



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE PLANNING COMMITTEE - SKYPE**

**MONDAY 29TH JUNE 2020**  
**AT 6.00 P.M.**

**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

### **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 1st June 2020 (Pages 1 - 4)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 20/00335/FUL - Construction of two storey four bedroom detached house with associated access and landscaping - Land rear of 56 Braces Lane, Marlbrook, B60 1DY - Ms. G. Jenkinson (Pages 5 - 30)
6. 20/00442/FUL - Side extension at first floor level plus single storey rear extension - 46 Rea Avenue, Rubery, Birmingham, B45 9SS - Mr. M. Banks (Pages 31 - 48)

7. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS  
Chief Executive

Parkside  
Market Street  
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B61 8DA

17th June 2020

**If you have any queries on this Agenda please contact**

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## **BROMSGROVE DISTRICT COUNCIL**

### **PLANNING COMMITTEE**

# **GUIDANCE ON VIRTUAL MEETINGS AND PUBLIC SPEAKING**

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Due to the current Covid-19 pandemic Bromsgrove District Council will be holding this meeting in accordance with the relevant legislative arrangements for remote meetings of a local authority. For more information please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police Crime Panels meetings) (England and Wales) Regulations 2020.

The meeting is open to the public except for any exempt/confidential items. Where a meeting is held remotely, “open” means available for live viewing. Members of the public will be able to see and hear the meetings via a live stream on the Council’s YouTube channel, which can be accessed using the link below:

<https://youtu.be/Lao7MqxV8ns>

Members of the Committee, officers and public speakers will participate in the meeting using Skype, and details of any access codes/passwords will be made available separately.

If you have any questions regarding the agenda or attached papers please do not hesitate to contact the officer named below.

#### **PUBLIC SPEAKING**

The usual process for public speaking at meetings of the Planning Committee will continue to be followed subject to some adjustments for the smooth running of virtual meetings. For further details a copy of the amended Planning Committee Procedure Rules can be found on the Council’s website at [Planning Committee Procedure Rules](#).

The process approved by the Council for public speaking at meetings of the Planning Committee is (subject to the discretion and control of the Chair), as summarised below:

- 1) Introduction of application by Chair
- 2) Officer presentation of the report
- 3) Public Speaking - in the following order:-
  - a. objector (or agent/ spokesperson on behalf of objectors);
  - b. applicant, or their agent (or supporter);

- c. Parish Council representative (if applicable);
- d. Ward Councillor

Each party will have up to a maximum of 3 minutes to speak, subject to the discretion of the Chair.

Speakers will be called in the order they have notified their interest in speaking to the Democratic Services Team and invited to unmute their microphone and address the committee via Skype.

- 4) Members' questions to the Officers and formal debate / determination.

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**Notes:**

- 1) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Team on 01527 881406 or by email at [p.ross@bromsgroveandredditch.gov.uk](mailto:p.ross@bromsgroveandredditch.gov.uk) before 12 noon on Thursday 25<sup>th</sup> June 2020.
- 2) Advice and assistance will be provided to public speakers as to how to access the meeting and those registered to speak will be invited to participate via a Skype invitation. Provision has been made in the amended Planning Committee procedure rules for public speakers who cannot access the meeting by Skype, and those speakers will be given the opportunity to submit their speech in writing to be read out by an officer at the meeting. Please take care when preparing written comments to ensure that the reading time will not exceed three minutes. Any speakers wishing to submit written comments must do so by 12 noon on Thursday 25<sup>th</sup> June 2020.
- 3) Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues, the case officer's presentation 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 Council's website [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)
- 4) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Bromsgrove District Plan (the Development Plan) and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the Development Plan and the "environmental factors" (in the broad sense) which affect the site.

- 5) **Although this is a public meeting, there are circumstances when the committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded and for any such items the live stream will be suspended and that part of the meeting will not be recorded.**

## **BROMSGROVE DISTRICT COUNCIL**

### **VIRTUAL - MEETING OF THE PLANNING COMMITTEE**

**MONDAY, 1ST JUNE 2020, AT 6.08 P.M.**

PRESENT: Councillors P. J. Whittaker (Vice-Chairman), 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 (substituting for Councillor P. M. McDonald) and P.L. Thomas

Officers: Ms. C. Flanagan, Mr. A. Hussain, Mr. D. M. Birch, Mr. S. Edden, Miss. E. Farmer, Ms. K. Hanchett, Worcestershire County Council, Highways, Mrs. P. Ross, J. Gresham and Mrs. S. Sellers

1/20

#### **APOLOGIES**

An apology for absence was received from Councillor P. M. McDonald, with Councillor H. Rone-Clarke present as substitute.

Due to technical issues Councillor R. Deeming was unable to join the virtual meeting.

2/20

#### **DECLARATIONS OF INTEREST**

Councillor S. J. Baxter declared in relation to Agenda Item 5, Application 20/00095/FUL- 24 Silver Birch Drive, Hollywood, Worcestershire, B47 5RB, that she had a predetermined view on the matter and would withdraw from the meeting in order to speak on this item as Ward Councillor under the Council's public speaking rules. Following the conclusion of public speaking, Councillor Baxter took no part in the Committee's consideration nor voting on the matter.

Councillor S. G. Hession declared in relation to Agenda Item 5, Application 20/00095/FUL – 24 Silver Birch Drive, Hollywood, Worcestershire, B47 5RB, in that she was aware of one of the objectors. Having advised that, she had not commented on the Application, Councillor Hession participated and voted on the matter.

3/20

#### **MINUTES**

The Minutes of the Planning Committee meeting held on 2<sup>nd</sup> March 2020 were received.

# Agenda Item 3

Planning Committee  
1st June 2020

**RESOLVED** that the minutes of the Planning Committee meeting held on 2<sup>nd</sup> March 2020, be approved as a correct record.

4/20

**20/00095/FUL - TWO STOREY REAR EXTENSION AND SINGLE STOREY REAR EXTENSION - 24 SILVER BIRCH DRIVE, HOLLYWOOD, WORCS, B47 5RB - MR & MRS C. CASEY**

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

Officers presented the report and explained that planning permission was being sought to create a two storey rear extension measuring approximately 2.24 metres from the existing rear wall, together with a single storey element measuring approximately 3.38 metres from the proposed two storey element. The overall height of the single storey extension would be 3.57 metres (to ridge). The overall height of the two storey extension would be 6.85 metres. In order to accommodate the development, an existing conservatory at the rear of the property would be demolished.

The first floor extension would form an enlargement to an existing bedroom whilst the ground floor extension would create an enlarged kitchen / dining area.

At the invitation of the Chairman, Mr. M. Bevan, addressed the Committee in objection to the Application. Councillor S. J. Baxter, in whose Ward the Site was located also addressed the Committee.

The Committee went on to consider the application with officers responding to a number of points raised during the debate; and in doing so, Officers commented that a right to a view and the number of objections received, were not a material planning consideration.

Officers also clarified the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as detailed on page 15 of the main agenda report.

Having considered the Officer's presentation, 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 16 and 17 main agenda report.

5/20

**20/00106/FUL - REDEVELOPMENT OF THE SITE TO PROVIDE FOUR DWELLINGS - BROOKFIELD NURSERIES, QUANTRY LANE, BELBROUGHTON, STOURBRIDGE, WORCS, DY9 9UU - MR D. HOWELL**



# Agenda Item 3

Planning Committee  
1st June 2020

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

Officers presented the report and informed the Committee that a pre-application meeting with Officers had taken place and that the original proposal for the site had been for eight dwellings; Officers had discussed and explained development in the Green Belt and openness with the Applicant. The Applicant had reduced the redevelopment of the site to provide four dwellings and two detached garages.

With regard to openness, Officers further informed the Committee that the application site currently consisted of 11 'structures' consisting of polytunnels and a brick structure. These structures were low lying single storey and most were of unsubstantial construction consisting of no more than a wired frame and mesh. Given the slope of the land and the high hedge along the front boundary the visual impact of these structures was considered to be minimal.

Officers further clarified that, with regard to whether the site was a Nursey or Garden Centre, advice had been sought from the Council's Independent Agricultural Consultant on this matter, as detailed on page 34 of the main agenda report.

Members were being asked to consider the openness and sustainability of the proposed site and to have regard to the reasons for refusal, as detailed on page 38 of the main agenda report.

At the invitation of the Chairman, Mr. D. Howell, (the Applicant's agent), addressed the Committee.

In response to questions from Members, Officers highlighted that the Highways Authority had raised no objections in terms of highway safety matters, but had objected to the proposal due to its unsustainable location, as detailed on page 36 of the main agenda report.

At the request of the Committee, Officers further clarified the areas defined on the presentation slide, highlighting that the red outline indicated the proposed dwellings and that the blue outline covered the entire site under the ownership of the Applicant, as detailed on page 41 of the main agenda report.

Members continued with their debate and in doing so, commented that the Council could not currently demonstrate an up-to-date 5 year housing land supply and referred to the limited infilling in villages and small settlements.

In response Officers explained that the Applicants had made reference to exceptions 145(e) and (g) within their planning statement; however, these exceptions referred to the limited infilling in villages and the redevelopment of previously developed land subject to preserving

# Agenda Item 3

Planning Committee  
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openness. With regard to small settlements as set out in the Bromsgrove District Plan, BDP2.4, Table 2; Bell Heath was not identified within that table as being suitable for development. For planning policy purposes, the application site was located within open countryside.

Officers further clarified that sustainability of a development was a key characteristic of planning, which required the planning system to contribute to the achievement of sustainable development, with accessible services, and avoiding isolated new homes in the countryside.

Having had regard to all of the information provided relating to this Application, on putting the matter to the vote, the Committee were of the view that the Application be refused.

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

6/20

**20/00282/FUL - ERECTION OF DWELLING - TOWNSEND MILL, 29 BEEHCROFT DRIVE, BROMSGROVE, B61 0DS - MR & MRS M & C MARSTON AND HOPKINS**

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

The meeting closed at 7.27 p.m.

Chairman

# Agenda Item 5

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Ms Gemma Jenkinson	Construction of two-storey, four-bedroom detached house with associated access and landscaping  Land Rear Of , 56 Braces Lane, Marlbrook, B60 1DY,	02.07.2020	20/00335/FUL

**Councillor Jones has requested that this application is considered by Planning Committee rather than being determined under delegated powers.**

**RECOMMENDATION:** That planning permission be **Granted subject to conditions.**

## Consultations

### **Severn Trent Water Ltd**

As the proposal has minimal impact on the public sewerage system Severn Trent Water raise no objections to the proposals and do not require a condition to be applied.

### **Highways - Bromsgrove** Consulted 03.04.2020

No objections subject to conditions relating to the surfacing of the access, visibility splays, and the provision of cycle parking and an electric vehicle charging point.

### **Arboricultural Officer**

No objections subject to conditions relating to the protection of the hedgerow on the western boundary, the specification of construction of driveway and parking area and the

### **North Worcestershire Water Management**

No objections subject to a condition for the submission of a surface water drainage strategy.

## **Publicity**

Five neighbour letters sent 06.04.2020 (expired 30.04.2020)

Four letters of objection were received raising concerns relating to:

- Land ownership
- Impact to wildlife
- Impact to hedgerows and trees
- Highway safety
- Development would be overbearing
- Development would overshadow
- Loss of privacy
- Proposal would eliminate rural views
- Siting and density of development
- Security issues
- Drainage

## **Cllr Jones**

Councillor Jones has requested that this application is considered by Planning Committee as she considers that the proposal comprises inappropriate development.

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP7 Housing Mix and Density

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP21 Natural Environment

BDP23 Water Management

### **Others**

NPPF National Planning Policy Framework (2019)

NPPG National Planning Practice Guidance

Bromsgrove High Quality Design SPD

## **Relevant Planning History**

No relevant planning history

## **Assessment of Proposal**

The application site is located within a residential area of Bromsgrove, as defined on the Bromsgrove District Plan Proposals Map. The proposal is for a four bedroom detached dwelling, which would be situated on land currently forming the rearmost part of the garden area of number 56 Braces Lane. The access to the proposed dwelling, however, would be off Old Birmingham Road.

The main issues to consider with this application are the principle of development, design, residential amenity, highways, and trees.

### **Principle of development**

Policy BDP19(n) of the Bromsgrove District Plan 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 environment. This policy accords with paragraph 70 of the National Planning Policy Framework (NPPF). In addition to this, Policy BDP7 of the Bromsgrove District Plan (BDP) seeks to achieve the best use of land whilst maintaining character and local distinctiveness, and paragraph 122(d) of the NPPF emphasises the desirability of maintaining an area's prevailing character and setting (including residential gardens).

The Council cannot currently demonstrate a five year supply of housing land. Paragraph 11 of the NPPF states that where policies that are most important for determining the application are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Footnote 7 clarifies that this includes applications involving the provision of housing in situations where the local authority cannot demonstrate a five year supply of housing.

Although there is a general presumption in favour of residential development within the residential area, it is necessary to assess the proposal against the relevant policies within the District Plan, the NPPF, and the guidance contained within the Council's High Quality Design SPD.

### **Character, Design and Layout**

The proposed dwelling would be sited immediately to the east of a run of seven existing dwellings which all front onto Old Birmingham Road and are situated to the rear of gardens belonging to properties along Braces Lane. The addition of a further dwelling would therefore continue the existing built up frontage along this section of Old Birmingham Road.

As with the neighbouring dwellings, the site slopes downwards from Old Birmingham Road and the set back of the proposed dwelling from the highway would mean that it would be partially obscured by land levels when viewed from Old Birmingham Road. The existing dwellings to the west of the application site are detached, two-storey properties, but have varying widths, heights and roof styles. Whilst most are constructed of red brick, some are rendered, and a number of properties, including 191A Old Birmingham Road immediately to west, have front projections. The building line arrangement of existing properties staggers backwards going from west to east, with each property sitting behind the next. Whilst the proposed dwelling would not sit behind the front of the neighbouring property to the west in its entirety, it would clearly sit behind its dominant two storey front gable, and would therefore integrate acceptably into the existing building line.

With regards to plot density, information has been provided to demonstrate that the proposed density of the application plot would be similar to a number of other properties along this side of Old Birmingham Road, including the immediate neighbour, number 191A. The dwelling would be sited one metre from each boundary, which would ensure a sense of spaciousness between properties and would reflect the existing spacious pattern of development. Finally, the proposed design of the dwelling, which would be a two storey detached dwelling with hipped roof and hipped front projection, would reflect a number of features already present on properties to the west of the site and would therefore integrate into the existing mixed street scene.

For the reasons discussed above the proposal would be in accordance with Policy BDP19 of the BDP which requires the development of garden land to fully integrate into the residential area and requires development to be of a high quality that would enhance the character of the area. Furthermore, the proposal would make efficient use of land whilst maintaining character and local distinctiveness, in accordance with Policy BDP7 of the BDP.

### **Residential Amenity**

Policy BDP1(e) of the District Plan states that regard should be had to residential amenity and paragraph 127(f) of the NPPF states that planning decisions should seek a good standard of amenity for existing and future occupants of land and buildings. Further to this, the Council's High Quality Design SPD outlines a number of standards for new development.

The closest existing dwelling to the proposed development would be 191a Old Birmingham Road to the west of the application site. The side elevation of the proposed dwelling facing towards this property would only include one first floor window, which would serve a landing and has been indicated to be fitted with obscure glazing. In view of this it is not considered that any privacy issues would arise as a consequence of this development.

With regards to potential overshadowing from the development, a 45 degree line has been drawn from the nearest edge of the neighbouring habitable window. The Council's SPD states that to ensure overshadowing does not occur, a two storey extension should not fall within this line. The same principle has been applied to the two storey element of the proposed dwelling, which has been shown to not breach this 45 degree line drawn from the neighbouring window.

The Council's SPD also seeks to protect against an overbearing impact that might arise from new development. The SPD states that overbearance can occur when development is positioned too close to a property boundary and has sufficient height and mass to dominate the neighbour. In this case the dwelling is proposed to be sited a metre from the shared boundary and the two storey element of the dwelling would only protrude 2.8 metres beyond the two storey part of 191a. Although the single storey section of the proposed dwelling would protrude further beyond this, the relatively modest height of this above the shared boundary would not be overbearing.

The proposed dwelling would also be sited in close proximity to the rear garden area of 58 Braces Lane. The proposed dwelling would have two first floor bathroom windows that would face in the direction of this garden area, however, a planning condition could ensure that these windows are fitted with obscure glazing in perpetuity. With regards to overshadowing, the siting of the dwelling would have an impact to the rearmost part of the garden area during the afternoon hours of sun. However it is noted that the garden of number 58 Braces Lane is particularly large, measuring 65 metres in length. Given that only a modest portion of the rearmost part of the garden would be affected during the afternoon hours of the sun, this would not warrant refusing the application on this issue alone.

Finally, the rear windows of the proposed dwelling would face in the direction of the rear windows of numbers 54, 56 and 58 Braces Lane. The Council's SPD states that a minimum separation distance of 21 metres should be achieved between habitable facing windows to ensure privacy. In each of these cases the separation distance would clearly exceed this standard, the closest of which would be the rear windows of number 58 Braces Lane, which would be located approximately 39 metres from the rear windows of the proposed dwelling.

It is also necessary to consider the amenity of the future occupiers of the proposed dwelling. The Council's High Quality Design SPD states that a minimum garden area of 70 square metres, and a minimum garden length of 10.5 metres should be provided for new dwellings. In the case of the proposal, the proposed garden space would be 11.5 metres in length and would be 92 square metres in area, which would meet the standard set out within the SPD.

Based on the above assessment, the proposal would provide acceptable standards of amenity for existing neighbours and the future occupiers of the proposed dwelling.

## **Access and Parking**

The Highways Officer has provided comments in relation to the proposal and notes that the site is located in a sustainable location, within walking distance of amenities and bus stops. The proposed new access off Old Birmingham Road is considered acceptable given that the visibility splays provided are adequate and would not be impeded due to the width of the footpath that separates the site from Old Birmingham Road.

With regards to parking provision, three car parking spaces have been indicated on the site plan which would meet the standards set out in Worcestershire County Council's Streetscape Design Guide. As the Highway Officer initially raised concerns that turning space on site would be insufficient, further information has been provided, including a vehicular tracking plan to confirm that vehicles would be able to enter and exit the site in a forward gear. Whilst the driveway would be sloped, a level plan has been provided to confirm that the slope of the driveway would not exceed 1 in 8, which would enable acceptable manoeuvrability of vehicles.

In view of the above the Highways Officer raises no objections to the proposal subject to conditions.

## **Trees**

An Arboricultural Survey, Impact Assessment and Method Statement have been provided with the application. The Tree Officer has assessed the proposal and the associated information provided and agrees that the three trees indicated for removal are of low prominence within the site and wider area. With regards to the two trees that stand within the rear garden of neighbouring property 58 Braces Lane, a visual inspection confirmed that the Root Protection Area (RPA) within the report was correct, meaning that there would be a very minor incursion into the RPA of the Beech tree from the parking area to the front of the dwelling. Given that the level of incursion would be so minor, the Tree Officer has confirmed that this would not affect the health or stability of the tree.

The Southern boundary of the site adjacent to Old Birmingham Road is currently defined by a fence with a mixed hedge. A section of this hedge would need to be removed in order to create the entrance to the new dwelling. As the hedgerow is generally considered to be of poor quality and low prominence, the Tree Officer has raised no objections to this subject to mitigation planting on the boundary. Landscape details have subsequently been submitted during the course of the application, which includes a feature tree on the site frontage, and the Tree Officer has agreed that these details are acceptable.

The Western boundary of the site shared with 191A Old Birmingham Road is defined by a mixed species hedge line and the footprint of the proposed access drive and parking area would abut the base of this hedge, meaning that the RPA of the hedge would extend below the access and parking area. In view of this the Tree Officer has recommended that any section of the access drive and parking area that extends into the RPA of the hedge is installed using a suitable grade of No Dig construction.

In view of the above, the Tree Officer raises no objections to the proposal subject to conditions.

## Drainage

The site of the proposed dwelling falls within flood zone 1, and is therefore of low risk for fluvial flooding. The site is also low risk for surface water flooding and there are also no reports of flooding in the local vicinity. North Worcestershire Water Management (NWWM) have raised no objections to the proposal, however they have noted that the dwelling would be sited below road level and have therefore suggested that the finished floor levels of the dwelling are set no lower than the existing adjacent properties and that a form of boundary drainage is incorporated into the development. Based on this, a pre-commencement condition for the submission of a site drainage strategy for surface water has been recommended should planning permission be granted.

Severn Trent Water have also commented on the application and have stated that as the proposed development would have minimal impact on the public sewerage system they raise no objections and do not recommend any conditions.

## Ecology

The potential impact of the development on protected species has been considered, and whilst the site is in close proximity to a number of trees, the site currently forms an area of maintained garden land. As the proposal would not include the demolition of any buildings, the submission of an ecological appraisal is not considered necessary in this instance. However, given that the proposal includes the removal of a section of hedgerow and three trees, an informative is suggested to advise that the hedgerow and trees should be removed outside of bird nesting season. Notwithstanding this, the applicants would also be required under separate legislation to ensure that there was no harm to protected species such as bats.

In view of the above the proposal raises no concerns in relation to ecological matters.

## Representations

Four letters of objection were received in relation to the proposal raising the following concerns:-

Concern raised	Response
<b>Land included within the application site belongs to different owner/incorrect boundaries of properties shown on plans.</b>	Land ownership is not a planning matter.
<b>Impact to wildlife</b>	This has been considered within the report and raises no concerns subject to an informative.
<b>Impact to hedgerow / roots of trees.</b>	The impact of the development to trees and hedgerows has been considered, and the Tree Officer is satisfied with the proposal subject to conditions.
<b>Highway safety concerns. Cars travel faster than 30mph in reality</b>	The Highways Officer raises no objections to the proposal and notes that as there is a wide footpath between the site entrance and Old



	Birmingham Road, visibility is good. No objection is raised on highway safety matters.
<b>Cars would not be able to exit site in forward gear</b>	Further information has been provided to demonstrate that cars could exit the site in a forward gear.
<b>There have been car accidents in the area.</b>	Accident rates in the local area have been checked and raise no concerns.
<b>Development would be overbearing as it would be close to garden boundary (191A Old Birmingham Road)</b>	This has been considered in the report above.
<b>Development would overshadow conservatory (191A Old Birmingham Road)</b>	As the development would not breach the 45 degree code, and taking into account the direction of the sun, no harmful overshadowing would arise.
<b>Proposal would eliminate rural views of trees and wildlife</b>	Loss of view is not a material planning consideration.
<b>The proposed dwelling would extend beyond the building line</b>	This matter has been considered within the report and it is concluded that the siting of the proposed dwelling would integrate into the streetscene.
<b>No detailed measurements have been provided on the plans</b>	All plans that have been provided are to scale. Numerical measurements on plans are not required by legislation.
<b>The flat roof family room poses a security risk and may be converted to a balcony or two-storey extension in the future.</b>	It is not considered that a flat roof extension would create a significant security risk as these are common features on residential properties. The conversion of the single storey rear projection to a two storey building would require planning permission, as would the creation of a balcony area. Members are only tasked with determining the scheme before them.
<b>Density of development not appropriate for area.</b>	There is no density policy applicable to this area, however the proposed density of development would be similar to the neighbouring property 191A Old Birmingham Road, and would therefore integrate into the character of the area.
<b>The development would be cramped.</b>	The design of the proposal is considered to be proportionate to the plot and would retain a one metre separation distance to side boundaries.
<b>The proposal does not comply with the Housing Mix policy. The property should be a smaller house.</b>	Whilst smaller dwellings are encouraged in order to enhance the local housing mix, this matter is not considered to warrant refusal of the application on this issue alone.
<b>Proposal is vague about materials.</b>	An indication of proposed materials is given on the plans and within the application form, however the details of the final materials can be reserved by planning condition.
<b>Drainage problems within the local area/ sewage capacity already full.</b>	No objections have been raised in relation to drainage by NWWM. Severn Trent Water has commented that the proposed development would

	have minimal impact on the public sewerage system.
<b>Bin storage should be no further than 30 metres from highway.</b>	The proposed bin storage has been moved closer to the highway so that it is now within 30 metres.
<b>Who would be responsible for fence</b>	This is a civil matter rather than a planning matter.
<b>191A Old Birmingham Road had to provide a layby when it was built.</b>	The Highway Officer has not requested this in this instance. Each application needs to be considered on its own merits and it is noted that 191A was granted planning permission in 1974.
<b>Proposed dwelling would block sunlight to greenhouse and vegetable plot (58 Braces Lane)</b>	This has been considered in the report above.
<b>Impact to privacy of 54 Braces Lane (house and garden area)</b>	The distance between the rear windows of the proposed dwelling and those of 54 Braces Lane would greatly exceed the required 21 metre separation distance outlined within the Council's SPD. The first floor rear windows would be approximately 7.5 metres from the rear garden boundary of 54 Braces Lane, however as the garden of 54 Braces Lane is 42 metres in length, the majority of the garden would be unaffected.

## Conclusion

The Council cannot currently demonstrate a five year supply of housing land and therefore paragraph 11 and footnote 7 of the NPPF together state that for applications involving the provision of housing, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 7 of the NPPF defines the purpose of the planning system is to contribute to sustainable development, and Paragraph 8 describes the 3 overarching objectives to be economic, social and environmental objectives.

In relation to the social objective, the proposal would make a limited contribution to the local housing supply, however given the importance of providing a sufficient supply of housing, this matter is given substantial weight. In terms of the economic objective, the development would provide some limited benefit to the local economy in terms of providing employment for construction trades and increasing demand for building materials. With regards to environmental considerations, the proposal would result in a dwelling that would be in keeping with the character and layout of the existing area, and would be located within walking distance of amenities and bus stops, meaning that future occupiers would not be reliant on the use of a car. Furthermore, no detrimental harm to neighbouring amenity has been identified and there are no reasons to refuse planning permission on any technical grounds.

Members will note the view expressed by Councillor Jones. However, based on the above there are no adverse impacts of granting planning permission that would

significantly and demonstrably outweigh the benefits, and therefore it is concluded that planning permission should be granted.

**RECOMMENDATION:** That planning permission be **granted subject to conditions**

## **Conditions**

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

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

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

Location Plan - drawing no. 01A  
Proposed Site Plan - drawing no. 10C  
Proposed Plans & Elevations - drawing no. 20C  
Landscape Proposals - drawing no. M20/ 1433 / L01  
Swept-Path Analysis -Large Car - drawing no. SP01 rev C  
Site Access / Junction Visibility Splay Assessment - drawing no. SK01 rev D

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

Reason: In the interests of highway safety.

- 5) The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

Reason: In the interests of highway safety.

- 6) The Development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The charging points

shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To encourage sustainable travel and healthy communities.

- 7) The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking for two cycles has been provided in accordance with drawing no. 10C. The cycle parking shall thereafter be kept available for the parking of bicycles only.

Reason: To encourage sustainable modes of travel.

- 8) The Development hereby approved shall not be first occupied until the access, parking and turning facilities have been provided as shown on drawing 10C.

Reason: To ensure conformity with submitted details.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no form of boundary enclosure within Schedule 2, Part 2, Class A shall be erected along the southern boundary of the site without express planning permission first being obtained from the Local Planning Authority.

Reason: To ensure there is adequate turning space within the site; in the interests of highway safety.

- 10) Prior to the installation of any section of the access drive way and parking area that incurs into the BS5837:2012 recommended Root Protection Area of the hedge on the Western boundary of the site shared with 191A Old Birmingham Road, a specification of the method of construction to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with these approved details.

Reason: To protect the health of the existing hedgerow, in the interest of visual amenity.

- 11) The hedge line on the Western boundary of the site with 191A Old Birmingham Road should be protected in accordance with BS5837:2012 recommendations throughout any ground or development work on the site.

Reason: To protect the health of the hedgerow, in the interests of visual amenity.

- 12) Prior to the first occupation of the development hereby permitted, the hard and soft landscape scheme indicated on drawing no. M20/ 1433 / L01 shall be implemented in its entirety. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously

damaged or diseased shall be replaced in the next planting season with others of similar sizes or species.

Reason: In the interests of visual amenity.

- 13) No works or development shall take place until a site drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. The strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall include the details of field percolation tests. The surface water drainage measures shall provide an appropriate level of runoff treatment. The development shall be implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained.

Reason: To ensure adequate drainage of the site.

- 14) The first floor windows to be installed on the east and west side elevations of the property as shown on approved plan no. 20C shall be fitted with obscure glazing, and any opening lights shall be at high level and top hinged only. The obscure glass and the openings shall be maintained in the said window in perpetuity.

Reason: To protect the amenities of neighbouring residents

- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Class A shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To protect the amenity levels of neighbouring occupiers at 191A Old Birmingham Road.

## **Informatives**

- 1) The applicant is advised to be aware of their obligations under the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000) to avoid disturbance of nesting wild birds and protected species such as bats when carrying out these works.
- 2) It is advised that finished floor levels should be set no lower than the existing adjacent properties.

**Case Officer:** Charlotte Wood Tel: 01527 64252 Ext 3412  
Email: Charlotte.Wood@bromsgroveandredditch.gov.uk

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# **Bromsgrove District Council**

## **Meeting of the Planning Committee**

**29th June 2020**

20/00335/FUL

Erection of dwelling

Land Rear of 56 Braces Lane, Marlbrook

B60 1DY

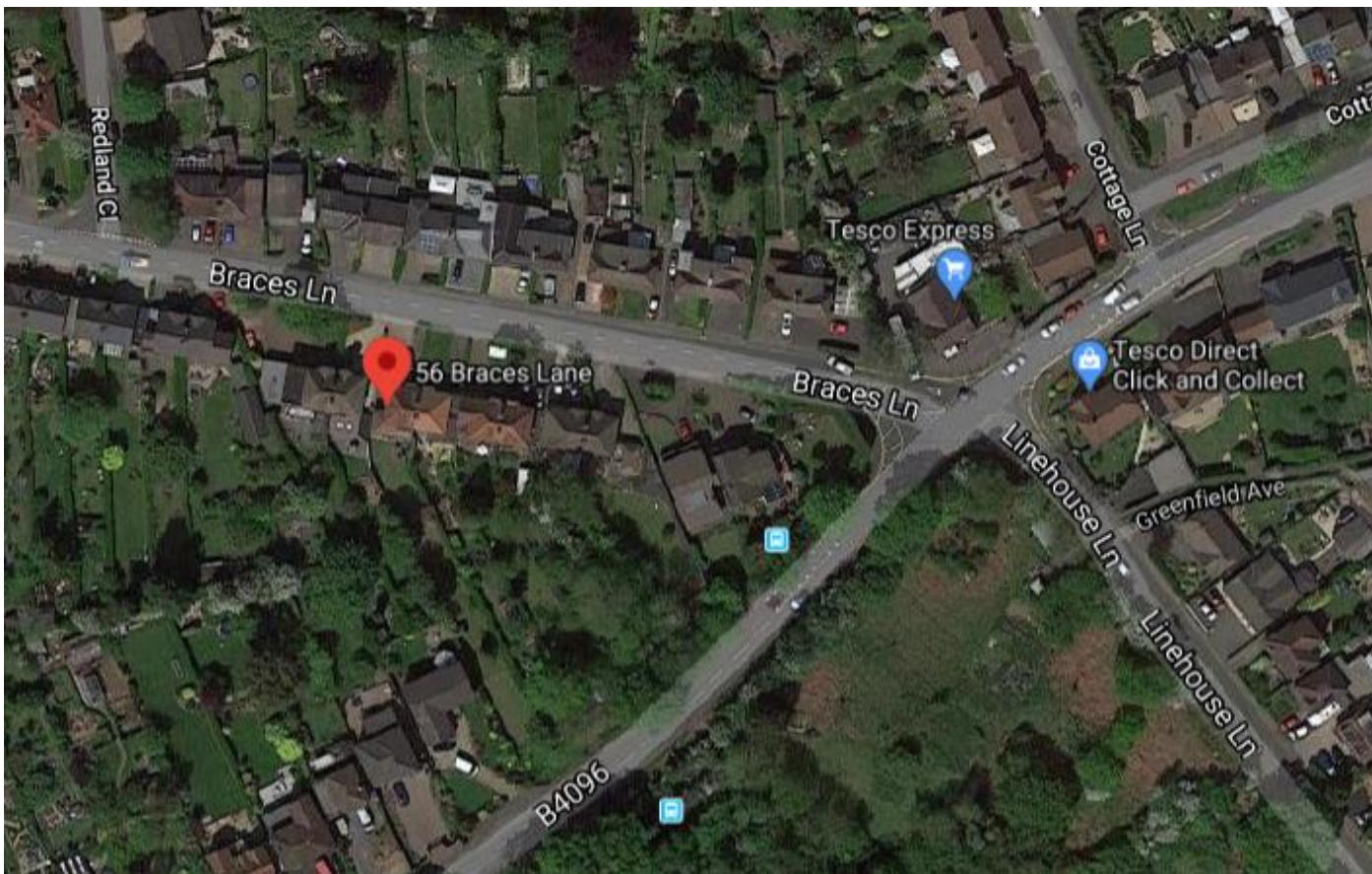
Recommendation: Approve



# Location Plan



# Satellite View



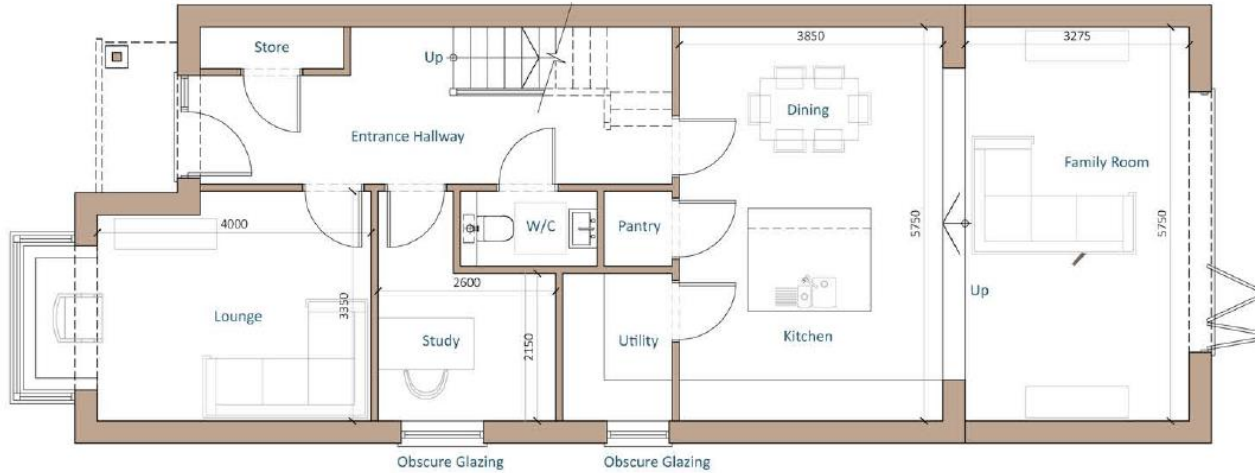
# Extract from Proposals Map



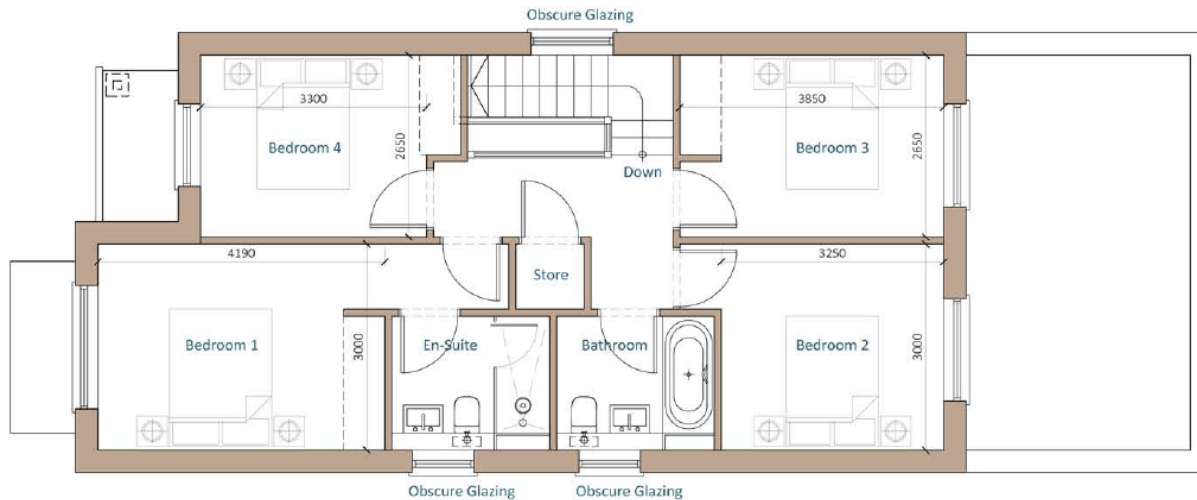
# Proposed Site Plan



# Proposed Floor Plans



Proposed  
Ground Floor  
Plan



Proposed  
First Floor  
Plan

# Proposed Elevations

Page 24



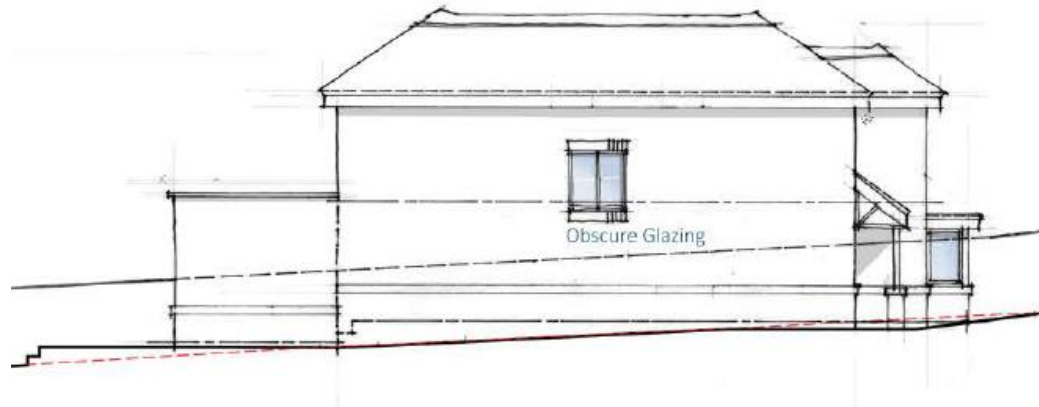
Proposed Front  
Elevation



Proposed Rear  
Elevation

Agenda Item 5

# Proposed Elevations



Proposed Side Elevation (West)

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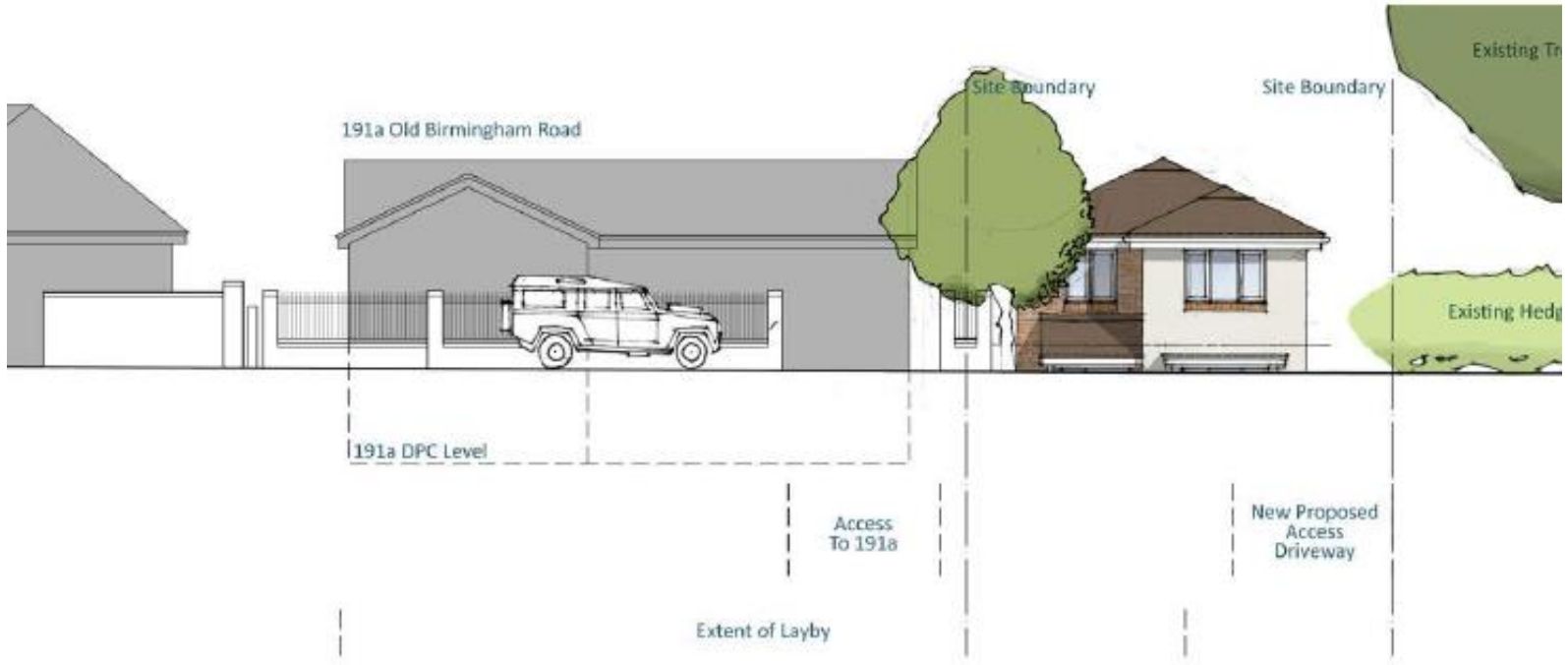


Proposed Side Elevation (East)

Agenda Item 5

# Proposed Street Scene

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Agenda Item 5



# Existing Street Scene View



# Relationship to Neighbouring Properties

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Agenda Item 5

# Proposed Site Plan



# View from garden of 191A Old Birmingham Road towards the site



# Agenda Item 6

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Michael Banks	Side extension at first floor level plus single storey rear extension  46 Rea Avenue, Rubery, Birmingham, Worcestershire, B45 9SS	07.07.2020	20/00442/FUL

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

**Councillor McDonald has requested that this application be considered by the Planning Committee rather than being determined under delegated powers**

### Publicity

Four neighbours consulted 30.04.2020 Expired 25.05.2020

### Neighbour Responses

8 representations received in support of the application, raising comments as summarised below:

- This style is in keeping with the properties in the local area and particularly on this street.
- There are at least 4 other properties of the same style within close proximity to number 46 that have been extended in the same way.

### Cllr Peter McDonald

I am requesting the above application should be Called-In. The reason is the objection to it is causing concern in the local area as there seems to be a change of direction in the officer's advice on this application. Applications such as these on the estate would normally be accepted, therefore, it should be a matter for the Planning Committee to discuss and determine the application.

### 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

None

## **Assessment of Proposal**

### The site and its surroundings

The property lies within an established residential area of Rubery and is a 'Mucklow' style house which are well known in this area. The semi-detached property is attached to number 44 Rea Avenue.

### The proposed development

Planning permission is sought to create a side extension at first floor measuring approximately 3.6 metres in width. A single storey rear extension measuring approximately 3.1 metres from the existing rear wall, with a maximum height of 3.4 metres is also proposed.

The first floor extension would form a larger bedroom and bathroom and the single storey ground floor extension would create an enlarged kitchen/dining area/living area.

The walls would be constructed in brick to match the existing dwelling. The roof to both the two storey and single storey extensions would be tiled to match the existing.

### Assessment

The recommendation is to refuse the application based on the proposed first floor side extension. No objections are raised to the single storey rear extension.

### Streetscene considerations

One of the concerns in this case is the enclosing of the space between the site address and the neighbouring property where an extension already exists.

Policy BDP19 of the Bromsgrove District Plan requires developments to enhance the character and distinctiveness of the local area. In general, this part of Rea Avenue is made up of two distinctive house types arranged in small groups and along a generally consistent building line, with clear and open views along the road. A result of this arrangement is a very a regular pattern of buildings with spaces between them.

These spaces are formed at first floor either as a result of the single storey garages which generally exist within the street or because of the design of the Mucklow houses and their cat slide roofs to the side. A distinctive character is created as a result of these elements and their arrangement, one which requires positive treatment during the consideration of a planning proposal under Policy BDP19.

When considering the proposal against that character, it is clear that the majority of the space between number 46 and number 48 would be eroded, leaving a very limited gap at first floor level of around just 1m between the dwellings. It is considered that such a loss of space would undermine the characteristic features of Rea Avenue and that as a result the proposal would be harmful to the wider street scene. As such, it is considered that the proposed first floor side extension would not be policy compliant.

## Character and appearance of existing dwelling

The design of the first floor side extension is considered to be in conflict with Policy BDP19 'High Quality Design' of the adopted Bromsgrove District Plan. The Councils Supplementary Planning Document (SPD) at Section 3.3 states:

*"Side extensions will be required to be subordinate in size and prominence. To achieve this, extensions should be clearly set down from the ridge of the dwelling and set back from the principal elevation;*

*Extensions should reflect the proportions of the original building. To achieve this, an extension should be of a smaller and less substantial scale than the main building as over-large extensions can unbalance the proportion and harmony of the host building and can also have a detrimental effect on the street scene as a whole".*

It should be noted that there are examples of properties which have been extended in a similar to manner to that proposed here through historic permissions. A more recent extension to 24 Leasow Road has been brought to the Councils attention. That extension is however not within the same street and street scene harm is not considered to occur in that particular case.

Application 19/00954/FUL at 60 Leasow Rd has been brought to the applicant's attention where an approved extension has very recently been implemented. An image is available for members to view within the officers presentation. Further, it has been brought to the applicant's attention that an extension has very recently been granted at No 28 Rea Avenue under reference 19/01541/FUL (which is yet to be implemented) and has been designed in accordance with the above SPD and is therefore policy compliant. The approved plans for application 19/01541/FUL are also set out within the presentation documents. It should be noted that No. 28 is only a few doors down from the application property (No.46) and situated on the same side of the road.

Clearly each application has to be assessed on its individual merits. In this case the proposal does not represent a policy compliant form of development and is therefore recommended for refusal. The approval of this application would inevitably mean that future planning applications for first floor side extensions to Mucklow style houses (of which there are many in this area) would be more difficult to resist and would therefore result in more developments being approved where they are not in accordance with the Policies set out within the Councils development plan, contrary to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

The planning department have engaged with the applicant in order to seek amendments to this scheme. Similar discussions took place with the applicant residing at No. 28 Rea Avenue, where, in that case, plans were amended and a policy compliant form of development was achieved. The applicant has chosen not to amend the scheme in this case, considering that the application should be determined as submitted.

## Residential amenity

There are considered to be no harmful impacts to residential amenity in this case and it is noted that no objections from the wider public have been received in this respect.

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

Reasons for Refusal

1. The proposed first floor side extension by reason of its scale and design would represent an overly large and dominating addition to the dwelling harming the character of the original dwelling. The proposal would be contrary to Policy BDP19 of the Bromsgrove District Plan and the Councils Supplementary Planning Document (High Quality Design)
2. The proposed first floor side extension would result in a narrowing of an existing first floor gap between dwellings where such gaps are commonplace within Rea Avenue. The proposed development would harm the visual amenities of the area and would fail to comply with to comply with Policy BDP19 of the Bromsgrove District Plan and the Councils Supplementary Planning Document (High Quality Design)

**Case Officer:** Sue Lattimer Tel: 01527 881336  
Email: s.lattimer@bromsgroveandredditch.gov.uk



20/00442/FUL

46 Rea Avenue, Rubery, B45 9SS

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Side extension at first floor level plus single storey  
rear extension

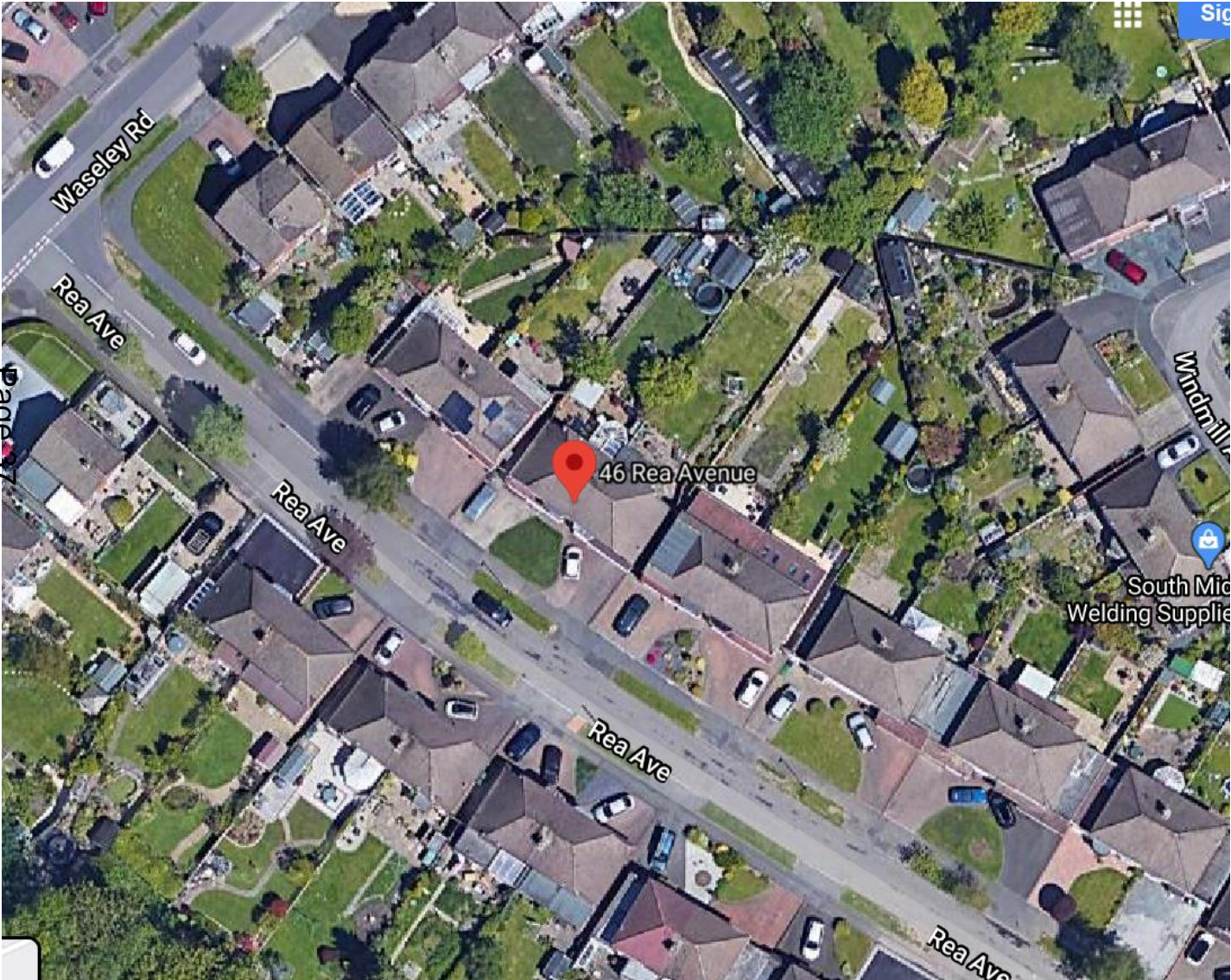
Recommendation: Refuse

Agenda Item 6

# Site Location



# Satellite View



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Agenda Item 6

# Street view



# Front



# Front and rear

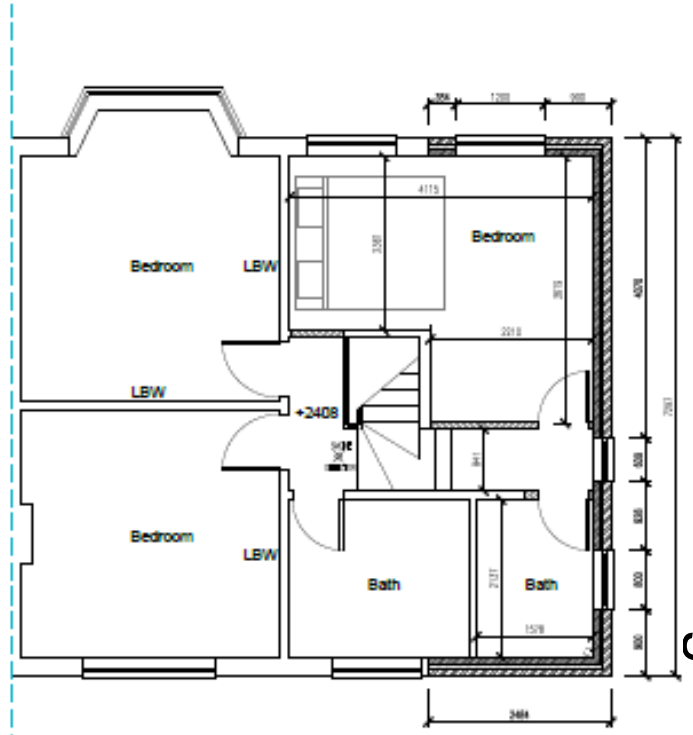
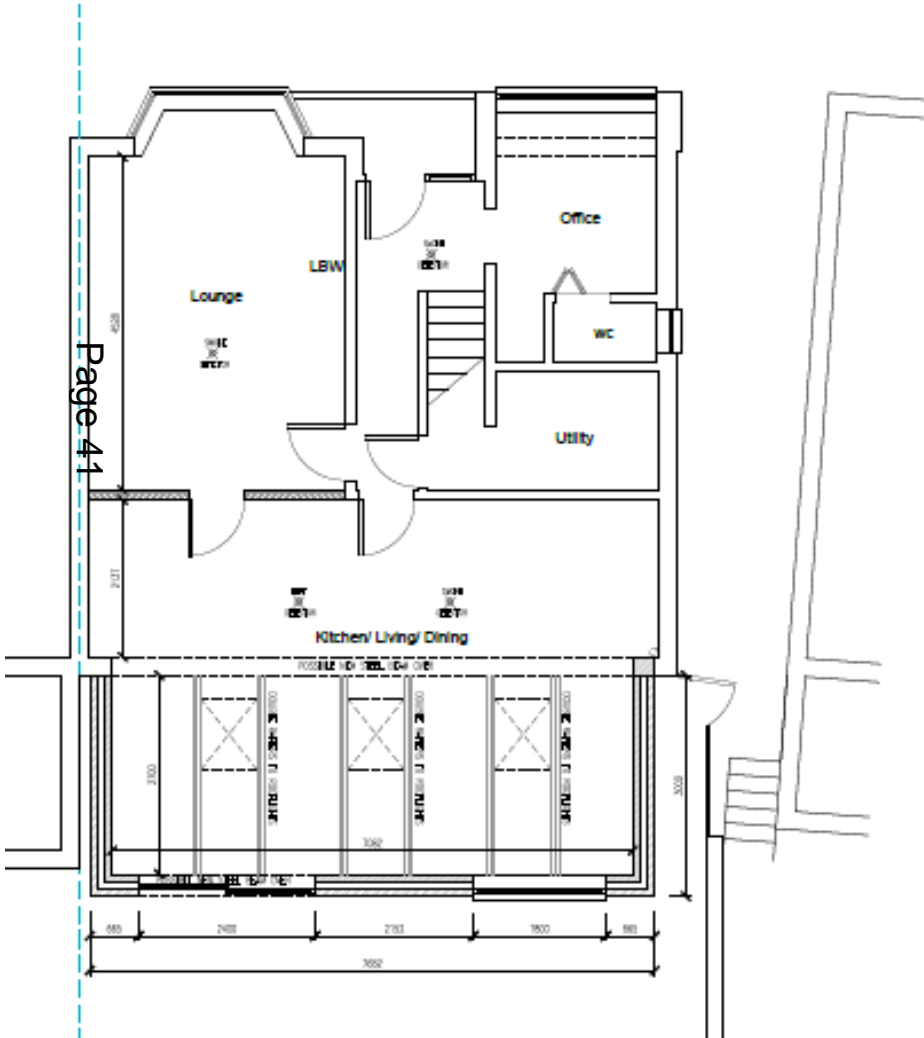


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Agenda Item 6

# proposed floor plans



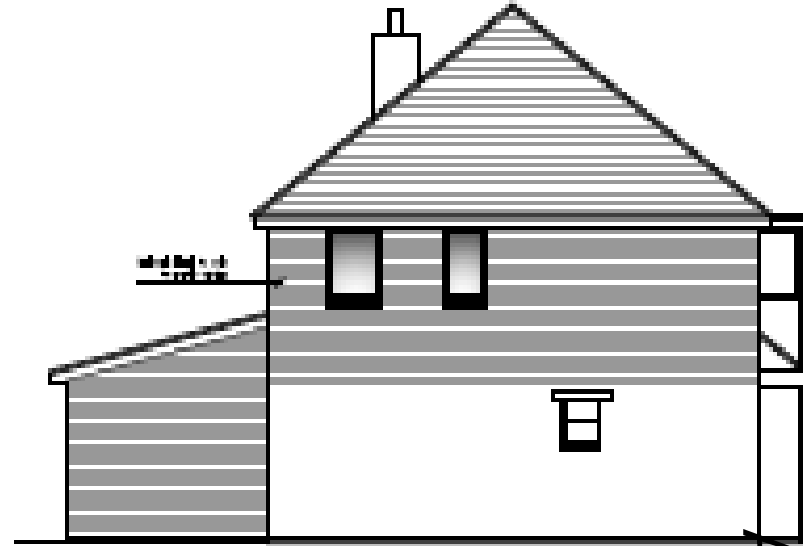
Proposed First Floor Plan

# Elevations



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Proposed Front Elevation

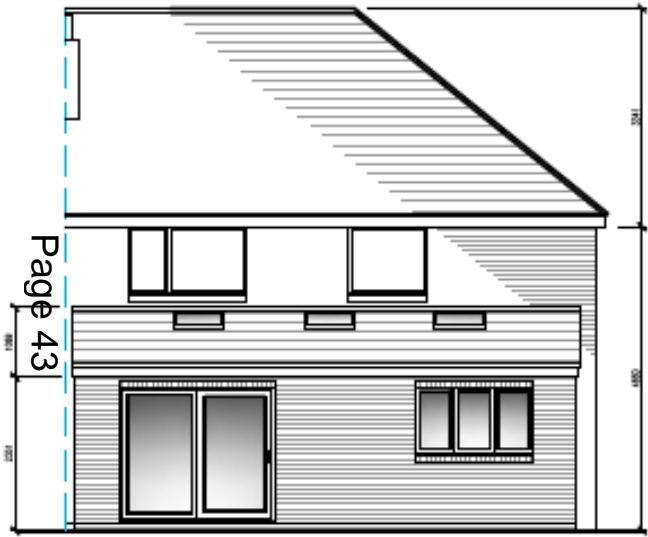


Proposed Side Elevation

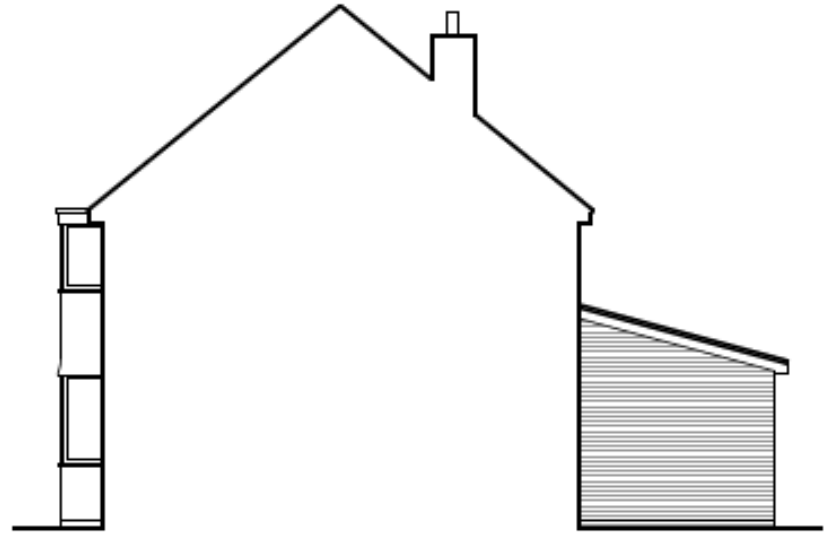
Agenda Item 6



# Elevations



Proposed Rear Elevation



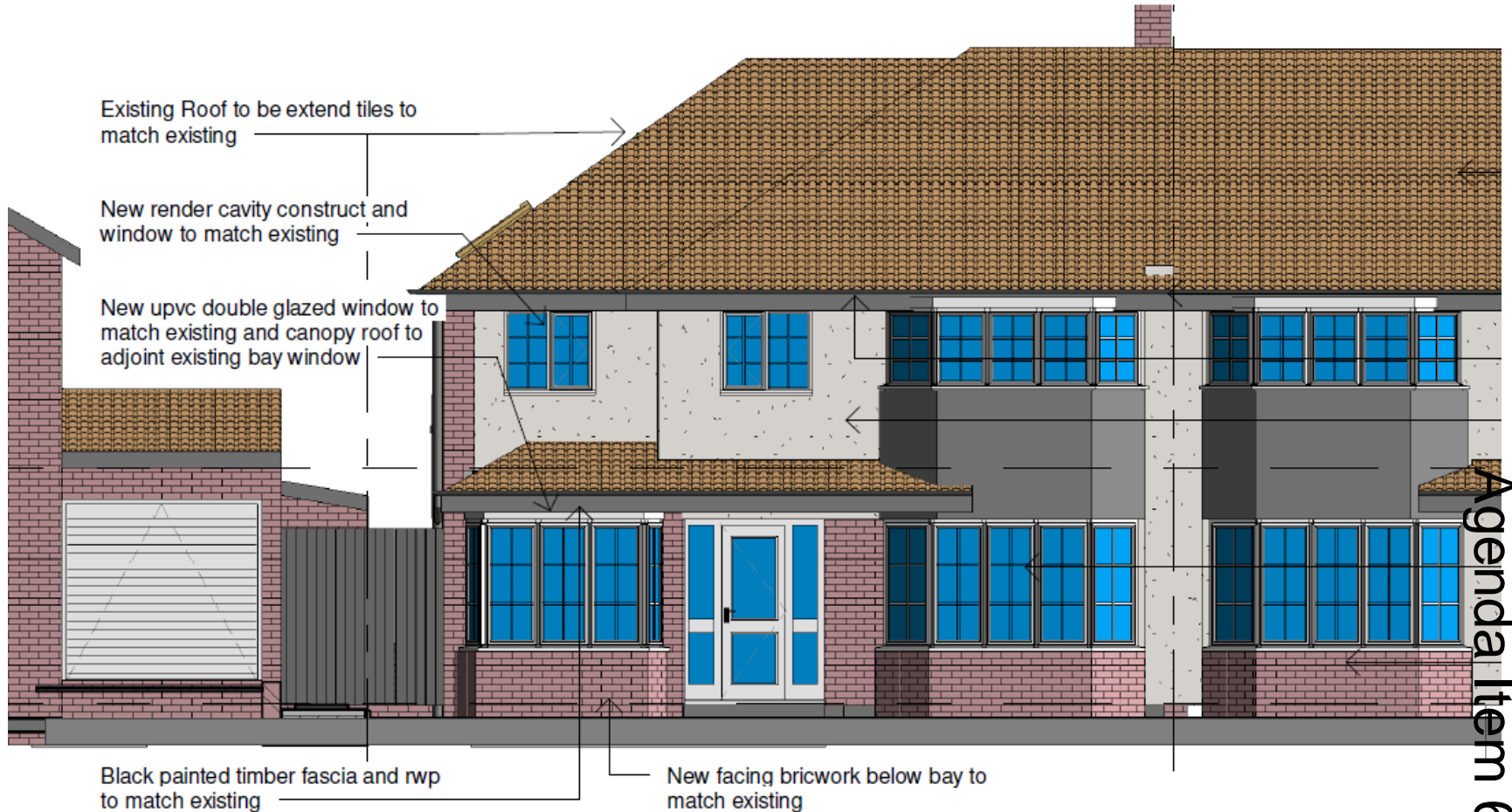
Proposed Side Elevation

# 60 Leasow Rd 19/00954/FUL



# 60 Leasow Rd 19/00954/FUL

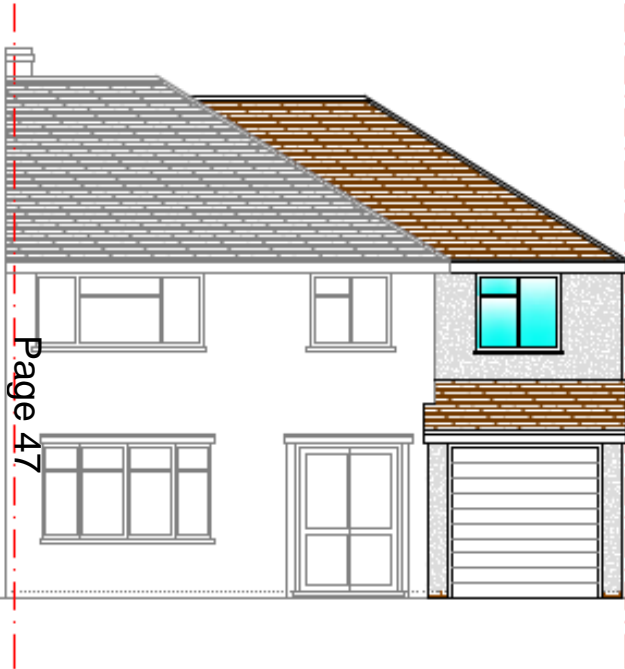
Page 45



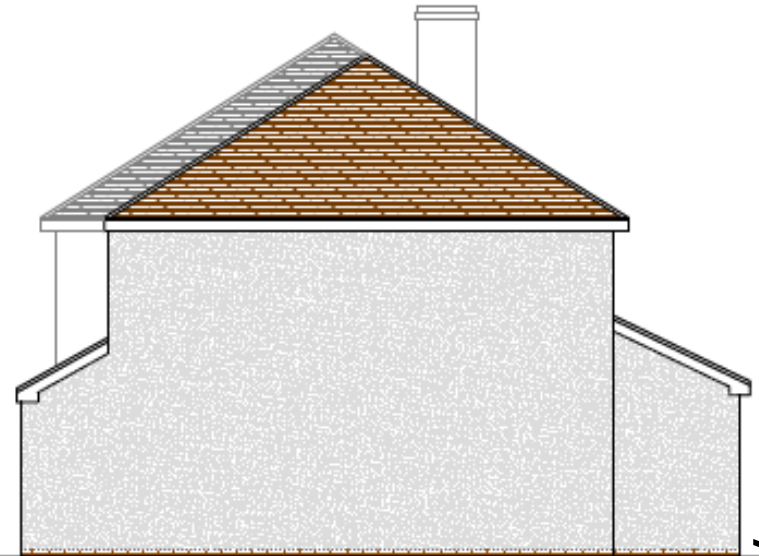
# 24 Leasow Road 19/01640



# 28 Rea Avenue 19/01541



Front Elevation



Side Elevation

# Application site edged red. 28 Rea Avenue marked with cross

