Windsor family in the mid-19th century. There were further land sales after the First World War, which saw development move eastwards towards Cherry Hill Road. The later houses such as those in Cherry Hill Avenue, were more modest. It was the infilling around Cherry Hill Road, Avenue and Drive in the later part of the 20th Century and the erosion of the spacious character of the area due to the higher density housing, which resulted in the designation of the Conservation Area in 2000.

The general character of this part of the Conservation Area can be summed up as well detailed early 20th century houses, generally constructed with brick and render beneath pitched clay tile roofs, on generous but not large plots, resulting in sense of spaciousness. 11 Cherry Hill Avenue is a good example of the more modest development of the early 20th century, being well detailed on a relatively generous plot. It is one of the smaller houses of this period, but clearly contributes to the character of the area, sitting comfortably with its neighbours in terms of its architectural style.

In considering planning application in respect of properties in conservation areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

This is supported by policies in the Bromsgrove Local Plan, notably BDP 20.2 which states that the Local Authority will 'support development proposals which sustain and enhance the significance of Heritage Assets including their setting'; BDP20.3 'Development affecting Heritage Assets, including alterations or additions as well as development within the setting of Heritage Assets, should not have a detrimental impact on the character, appearance or significance of the Heritage Asset or Heritage Assets'. BDP 20.9 requires that 'Development within or adjacent to a Conservation Area should preserve or enhance the character or appearance of the area.' These clauses are supported by the NPPF, notably Paragraph 193 which states '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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification; Paragraph 196 requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal; and Paragraph 200 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance.'



The revised scheme has reduced the height of the proposed replacement house in comparison to the neighbouring properties, although this was to a significant extent achieved by lowering the land levels; the bulk of the elevation has been broken up with a projecting gable and a lower bay over the garage; and in terms of architectural style the applicant has drawn on more on local examples.

The applicant has now reduced the depth of the property by pulling the rear elevation back leaving the central bay on a line with the rear of 15 Cherry Hill Avenue, and the bays either side stepped back further. The central section of the front elevation has also been set further back behind a deeper projecting open porch. Although the proposed new dwelling is still considerably larger than the existing dwelling, it is not so different in depth and width to a number of the other houses in the road. This combined with the previous alterations in terms of the architectural detailing makes it a more acceptable scheme.

It is considered that the revised scheme would have a neutral impact on the character and appearance of the Conservation Area as required by the 1990 Act and Policy BDP20 the Bromsgrove District Plan.

The Conservation Officer notes that the success of the scheme would be dependent on the detailing. The officer recommends that all materials and joinery details at a scale of 1:5 are conditioned, to be approved by the Local Planning Authority prior to their first installation.

### **The effect of the proposal on the living conditions of the occupiers of neighbouring properties**

Policy BDP 1.4 (e) requires developments to be compatible with adjoining uses and the impact on residential amenity. The High Quality Design SPD assists with interpreting this policy. The relationship between the dwelling as proposed and existing dwellings has been examined.

Adjoining the site to the rear is 20 Oakdene Drive. The proposed replacement dwelling would retain ample separation distances to the rear boundary with 20 Oakdene Drive and as a result of the separation distances it is considered that there would be no significant adverse impacts in respect of dominance, overshadowing, or loss of privacy as the result of the development.

The application site adjoins both 15 and 9 Cherry Hill Avenue. In terms of 15 Cherry Hill Avenue, amended plans have been submitted reducing the two storey element of the proposed north west elevation in length along this boundary and it does not extend beyond the front or the rear elevation of this neighbouring property. There are no windows proposed with the exception of a 1<sup>st</sup> floor en-suite window, which will be obscured glazed. The proposed dwelling is set in 1.06m from the shared boundary and there is no element that extends beyond the rear of no.15. The proposed first floor indicates two bedroom windows and an en-suite located closet to no.15. While the en-suite is not shown to have obscured glazing on the plan it is considered this can be conditioned.

In relation to 9 Cherry Hill Avenue. The amended plans submitted also reduced the two storey element of the proposed south east elevation in length along this boundary and it does not extend beyond the front or the rear elevation of the neighbouring property. There are no windows proposed with the exception of a 1<sup>st</sup> floor en-suite window, which will be obscured glazed. The proposed dwelling is set in 1.52m from the shared boundary and there is no element that extends beyond the rear of No.9.

Furthermore, the applicant has also provided information in relation to the 45 degree line and the compliance of the development. The 45 degree line is defined within the High Quality SPD as a line is drawn from the closest edge of the nearest habitable window of the neighbouring property, in the direction of the proposed building or extension. The objective of this rule is to ensure that developments do not have an unacceptable adverse impact upon the amenities of neighbouring residents in terms of overbearance and overshadowing. The siting of the development will ensure that the proposal complies with this standard.

With regards to the impact on other aspects of No. 15 and No. 9, whilst the replacement dwelling is visible in views from both properties and their amenity areas, given the generous curtilages of these properties it is not considered that any significant adverse impacts would occur. Particularly when weight is given to the general arrangement of properties within the area, the general levels of overlooking and visibility of dwellings from others.

Overall, there will be an increase in the amount of overlooking of these properties garden. However, spacing between the properties is sufficient to ensure that the overlooking from the proposal will not be directly into windows of these neighbouring properties and will be to an acceptable degree. Neither is it close enough to have an overbearing impact upon the occupants of neighbouring properties, nor will it cause significant overshadowing or loss of light.

Concern has been raised regarding building works and the disruption that this could cause locally. Due to the small scale of the development is not considered necessary to control construction details by condition however building works are subject to other controls under the Environmental Protection Act particularly on hours of operation as to not cause a noise nuisance.

In summary, there will be no significant detrimental impact upon the amenity of the occupants of neighbouring properties in terms of overlooking, being overshadowed or the replacement dwelling being over bearing, as a result of this proposal. In line with Policy BDP1 and the High Quality Design SPD.

## **Removal of Permitted Development Rights**

A large number of objectors have raised concerns that the roof of the replacement dwelling could be converted to increase the number of bedrooms. Objectors are concerned that this would have a knock on effects on the appearance of the property, parking and overlooking. On that basis they have raised the issue of removing permitted development rights.

Paragraph 55 and 56 of the NPPF outlines guidance regarding planning conditions and outlines that planning conditions should be kept to a minimum, and only used where they satisfy relevant tests.

Further guidance regarding the removal of permitted development rights is outlined further within National Planning Practice Guidance. Paragraph: 018 Reference ID: 21a-018-20190723 sets out the six tests for conditions, emphasising that all six must be satisfied each time a decision to grant permission subject to conditions is made.

In terms of the appropriateness of using conditions to restrict the future use of permitted development rights, the NPPG confirms that 'Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity .... Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity (Paragraph: 017 Reference ID: 21a-017-20190723).

Therefore the bar is very high in relation to removing permitted development and that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The removal of permitted development rights, in particular removing Class B (additions to a roof) and Class C (other alteration to the roof) are considered the most relevant in this case.

In relation to Class B, it is noted that as the site is within a conservation area, roof extensions are not permitted development and will require an application for planning permission.

In terms of Class C, other alterations to the roof, this would not involve any enlargement of the house, but would include for example a roof light or window. Class C does not have the same restrictions as Class B. However, it is not considered that the removal of this Class is necessary to make the development acceptable, nor is this case an exceptional circumstance.

## **Other Material Considerations**

### **Highways**

The Highways Authority has raised no objection to the proposal, subject to conditions.

Neighbour comments have been received which state that there is inadequate parking proposed. However, three spaces are shown to be provided with additional space for turning so that vehicles may leave in forward gear. The proposed dwelling therefore caters for its own needs with regard to parking provision and meets the required parking standards. There are no outstanding concerns regarding this aspect. It is also noted that the dwelling also proposes a single garage.

Concern has also been raised regarding construction traffic and vehicles blocking Cherry Hill Avenue. As outlined in the amenity section due to the small scale of the development it is not considered necessary to control construction details by condition.

## **Loss of Bungalow**

Paragraph 61 of the NPPF explains that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

In relation to the District Plan some of these specific requirements are addressed in separate policies of this Plan including; Affordable Housing (BDP8), Homes for the Elderly (BDP10) and Accommodation for Gypsies, Travellers and Travelling Showpeople (BDP11).

Policy BDP10 Homes for the Elderly does address the needs of elderly people by encouraging the provision of housing for the elderly. However, the policy does not include the retention of single storey dwellings as a means of meeting this need.

Policy BDP7.1 identifies that “proposals for housing must take account of identified housing needs in terms of the size and type of dwellings”. However, it is considered that the policy relates to more than one dwelling, therefore in relation to a replacement dwelling it is not considered that this policy is relevant.

Overall, there is no policy statement, either at local or national level that supports the contention that bungalows or dormer bungalows should be retained to meet different needs of the community and in particular the needs of elderly residents.

## **Trees**

The existing trees are afforded a degree of protection owing to the land being situated within a Conservation Area. The Council's Arboricultural Officer has no objection to the scheme being granted planning permission subject to a condition requiring the submission of a tree protection plan and method statement.

The proposal is considered to meet the requirements of Policy BDP19 of the District Plan.

## **Ecology**

In accordance with the relevant legislation the local planning authority has a duty to ensure any proposal will not impact adversely upon protected species. An Ecological Assessment Report, by AMPA Ecology was submitted with the application which indicated that a small number of brown long eared bats use the house as a summer day roost. Overall there is a risk of adverse impacts on reptiles, breeding birds, badgers and hedgehogs, which can be addressed by following the method statements.

Subject to the imposition of appropriate condition there would be no undue harm to protected species in accordance with the NPPF.

## **Impact on Stability of Neighbouring Properties**

In regard to the concerns of residents regarding disruption and damage to neighbouring properties during construction. It is clear that works will be required on the site regarding reducing the ground level of the site, however there is no evidence to indicate that the excavation work could not be carried out securely or that Building Regulations would not sufficiently secure a safe development. However, given the gradient of the site, proposed extent of excavation and proximity of dwellings, in the interests of public safety it is considered necessary to impose conditions requiring appropriate site investigations into the stability of the land prior to development commencing, and any necessary measures or remediation works to be implemented accordingly.

## **Precedent**

Concerns have also been raised in respect of the development setting a precedent locally. 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 to the Local Planning Authority.

## **Conclusion**

The NPPF has at its heart the presumption in favour of sustainable development. To be sustainable, development must, as noted in paragraph 8 of the NPPF, strike a satisfactory balance between economic, environmental and social considerations.

In terms of the economic dimension of sustainable development, the proposal would contribute towards economic growth, including job creation - during the construction phase.

In terms of the environmental dimension of sustainable development, the visual impacts of the development are considered to be neutral in view of the existing building.

In terms of the social dimension, the site appears to have no significant constraints and is deliverable.

Having fully assessed all three dimensions of sustainable development; economic, environmental and social within this report it is concluded that the development of this site:

- Is within the built-up area of Barnt Green where a replacement dwelling is acceptable in principle
- Will provide a design of development that is acceptable
- Would not harm the significance of the Conservation Area (having a neutral effect)
- Will not cause significant detrimental impact to residential amenity
- Will provide acceptable parking provision
- Will have no significant adverse impacts on ecological value and trees

For these reasons, the proposal is considered to constitute sustainable development and accords with the District Plan.

There are no overriding material considerations that indicate that permission should not be granted in this instance and the application is therefore recommended for approval subject to the stated planning conditions.

**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:

Existing Floor Plans & External Elevations Location / Block Plans (20)M-201 Rev A  
Proposed Floor Plans & External Elevations (20)M-401 Rev C

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 the insertion or works commencing on windows and doors details of all new joinery at a scale of 1:5 together with details of proposed finishes 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: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

- 5) The development hereby permitted shall not be first occupied until the proposed dwelling have 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.

- 6) All retained trees and their Root Protection Areas must be protected during clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate. No storage of plant/materials within the Root Protection Areas of any retained trees.

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

- 7) Prior to excavations or import of machinery or materials, a scheme for the protection of the retained trees, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: In order to protect the trees, hedges & landscaping features which form an important part of the amenity of the site and adjacent properties.

- 8) No development shall take place until a site investigation into the stability of the land has been carried out in accordance with a methodology first submitted to and approved in writing by the local planning authority. The results of the site investigation shall be submitted to the local planning authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the local planning authority. Remedial measures shall be carried out prior to the first occupation of the development in accordance with the approved details and retained for as long as the development exists.

Reason: These details are necessary to safeguard existing properties and to ensure that they are suitably protected.

- 9) If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 8, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures which shall be retained for as long as the development exists.

Reason: These details are necessary to safeguard existing properties and to ensure that they are suitably protected.

- 10) No site clearance, site preparation or development work shall take place until a method statement detailing the measures to be implemented to mitigate the impacts of the development on ecological interests has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include provision for the installation of bat boxes. The development shall be undertaken in accordance with the approved method statement at all times.

Reason: To ensure the creation of wildlife habitat and wildlife corridors within development and minimize impact of the development on the biodiversity.

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- 11) All bathroom and en-suite windows to be installed shall be fitted with obscure glazing and any opening lights shall be at high level and top hinged only. The obscure glass shall be maintained in the said window in perpetuity.

Reason: To protect the amenities of neighbouring residents

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



# Agenda Item 6

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Andy Pullen	Demolish existing bungalow and construction of 2 detached dwellings with integral garages  8 St Catherine's Road, Blackwell, Bromsgrove, Worcestershire, B60 1BN	05.07.2019	19/00186/FUL

**Councillor King 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**

No objections subject to conditions

### **Arboricultural Officer**

No objections subject to conditions

### **Lickey and Blackwell Parish Council**

No Comments Received To Date

### **North Worcestershire Water Management**

No objections subject to conditions

### **WRS - Contaminated Land**

No objections subject to conditions

## **Publicity**

Six letter of Consultation were sent 10.5.2019 (Expiry date 03.6.2019)

Seven letters of objection were received raising the following concerns:

- Highway safety in relation to school children
- On street parking
- Green Belt
- Garden development
- Proposal would set a precedent if approved
- Loss of a view/visual impact
- Site is bounded by trees and provides habitats for a number of wildlife
- Dwellings could be designed to be 'more in keeping' with local character

### **Councillor King**

The application should be called into Planning Committee for the following reasons:

Plan reference

- Rear garden development in this setting does not comply with NPPF presumption against such development unless it enhances the street scene, which this proposal certainly does not
- I support the very reasonable objections to the application from a number /of local residents and believe that they should have an opportunity to bring their comments to Committee

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP7 Housing Mix and Density

BDP19 High Quality Design

### **Others**

NPPF National Planning Policy Framework (2019)

NPPG National Planning Practice Guidance

National Design Guide

Bromsgrove High Quality Design SPD

## **Relevant Planning History**

09/0777	Outline application for residential development with primary access off St Catherine Road Approved 17 December 2009
B/2006/0842	Renewal of B/2003/0971 Approved 4 October 2006
B/2003/0971	Two dwellings: outline Approved 4 September 2003

## **Assessment of Proposal**

### **Site Description**

This application relates to a plot of land measuring approximately 0.27 hectares, located on the east side of St Catherine's Road. The site currently hosts a single dwelling with a large garden area. The site has a vehicular access off St Catherine's Road with a roadside frontage holly hedge and two mature Oak trees. The level of the land of the site rises from the rear of the house to the rear boundary by approximately 2 metres. Number 6 lies to the south of the site with a wall and trees on the common boundary. Number 10 and the driveways serving 10 and 10A lie to the north with a boundary wall and a number of mature trees on the common boundary. Backwell School lies to the west of the site.

### **Description of Proposal**

The proposal seeks consent for the demolition of the existing dwelling and the construction of two detached dwellings. The access to the dwellings will be via the

existing access. The existing driveway will be extended along the southern boundary of the site to serve the second dwelling.

## **Appraisal**

The site lies within an area zoned as residential; therefore the presumption lies in the favour of residential development and would be a sustainable location for the development of two detached dwellings.

St Catherine's Road has a mix of character. The existing street scene comprises of a mix of predominantly two storey dwellings and some single storey dwellings which vary between modern and traditional and with a variation of pitched and hipped roof types. Some of these properties sit in generous sized plots. The street is fairly spacious with a verdant character given its edge of settlement location.

The proposed dwellings have been designed to reflect the character and density of the locality. The scheme sites two six bedroom dwellings with integral garages. The dwellings have been sited within the plot. Plot 1 would be sited in the location of the existing dwelling which is to be demolished and Plot 2 would be sited in what is the rear garden. Both dwellings will sit within generous plots, have sufficient parking and turning areas and the boundary trees, hedging and walls will remain as existing.

I note the views of Councillor King. Policy BDP19 (n) of the Bromsgrove District Local Plan (BDLP) states that the development of garden land will be resisted unless it fully integrates into the residential area and is in keeping with the character and quality of the local environment. To the north of the site there is already a significant amount of garden/backland development of varying ages. Furthermore, planning permission has been granted for a two storey dwelling at the rear of No 6 St Catherine's Road, adjacent the application site. Building Regulation inspection records indicate that work on the site has commenced. The proposed development will therefore follow the prevailing pattern of development.

The NPPF excludes urban private residential gardens as previously developed land and advises that 'local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'. The Bromsgrove District Plan acknowledges that development of garden land will be resisted unless it fully integrates into the residential area, is in keeping with the character and quality of the local environment.

It is noted that these policies do not outrightly preclude development of urban garden land altogether. Instead it should be demonstrated that there would be no harm to the local area.

There are examples in the District of residential developments of similar scale and nature being constructed on urban garden land. Such developments help boost housing numbers and can be an effective use of land. At present, the Council is unable to demonstrate a five year supply of housing and there is a drive at national level to significantly boost the supply of housing.

Applications should be determined in accordance with the policies in the plan unless material considerations indicate otherwise. In the case of residential development, Paragraph 11 of the National Planning Policy Framework 2019 (NPPF) states that:

“For decision-taking this means:

- Approving development proposals that accord with an up-to-date development plan without delay; or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:

- i. The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
- 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.”

This includes, for applications involving the provision of housing, where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

As of 1st April 2019 the Council cannot currently demonstrate a five year housing land supply, being able to demonstrate a 3.45 year supply of deliverable land for housing. The Council falls short of a 5 Year Supply of Land for Housing.

BDP7 requires the density of new housing make the most efficient use of land whilst maintaining character and local distinctiveness. Whilst I accept this policy refers to a focus on delivering 2 and 3 bedroom properties, I am content that the scheme proposing two six bedroom properties provides a development that reflects the established pattern of development along St Catherine’s Road. As such I am of the view that the scheme is substantially in accordance with BDP7 of the Bromsgrove District Local Plan. The scheme complies with Policy BDP19 and the High Quality Design SPD.

## **Residential Amenity**

The proposed dwelling at plot 1 will be sited adjacent to the existing dwelling No. 6 St Catherine’s 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. The occupants of 10 St Catherine’s Road have raised an objection with reference to loss of privacy of the use of their front patio area with regard to Plot 2. Given the orientation of the dwelling, the siting of the windows and the distance of the patio, which is 34 metres from the proposal, no concerns are raised in respect of overlooking. Furthermore the proposed dwellings have been designed not to cause an adverse relationship for the future occupiers of the development given the siting and distances achieved. 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 Design SPD and Policy BDP1 of the BDLP.

## **Highways**

The development proposes to use the existing access to serve the proposed development. Objections have been received with regard to highway safety in relation to

the school children and parking issues on St Catherine's Road during school pick up and drop off times. The Highways Officer has raised no objections to the development subject to standard conditions and informatives.

## **Trees/Ecology**

The majority of the mature trees, which are predominantly sited on the boundary of the site are protected by means of the Bromsgrove District Tree Preservation Order (26) 2003. The Tree Officer has raised no objection to the scheme on the basis of the appropriate tree and root protection during construction. 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.

## **Drainage**

Based on information from North Worcestershire Water Management the site itself is not at risk of flooding. The proposed development is likely to 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. NWWM have therefore requested a report demonstrating the management of the surface water run-off. No further concerns have been raised on this matter subject to conditions.

## **Contamination**

Worcestershire Regulatory Services have commented on the application and have stated that records indicate the proposed development site is located within 250m of unknown filled former clay pits and as such potential contaminated land issues on site maybe significant and have recommended a condition regarding gas protection measures. WRS have raised no objection subject to this condition.

## **Public Comments**

A number of comments have been received 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 by the Local Planning Authority.

Plot 2 is proposed be built on what would be the rear garden of No 8 and there will be a change of view into the site from the neighbouring dwellings, in particular No 10. 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.

The site is located within an area which is designated as residential within the BDLP; therefore the scheme has been assessed accordingly. Objectors have raised concerns with regard to the site falling within Green Belt.

Highway safety and on street parking issues have been raised, however the Highways Officer has not objected to the scheme, subject to conditions.

Loss of mature trees has been raised by some objectors, however the Tree Officer is satisfied with the scheme as there is no loss of mature trees, the majority of which are located on the boundary.

## **Conclusion**

The proposal would have an acceptable impact upon residential amenity, highway implications, trees and ecology, subject to the imposition of relevant planning conditions. As such, neutral weight is attributed to these issues in the decision making process.

The overall scale, height and design of the two dwellings would be acceptable in the context of the wider locality and the character of the surrounding area. The proposal would deliver two dwellings in an accessible location in an established residential area. Albeit limited, the benefit provided by the delivery of 2 dwellings comes at a time when the Council cannot demonstrate a 5 year housing land supply and there is a national drive to boost housing levels.

The NPPF states that where Council's cannot demonstrate a 5 year housing land supply, planning permission should be granted unless any adverse impacts in doing so would significantly and demonstrably outweigh the benefits. In this instance, the scheme is considered to be acceptable in terms of its impact upon the character and appearance of the area, impact on residential amenity, trees, ecology and highway safety. Consequently, there are considered to be no adverse impacts which would significantly and demonstrably outweigh the benefits of providing the 2 dwellings.

Having taken all matters into consideration, I am minded to approve the 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:

13 Feb 2019      SITE LOCATION PLAN

13 Feb 2019	EXISTING SITE PLAN
17 Jun 2019	REVISED FRONT AND REAR ELEVATIONS
17 Jun 2019	REVISED GROUND FLOOR LAYOUT
17 Jun 2019	REVISED SIDE ELEVATIONS
04 Jul 2019	REVISED PLAN SHOWING SEPERATION DISTANCES
04 Jul 2019	REVISED SITE LAYOUT PLAN

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) No works in connection with site drainage shall commence until a scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority.

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

- 5) No works of any kind shall be permitted within or through the Root Protection Areas of trees or hedges on and adjacent to the application site without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of concrete mixing plants or fuel tanks.

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

- 6) Any excavations within the root protection areas must be carried out by hand and in accordance with BS5837:2012.

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

- 7) Tree methodology Statement and details of tree protection measures to be submitted and agreed in writing by the Local Planning Authority before the commencement of work on the site

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

- 8) All proposed works shall be carried out in accordance with the recommendations as set out in the Preliminary Ecological Appraisal by Betts Ecological Estates dated March 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.

- 9) 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

- 10) Gas protection measures complying with Characteristic Situation 2 as set out in BS8485:2015 and CIRIA C665 as a minimum requirement must be incorporated within the foundations of the proposed structure(s). Following installation of these measures, and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the risk to buildings and their occupants from potential landfill or ground gases are adequately addressed

**Case Officer:** Nina Chana Tel: 01527 548241 Ext 3207  
Email: [nina.chana@bromsgroveandredditch.gov.uk](mailto:nina.chana@bromsgroveandredditch.gov.uk)



Name of Applicant	Proposal	Expiry Date	Plan Ref.
Adam Food Services Limited	Retrospective application for change of use from B1 (light industrial) use to B8 (storage and distribution) use, and erection of associated cold storage facilities to the rear of the premises  30 The Avenue, Rubery, Birmingham, Worcestershire, B45 9AL	10.06.2019	19/00328/FUL

**RECOMMENDATION:** That planning permission be Refused

### Consultations

**WRS - Noise** Consulted 18.03.2019  
OBJECTION

By the very nature of B8 use it is always anticipated that there will be an impact from a number of activities associated with this activity and any such application should consider carefully the proximity of residential properties and the likely impact on their amenity. Close proximity to residents for B8 (within 100 meters) is therefore not recommended without supporting information that demonstrates that the activity can be undertaken without unreasonably interfering with local residents use of their properties. I must also advise that the site is currently subject to ongoing investigations of noise nuisance by the Community Environmental Protection team as of writing.

This retrospective application has been submitted without consideration for noise and light management. With this in mind WRS recommends that a noise and light consultant should be engaged by the applicant to advise on the following :-

- Noise from vehicles accessing the facility
- Noise from commercial chillers on parked up delivery vehicles and transporters
- Noise from static equipment such as walk in chillers
- Noise from vehicle movements on site (e.g. HGV, LGV and forklift)
- Noise from employees moving goods and working
- Operational hours
- Light impact from night time operations

Notwithstanding the above we would also recommend that any advice sought from a consultant should also consider the viability of controlling the noise to an acceptable level and whether it would be feasible and acceptable in planning terms when one considers the close proximity of residents.

Based on the outstanding noise complaints and current level of detail provided by the applicant WRS cannot support the application's suitability and would recommend that council should consider the refusal of the application based on the current level of supporting information submitted and to protect the amenity of local residents from the impact of noise and light nuisance.

## **Cadent Gas Ltd**

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

## **WCC Highways** Consulted 18.03.2019

Under the SLA agreement I have no highway objections to this retrospective application for change of use from B1 (light industrial) use to B8 (storage and distribution) use, and erection of associated cold storage facilities to the rear of the premises.

The building is situated within a designated industrial development with off street car parking located to the front and a car park also located to the rear, there are no parking restrictions in force along The Avenue except for weight restrictions (7.5t) during certain times of the day; the car parking and turning of vehicles on site is not affected by this proposal - no highway implications.

## **Building Control** Consulted 18.03.2019

No objection

## **Local Ward Member Cllr Peter McDonald**

1. The noise generated by nature of the business.
2. Residents being disturbed at unsociable hours such as before six in the morning.
3. Residents view blighted by the extension and pallets and other materials used by the business.
4. Light pollution.
5. Large vehicles being driven to the rear of the business causing a noise and vibration to residents properties that abut the business.

## **Representations**

21 representations raising objection have been received from the local community. These raise the following issues:

### **MASSING AND APPEARANCE**

- The new store is not in keeping with the form and appearance of the existing unit or others in the vicinity
- It can be seen from adjacent streets through the gaps between the houses.

### **CONSTRAINED ACCESS AND CIRCULATION**

- Delivery vehicles used are too large for the access located right at the end of the road which makes manoeuvring difficult
- There is only one way in and out via a gated access adjacent to residential properties with only room for one vehicle at a time.
- No contingencies for an emergency
- The premises have inadequate circulation space for the type of vehicles using it.
- Increased HGV traffic constituting a threat to pedestrian safety in the vicinity.

## NOISE and AIR Pollution

- Constant droning noise from refrigeration unit fans cooling the unauthorised cold store causing nuisance and disturbance to sleep of local residents
- Noise from the refrigeration units on the lorries when stationary in the service yard.
- Noise from pallets being moved and dropped
- The use of fork lift trucks emitting a continuous bleeping noise when in reverse.
- Noise from diesel truck engines running adjacent to residential properties with resultant loss of residential amenity and impeding use of gardens in summer
- Noise from delivery vehicles at various times of the evening when they return.
- Intensification of use of the rear yard by vehicles loading and unloading
- Employees and delivery/distribution drivers shouting to one another in yard.
- Noise compounded by proximity to gardens and dwellings and invasive it makes you feel you are in the industrial estate not your back garden.
- Lorries park in The Avenue in the hammerhead adjacent to residential gardens and usually have their diesel engines running while delivering adding to noise and air pollution
- The sentiment that neighbouring residents should have the right to enjoy their gardens any time during the week, not just on a Sunday - and not be constantly subjected to the level of noise that is currently coming from the site is a frequent theme of responses.
- A chimney on the premises has been emitting smoke.

## WORKING HOURS

- Deliveries as early as 05:00am in the morning and as late 07:00 pm on Saturday nights. On a number of occasions there has been late evening activity between the hours of 10:30pm and midnight. This is contrary to the stated hours of working for which permission is sought.
- Working at unsociable hours gives no confidence to local residents that any conditions limiting hours of working/deliveries would be adhered to.
- The proposed hours of working from 07:00am to 06:00pm Mon to Friday and 07:00am to 01.00pm Sat are not informed by the proximity to neighbouring residential properties but only predicated on the needs of the business.
- Staff are present on site to take the deliveries that arrive before 07:00am and after 07:00pm suggesting they are residing on the premises over night.
- Lorries have been parking in the Avenue with their refrigeration units turning on and off throughout the night until they can deliver in the morning.

## LIGHT Pollution

- The lights are left on in the building all night.

## WASTE PALLET STORAGE

- The storage of pallets above the heights of adjacent boundaries is not only unsightly but also dangerous, an increased fire hazard and compromises security as it provides a means to scale fences of otherwise secure gardens.
- The service yard is poorly organised and maintained, with rubbish / plastic bags blowing around and getting stuck in the trees.

## SUBMISSION ERRORS

- The drawings. There are no details of front or side elevations or foundation details, is this normal?
- The planning application form. Section 5 states that the work started and was completed in August 2018 followed by trading, this is not as claimed. An officer of WRS visited in early November and the business was up and running.
- Section 10. A pre application enquiry by previous owners in 2012-13 stated that an arboricultural survey was essential, none has been submitted with this application, and that the building is in an area subject to flooding.
- Section 18. There are at least 5 employees working there at the moment.
- Section 19 Their premises are manned virtually 24/7/365 , on occasion delivery vans were loaded and left about 08:00pm, contrary to stated working hours.

## UNSUITABLE ROAD INFRASTRUCTURE

- The Avenue, Callowbrook Lane and surrounding streets are not designed for large articulated lorries which have great difficulty (trying to) turn left out of The Avenue onto Callowbrook Lane. The safety barrier of the A38 dual carriageway has been damaged on numerous occasions.
- There have been a number of parked vehicles and some gates damaged by trucks delivering/dispatching from this business.

## INTENSIFICATION

- The proposal represents an inappropriate intensification of a premises on an estate intended for light industry rather than storage and distribution.
- Former business uses did not generate the level of activity and associated noise which characterises this business type.

## INTRUSION

- The relative height of lorry cabs and tailgates of HGVs afford overlooking into private gardens when deliveries are taking place resulting in intrusion and loss of privacy

## TREE SURVEY

- No tree survey has been submitted to demonstrate the impact upon the trees within the gardens of properties on Richmond Road and Barrington Road bounding the site.

## OTHER ISSUES

- Negative impact upon property values
- Loss of View
- Lorries allegedly damaging residents parked cars and driving off.
- Lorries routing past 2 children's schools and prejudicing pedestrian safety.
- Lorries allegedly damaging signage and barriers between the bypass and Callowbrook Lane as they cannot easily turn into The Avenue.
- 12 wheel 40 ton European trucks have been entering the Avenue at any time flouting the waiting restrictions in force, despite intervention by the Council.

## **Relevant Policies**

### **Bromsgrove District Plan (BDP)**

BDP1 Sustainable Development Principles  
 BDP14 Designated Employment  
 BDP16 Sustainable Transport  
 BDP19 High Quality Design

### **Bromsgrove District Council High Quality Design SPD Adopted June 2019 (BDC HQD SPD)**

The Supplementary Planning Document (SPD) supplements the Districts' adopted Development Plan and therefore reflects the Council's policies. As such it is a material consideration in the determination of planning applications and will be given substantial weight in the decision making process.

### **Others**

NPPF National Planning Policy Framework (2019)

## **Relevant Planning History**

B/486/61	Proposed Warehouse and Offices	Granted	12.10.1964
BU/317/65/O*	Extension to factory and site for car parking / and or recreational purposes	Granted	15.07.1965
B12245	Change of Use from Warehousing to Light Industrial Use	Granted	13.08.1984
B19006	Parking Area to frontage	Granted	12.03.1990
18/01538/FUL	Retrospective application for erection of cold storage facility to rear of premises	Withdrawn	11.03.2019

Note: \* Part of the land relating to No.28 The Avenue was acquired and incorporated into the ownership of No.30 in 2018 , hence the relevancy of BU/317/65/O.

## **Assessment of Proposal**

### **Site Location**

The application site is situated in Rubery to the north of the A38 Birmingham Road. The application relates to No.30 The Avenue, a business premises situated at the far end of a small industrial estate accessed via residential streets. The industrial estate is flanked on 3 sides by established residential development. No.30 The Avenue is a single storey industrial unit with offices to the front, a service road to the south, which abuts the rear gardens of properties fronting Richmond Road and a service yard which abuts the rear gardens of properties on Richmond Road and Barrington Road. The application site also comprises land to the rear of the premises, formerly part of No.28, an adjacent industrial unit, which was acquired by the applicant in 2018.

## Background and Proposal

The application before members followed an investigation by the Council's Planning Enforcement Officers concerning the erection of a cold store to the rear of the premises.

The cold store measures 25m long, by 9.5m wide by approximately 6 metres tall and has a flat roof and is composed of white panels with a smooth finish.

A retrospective application was submitted for the cold store having determined that it fell outside the permitted development parameters for outbuildings within the curtilage of business premises in terms of both its floor area and height.

Following receipt of that application, it became apparent that the change of use from B1 (light industrial) use to B8 (storage and distribution) use also required planning permission because the resultant floor area of the whole building exceeded the 500sqm floor area threshold for 'permitted' changes of use from B1 use to B8 use without requiring permission. Accordingly a fresh application was submitted which sought retrospective permission for both the use and associated cold store development.

The application proposes hours of working and deliveries from 07:00am - 06:00pm Monday to Friday and 07:00am – 01:00pm on Saturdays.

The business is a distribution centre catering for restaurant and food outlets. Part of the business involves distribution of frozen foods and therefore required cold storage facilities.

## Main Issues

The main issues to consider in this case are:

- Principle of Development
- Residential Amenity
- Highway Safety

## Principle of Development

The site lies within an established industrial estate, and designated employment area, having a range of business uses. The industrial estate was first developed in the early 1960's for B1 light industrial uses.

B1 uses are defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) as *"being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit."* Uses within this category can generally co-exist with residential uses without harm to residential amenity.

In terms of the adopted development plan, BDP14.2 states that *"Proposals for the expansion, consolidation or extension to existing commercial and industrial uses in non Green Belt will need to **ensure the scale and nature of the activity is appropriate for the area in which it is located.**"* (my emphasis)

Whilst situated within a designated employment area, the acceptability of any proposal in planning terms must assess the impact of the proposed use in relation to its particular context and relationship to adjacent land uses.

## **Residential Amenity**

*Policy BDP1 part 1.4 criterion 'e' states that in considering all proposals for development in Bromsgrove District regard will be had to the "Compatibility with adjoining uses and the impact on residential amenity;"*

## **Noise**

Policy BDP19 criterion 't' states that

*"Development proposals should maximise the distance between noise sources (for example motorways) and noise sensitive uses (such as residential), whilst also taking into account the implications of the existing night time use of the locality;"*

Policy BDP19 criterion 'q' states that *"The Council will deliver high quality people focused space through: Ensuring development incorporates sufficient, appropriate soft landscaping and measures to reduce the potential impact of pollution (air, noise, vibration, light, water) to occupants, wildlife and the environment;"*

Paragraph 6.2.14 of the BDC HQD SPD states that

*"The scale, nature and frequency of vehicles that service industrial businesses can be a major source of conflict with neighbouring activities, including other industrial uses. The design objective is to manage noise, disturbance and potential danger from deliveries, servicing and storage in order to reduce the impact on neighbours, the natural environment and the general appearance of the area. The best place for this to occur is behind frontage buildings, or to the rear of the main building."*

*Paragraph 6.2.16 goes onto qualify that "The location of the servicing areas, routes in and out of the site and location of mitigation measures combined should reduce the impact of noise or any detrimental effect on air quality."*

The application proposal utilises an existing building whose lawful use falls within Class B1 (light industrial use). The configuration of the building which occupies almost all of the plot width, has a rear yard accessed via a narrow 3 metre wide access abutting the rear gardens of residential properties (no.s 54-68 evens) fronting Richmond Road. The rear elevations of those dwellings are situated approximately 20 metres from the boundary. There is no alternative access option, so delivery vehicles pass in close proximity to the rear garden boundaries.

The acquisition by the applicant of further land to the rear (formerly a car park for the adjacent premises at No.28) has compounded the impact of the use of this area and consequence disturbance to neighbouring properties.

The hours of operation commencing work at 07:00am when some neighbouring residents are still in bed does not adequately reflect the predominately residential context of the site. Similarly, the proposal makes no attempt to mitigate the impact of noise from activity in the yard with loading and unloading which inevitably generates noise from staff, lorry engines, refrigeration units and fork lift truck reversing alarms.

## **Air Pollution**

Policy BDP1 part 1.4 criterion 'b' states that in considering all proposals for development in Bromsgrove District regard will be had to -

*"Any implications for air quality in the District and proposed mitigation measures;"*

Similarly Policy BDP19 criterion 's' states that -

*"In relation to air quality all new developments with a floor space greater than 1000sqm or 0.5 hectare or residential developments of 10 or more units should not increase nitrogen dioxide (NO2), particulate matter (PM10) and carbon dioxide (CO2) emissions from transport and should be accompanied by an assessment of their likely impact of the development on local air quality and comply with current best practice guidance"*

The application is not accompanied by any assessment of the impact upon air quality despite the fact that the resultant floor area of the premises is 2100 sqm.

## **Privacy**

The cold store contains no windows and the external arrangement of the principal building has not changed. Some respondents have suggested that the relative height of lorries has afforded overlooking from cabs and tailgates over the height of rear boundary fences.

## **Massing**

Permitted Development Rights allow extensions to industrial buildings or warehouses up to 200sqm in floor area and 5 metres high where within 10 metres of any boundary (without the need for planning permission) These limits are not hard limits, so it does not follow that any building which exceeds those limits is automatically unacceptable. The limits apply only to what can be undertaken without planning permission, but demonstrate that a building of similar, albeit smaller scale could be erected in the same position without requiring planning permission.

Whilst the building can be seen from the rear of residential properties on Richmond Road and Barrington Road, it sits more than 15 metres away from the common boundary and some further 20 metres away from the principal windows of those properties and is seen against the backdrop of the host building which is higher. The cold store has no unacceptably adverse impact upon amenity in terms of its height, impact upon sunlight or its visual appearance to the extent that would warrant refusal on those grounds.

A number of respondents have made reference to pallet storage to the rear which had been stacked above the heights of boundary fencing and presented a fire and security risk. This is an issue which could be controlled via condition.



## **Mitigation**

In considering whether the impact upon residential amenity could be mitigated, I have had regard to whether the addition of boundary treatment might overcome these objections. Whilst an acoustic fence might mitigate some noise and overlooking; in order to be effective such a feature would need to exceed the height of a conventional garden fence to the extent that it could form a dominant and overbearing feature. The industrial estate and units were not designed for modern B8 storage and distribution requirements and the context of the unit situated next to residential dwellings means such a use is incompatible.

Imposition of more restrictive hours of working and deliveries condition is unlikely to be effective when the applicant has confirmed that there is a presence on site overnight to “check that the refrigerators plant and other equipment are in working order and no deliveries or distribution are undertaken out of the hours”

## **Highway Safety**

Policy BDP16 part 1 states *“Development should comply with the Worcestershire County Council’s Transport policies, design guide and car parking standards, incorporate safe and convenient access and be well related to the wider transport network.”*

There is no objection from the Highway Authority in relation to highway safety. Some respondents have made comments about damage to property and vehicles being allegedly attributed to vehicles associated with the site. This is however anecdotal.

## **Visual Impact**

*Policy BDP1 part 1.4 criterion ‘f’ states that “In considering all proposals for development in Bromsgrove District regard will be had to the following: The impact on visual amenity; Policy BDP19 criterion ‘e’ states that -“The Council will deliver high quality people focused space through: Ensuring development enhances the character and distinctiveness of the local area;”*

The cold store is approximately 6 metres high but is situated over 15 metres from the respective rear boundaries of properties on both Richmond Road and Barrington Road. Albeit the building might be glimpsed briefly between residential properties on Richmond Road and Barrington Road, it is not generally apparent from those public vantage point to the degree it results in visual intrusion or impacts upon the character and distinctiveness of the local area.

## **Other issues**

A number of the respondents have made reference to vehicles breaching the no waiting restriction for vehicles exceeding 7.5 tonnes between the hours of Midnight and 7am and 8pm to midnight and no waiting on Saturday or Sunday at any time. A no waiting sign generally allows a driver to briefly stop to allow a passenger to exit or enter the vehicle, but any longer periods may be deemed as waiting. The effect of the sign is limited to vehicles waiting / parking on the ‘public highway’ (including the carriageway, pavement, highway verge) rather than serving as an access restriction, so does not preclude access via that road to the premises during those hours, where a vehicle can pull off the highway and enter private land. Responsibility for enforcement of those restrictions does not rest

with the Local Planning Authority but rather the Parking Services Unit as a civil-enforcement matter through fixed penalty notices. In so far as such breaches may be attributable to the vehicles associated with the business for which retrospective permission is sought.

Some respondents have referenced the absence of a tree survey having noted comments made in respect of an earlier pre-application enquiry which related to the site (for a different development proposal) which is not analogous to the application before members. The cold store is set off the boundary and outside the root protection area of trees situated within the private gardens of surrounding properties. The use and development for which permission is sought therefore has no impact upon trees to the extent that the preparation of such a survey would be reasonable or of utility when considering the impacts of the development proposed.

## **Conclusion**

The application proposes a business use on an industrial estate, but one which was not designed or intended for intensive storage and distribution purposes, being flanked on 3 sides by residential development. The fact that this site is flanked on two sides by residential development and the access to its rear yard abuts the gardens of residential properties, compounds the harm to amenity arising as a consequence of activity associated with a storage and distribution use. I conclude that the use is not compatible with adjacent residential uses and planning conditions would not provide adequate mitigation to the negative impacts of the use.

**RECOMMENDATION:** That planning permission be Refused

## **Reasons for Refusal**

1. The application fails to assess and propose any measures which seek to mitigate adverse impacts in terms of noise, fume and light pollution arising as a consequence of the B8 use, and demonstrate that such mitigation measures would not themselves have an adverse impact upon the residential amenity enjoyed by the occupiers of neighbouring properties. The proposal is therefore contrary to Policies BDP1, BDP14 and BDP19 of the Bromsgrove District Plan.
2. Notwithstanding Reason 1, the proposed B8 use would; by reason of its operational parameters, the proximity of its service yard, cold store, and associated access, to neighbouring dwellings and their associated private gardens in Richmond Road and Barrington Road; constitute an incompatible use and have a demonstrably adverse impact upon the residential amenity enjoyed by the occupiers of those properties in terms of external noise and fumes arising from vehicles and refrigeration units, and associated disturbance from loading and unloading contrary to Policies BDP1, BDP14 and BDP19 of the Bromsgrove District Plan.

**Case Officer:** Simon Jones Tel: 01527 548211  
Email: [simon.jones@bromsgroveandredditch.gov.uk](mailto:simon.jones@bromsgroveandredditch.gov.uk)

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Wilson	Change of use application to convert a caravan storage area to a caravan park.  43A Barkers Lane Wythall Worcestershire B47 6BY	8.11.19	19/00951/FUL

**RECOMMENDATION:** That planning permission be **REFUSED**

### Consultations

#### **Wythall Parish Council**

Objects for the following reasons:

- 1) Inappropriate development in green belt
- 2) Concerns with regards to flooding/parking
- 3) Additional pressure on local amenities and services, in particular doctor's surgeries and health services in area.

#### **Highways - Bromsgrove**

Objects on grounds that the site is an unsustainable location for residential development.

#### **WRS – Noise**

Objects on grounds that locating a residential development within 5 metres of a commercial dog kennel is an incompatible use and may result in unreasonable interference of amenity to future residents and receptors, and irreparable damage to the long established kennels should this application be granted.

#### **Affordable Housing**

Although there is reference to affordable housing what is meant in this application is lower priced housing which is not "affordable housing".

On-site affordable housing provision is not appropriate as no RSL would be interested in these types of properties. Instead, an off-site contribution is advised to deliver affordable units elsewhere. A ballpark figure of around £23K (5 units @ 23K= 115K) per unit, would be the starting point.

#### **Private Sector Housing**

At present the current proposals to construct decking to the access points on the mobile homes would be in non-compliance with the mobile home site licence conditions. In order to comply with the mobile home site licence conditions the site owner would be required to ensure that these items are none combustible.

Other items such as hedge heights, Fire Risk Assessment, Gas and Electric installations would be covered under the site licence conditions.

### **Bromsgrove and Redditch CCG**

A capital contribution of £10,810 to create additional floor space at Hollyoaks Medical Practice to absorb patient growth generated by the development.

### **Worcestershire Acute Hospitals NHS Trust**

No response received

### **Crime Prevention**

No objection

### **WRS – Land Contamination**

No objection

### **North Worcestershire Water Management**

The site falls within fluvial flood zone 1 (low risk of flooding from rivers or the sea) and is not shown to be susceptible to surface water flooding, although Barkers Lane itself may be on occasion. The District Council hold no reports of flooding from any source on the site or in the immediate vicinity, however records are based upon reports from members of the public and therefore may not always be complete. It is noted that some neighbours suggest drainage and flooding is an issue in the area.

For foul disposal mains sewer should be used wherever possible. For storm water, soakaways are proposed, however it is understood that the soils in this area will not allow for infiltration drainage, and therefore an alternative means of storm-water drainage will need to be investigated – which should not be into the foul sewer.

Presently, the site is almost entirely made up of hard-standing, impermeable to rainwater. Alterations to the site could result in an overall increase in the permeability of the site (if landscaping is incorporated and retained) which may alleviate some of the drainage issues mentioned in the comments.

A planning condition is recommended requiring the submission of drainage details to be approved such that the development does not exceed the Greenfield runoff.

### **Waste and recycling**

No objection subject to further details to be secured by way of planning condition.

### **Publicity**

A total of 15 letters were originally sent on 2<sup>nd</sup> August 2019 which expired on 26<sup>th</sup> August 2019.

A site notice was displayed on 6<sup>th</sup> August 2019 and expired on 30<sup>th</sup> August 2019. The application was advertised in the Bromsgrove Standard on 11<sup>th</sup> October 2019, expiring on 25<sup>th</sup> October 2019.

A total of 23 representations have been received as a result of the publicity of the application. Of these 19 are recorded as objections and 4 are recorded as making comments in support of the proposal.

The matters raised in support of the application are summarised as follows:

- Replacing 120 storage spaces with 18 residential caravans would remove traffic stress from the lane
- Would provide affordable eco homes for the over 55s.
- Would be less noise and disturbance for neighbouring residents and would make the area safer place to live without comings and goings of the transient storage use

The matters raised in objecting to the application are summarised as follows:

### Green Belt Policy

- Green Belt should not be developed and the proposal would reduce openness of the Green Belt, where there are no very special circumstances to justify the development.
- The site cannot be described as previously developed land

### Sustainable location

- Proposal does not comply with the Settlement Hierarchy of the Local Plan
- Is not in a sustainable location and will require car journeys to access shops and services

### Amenity

- Concern that close proximity of residential caravans to a neighbouring dog boarding business will cause the dogs to make more noise than at present and cause a nuisance to residents and result in complaints against the kennels.
- Will add to noise and light pollution to neighbouring properties

### Traffic and Parking

- As only two spaces allocated per dwelling, parking on the lane will cause problems with traffic flow and highway safety and restricting access to residential driveways.
- Increased vehicle use will have a negative impact on air pollution.
- There is only one access to the site which does not allow 2-way traffic and is likely to result in bottlenecks on Barkers Lane.
- Significant increase in traffic movements

### Drainage

- Have been historic problems with drainage and the current system may not be adequate

### Other matters

- Four adults rely on the dog boarding business for their livelihoods, and fear being put out of business if the application is approved.
- Would set a precedent for allowing other similar sites to be developed
- No robust evidence has been submitted of any local housing need.

- Unlikely to be adequate bin storage and access for refuse vehicles.
- Owners of the dog boarding business fear they may be forced to cut down very tall conifer trees on the site boundary, at their cost.

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 – Sustainable Development Principles  
BDP2 – Settlement Hierarchy  
BDP4 – Green Belt  
BDP6 – Infrastructure Contributions  
BDP7 – Housing Mix and Density  
BDP8 – Affordable Housing  
BDP9 – Rural Exception Sites  
BDP10 - Homes for the Elderly  
BDP12 – Sustainable Communities  
BDP16 – Sustainable Transport  
BDP19 – High Quality Design  
BDP22 – Climate Change  
BDP23 – Water Management  
BDP25 – Health and Well Being

### **Others**

NPPF – National Planning Policy Framework  
NPPG – Planning Practice Guidance  
National Design Guide  
High Quality Design SPD  
SPG 11 – Outdoor Play Space (2004)

## **Relevant Planning History**

LDC.28/06	Certificate of Lawfulness for use of land for the storage of caravans (including motor homes) and boats.	Approved 21/06/06
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## **Assessment of Proposal**

### **Site and surroundings**

This level site is situated on the northern side of Barkers Lane, behind residential properties. Beyond the site boundary to the north and east is open countryside and adjacent to its western boundary is a dog boarding kennels business. The site is located in designated Green Belt.

### **Proposal**

The application seeks permission to replace the existing caravan storage of over 100 caravans with a development of 18 residential timber clad caravans, for permanent occupation. Each caravan would be served by an internal service road and would have parking for up to two vehicles. Each caravan would comply with the requirements to be legally classed as a caravan and as such, each would be within the measurable limits of 20 metres long by 6.8 metres wide and internal height of 3.05 metres. They would not exceed 4 metres in height measured externally. Decking would also be provided to each caravan. Occupation is intended to be restricted to the over 55's.

The existing access would be used off Barkers Lane.

## **Housing land Supply**

Paragraph 73 of the NPPF requires the Council to identify and update 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 3.45 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.

As such, the absence of a five year housing land supply renders the housing supply policies of the Local Plan as out-of-date. Under these circumstances, paragraph 11 (d) (i) of the NPPF is triggered requiring sustainable development to be granted, unless, and applicable to this case, the application of policies in the NPPF that protect areas of particular importance (in this case Green Belt) provides a clear reason for refusing the development proposal.

Other policies of the development plan, such as to safeguard amenity, that may restrict the supply of housing will not be out of date but the weight to be given to them will need to be balanced against the NPPF paragraph 59 entreaty to significantly boosting the supply of homes and the presumption in favour of sustainable development.

## **Green Belt**

The NPPF sets out the Government's approach towards the protection of Green Belt. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

## Whether the proposal is inappropriate development

Paragraph 145 states that the construction of new buildings in Green Belt is inappropriate, with some qualified exceptions. The application describes the proposed residential units as caravans and are therefore not buildings, so this paragraph does not apply. However, the stationing of caravans for use as dwellings amounts to a material change of use of land. Under Paragraph 146, certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Applicable to this application is exception (e): material changes in the use of land.

The site benefits from a certificate of lawfulness for storage of caravans. The applicant is of the view that the development is not inappropriate development in the Green Belt due to a reduction of items sited on the land and an opening up of the internal areas and increase in soft landscaping and particularly when considering the hedgerows screening the site.

However, I contend that by its nature, the current caravan storage use is subject to a fluid seasonal contraction and expansion with consequential fluctuations in the openness of the site throughout the year. The proposal, however, would result in a set layout with permanent plots and cabin style caravans distributed across the site, together with decking and formally defined curtilages to each unit. I am therefore of the view that the development would have a greater impact on the openness of the Green Belt. The limited degree of visibility from the public realm does not affect that conclusion.

The purposes of the Green Belt as set out in the NPPF; include assisting in safeguarding the countryside from encroachment. The transient character and appearance of the current storage use, and not untypical of an urban fringe type use, would be replaced with one that is overtly residential in nature. Consequently, I consider that the spread of residential development as proposed would entail encroachment which Green Belt policy fundamentally aims to avoid. The proposed dwellings would therefore have a greater impact on the purpose of including land within the Green Belt than the existing development. It therefore does not fully accord with the exception set out in Paragraph 146 of the NPPF (as noted above) relating to material changes in the use of land.

I conclude therefore that the proposal is inappropriate development.

## Any other harm resulting from the proposal

### *Sustainable location*

Policy BDP2 – Settlement Hierarchy, seeks to focus new development in locations which will provide and support sustainable communities. It identifies those settlements considered appropriate for development that have existing services and facilities to, amongst other things, reduce the need to travel. Policy BDP22 – Climate Change seeks to ensure developments are in locations well-served by public/sustainable transport, existing local facilities and infrastructure.

The Highway Authority explained in detail why it considered the site to be in an unsustainable location. Approximately 300m from the proposed development eastwards



toward Tanners Green Lane there are no footpaths or street lighting except for a grass verge for pedestrians to walk along. Tanners Green Lane is also void of footpaths and street lighting. The A435 Alcester Rd is a classified road located approximately 130m west of the proposed development which benefits from a footpath on one side of the dual carriageway and street lighting with a grass verge central reservation which includes a metal barrier and no pedestrian crossing points in the vicinity.

It is noted some amenities are located in the area; however to reach these amenities it would involve walking along a 60mph very busy and fast flowing carriageway which does not benefit safe crossing points for pedestrians in the immediate vicinity. From the proposed development the following amenities are available at the following approx. distances; MOT garage is located approx. 280m, petrol station approx. 720m, Wythall Vets approx. 440m, Becketts Farm approx. 1.20km, Meadow Green Primary School approx. 1.70km and a PH Rose and Crown approx. 1.70km.

Two bus stops are located on the A435, for journeys to Birmingham a bus stop is located approx. 320m distance from the proposed development which would involve crossing a fast flowing dual carriageway which has a grassed central reservation without a safe pedestrian crossing points and metal railings are fitted along the central reservation. For journeys into Redditch a bus stop is located approx. 550m from the proposed development.

Earlwood Train Station is located approx. 2km from the site, it is noted the route to the station would involve walking / cycling along routes which lack adequate facilities (no street lighting and footpaths).

Due to the type of roads in the vicinity and surrounding areas the issues which would be created to the highway user would include pedestrians having to cross a fast flowing carriageway and the lack of cycling facilities available in the vicinity i.e. cycle lanes etc. Therefore the lack of adequate facilities in the vicinity will deter journeys on foot due to the existing conditions. Similarly these factors are unlikely to encourage cycling to services and facilities.

I conclude therefore that the application site is remote from any of the identified sustainable settlements and not conveniently located in terms of services and facilities, thus placing a high reliance on use of the private car. The proposal is therefore in an unsustainable location for residential development, therefore contrary to Policy BDP2 – Settlement Hierarchy and Policy BDP22 – Climate Change

### *Affordable Housing*

Under Policy BDP8 – Affordable Housing, 30% of the dwellings on-site should be affordable. Although there is reference to affordable housing what is meant in this application is lower priced housing which is not "affordable housing".

The housing officer has advised that on-site affordable housing provision is not appropriate as no RSL would be interested in these types of properties and suggests, instead, an off-site contribution financial contribution towards provision elsewhere. However, Policy requires on-site provision and therefore such an approach would not be acceptable.

## *Amenity*

Policy BDP2 – Sustainable Development principles, seeks to ensure compatibility with adjoining uses with regards to impacts on residential amenity and Policy BDP 19 – High Quality Design makes specific reference at criterion (t) to maximising the distance between noise sources and noise sensitive uses, such as residential. The High Quality Design SPD also requires care to be taken in siting residential development where noise disturbance may be caused.

Neighbouring the western boundary of the site is an established dog kennelling business. Such a use is generally acknowledged as being a noisy activity in that dogs can bark regularly and give rise to noise problems. For this reason kennels tend to be located remotely away from residential properties as in most circumstances mitigation of barking dogs can be expensive and difficult to achieve.

WRS reports that the primary environmental concern with such development is noise from barking, whining, howling and yelping of dogs. It receives over 6000 enquiries every year of which a high percentage relate to barking dogs. Barking noise in any setting can be of different volumes/intensities and occur at random times of day for varying durations.

Due to the unpredictability and impulsive nature of barking, the repeated exposure and audibility of such behaviour is considered by most people to be irritating and in some cases can be a statutory nuisance even at very low noise levels. It says that barking may be audible over extended distances, giving rise to nuisance at up to 500 metres.

It is noted that the location of the kennels adjoining this proposed development is in an area devoid of any residence for at least 50 metres from the kennels, whereas the development would bring proposed homes within 5 metres of them.

Two of the blocks on the east of the kennels have dog runs (outdoor access) that back on to the application site boundary. WRS have concerns that introducing this change of use from storage use to residential would expose any future resident to potentially unreasonable amounts of noise from dog barking. This in turn is likely to generate future complaints which may give rise to a justifiable statutory nuisance.

## *Highways*

Policy BDP16 requires that development should comply with Worcestershire County Council's Transport policies, design guide and car parking standards as well as a series of more specific development requirements. In addition, paragraph 109 of the National Planning Policy Framework is clear that "*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"

Several residents have raised concern about the business of Barkers Lane for traffic, with cars parked along the road causing further congestion issues. However, the Highway Authority, as statutory consultee, has raised no objection from a highway safety point of view and therefore I conclude the proposal would not reach the 'severe' threshold in terms of highway safety and therefore would not represent sufficient grounds for refusal.

## *Flooding and Drainage*

Policy BDP23 seeks to ensure, amongst other things, that development addresses flood risk from all sources and do not increase the risk of flooding elsewhere

North Worcestershire Water Management understands that the soils in this area will not allow for infiltration drainage, and therefore an alternative means of storm-water drainage will need to be investigated – which should not be into the foul sewer. Given the site is almost entirely made up of hard-standing, impermeable to rainwater, the proposal provides an opportunity to introduce soft landscaping which would increase the site's permeability and may alleviate some of the drainage issues mentioned in the third party comments.

In the event of the application being approved, a planning condition is recommended requiring the submission of drainage details to achieve surface water disposal that does not exceed the Greenfield rate of runoff.

## *Public Open Space*

Policy BDP25 requires all new residential developments meet and contribute towards the qualitative, quantitative and accessibility standards set for the open space, sport and recreation facilities.

The proposal includes no on-site POS provision and therefore an off-site financial contribution would be required provided it satisfies the tests for a planning obligation, namely:

- necessary to make the development acceptable in planning terms;
- directly related the development; and
- fairly and reasonably related in scale and kind to the development

Given the over 55's occupancy restriction, a contribution for off-site provision would need to be targeted for suitable mitigation (i.e. benches/bins and not play equipment).

## *Planning Obligations*

In accordance with Paragraph 56 of the NPPF and Section 122 of the CIL Regulations, planning obligations would be sought to mitigate the impact of the development, if the application were to be approved.

A S106 has not been drafted, given the recommendation to refuse. However, an obligation in this case would cover:

- Provision of on-site affordable housing
- A contribution towards off-site public open space, subject to S106 test compliance
- Contribution for refuse and recycling bins
- Bromsgrove and Redditch CCG contribution of £10,810 towards GP practice
- S106 monitoring fee (As of 1 September 2019, revised Regulations were issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreements are met).

Bromsgrove District Plan BDP6 requires the provision of infrastructure to meet the demands of new development within the community. The various requirements to mitigate the impacts have not been secured by way of a completed S106 Planning Obligation. The proposal is therefore contrary to Policy BDP6 – Infrastructure Contributions.

### *Other considerations*

The NPPF applies a presumption in favour of sustainable development and whilst the housing supply policies of the Local Plan are out of date, other policies of the development plan, designed to secure sustainable development are not. The weight to be given to them will need to be balanced against the NPPF paragraph 59 entreaty to significantly boosting the supply of homes.

Boosting the supply of housing is the main argument put forward by the applicant to justify why the development should be allowed. This is a significant benefit, regardless of whether it is targeted to the over 55's as presented in the application. However, I consider this to be the wrong place for housing from a locational point of view in relation to the Council's Settlement Hierarchy. Furthermore, it would also be incompatible with neighbouring dog kennel business and likely to have a significant impact on the living conditions of future of occupiers from dog noise and pose a likely threat to the future operation of this established business

### **Overall planning balance and conclusion**

I have concluded that the proposed development would constitute inappropriate development which is harmful to the Green Belt. Substantial weight is attached to this consideration.

All the other considerations put forward by the applicant, including making provision for an older age range, have also been considered. However, the substantial harm caused by the inappropriateness of the proposed development is not clearly outweighed by the other considerations that have been set out, including the local support for the proposal. For these reasons very special circumstances required to justify the proposed development do not exist and as such the proposal does not constitute sustainable development.

### **RECOMMENDATION:** That planning permission be **REFUSED**

1. By its nature, the current caravan storage use is subject to a fluid seasonal contraction and expansion with consequential fluctuations in the openness of the site throughout the year. The proposal, however, would result in a set layout with permanent plots and cabin style caravans and associated residential paraphernalia distributed across the site. As such, the development would have a greater impact on the openness of the Green Belt. Furthermore, the transient character and appearance of the current storage use, and not untypical of an urban fringe type use, would be replaced with one that is overtly residential in nature. Consequently, the spread of residential development as proposed would

entail encroachment which Green Belt policy fundamentally aims to avoid. The proposed dwellings would therefore have a greater impact on the purpose of including land within the Green Belt than the existing development. The development is therefore considered inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Furthermore, other harm has been identified, firstly, that the development is situated outside any defined settlement boundary and isolated from key facilities and without convenient access to public transport resulting in future occupiers' heavy reliance on the private car for travel to and from the site. Secondly, the proposed residential development adjacent to the dog boarding kennels would introduce an incompatible use detrimental to the living conditions of future occupiers.

No very special circumstances exist or have been put forward that would outweigh the harm by reason of its inappropriateness and by reason of the other identified harm. The proposal therefore does not constitute sustainable development having regard to the three dimensions as outlined in Paragraph 7 of the NPPF. The proposal is contrary to Paragraph 146 of the NPPF, Policies BDP1, BDP2 and BDP22 of the Bromsgrove District Plan.

2. Bromsgrove District Plan BDP6 requires the provision of infrastructure to meet the demands of new development within the community. The various requirements to mitigate the impacts have not been secured by way of a completed S106 Planning Obligation. The proposal is therefore contrary to Policy BDP6 – Infrastructure Contributions.

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# Agenda Item 9

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr & Mrs McCarthy-Smith	First floor side and single storey front extensions  44 Malvern Road, Bromsgrove, Worcestershire, B61 7HE,	29.10.2019	19/01177/FUL

**This application is being reported to Planning Committee for determination as one of the applicants is an employee of the District Council.**

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

## **Consultations**

### **Publicity**

6 neighbour notification letters sent 23/09/2019 expired 17/10/2019

### **Representations**

One objection received

Not happy that they would have another bedroom window overlooking their property, further invading their privacy and restricting any view

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP7 Housing Mix and Density

BDP19 High Quality Design

### **Others**

Bromsgrove High Quality Design SPD

NPPF National Planning Policy Framework (2019)

NPPG National Planning Practice Guidance

National Design Guide

## **Relevant Planning History**

None

## **Assessment of Proposal**

### **Site Description**

44 Malvern Road is a detached 4 bedroom property, situated in a run of other detached properties on the northern side of Malvern Road, Bromsgrove.

Malvern Road is situated in the residential area of Bromsgrove where the principle of residential development can be acceptable. The road is made up of a variety of house types, most of which are large detached properties.

## **Proposal**

The proposal is to construct a first floor side extension above the existing garage to increase the roof space and therefore the size and head room in two of the existing bedrooms. The proposal is also to extend the garage forward in line with the existing porch on the property.

## **Character and appearance**

The proposed first floor side extension would be situated above the existing garage on the eastern side of the dwellinghouse. It would alter the existing cat slide roof on the existing property, by raising the height of the eaves on the eastern side of the house so that they are in line with the eaves on the remaining part of the house. The roof slope would remain as a hipped roof.

The proposed extension would not be set back or down from the existing house, however given the overall character and appearance of the property and the variety of house types that are present in the area, it is not considered that in this case this would detract from the overall character or appearance of the area or the property.

The single storey front extension would bring the existing garage in line with the existing porch on the property. Given that the existing dwelling has a forward projecting gable wing and the adjacent property is set forward of this part of the dwelling, it is not considered that this extension would affect the pattern of the development in the area.

I therefore raise no objection on design grounds. The scheme is acceptable in terms of streetscene impact.

## **Amenity**

An objection has been received from a neighbouring occupier to the rear of No. 44. The objection has raised concern about the extension and particularly the impact of the additional bedroom window in the rear elevation facing onto their property.

The submitted plans indicate that there would be a separation distance of approximately 13 metres between the proposed window and the rear garden of the property at the rear, 20.5 metres to the rear of their single storey conservatory and 24 metres to the nearest window in the two storey rear elevation. As well as these separation distances, it is noted that these two properties are offset from one another, so the windows in the rear elevations do not directly face each other and due to the levels in the area the proposed dwelling is set lower than the property to the rear. Bromsgrove High Quality Design SPD sets out that 21 metres will be required between rear dwelling windows that directly face each other. Given the separation distances shown on the proposed plans and the fact that the dwellings do not directly face one another it is not considered that the proposal would not have a detrimental impact on the residential amenities of the occupiers of this property.

There are windows in the western side elevation of the adjacent dwellinghouse, which would face on to the proposed extension. These windows and doors do however appear to serve non habitable rooms.



Overall it is not considered that the proposed extensions would have a detrimental impact on the residential amenities of the neighbouring occupiers.

## **Conclusion**

Overall it is considered that the proposal would accord with the policies in the local development plan and the NPPF and as such would be acceptable.

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

## **Conditions:**

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

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

2. The development hereby approved shall be carried out in accordance with the following plans and drawings:  
OS Plan Scale 1:1250 dated 27/8/2019  
Block Plan as existing and proposed scale 1 to 500  
Drawing No. M.A.K S2- Proposed First floor side Extension dated August 2019

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

3. All new external walls and roofs shall be finished in materials to match in colour, form and texture those on the existing building.

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

**Case Officer:** Claire Gilbert Tel: 01527 881655  
Email: [claire.gilbert@bromsgroveandredditch.gov.uk](mailto:claire.gilbert@bromsgroveandredditch.gov.uk)

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<b>Applicant</b>	<b>Proposed Development</b>	<b>Plan Ref</b>
Mr John Kerr	Re-modelling of existing bungalow with rear, side & front extensions and roof space conversion into dormer bungalow  161 Station Road, Wythall, B47 6AF	19/01196/FUL

**Councillor Geoffrey Denaro has requested the application is considered by Planning Committee rather than being determined under delegated powers**

**RECOMMENDATION:** That planning permission be **REFUSED**

### Consultations

#### **Wythall Parish Council**

No objection

#### **WCC Highways**

No objection because the extra parking spaces needed to facilitate the enlargement from two to four bedrooms can be accommodated on the site.

### Public Notifications

3 letters sent 2 October 2019 (expire 26 October 2019)

No responses received

**Councillor Geoffrey Denaro:** Considers that there are very special circumstances regarding this plot which negates, in part, the need to set down and set back.

### Relevant Policies

#### Bromsgrove District Plan

- BDP1 Sustainable Development Principles
- BDP19 High Quality Design

#### Others

- Bromsgrove High Quality Design SPD
- NPPF National Planning Policy Framework (2019)
- National Design Guide (September 2019)

### Relevant Planning History

- 17/00750/FUL: Front and rear extension and loft conversion.  
Refused 23/08/17
- 19/00660/FUL: Rear, side and front extensions and roof space enlargement into a dormer bungalow.  
Refused 30/07/19

### Site and Surroundings

The application dwelling is a relatively small bungalow with an 'L' shaped floor plan with relatively low hipped roofs. It is situated at the eastern end of a row of bungalows of a

similar scale and design on the south east side of Station Road. Whilst some minor deviations exist around gabled garages or porches in general the main roof planes are characterised by hipped without roof enlargements. The site lies within a residential area as defined by the BDP 2011-2030.

## **Proposed Development**

The proposed gable ended front extension would project forward from the recessed L shaped part of the front elevation by 3 metres and would be 8 metres wide and have a ridge height of 6metre, (same as the ridge height of the existing bungalow). There would also be an additional gable ended glazed porch projecting further forwards by 1.2metres and would be 3.4 metres wide and 4 metres high.

The hipped side extension would have a ridge height of 6 metres high, the same as the existing ridge height and be the same width as the existing bungalow, including garage, and would be on the same alignment as the most forward part of the existing 'L' shaped bungalow .

There would also be single storey/ one and a half storey side and partial rear extensions.

The extensions would have different external face materials to the existing house including the proposed buff faced brickwork compared with the existing red faced brickwork and grey plain roof tiles compared with brown plain concrete tiles and a fully glazed front elevation to the porch

## **ASSESSMENT**

The Bromsgrove District Plan policy BDP19 requires high quality development to be delivered by ensuring that e) development enhances the character and distinctiveness of the local area. The Bromsgrove High Quality Design SPD, adopted in June 2019, provides guidelines for assessing the main issue arising from the application of whether the proposed development is good design which does not unacceptably harm the character and appearance of the area. Section 3.1.5 refers to the need to complement the original property, whilst Section 3.1.6 refers to the subordinate form extensions need to take.

The proposed development would be large relative to the small bungalow occupying the site and would fail to respect its form or characteristics. The dominant projecting front gable-ended extension sits forward of the existing elevation and building line, and includes a large glazed porch. The first storey side extension is not set down or set back from the existing ridge line, further undermining the character of the original dwelling. Moreover the mismatched materials would emphasise the dominant nature of the front and side extensions. The resultant dwelling would appear at odds with the original property and the group of dwelling on this side of Station Road to which it forms an integral part. As a result the distinctiveness of the area will be eroded, contrary to policy BDP19 of the BDP.

In terms of living conditions, the site lies adjacent to 163 Station Road and 159 Station Road. The single storey rear and one and half storey side extensions are

close to the north eastern boundary of the site adjacent to the large side garden of 163 Station Road which also has intervening trees. The proposals would not unduly harm this property in terms of outlook, privacy and light. The relatively large front gable ended extension would not be unduly dominant or cause loss of light or privacy to the occupants of 159 Station Road because the current front elevation of the application property is set back from the front elevation of this property and the front extension would be on a similar building line, sitting adjacent to its integral garage. I therefore raise no objection on residential amenity grounds

There are no objections from third parties, Wythall Parish Council or the Worcestershire County Highway Authority. However, overall the proposed development does not enhance the character and distinctiveness of the existing dwelling or the local area and therefore conflicts with policy BDP 19.1.e), the advice in the Design SPD and paragraph 127 of the NPPF.

I therefore recommend refusal.

**RECOMMENDATION:** That planning permission be **REFUSED**

The proposed development, by reason of the dominant projecting front gable-ended extension, including a large glazed porch, and the first storey side extension not set down or set back from the existing ridge line, would be disproportionately large in scale and unduly dominant in character and appearance in comparison to the relatively small scale and discreet design and materials of the existing bungalow and the distinctive row of bungalows of a similar scale and style on the south east side of Station Road. Therefore the proposed development does not enhance the character and distinctiveness of the host dwelling or the local area and would thus conflict with Policy BDP 19.1.e) of the Bromsgrove District Plan, the Bromsgrove High Quality Design SPD and the guidance in the paragraph 127 of the NPPF.

**Case Officer:** David Edmonds, Telephone 01527 881345

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Ian Felton	Single storey extension to dwelling 11 Parkstone Avenue, Bromsgrove B617NS	18.11.2019	19/01261/FUL

**RECOMMENDATION:** That planning permission be GRANTED

**This application is being reported to the Planning Committee as the applicants spouse is an employee at the Council. The application cannot be determined under delegated powers afforded to the Head of Planning and Regeneration**

### **Consultations**

**Cllr Mallett (Ward Member)** Consulted 30.09.2019 Expired 21.10.2019  
No comments received

### **Publicity**

Six neighbours notified 25.09.2019. Expired 19.10.2019  
No representations received

### **Relevant Policies**

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles  
BDP19 High Quality Design

#### **Others**

NPPF National Planning Policy Framework (2019)  
Bromsgrove High Quality Design SPD

### **Relevant Planning History**

09/0224	First floor side extension to form ground floor kitchen/utility and first floor bedroom and en-suite.	Granted	19.05.2009
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### **Assessment of Proposal**

#### **The site and its surroundings**

The application site relates to a two storey detached dwelling with an integral garage. The property is one of many mostly detached dwellings built as part of a relatively modern housing estate. The site lies within a residential area and access to the property is via Parkstone Avenue.

## The proposed development

It is proposed to erect a single storey extension to the rear of the property. The extension is described as an 'Orangery' and would be attached to an existing kitchen wall (to the north) and to a breakfast room (to the west). The Orangery would be accessed via both the 'open plan' kitchen and breakfast room. The extension would have a depth of 3.75 metres and a width of 5.75 metres. The walls would be constructed in a red/brown brick to match the existing dwelling. The roof would be flat (grey single ply membrane) with a glazed 'lantern'. Windows would be in white UPVC to match the existing dwelling with the exception of a set of bi-fold doors which would be constructed in grey aluminium. The overall height of the Orangery would be 3.25 metres.

## Assessment

### Character and appearance

Policy BDP.19 of the Bromsgrove District Plan (BDP) requires development to be of high quality design. This is re-enforced within the Councils High Quality Design SPD. The design of the extension is considered to respect that of the existing dwelling with materials to be used largely matching those of the existing dwelling. The location of the proposal is such that views of the orangery would be limited to those taken from the applicants' rear garden and that of first floor windows serving properties in Sunningdale Road and St Andrews Way. As such, the extension would not impact upon the character of the area.

### Residential amenity

I am satisfied that the proposal would not harm the amenities enjoyed by the occupiers of adjoining residents having taken into consideration the provisions of Policies BDP.1 and BDP.19 of the Bromsgrove District Plan (BDP) and the Councils High Quality Design SPD. Six adjoining occupiers have been notified in writing and no representations have been received.

### Other matters

It should be noted that often, extensions of this size benefit from permitted development rights afforded to householders under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A.

In this case, given the depth of the extension (3.75 metres) and its height (3.25 metres), were it not attached to the existing kitchen wall (to the north), the extension would be categorised as a 'rear' extension as far as the GPDO above is concerned and would not fall under planning control. As an extension to an existing rear AND side extension, Schedule 2, Part 1, Class A, A.1 comments under (j) (iii) that if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the dwellinghouse, and would have a width greater than half the width of the original dwellinghouse, planning permission is required. Because the width of the extension would fail to comply with part (j) (iii) above, this triggers the need to apply for planning permission.



Never-the-less, a very strong permitted development right 'fall-back' position would exist if planning permission were to be refused. In this case for example, a single storey extension attached solely to the rear elevation (breakfast room or dining room) could be erected under permitted development rights so long as the extension did not exceed 4 metres in depth. The proposal for consideration here has a depth of 3.75 metres.

## Conclusion

Overall it is considered that the proposal would accord with relevant policies of the development plan and the NPPF and as such the application can be supported.

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

## Conditions:

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

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

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

Drawing No 1: Location and Site Layout dated 25th September 2019

Drawing No 2: Proposed Elevations dated 25th September 2019

Drawing No 3: Proposed Floor plans dated 25th September 2019

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

- 3) All new external walls and roofs shall be finished in materials as stated at Section 10 of the planning application form.

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

**Case Officer:** Steven Edden Tel: 01527 548474  
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