



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

TUESDAY 20TH JULY 2021
AT 6.00 P.M.

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

MEMBERS: Councillors H. J. Jones (Chairman), P. J. Whittaker (Vice-Chairman), A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, A. B. L. English, S. G. Hession, J. E. King, P. M. McDonald, M. A. Sherrey 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. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
4. 20/00739/CPL - Application for a Certificate of Lawful Proposed Development for a Two Storey Rear Extension and detached garden store at 2 Thicknall Rise, Hagley - Mr. D. Sikham (Pages 1 - 10)
5. 21/00302/FUL - Proposed detached double garage - High Brow, Rowney Green Lane, Rowney Green, Birmingham, Worcestershire B48 7QP - Mr. C. Oakley (Pages 11 - 24)

6. 21/00556/FUL - Alterations to existing detached garage building to create residential annex together with erection of a glazed link connecting the garage building and dwellinghouse and erection of a domestic store room - Mossett Cottage, Third Road, Wildmoor, Bromsgrove, Worcestershire, B61 0BT - Mr. & Mrs. I & A Dunnaker (Pages 25 - 38)
7. 21/00540/FUL - Proposed dwelling, Rear Of 182 And 184 Stourbridge Road, Bromsgrove, Worcestershire, B61 0AR - Mr. W. Bullock (Pages 39 - 56)
8. 21/00711/OUT - Outline application for up to 10 dwellings, with all matters reserved except for access - Land Off Withybed Lane, Withybed Green, Alvechurch, Worcestershire - Mr. C. Brain (Pages 57 - 78)
9. 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

11th July 2021

If you have any queries on this Agenda please contact

**Pauline Ross
Democratic Services Officer**

Parkside, Market Street, Bromsgrove, Worcestershire, B61 8DA

Tel: 01527 881406

email: p.ross@bromsgroveandredditch.gov.uk

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

GUIDANCE ON FACE-TO-FACE MEETINGS

Due to the current Covid-19 pandemic Bromsgrove District Council will be holding this meeting in accordance with the relevant social distancing arrangements for holding face-to-face meetings at a local authority.

Please note that this is a public meeting and will be live streamed for general access via the Council's YouTube channel, which can be accessed using the link below:

[Live Stream of Planning Committee](#)

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

GUIDANCE FOR ELECTED MEMBERS ATTENDING MEETINGS IN PERSON

In advance of the Committee meeting, Members are encouraged to consider taking a lateral flow test, which can be obtained for free from the NHS website. Should the test be positive for Covid-19 then the Member should not attend the Committee meeting, should provide their apologies to the Democratic Services Officer and should self-isolate in accordance with national rules.

Members and officers are encouraged to wear face masks during the meeting, unless exempt. Face masks should only be removed temporarily if the Councillor/ officer requires a sip of water and should be reapplied as soon as possible. Refreshments will not be provided, therefore Members and officers are encouraged to bring your own supply of water.

Hand sanitiser will be provided for Members to use throughout the meeting.

The meeting venue will be fully ventilated and Members and officers may need to consider wearing appropriate clothing in order to remain comfortable during proceedings.

PUBLIC ATTENDANCE

Members of the public will still be able to access meetings of Planning Committee in person if they wish to do so. However, due to social distancing requirements to ensure the safety of participants during the Covid-19 pandemic there will be limited capacity and members of the public will be allowed access on a first come, first served basis. Members of the public in

attendance are encouraged to wear face-masks, to use the hand sanitiser that will be provided and will be required to sit in a socially distanced manner at the meetings. It should be noted that members of the public who choose to attend in person do so at their own risk.

Alternatively, members of the public may prefer to observe the meeting safely on the Council's YouTube channel.

In line with Government guidelines, any member of the public who has received a positive result in a Covid-19 test on the day of a meeting should not attend in person and should self-isolate in accordance with the national rules

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 Officer and invited to address the Committee either face to face or via Microsoft Teams.

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

Notes:

- 1) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Officer on 01527 881406 or by email at p.ross@bromsgroveandredditch.gov.uk before 12 noon on Friday 16th July 2021.**
- 2) Advice and assistance will be provided to public speakers as to how to access the meeting and those registered to speak will also be invited to participate face to face or virtually via a Microsoft Teams invitation. Provision has been made in the amended Planning Committee procedure rules for public speakers who cannot access the meeting by Microsoft Teams, 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 Friday 16th July 2021.**
- 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**
- 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.**

Applicant	Proposal	Plan Ref.
Mr D Sikham	Application for a Certificate of Lawful Proposed Development for a Two Storey Rear Extension and detached garden store at 2 Thicknall Rise, Hagley	20/00739/CPL

RECOMMENDATION:

That the Certificate of Lawful Proposed Development for a Two Storey Rear Extension and Detached garden store at 2 Thicknall Rise, Hagley, which was issued on 13th November 2020, reference 20/00739/CP, is **REVOKED**

BACKGROUND:

The assessment of applications for Lawful Development Certificates are based on the accuracy of the information supplied by the applicant. In this case the applicant submitted a Certificate of Lawfulness for a Proposed Use or Development (CLOPUD) ("the Certificate") and certified that he owned all the land edged red on the submitted site locations plan. The red line boundary encompassed all of the land to the side of the enclosed rear garden to No. 2 Thicknall Rise which fronts both Thicknall Rise to the west and Newfield Road, to the south and is on the east side of the junction of these two roads. The Certificate decision and report on which it was based area attached as Appendix 1.

Since issuing the Certificate, evidence emerged from members of the public that the applicant for the above application may not own the whole of the land edge red on the location plan accompanying the Certificate application. It was confirmed via Land Registry Search that a triangular shaped piece of land, probably forming the visibility splay of the junction of Thicknall Rise with Newfield Road, was not owned by the applicant. Broadly, the northern alignment of this triangular piece of land until the last couple of years was marked by a low picket fence. The applicant's planning professional adviser states that the site location plan was submitted in 'good faith' based on what was understood to be land within the applicant's ownership and was a 'simple oversight' and not a deliberate attempt to provide false information or to mislead the Council.

In the light of these facts the proposed detached garden store, with a 4-metre-high ridged roof, would be less than 2 metres from the southern ownership boundary, and therefore not fall with the tolerances within Schedule 2, Part 1, Class E.1(e)(ii) of the Town and Country Planning (General Permitted Development (Amendment) (England) Order 2015 (GPDO).

Whatever is the extent of the curtilage outside the rear garden enclosed by a fence, it is not considered that this triangular shaped land can be curtilage because its use would be limited due to fact that the applicant's right to use can be challenged. Therefore, had the applicant declared his ownership boundary, accurately, it would have been determined that the proposed outbuilding would not be permitted development under the GPDO and that therefore the application for the Certificate of Proposed Development would have been refused.

The applicant has since submitted a new application for a CLOPUD this time with the proposed detached garage in the same position, but with a maximum height of 2.5 metres, reference 21/00679/CPL. This application is under consideration.

REVOCATION MERITS AND PROCESS

The basis for revocation is that a document submitted in support of the application, namely the ownership certificate, was false or misleading in a material particular, or material information was withheld. Therefore, whilst the applicant may have felt that information or material was unnecessary, since it was material to the consideration of the decision then the Certificate is capable of being revoked.

Although the applicant is trying to remedy the false information by submitting an alternative proposal, if the original Certificate is not revoked, he could simply revert to implementing the proposed development reference 20/00739/CPL.

The procedure for revocation of a notice is given by Article 35(15-17) of the Town and Country Planning (Development Management Procedure) Order 2010.

- This requires a notice to be given on the owner, occupier and any other person, in the opinion of the local authority, affected by revocation.
- All those served with a notice must be given 14 days to make representations on the proposal to the local authority.
- Final notice of any revocation must be given to those notified.

The applicant, the local member and Hagley Parish Council have all been informed of the intention to revoke the Certificate. There has been no substantive representation about the merits of revocation.

There is no appeal to the Secretary of State against an authority's decision to revoke a certificate. But the decision may be contested in the High Court on the ground that the authority acted unreasonably in making the decision.

CONCLUSION

The process of revocation followed by the Local Planning Authority would be in accordance with the relevant legislation. There remains a risk of legal challenge however appropriate advice has been taken throughout in respect of the correct procedures and soundness of approach being undertaken. Therefore, it is considered appropriate to recommend the proposed revocation.

RECOMMENDATION

That the CLOPUD for a Two Storey Rear Extension and Detached garden store at 2 Thicknall Rise, Hagley, which was issued on 13th November 2020, reference 20/00739/CP, is **REVOKED**

Case Officer:

David Edmonds

david.edmonds@bromsgroveandredditch.gov.uk

01527 881345

Appendix 1: Certificate of Lawful Proposed Use or Development

BROMSGROVE DISTRICT COUNCIL

Mr D Sikham
C/O Mr Steven Greybanks
Central Building Design Ltd
Woodland View
Stone Meadow, Butts Lane
Stone
Kidderminster
DY10 4BH
United Kingdom

Approval of Certificate of Lawfulness for a Proposed Use or Development

APPLICATION REFERENCE:	20/00739/CPL
SECOND SCHEDULE:	2 Thicknall Rise, Hagley, Stourbridge, Worcestershire DY9 0LQ
FIRST SCHEDULE:	Two Storey Rear Extension and Detached garden store as shown of drawing 3697-02A, submitted on 24th August 2020
DECISION DATE:	13th November 2020

Bromsgrove District Council **HEREBY CERTIFIES** that on **24th August 2020** the operations described in the First Schedule hereto, in respect of the land specified in the Second Schedule hereto and edged in black and red on the plan attached to this certificate was lawful within the meaning of section 192 of the Town and Country Planning Act 1990 as amended, for the following reason:

Reasons

It is evident from the Old Maps webs site, that Thicknall Rise was developed between 1969 and 1972. It is also evident from the planning history of the site, which includes an appeal decision for application reference 10/0206, that permitted development rights were not removed on the original application for Thicknall Rise. It is noteworthy that from this planning history that in 2010 the existing dwelling was the same as depicted as existing dwelling in the current application. Moreover, there is no evidence from aerial photos that the dwelling has been previously extended.

In the above context, the main issue is whether the proposed developments fall within the permitted development tolerances of the Town and Country Planning (General Permitted Development) (England) Order 2015, (GPDO), Schedule 2 Part 1,

Class A (in respect of the proposed rear extension) and Class E in respect of the proposed outbuilding.

In respect of the proposed rear extension the positioning and size would fall within all the tolerances with Class A1. Of particular note, with reference to A.1(h), it would be more than single storey but not extend beyond the rear wall of the original house by more than 3 metres and no part of the proposed extension would be within 7 metres of the curtilage boundary opposite the rear wall of the dwellings. In terms of the conditions set out in Class A.2 the use of facing brick to match the existing walls of the house and substantially the same roof plane of the existing house and in respect of the amended scheme - drawing no 3967-02A the fenestration includes reasonable size window openings which would all comply with the three conditions.

Turning to the proposed outbuilding it is accepted it would be used in a manner incidental to the enjoyment of the dwellinghouse, to fall within Class E. Moreover, since it is likely that the existing garage and canopy was built at the same time as the house and the proposed outbuilding would not project in front of this part of the principal elevation, it would be within the tolerance set out in Class E.1.(c). Furthermore, since the proposed dual pitched roof would be 4 metres and it is evident it is not within 2 metres of the side curtilage boundary it would fall within the tolerances of Class E.1(e). Also, it would fall within all the other tolerances Class E.



Ruth Bamford
Head of Planning and Regeneration

Notes

- 1) This certificate is issued solely for the purpose of section 192 of The Town & Country Planning Act 1990 (as amended).
- 2) This certificate applies only to the extent of the use/operations/matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operations/matter which is/are materially different from that/those described or which relate/s to other land and are unauthorised may render the owner or occupier liable to enforcement action.
- 3) The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

20/00739/CPL

2 Thicknall Rise, Hagley

**Revocation of Certificate of Proposed Development
Two Storey Rear Extension and Detached garden
store**

**Recommendation –Certificate of Lawful
Proposed Development be revoked**



Site Location Plan

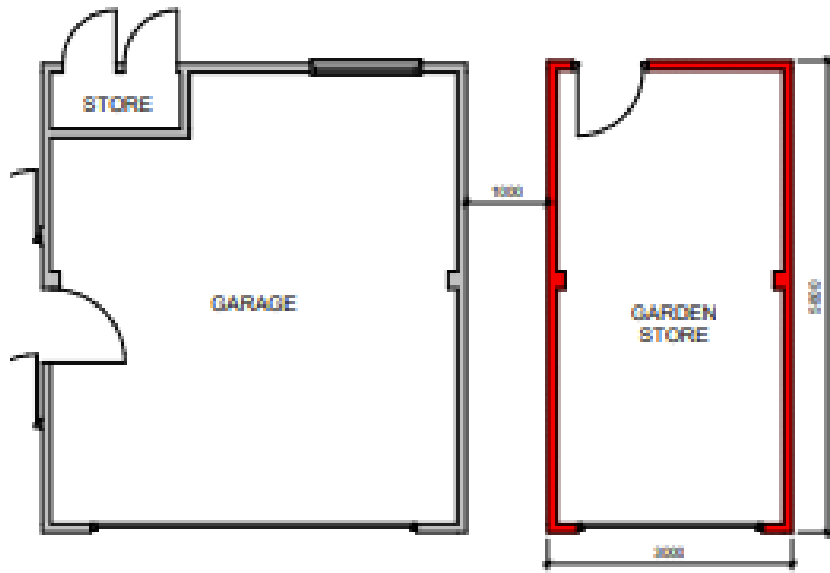
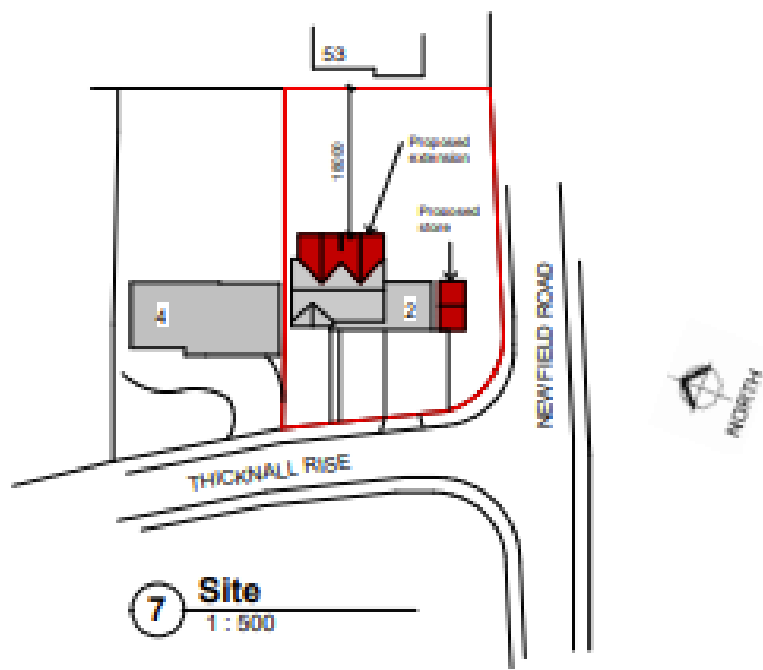


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Land Registry Ownership Plan – 2 Thicknall Rise



Google Streetview Image 2018



Block and Garage Plan



Front Elevation



Rear Elevation



Side Elevation 1

Proposed Elevations

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Carl Oakley	Proposed detached double garage. High Brow, Rowney Green Lane, Rowney Green, Birmingham, Worcestershire B48 7QP	23.04.2021	21/00302/FUL

Councillor English has requested that this application is considered at Planning Committee rather than being determined under Delegated Powers.

RECOMMENDATION: That planning permission be **Refused**

Consultations

Alvechurch Parish Council

No Objections.

Public Consultation

1 joint letter of support from 6 neighbours

Neighbours confirm that they have no objection to the proposal and fully support it.

1 letter of objection

Concern the development will dramatically affect the natural light to their property.

Development will increase the original footprint of the property and be outside the building line. Existing garage has been converted, will this happen again.

Cllr English

The reason for my wishing to call the application in is that although SPD states that 'Outbuildings set forward of the principal elevation will not usually be appropriate as it may harm the character of the street scene', in this instance, I do not think that the garage will harm the character of the street scene. There are garages from nearby properties in similar positions and therefore, the new garage will blend into the street scene rather than harm it.

Relevant Policies

Bromsgrove District Plan

BDP4 Green Belt

BDP19 High Quality Design

Others

NPPF National Planning Policy Framework (2019)

NPPG National Planning Practice Guidance

Bromsgrove High Quality Design SPD

ALVNP Alvechurch Neighbourhood Plan

Relevant Planning History

B/2000/0310	Construction of new bedroom and garage.	Approved	15.06.2000
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Site Description

Highbrow is a detached property set well back from Rowney Green Lane by approximately 19m. The dwelling is located within the Green Belt and Rowney Green village envelope as designated in the Bromsgrove District Plan.

Proposal Description

Permission is sought for a double garage measuring approximately 5.3 x 5.7 m. The garage would have a hipped roof and be finished in brick and tiles to match the existing bungalow. The garage would be positioned in the front garden of the property.

Assessment of Proposal

Policy BDP4 of the District Plan would apply as well as Paragraph 143 of the National Planning Policy Framework (NPPF) and states that inappropriate development is by definition harmful and should not be approved except in very special circumstances. Paragraph 145 of the NPPF states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development except where certain exceptions apply. The garage would not fall within any of the exceptions set out within either the Framework or Policy BDP4 of the District Plan and would therefore represent inappropriate development within the Green Belt.

Paragraph 133 of the Framework identifies that openness is one of the essential characteristics of Green Belts, along with permanence. The Courts have confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect. The building would be located in the front garden of the bungalow and would be highly visible from the streetscene. Given its scale, the proposal would be experienced both visually and spatially. As such, the proposed development would compromise the openness of the Green Belt, which would be reduced both physically and visually. Whilst the loss of openness would be limited, harm to the Green Belt would occur. This matter carries substantial weight.

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

Very Special Circumstances

The applicant's agent has provided very special circumstances that can be summarised as follows:

1. The inclusion of Highbrow within the Rowney Green village envelope where some infill development is acceptable does imply that there are slightly less restrictions to development than would be the case if the property was in the countryside.
2. The B/2000/0310 planning permission for this property included an attached garage to the front of the bungalow which was not implemented. However, the rear extension in that approval was implemented and as such then it could be argued

the planning permission for the garage is still current and could be constructed without having to apply for planning approval. Should this be the case the proposed location of the new detached garage and the difference in terms of impact on openness with the garage previously approved would be marginal.

3. The detached garage now proposed at the front would sit tucked in against the adjacent property - Beulah -and as such in our view it would have very limited impact on Green Belts openness in the context of the rest of the built development within the village envelope or the potential for further infill development within the village.
4. Reference has been made to other garages at the front of properties in the village, and those are certainly relevant whether they were approved a long time ago or not.
5. The Council's Supplementary Planning Document on High Quality Design refers to garages at the front of the principal wall of a dwelling. The guideline states that outbuildings set forward of the principal elevation will not usually be appropriate as it may harm the character of the street scene. In our view that is not a total prohibition and would allow such a double garage if it can be shown that it would have only limited impact on the street scene which would be the case here.

I have noted the arguments put forward by the applicant and would clarify as follows:-

1. The proposal is not an infill development as interpreted under policy BDP4.
2. The applicant could still implement the garage that formed part of the approval under ref B/2000/0310, however, the garages are not like for like. The approved garage was more of a single garage, and whilst it was set forward from the front wall of the bungalow, the garage was still attached to the house and set back from the road, restricting its impact on the openness of the Green Belt as well as the streetscene in general.
3. The proposed garage would be adjacent to the side hedge but would still be highly prominent and positioned further forward than the adjacent property.
4. It is noted that there are other garages that have been built close to the road, however, it is understood that most of these are older planning decisions prior to the adoption of the Council's High Quality Design SPD.
5. Para. 3.6 of the High Quality Design SPD refers to outbuildings such as sheds and detached garages, stating that they should be of an appropriate scale, orientation and design to ensure they do not compete with or detract from the dwelling they serve. The SPD also makes it clear that outbuildings set forward of the principal elevation will not usually be appropriate as it may harm the character of the streetscene. In this situation, the proposed garage would be built further forward than the front wall of the bungalow as well as the neighbouring property Beulah. Given that a low beech hedge exists along the front boundary, the proposed garage would be highly prominent and visible in its intended position, having an adverse impact on the openness of the Green Belt and the general streetscene.

The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. The very special circumstances submitted do not outweigh the harm identified to the Green Belt. The proposal conflicts with Policy BDP4 of the BDP which, amongst other things, limits development within the Green Belt. The proposal would also conflict with the Green Belt aims of Section 13 of the Framework.

The design of the proposal has been considered against Policy BDP19 and guidance set out in the High Quality Design SPD. Whilst the general design of the proposal may be acceptable, due to the pattern of development locally, the positioning of the garage would consequently appear unduly prominent within the street scene thereby materially harming the character of the area having an unacceptably adverse impact upon the character of the street scene. The acceptable design of the garage does not outweigh the significant harm caused by the inappropriate nature of development on the streetscene and would conflict with Policy BDP19 of the District Plan, and the High Quality Design SPD.

Policy H4 of the made Alvechurch Neighbourhood Plan refers to proposals reflecting the identity of the local setting, by way of height, scale, spacing and layout, following established building lines and street scene arrangements for front gardens. Particular reference is made in respect to garages under Policy H4.8j which encourages garages to be set back from the street frontage and designed to reflect the architectural style of the house they serve. The proposal would conflict with this policy of the Alvechurch Neighbourhood Plan.

Consultation

Alvechurch Parish Council do not object to the proposal, and whilst there is a joint letter of support from 6 households, there is a letter of objection in respect to the impact of the development on the streetscene and harm to the openness of the Green Belt.

Conclusion

The proposal is considered to represent inappropriate development, which is by definition harmful to the Green Belt. The arguments advanced by the applicant do not amount to very special circumstances that would justify the development. The positioning of the garage would have a detrimental impact on the streetscene and would not be in accordance with policies in the District Plan, the Council's High Quality Design SPD, the Alvechurch Neighbourhood Plan, and the NPPF.

RECOMMENDATION: That planning permission be Refused

Reasons for Refusal

- 1 The proposal comprises the construction of a new building in the Green Belt which is unacceptable in principle. New domestic outbuildings are not included within the closed list of exceptions to inappropriate development in the Green Belt contained within Paragraphs 145 and 146 of the National Planning Policy Framework. The proposal would therefore amount to inappropriate development which is harmful by definition and should be given substantial weight. Furthermore the proposal would have an adverse impact on the openness of the Green Belt. There have been no very special circumstances put forward or exist that would outweigh the substantial

harm identified arising to the Green Belt. The proposal would therefore be contrary to Policy BDP4 of the Bromsgrove District Plan and Section 13 of the National Planning Policy Framework.

- 2 The garage by reason of its siting is considered to be contrary to the pattern of development locally and consequently appears unduly prominent within the street scene thereby materially harming the character of the area contrary to Policy BDP19 of the Bromsgrove District Plan, Bromsgrove District Council High Quality Design SPD, the Alvechurch Neighbourhood Plan, and the NPPF.

Case Officer: Sharron Williams Tel: 01527 534061 Ext 3372
Email: sharron.williams@bromsgroveandredditch.gov.uk

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21/00302/FUL

Highbrow, Rowney Green Lane, Rowney Green

Proposed detached garage

Recommendation: That permission be refused

Site Location Plan



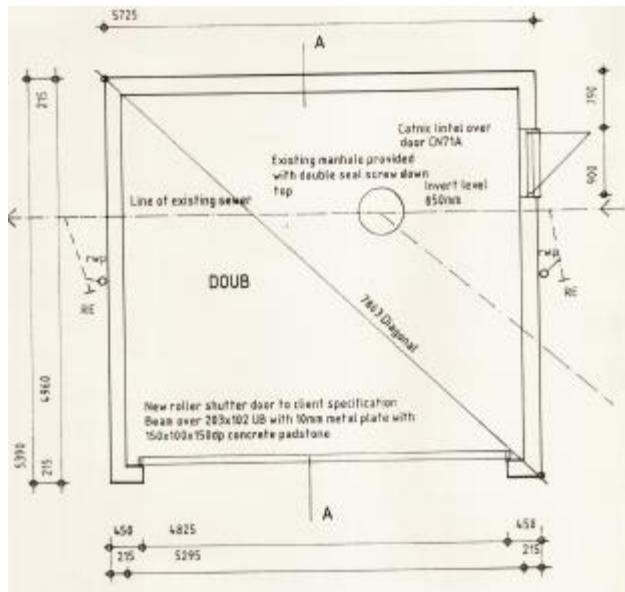
View of the Site



Block Plan



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Photos submitted by applicant showing examples of other garages in front gardens in the area



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Agenda Item 5



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Agenda Item 5

More Examples

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr and Mrs Ian and Anna Dunnaker	Alterations to existing detached garage building to create residential annex together with erection of a glazed link connecting the garage building and dwellinghouse and erection of a domestic store room. Mossett Cottage, Third Road, Wildmoor, Bromsgrove, Worcestershire B61 0BT	02.06.2021	21/00556/FUL

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

RECOMMENDATION: That planning permission be **Refused**

Consultations

Belbroughton And Fairfield Parish Council

The Parish Council Objects. While supporting the special circumstances listed concerns are raised that this would become a separate dwelling in the Green Belt on a property site that has already seen significant increase in size from the original footprint.

Publicity

One site notice was placed onsite on 22nd April 2021 and expired 26th May 2021.
2 neighbour letters were set on 19th April 2021 and expired on 13th May 2021.

Representations

2 letters of support have been received, 1 from the neighbour and 1 from Fairfield Village Community Association & Neighbourhood Watch Group. The contents of these comments have been summarised as follows;

- The alteration will allow independent living of elderly residents and the supportive care that they require.
- Alterations are not disproportionate
- In keeping with locality/unobtrusive
- Makes good use of garage

Cllr May

On the grounds of public interest, I would like to call this application in if you are minded to refuse permission.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP19 High Quality Design

Others

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

Relevant Planning History

B1992/0404	Erection of aluminium conservatory	Approved	12.06.1992
B/17405/1988	Two storey rear extension forming sitting room and bedroom.	Approved	22.12.1988
B/13242/1985	Garage with loft store.	Approved	30.09.1985
B/11166/1983	Erection of two storey extension. (as amended by plans received 22.09.1983)	Approved	22.09.1983

Assessment of Proposal

This application is for alterations to the existing detached garage building onsite to create a residential annex together with the erection of a glazed link connecting the garage building and dwellinghouse and erection of a domestic store room to the rear. The annexe is proposed for the applicants elderly parents to occupy.

The application site is located within the Green Belt where there is a presumption against inappropriate development. Such development should not be granted planning permission unless there are very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The National Planning Policy Framework (NPPF) allows for the extension or alteration of a building within the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. Policy BDP4.4 of the adopted Bromsgrove District Plan permits extensions to existing residential dwellings up to a maximum of 40% increase of the original dwelling.

The existing dwelling has been extended on a number of occasions as outlined in the planning history above. The applicants outline in their Planning Statement that the dwelling has been previously extended by 116% above the original. This figure does not include the detached garage which was granted planning permission in 1985. Given this garage sits within 5 metres of the dwelling it should be considered an extension for the purposes of calculating a 40% addition. Including the garage, the dwelling has been extended 186% above the original. In any event, the existing dwelling has been extended well above 40% and as such any further additions to the building should be considered as inappropriate development in the Green Belt. The current proposal adds a further 12sqm in floor space which is a further 10% above the original. Although it is accepted this is a

modest increase, given the property is already disproportionate the harm would be exacerbated by the additional floor space.

The glazed link is small in scale and sited between the two buildings. In addition to this, the store to the rear is in the position to the existing external staircase. For these reasons, the proposal is considered to have a minimal impact on openness.

The applicants have put forward justification for this development on the grounds that the proposed accommodation is required for the occupation of the applicants' parents who are in need of care. The NPPF places a duty on Local Planning Authorities to provide housing needed for different groups in the community including families with children, older people and people with disabilities and therefore the requirement for this accommodation carries moderate weight. However, the garage could be converted without the glazed link and without the store to the rear. Although it is appreciated that the parents would need safe access to the main dwelling, the small distance from the building and level ground does not make the requirement for this link essential for the proposed use. This link is considered a preference not a necessity and does not prevent the garage being converted for the family's needs. The applicants have outlined in the Planning Statement that in isolation the store could be erected under Permitted Development. This is incorrect as planning permission would be required for the store given the garage is a previous extension and exceeds the dimensions of a Class E outbuilding. No further justification has been put forward for this store.

No concerns are raised on the design and impact on the street scene of this development, nor any issues are raised with amenity to adjoining occupiers by reason of overlooking, overbearing or loss of light.

The letters of support of this application outline that the extension is not disproportionate, is of good design and makes good use of the garage. Green Belt policy requires the extension be considered against the original rather than the existing situation and as such the extension is disproportionate as outlined above. No concerns are raised on the scheme on design, however good design is a requirement for all planning applications and does not constitute justification to allow for an inappropriate extension. It is agreed that the proposal makes good use of the garage however as outlined above, the additions are not required to ensure this conversion can take place.

An objection has been received from the Parish Council. The Parish raise concerns that the garage could form a separate planning unit. The proposal does not include a kitchen which indicates some reliance on the main dwelling as an annexe. Planning permission would be required to change the use to a separate dwelling. The Parish do however highlight in their comments that the dwelling has been significantly extended previously.

In conclusion, the proposed extensions amount to inappropriate development in the Green Belt. Although small in scale, taking into consideration the extensive planning history, the proposed extensions are to be considered disproportionate to the original dwelling. The applicants have advanced some justification for the extensions outlining it reasonable and necessary for the link to be provided to allow for safe access to the main dwelling. Given the short distance and level ground between the buildings, it is not agreed that this link is essential for the proposed use. For these reasons, it is not

considered the justification put forward amounts to very special circumstances sufficient to outweigh the harm to the Green Belt by reason of the inappropriate development.

RECOMMENDATION: That planning permission be **Refused**

Reasons for Refusal

1. The proposed extension would constitute a disproportionate addition to the original dwelling. Disproportionate additions are by definition inappropriate development in the Green Belt. It is not considered that any very special circumstances exist that clearly outweigh the substantial weight given to the harm arising by reason of inappropriateness. The proposal would therefore be contrary to Policy BDP4.4 of the Bromsgrove District Plan and the provisions of the National Planning Policy Framework (NPPF).

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

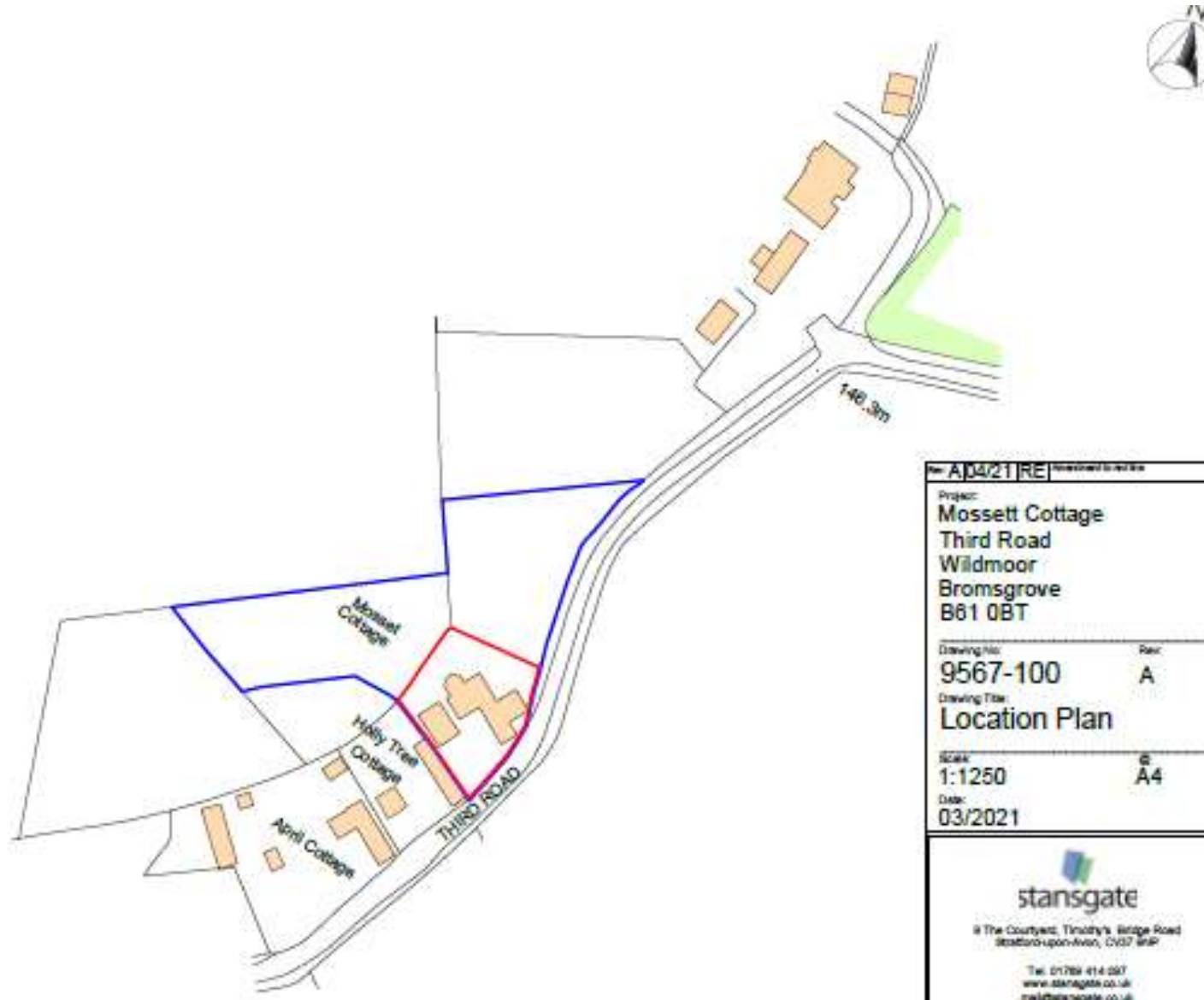
21/00556/FUL

Alterations to existing detached garage building to create residential annex together with erection of a glazed link connecting the garage building and dwellinghouse and erection of a domestic store room.

Mossett Cottage, Third Road, Wildmoor,
Bromsgrove, Worcestershire, B61 0BT

Recommendation: Refuse

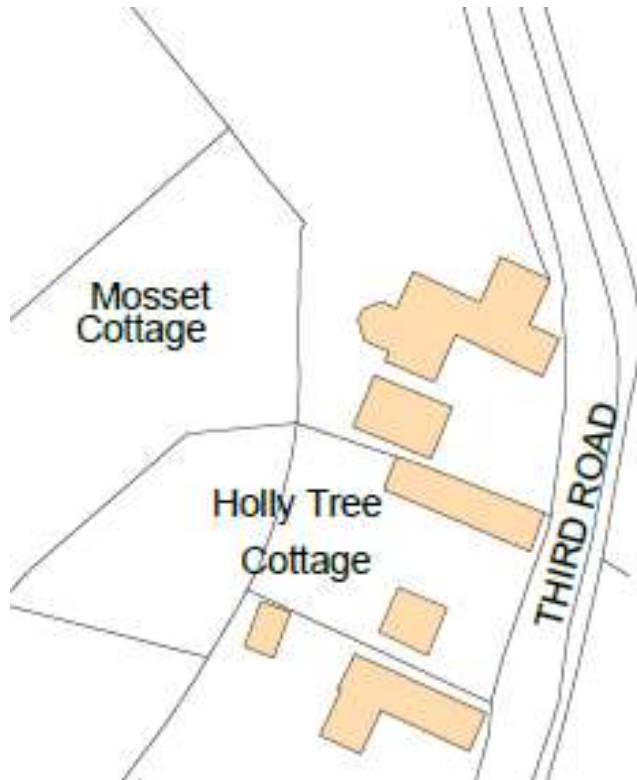
Location Plan



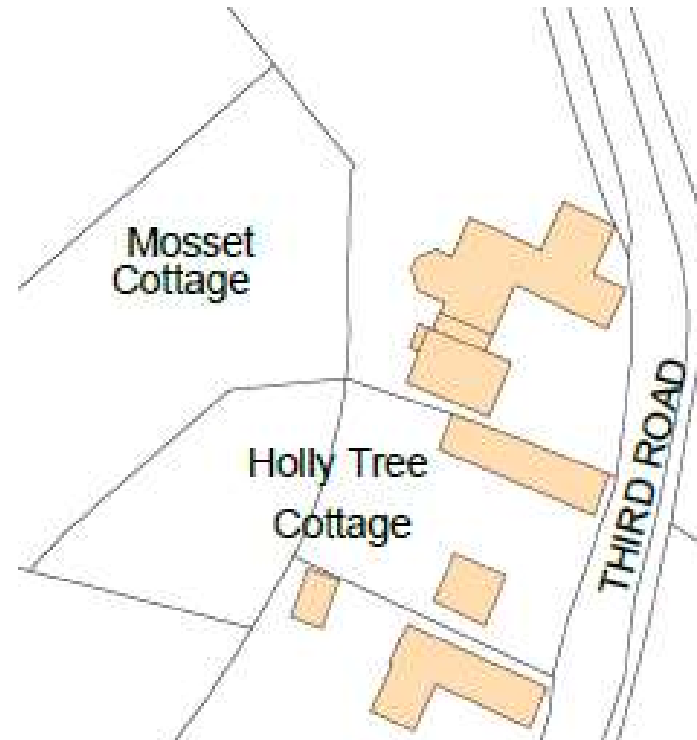
Aerial View



Existing and Proposed Site Plan

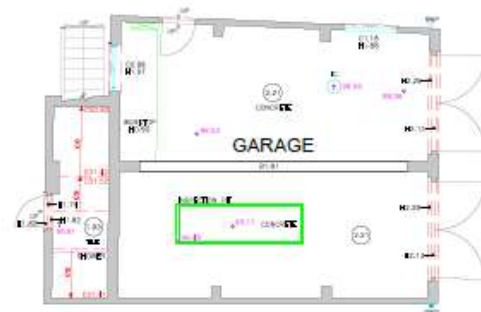
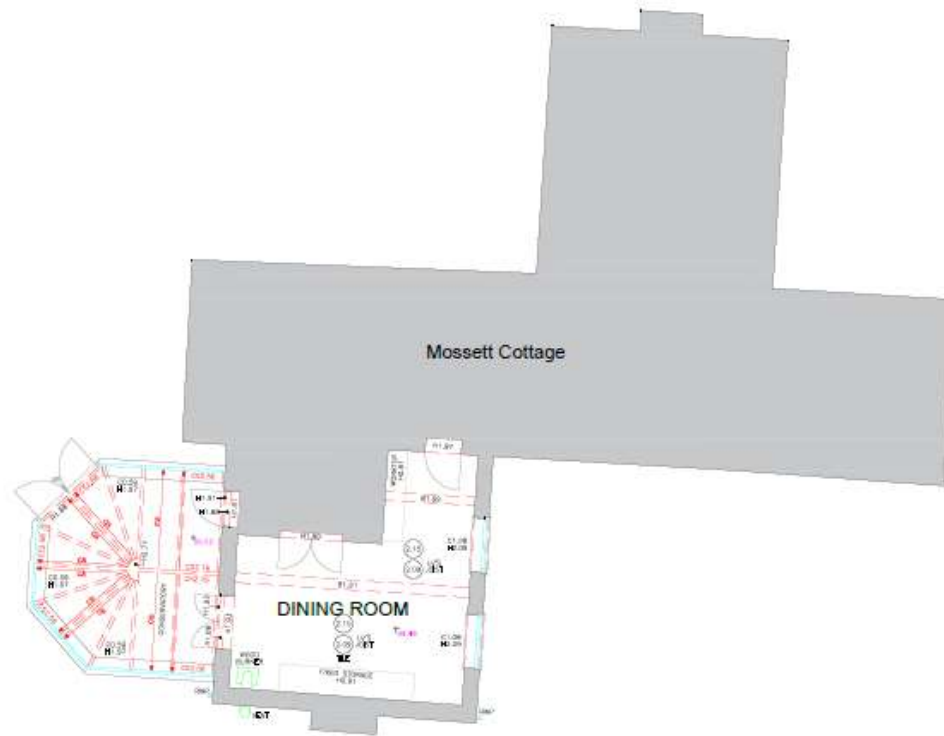


Existing



Proposed

Existing Floor Plan

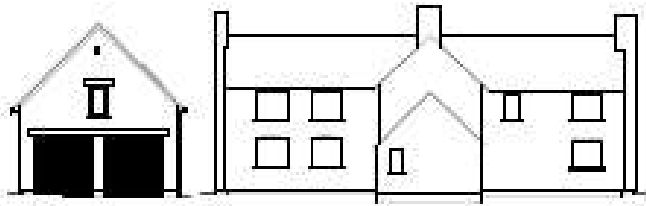


Ground Floor Plans

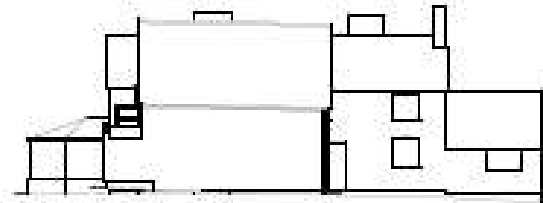


First Floor Plan

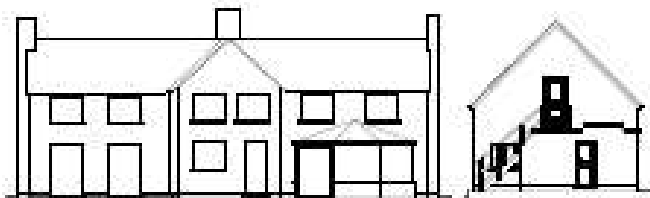
Existing Elevations



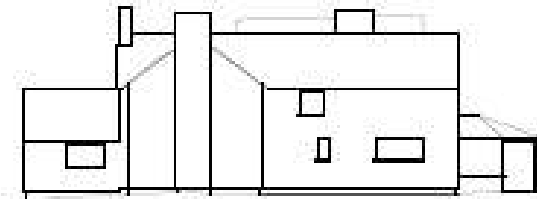
East Elevation (Front)



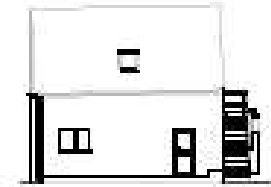
South Elevation



West Elevation (Rear)

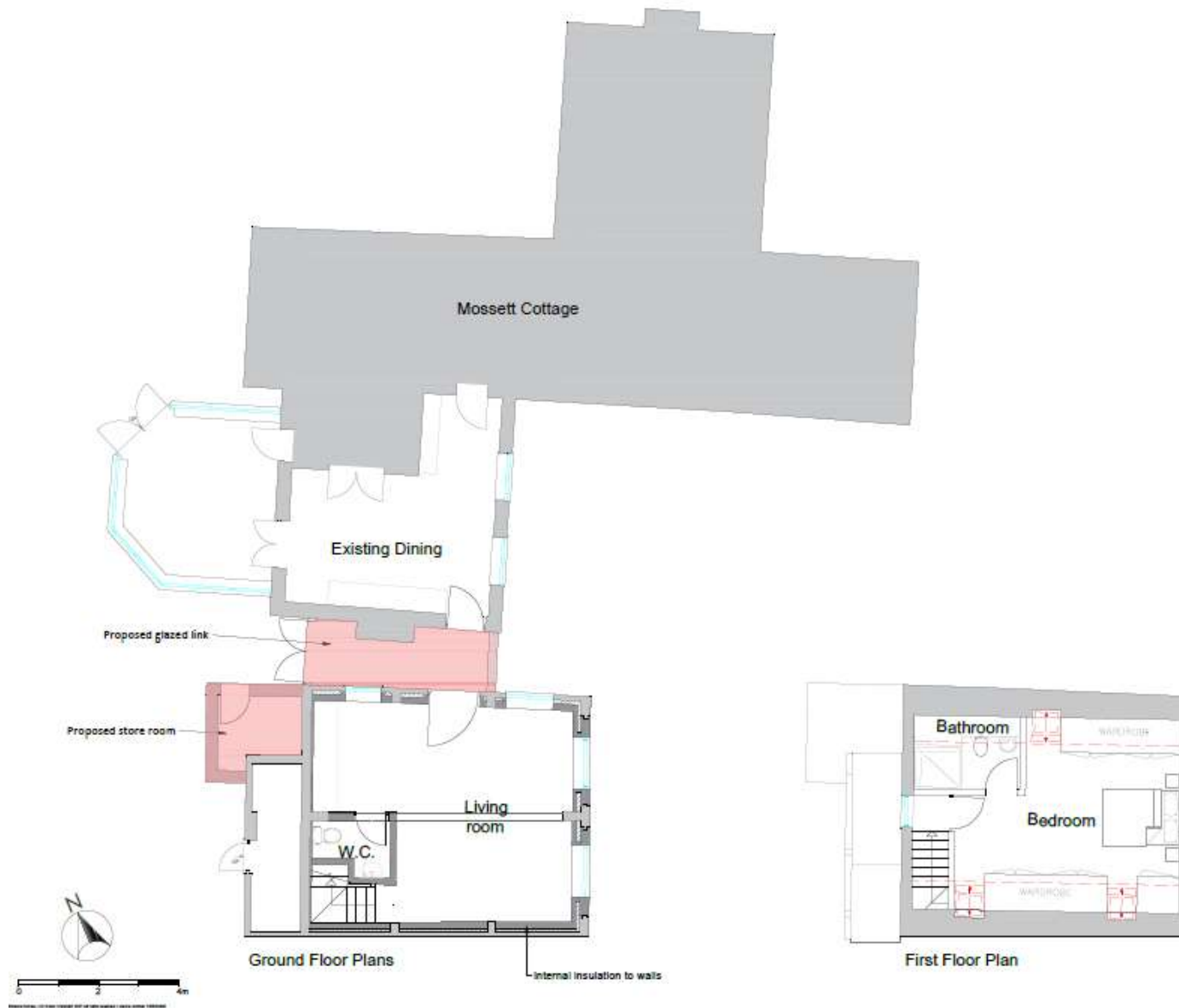


North Elevation

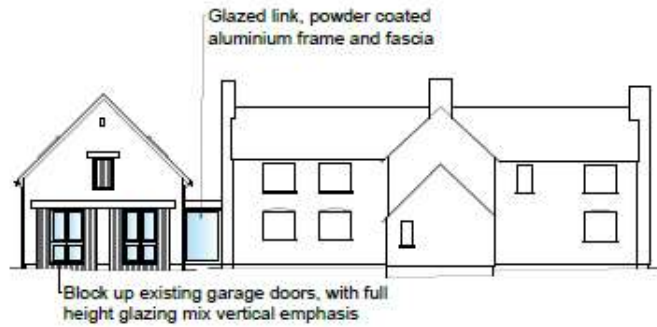


North Elevation of Garage

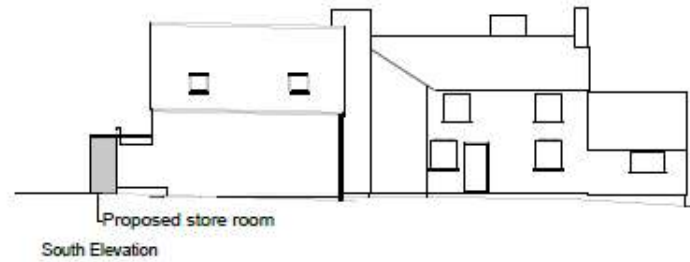
Proposed Floor Plans



Proposed Elevations



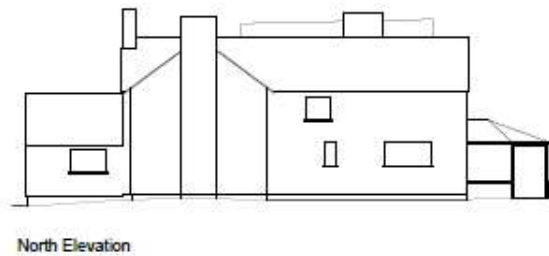
East Elevation (Front)



South Elevation



West Elevation (Rear)



North Elevation



North Elevation of Garage



Site Photo – Front Elevation





Site Photo – Rear Elevation



Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Warwick Bullock	Proposed dwelling Rear Of 182 And 184 Stourbridge Road, Bromsgrove, Worcestershire, B61 0AR,	28.07.2021	21/00540/FUL

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

RECOMMENDATION: That planning permission be **Granted**

Consultations

Highways

No Objection subject to conditions

Arboricultural Officer

No Objection.

North Worcestershire Water Management

No Objection.

Publicity

13 neighbour letters were set on 2nd June 2021 and expired on 26th June 2021

5 letters of objection have been received. The contents of these comments have been summarised as follows;

- Existing parking issues in the area
- Decrease of property value
- Disruption during construction
- View of patio within application site from No. 5 Pennine Road

Cllr Laight

I would like to call this application to Committee due to serious highways issues.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP7 Housing Mix and Density

BDP19 High Quality Design

Others

NPPF National Planning Policy Framework (2019)

Bromsgrove High Quality Design SPD

Relevant Planning History

No Relevant Planning History.

Assessment of Proposal

The application site is located within the residential area of Bromsgrove, in a sustainable location. Therefore, Policy is supportive of residential development so long as it respects the character and appearance of its surroundings and does not impinge on the residential amenities enjoyed by occupiers of existing nearby development. The application site forms part of the rear garden for Nos. 182 and 184 Stourbridge Road which sit on the corner of Pennine Road. The proposal is for a single dwelling which will be accessed from Pennine Road.

BDP19 states that 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. The application dwelling will face onto Pennine Road and form part of the street scene with Nos 5 to 15. Although there is some mix of properties in the wider locality, this part of Pennine Road is consistent in design with front gables and space at the boundary above the garage. The immediate neighbour has a first-floor extension above the side garage. The proposed dwelling has been designed with a front and side gable to reflect the character along this part of the street. Furthermore, the dwelling is set down to reflect the slope in land and space has been provided at the boundary to reflect the layout and density of development locally. For these reasons, the proposal is considered to integrate into the area and is in keeping with the overall character and layout of this street scene.

In regard to amenity, the proposed dwelling maintains a separation distance of 16m from the rear of Nos. 182 and 184 Stourbridge Road, this exceeds the Councils guidance on window to flank wall separation and garden depths which is 12.5m and 10.5m respectively, as outlined in the High-Quality Design SPD. No. 5 Pennine Road has a high-level secondary window on its side elevation towards the application site and therefore no concerns are raised with amenity in this instance. It is noted that No. 5 has raised concerns on being able to view the patio area for the proposed dwelling however this is not an unusual arrangement on such a residential area and the existing land is already garden where a patio could be constructed.

The dwelling backs onto the garden of No. 186 Stourbridge Road. The rear boundary is staggered and is annotated to measure between 10.5m and 8.5m from the first floor rear elevation. The Councils guidance on garden depth in the High-Quality Design SPD is 10.5m. In this instance, the rear bedroom window has been located at the east side of the property where the furthest distance is achieved to the garden of No. 186 and the windows closer serve two bathrooms. For this reason, and the fact No. 186 benefits from a long garden much of which will not be impacted by the proposed dwelling, no concerns are raised on amenity in this instance.

The site is located in a residential and sustainable location off a unclassified road, the site benefits from an existing vehicular access located off Pennine Rd with good visibility in both directions. Pennine Rd benefits from footpaths and street lighting on both sides of the road and no parking restrictions are in force in the immediate vicinity. The site is located within walking distance of amenities, bus route and bus stops.

The proposed vehicular access is in excess of 2.4m and splays of 55m can be achieved in each direction. The access is located near a junction and also near a bend which are both speed reducing features. For these reasons no concerns have been raised by Highways on safety. It is noted that a number of concerns have been raised by local residents on the impact of this development on existing on-street parking issues locally. The Worcestershire County Council Streetscape Design Guide outlines parking standards for dwellings based on bedroom numbers. The proposal has 4 bedrooms and is served by 3 parking spaces within the application site. This is in line with the County Standards. It is acknowledged that residents have had issues with on-street parking however a development cannot be used to improve existing situations and given the current proposal has sufficient parking it is not reasonable to refuse the application on these grounds. No objections have been raised by Highways.

The site includes an area of land to the rear of 182 Stourbridge Road which has been unmaintained for a considerable period of time and is overgrown with Bramble and Buddleia self-sets. It appears however to contain no trees of any relevance. The garden of No. 184 has a group of 3-4 mixed species semi mature age class conifer tree that would need to be removed to achieve the layout. These trees are of generally low importance in terms of both species and prominence in the landscaping of the site and area. For these reasons no objections have been raised by the Tree Officer.

5 letters of objection have been received with this application, matters in regard to Highways and view of the patio have been addressed within this report. Further matters on the value of properties and disruption during construction have been raised. These are not material planning considerations and in any event construction would be temporary in nature and would not therefore be reason to refuse planning permission.

At present the Council cannot demonstrate a 5 year supply of deliverable housing sites. The Presumption in Favour of Sustainable Development at paragraph 11 of the NPPF is therefore engaged. It has been determined above that the scheme complies with the policies of the Bromsgrove Local Plan, the Council's High Quality Design Guide SPD and the NPPF. As such the proposal would represent a sustainable form of development which would contribute to the Districts housing supply and should be approved without delay.

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:

100 A Location Plan
200 C Site Plan
202 C Ground Floor Plan
203 C First Floor Plan
204 C Elevations
205 C Street Scene

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 sheltered, safe, secure and accessible cycle parking to comply with the Council's adopted highway design guide has been provided onsite and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

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

- 7) The Development hereby approved shall not be occupied until the access and parking facilities have been provided as shown on drawing 200 Rev C.

Reason: To ensure conformity with submitted details.

- 8) 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

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

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21/00540/FUL

Proposed Dwelling.

Rear Of 182 And 184 Stourbridge Road,
Bromsgrove, Worcestershire, B61 0AR

Recommendation: Approve

Location Plan



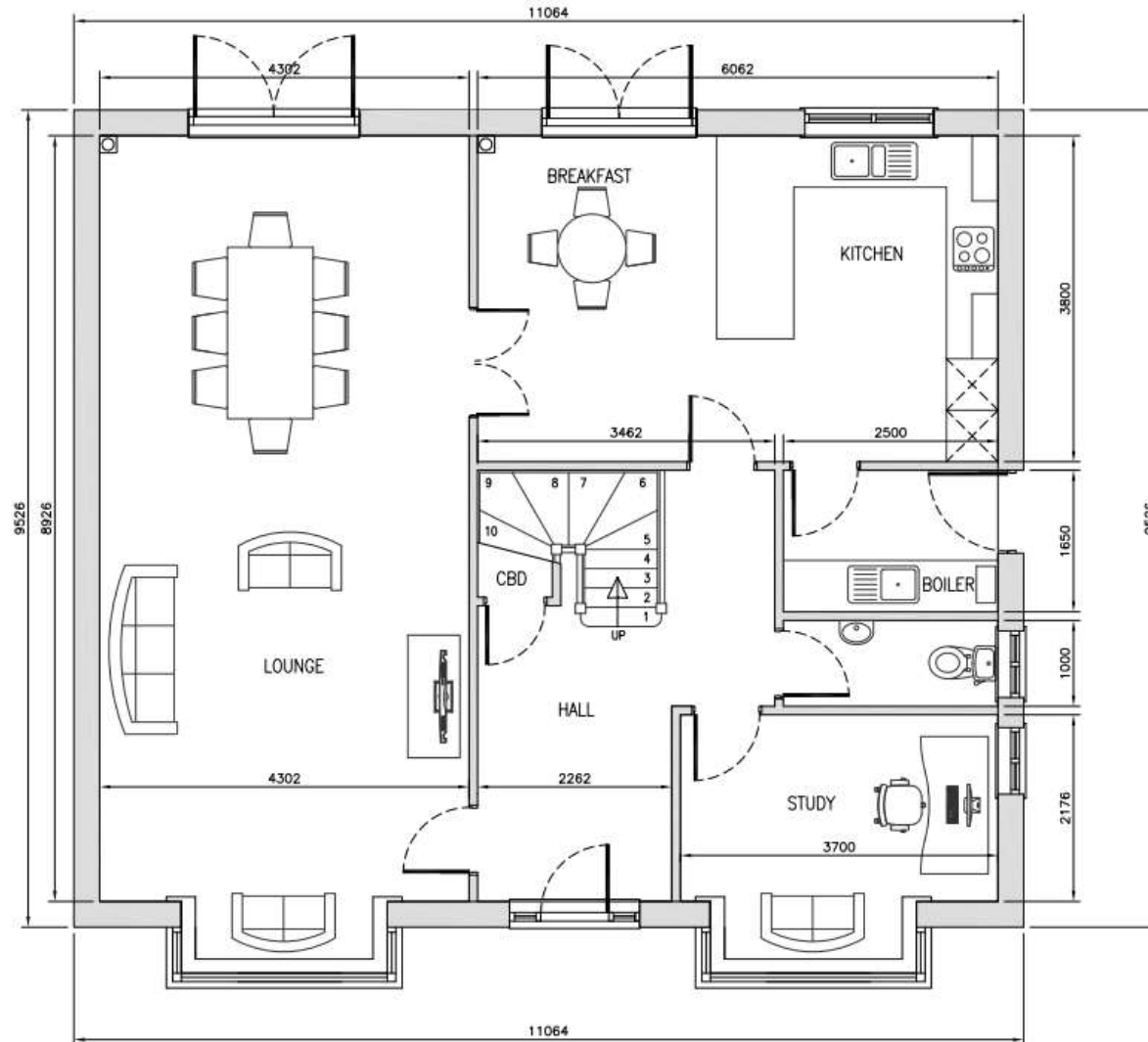
Aerial View



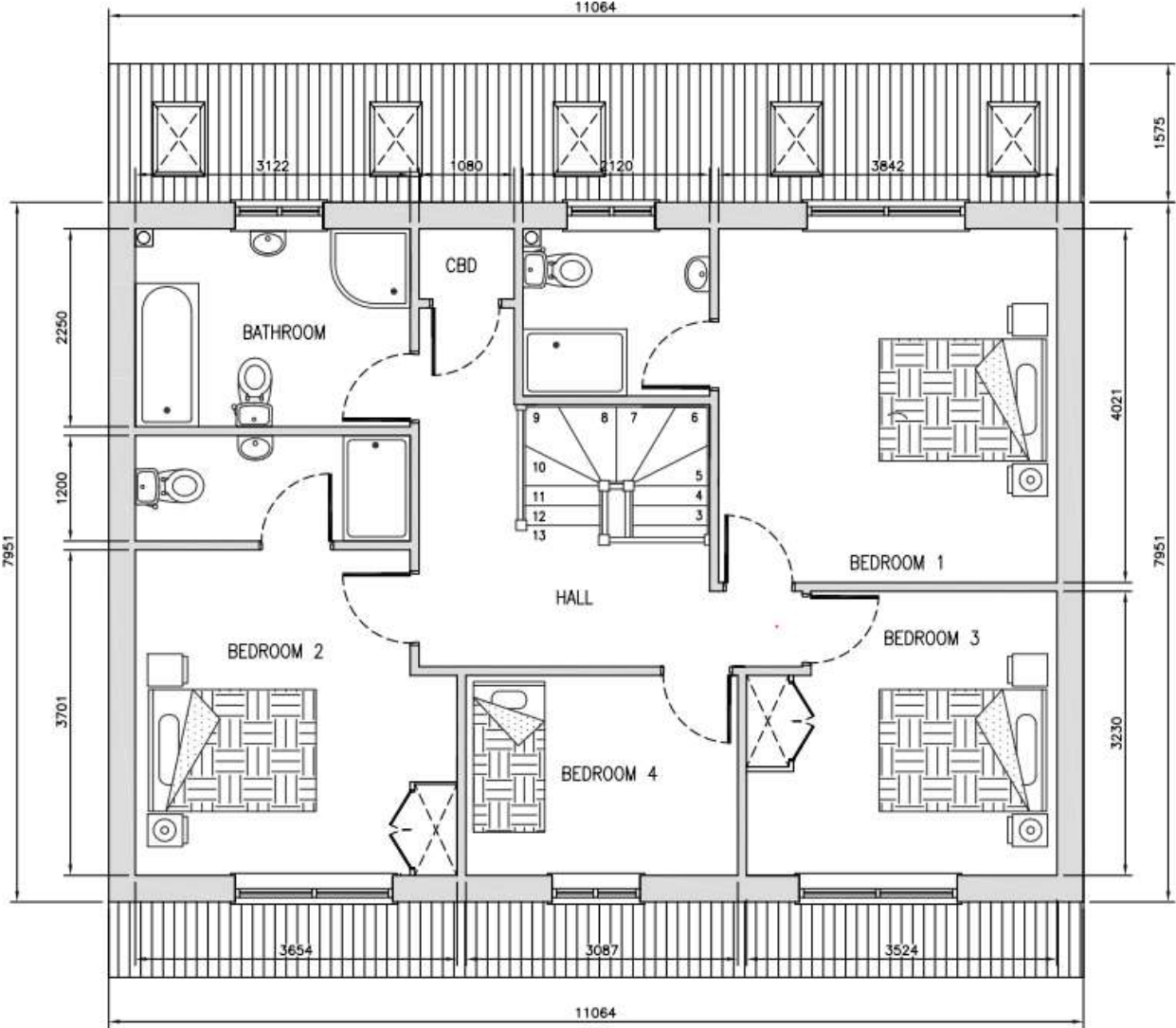
Existing Site Plan



Ground Floor Plan



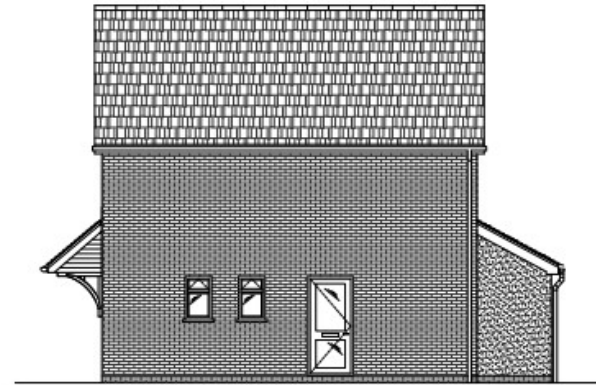
First Floor Plans



Proposed Elevations



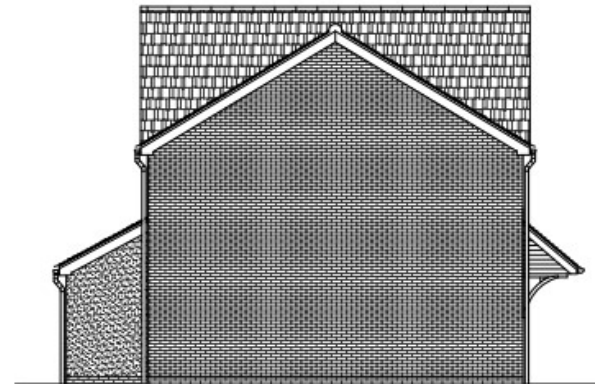
FRONT ELEVATION
(1:100)



SIDE ELEVATION
(1:100)



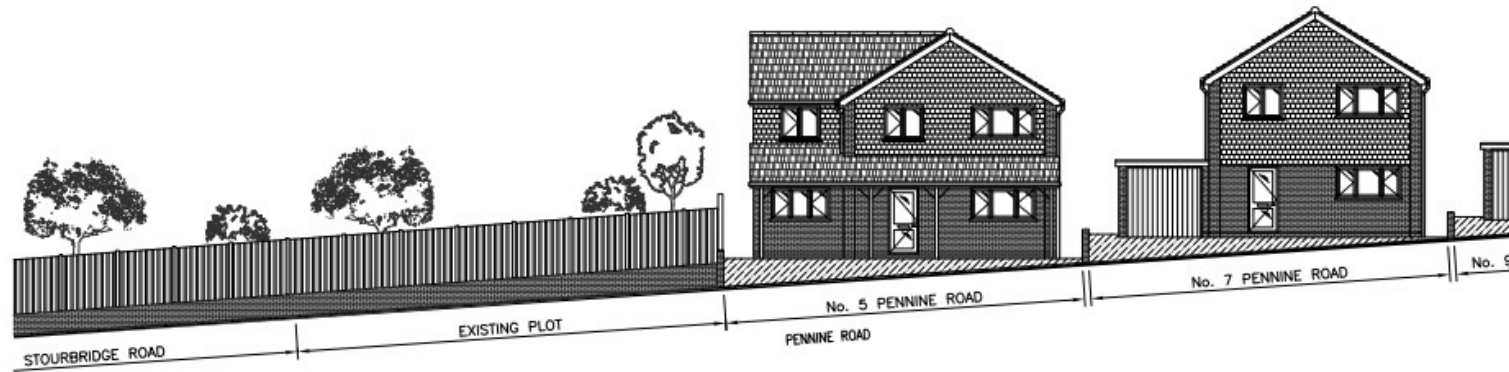
REAR ELEVATION
(1:100)



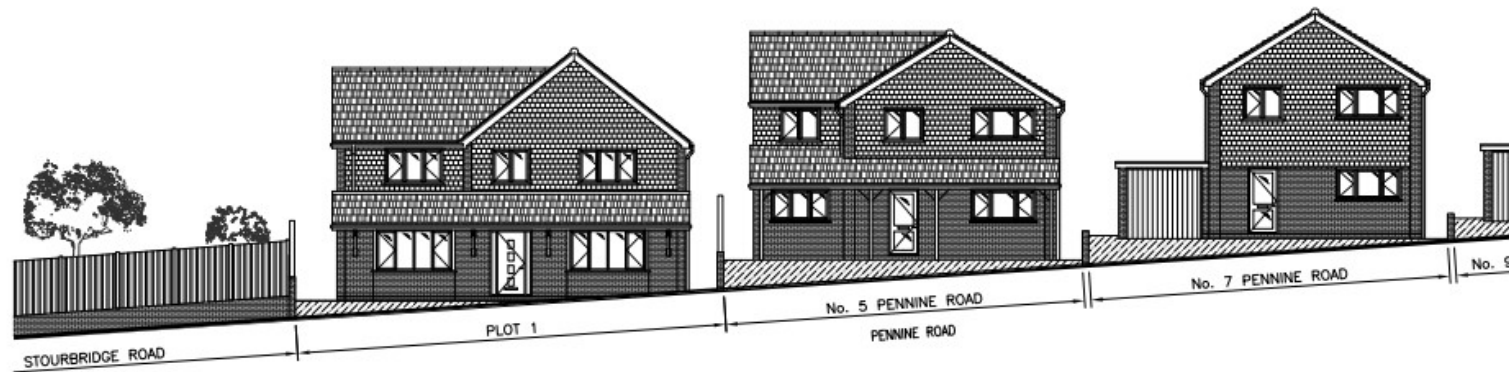
SIDE ELEVATION
(1:100)

PROPOSED ELEVATIONS
(1:100)

Street Scene



EXISTING STREET SCENE ELEVATIONS
(1:150)



PROPOSED STREET SCENE ELEVATIONS
(1:150)



Site Photo



Site Photo

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr C Brain	Outline application for up to 10 dwellings with all matters reserved except for access Land Off Withybed Lane, Withybed Green, Alvechurch, Worcestershire	03.08.2021	21/00711/OUT

This application comes before the Planning Committee because it is for Major development (10 dwellings)

RECOMMENDATION: That planning permission be Refused

Consultations

Cllr Van Der Plank Consulted 10.05.2021

Comments summarised as follows:

I strongly oppose this application on the grounds that it would be an inappropriate development on valuable Green Belt land. Furthermore, a development of this size would be out of place and significantly change the character of this part of the village. The site is also inappropriate from a highways and access perspective and would have a detrimental affect both during the construction and afterwards, to residents in the area around the site

Alvechurch Parish Council Consulted 10.05.2021

Comments summarised as follows:

Alvechurch Parish Council objects to the application

Access

The Canal Bridge/Railway Bridge makes access to this proposed site difficult. We believe that County Highways should carry out a site inspection in the first instance. There are no pavements leading from the proposed site to Alvechurch village centre, therefore pedestrian access is not sustainable and suggests a further increase in traffic movement.

Ecology

Given the sites proximity to the canal, there are likely to be bats and other protected species which should continue to receive protection.

Green Belt

The site is in the Green Belt and outside of the village envelope and therefore contrary to our Neighbourhood Development Plan (NDP) which is a statutory document in its own right.

The Parish Council believe that consideration of this proposal should be as part of a Green Belt Review

Arboricultural Officer Consulted 10.05.2021

Comments summarised as follows:

No objections subject to the imposition of conditions as follows:

1. All trees and hedge lines to be retained on the site or within influencing distance of the development in any adjoining land are to be given protection in accordance with BS5837:2012 recommendations.
2. A tree / hedge protection plan and method statement should be provided.
3. All pruning of any tree and hedges should be in accordance with BS3998:2010 recommendation.

Worcestershire County Highways Consulted 10.05.2021

Comments summarised as follows:

Worcestershire County Council acting in its role as the Highway Authority has undertaken a full assessment of this planning application and recommends that this application is refused.

The site is a field which is in semi-rural and unsustainable location off an unclassified lane. The site benefits from an access point with substandard visibility and with overgrown vegetation impeding visibility. Withybed Lane in the vicinity of the proposed development site does not benefit from footpaths or street lighting and no parking restrictions are in force in the vicinity. However, 70m to the east along Withybed Lane starting from the bridge is the beginning of a single footpath. The site is not located within walking distance of amenities, bus route and bus stops via a route with suitable infrastructure for the residents (no footpath or street lighting for 70m). Alvechurch Railway Station is located approx. 800m from the proposed development.

Amenities are located as follows:

- o Bus stop located approx. 470m distance on George Rd (not a frequent service (4 trips a day)
- o Train station approx. 850m
- o School approx. 1.3km
- o Pub 120m

The layout as shown on the submitted site plan 101 Rev 01 is unacceptable due to the issues which would be created to the highway user.

Vehicular access issues:

- o The applicant has provided visibility splays on the site plan, however: I am unable to support the proposal without recent speed survey evidence confirming 85th%tile speeds in the vicinity of the proposed vehicular access. The speed surveys would provide

the evidence to determine the recommended visibility splays which would be appropriate for this access. The proposed access will create additional vehicle trips to the site than is presently experienced, therefore the highway authority considers the existing access should be suitable to accept these additional trips - In the interests of highway safety.

- o Applicant has failed to provide pedestrian visibility splays of 2m x 2m measured perpendicularly back from the edge of carriageway on both sides of the proposed access - In the interests of highway safety.

At present pedestrian safety would be compromised by the proposal. For this proposal to be acceptable in the interest of pedestrian and highway safety it is recommended the applicant considers the following:

- o Provision of a single footpath fronting the site to enable pedestrians to reach the existing footpath safely.
- o Provision of a single footpath under the bridge to enable the footpath to connect to the existing footpath, this will require a Traffic Regulation Order (TRO).
- o Provision of passing bays due to the narrowness of the lane and the intensification of the lane.

Other issues:

An internal review was requested for the proposed development and the following comments / concerns were received:

Layout Issues:

- o Applicant to ensure due to the intensification vehicular passing bays are provided since the road width is approx. 3.7m fronting the proposed development.
- o Due to the existing alignment (lack of visibility around / over each adjacent bridge) road widths: applicant to provide a justification why additional traffic movements should be accepted at this location.
- o Applicant to confirm whether it is their intention for the road to be adopted.
- o Proposed internal layout road widths, radii, footway widths need to be clarified.
- o Turning head design needs to be reduced to accord with standard sizing.
- o The site (internal) and the proposed vehicular access required to be tracked.
- o Applicant to note an amorphous turning head design will not be accepted.
- o 2.0m footway / margin needs to be provided around road extents.
- o Highway drainage outfall details must be provided, given the location applicant to confirm if there is an approved outfall to meet highway requirements. If not, the road would remain private.

- o CEMP would need to be provided for consideration, applicant to consider the width of the road and the height limit on the railway bridge.
- o Applicant to employ a suitably qualified lighting engineer to assess the requirements to light the development and the junction with Withybed Lane in line with the WCC Street Lighting Design Guide on the basis of a dark baseline (i.e. highway lighting should only be proposed if there is clear requirement to include it). Should any public or private lighting be proposed as part of the scheme the developer must liaise with WCC's ecologist regarding their proposals.
- o It is also recommended that liaison with Network Rail be undertaken in the event of public or private lighting.
- o In accordance with WCC latest guidance the applicant to provide each property with an electric vehicle rapid charging point and cycle parking in accordance the Streetscape Design Guide.

Public Transport

- o The footpath from the bus stop on George Road ends at Withybed Close (at the bridge) and there are no dropped kerbs so this bus stop would not be classed as an accessible continuous footpath from the development to the existing footpath. WCC Public Transport Officer has provided the following comments: The route may not be accepted as a safe walking route for Education Transport purposes (see below). Therefore, I would request a contribution of £1134 towards establishing a Community Transport service to the development based on Census data and HMRC approved rates.
- o There is also an issue with Home to School transport costs for High School students as both designated High Schools are more than 3 miles from the proposed development therefore the County Council has a statutory duty to provide free home to school transport, therefore I would request a contribution of £10,737 from the developer.

The application fails to accord with the adopted policy and the consequences of this will result in an unacceptable impact on the highway network which is contrary to paragraph 108 and 110 of the NPPF.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would be an unacceptable highways impact and therefore recommends that this application is refused.

Canal and River Trust Consulted 10.05.2021

Comments summarised as follows:

Suitably worded conditions would be necessary at the point where layout and appearance are considered, to safeguard the Character and Ecology of the Worcester and Birmingham Canal.

Conditions should require the submission of: details of a surface water drainage scheme; details of any proposed accesses to the towpath; details of the proposed layout, appearance, materials cross sections, canalside boundary treatment and lighting; the submission of a construction environmental management plan (CEMP).

North Worcestershire Water Management Consulted 10.05.2021

Comments summarised as follows:

The site falls within flood zone 1 (low risk of fluvial flooding) and is not shown to be an area susceptible to surface water flooding. Should you be minded to grant permission I would request that a surface water drainage strategy for the proposed development be submitted (via condition)

WRS - Contaminated Land Consulted 10.05.2021

Comments summarised as follows:

There is potential for contamination to exist on the site. The degree and extent of contamination is currently unknown. More information relating to ground conditions is required to determine whether remediation will be required (prior to any construction work commencing).

WRS recommend that conditions pertaining to Landfill and Ground Gases / Gas protection measures together with a 'reporting of unexpected contamination' condition be applied to any consent granting permission.

WRS - Noise Consulted 10.05.2021

Comments summarised as follows:

I consider that noise from the railway line can be adequately mitigated with appropriate glazing and ventilation products and potentially an acoustic fence along the boundary. As such, I consider that a noise assessment could be conditioned and is not required at this time in the planning process.

Worcestershire County Council Education Department

Comments summarised as follows:

The planning proposal is in the catchment area of Crown Meadow First School & Nursery, Alvechurch CE Middle School, and the shared catchment area of North and South Bromsgrove High Schools. In addition, the area is served by a number of nurseries and childminders and Chadsgrove and Rigby Hall Special Schools.

As the proposal is for up to 10 dwellings an education obligation would be sought in line with the Education Obligations Policy. If the proposal is for less than 10 dwellings an obligation will not be sought.

For a 10 dwelling scheme, one additional Early Years place will be required if this development goes ahead.

The cost implication is in line with the Education Obligations Policy of £18,062 per Early Years place. If the application progresses, and determination is unlikely to be reached before June 2021, the cost may be updated to reflect guidance from the DfE on the levy charged per pupil place, adjusted for regional variances. There may also be monitoring fees to reflect the cost of monitoring the application.

Publicity

18 Neighbour notifications sent 10.05.2021

Site Notices displayed 11.05.2021

Press Notice published 14.05.2021

Neighbour Responses

72 letters of objection received

9 letters received in support of the application

Objection summary:

- Approval of this application would set a precedent for other inappropriate developments in the Green Belt. Earlier applications to the north of Withybed Lane and the immediate west of the Canal have been refused by the Council and dismissed by the Planning Inspectorate historically
- The land is Green Belt which affords protection from development
- The site has significant environmental and ecological quality
- Concerns raised regarding to removal of ancient hedgerows bordering the canal towpath. Future occupiers will want a 'canal view' so at some stage hedgerow removal is highly likely
- The development would destroy the beauty of a tranquil area much loved by walkers
- Proposals would have a negative impact on ecological biodiversity
- The existing access is already hazardous. Withybed Lane is very narrow, and the access point is near to a blind bend with very limited visibility. The extra traffic the development would generate would make this much more dangerous
- Drainage and flooding concerns raised
- Any development on the site will look incongruous and will be highly visible
- Significant habitat loss for birds and animals
- No pavements available on Withybed Lane for pedestrians
- The development would be contrary to the provisions of the Bromsgrove District Plan and the Alvechurch Neighbourhood Plan
- Alternative brownfield land should be developed not the Green Belt
- Proposals would put further strain on doctors, dentists, and schools
- Pollution concerns
- The railway line provides an essential boundary to the existing village of Alvechurch. Development should not encroach beyond it
- Proposal would not be providing affordable housing, rather 'top end' market housing

- Additional vehicle movements would be dangerous to pedestrians, cyclists and horse riders who regularly use the area
- The siting and scale of development shown on the indicative site layout plan would not be sympathetic to the local character of the area
- Clear separation between Withybed Green (to the west) and the edge of Alvechurch Village (to the east) is a crucial part of landscape distinctiveness. Green space between the two provided by the green field and hedgerows is essential. This valued landscape would be lost forever
- The proposals would harm the openness of the Green Belt and would conflict with the purposes of the Green Belt
- The site does not have a built-up character as claimed and the site is certainly not infill development
- The site is a considerable distance from many local services. Even if there were footpaths (which there are not), such amenities would be too far away to walk to rendering occupiers reliant on private transport
- The access point would take away the passing space which is a refuge for pedestrians and for vehicles when they approach from opposite directions on this narrow and steep lane

Support summary:

- There would be significant economic and social benefits arising from granting permission
- The land has been used for a variety of purposes in the past and the use of the land for residential purposes would retain the status of Withybed Green as a Hamlet
- The existing access has existed without raising safety concerns. Relocating the entrance to the site further up Withybed Lane appears sensible
- Affordable housing is required in this sought after and desirable area
- The character of the area would not be harmed by granting permission for housing and the site is well shielded from existing housing

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP2 Settlement Hierarchy
BDP4 Green Belt
BDP6 Infrastructure Contributions
BDP8 Affordable Housing
BDP16 Sustainable Transport
BDP19 High Quality Design
BDP21 Natural Environment
BDP23 Water Management

Others

ALVNP Alvechurch Neighbourhood Plan

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

Relevant Planning History

B/1995/0234	Retention of existing stables and sheds for the storage of tack and fodder and continuance of equine uses including riding, grazing & shodding etc.	Granted	09.10.1995
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Assessment of Proposal

The site and its surroundings

The site comprises a field measuring 0.53 hectares and is located within the Green Belt, outside the Alvechurch Village settlement as defined on the Bromsgrove District Plan Policies Map.

A railway line is situated beyond the site's eastern boundary and the Worcester and Birmingham Canal forms the sites western boundary. The unclassified road Withybed Lane forms the northern boundary from which vehicular access is proposed.

Withybed Lane provides vehicular access to The Crown Inn Public House and dwellings located within Withybed Green to the west.

The proposed development

This is an application for outline permission with all matters reserved for future consideration except for access for the construction of up to 10 dwellings.

As such, only the principle of development together with means of access to the site can be considered at this stage.

An Indicative site layout plan has been provided as have details of the proposed new vehicular access to the site.

Means of access is proposed via Withybed Lane at a point approximately mid-way between the canal (to the west) and the railway bridge (to the east).

Two plans have been submitted with this application:

Drawing 21-5693-100 – Site Location Plan Rev 01

Drawing 21-5693-101 – Proposed Site Plan Rev 01

Drawing 21-5693-101 has been considered as an indicative layout plan since the planning application form states that only the matter of access to the site is being sought under this application. All other matters (appearance, landscaping, layout and scale) would need to be sought as part of a separate and future planning application if the outline application were to be approved. As such, Drawing 21-5693-101 illustrates how

the site **could** be developed to accommodate 10 dwellings and not how the site **would** be developed.

Assessment

Principle of development

The sites planning history is limited. Planning permission was granted on 09.10.1995 for the retention of buildings in relation to equine uses but no earlier applications have been submitted for residential development on the site.

The site immediately to the north of the proposed access point, again bounded by the canal (to the west) and the railway line (to the east) which is also land designated as green belt has however been subject to a number of applications for residential development, including, notably application B/8668/1981 (refused permission by the Council on 22.06.1981 and dismissed at appeal by the Planning Inspector on 06.04.1982.

In dismissing the appeal, I have noted that the Inspector commented that *'the high railway embankment adjoining the appeal site to the east provides a clear and positive visual and physical barrier between the built-up development of Alvechurch to the east and the generally open countryside (including the appeal site) to the west. I am in no doubt that the appeal site forms no part of the built-up area of Alvechurch and is properly regarded as lying in open countryside.'*

The application site, like the appeal site above is located within the designated Green Belt where policy BDP4 of the Bromsgrove District Plan and the National Planning Policy Framework (NPPF) state that new buildings are considered inappropriate development, subject to a number of exceptions.

Exceptions to inappropriate development are listed under Paragraph 145 of the NPPF (parts a to g). I do not consider that exception (e) limited infilling in villages would apply. The sites size is significant at over 0.5 hectares and I do not consider that the quantum of development proposed is limited having regard to the ordinary meaning of the word 'limited' and nor do I consider the proposal to be infilling.

The Inspector, in dismissing B/8668/1981 commented that *'there is, in my view, no possibility of regarding the appeal site as an infill plot – such a description is properly applied only to a short length of an otherwise built-up frontage and the appeal site, lying as it does in isolation between the railway embankment and the canal is patently not within that category.* Notwithstanding the date of the appeal decision, the NPPF (February 2019) still regards 'limited infilling in villages' as an exception to inappropriate development in the green belt under exception (e) and I do not believe that the site would fall within that category.

Further, the site falls outside the Alvechurch village settlement as defined on the Bromsgrove District Plan Policies map.

It is not considered that the proposed development would fall within any of the other exceptions to inappropriate development as listed under Para 145 of the NPPF and Policy BDP.4 the Bromsgrove District Plan.

The Framework indicates that openness is an essential characteristic of the Green Belt. The introduction of such built form within the site, parked cars and associated domestic paraphernalia would inevitably significantly impact on the openness of the Green Belt in spatial terms. The development would also be highly visible and would have a far greater visual impact on the openness of the Green Belt than that of the existing site.

The introduction of development also fails to assist in safeguarding the countryside from encroachment, one of the 5 purposes of the Green Belt as set out under Paragraph 134 of the Framework. The development would therefore fail to comply with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.

The Council accepts it does not have an up to date 5 year housing land supply. However, the National Planning Policy Framework indicates that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. As set out under footnote 6, Para 11d of the Framework, Green Belt is an example of such areas/assets and the proposal would be inappropriate development in accordance with the policy.

In addition to the above, the site is in an unsustainable location. No pavements or street lighting exist along this section of Withybed lane, which itself is a narrow rural lane. There are no bus stops or local facilities within an acceptable walking distance of the site. As set out in the Highways Engineer's comments, the lack of adequate footway provision and street lighting would make the route unsafe and deter journeys on foot or bike particularly in times of darkness and adverse weather conditions meaning that there would be a heavy reliance on car-based trips, which would be unacceptable.

Highway Safety

Withybed Lane is a narrow country lane with no pavements and streetlighting. No speed survey evidence has been provided to determine the recommended visibility splays for the proposed, intensified use in this location and no plan has been provided showing that the pedestrian and vehicular visibility splays can be achieved safely and without encroaching onto third party land.

Paragraph 108 of the NPPF states that safe and suitable access to the site should be achieved for all users and Paragraph 110 states that development should allow for the efficient delivery of goods, and access by service and emergency vehicles. Insufficient detail has been submitted to demonstrate that the proposals are acceptable in this regard.

Based on the above, the Highways Engineer has objected to the application on the grounds that it fails to accord with the adopted policy and the consequences of this would result in an unacceptable impact on the highway network which is contrary to Paragraph 108 and 110 of the NPPF.

S106 matters

Policy BDP8 of the Bromsgrove District Plan adopted January 2017 comments that contributions will not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000 sq m. Where there is a net increase of 11 or more dwellings, affordable housing provision will be expected on-site and will be calculated against the net number of new dwellings as follows:

Up to 40% affordable housing (or a higher % if proposed) on greenfield sites

Up to 30% affordable housing (or a higher % if proposed) on brownfield sites.

Notwithstanding the above, the National Planning Policy Framework, February 2019 at Paragraph 63 comments that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). The glossary contained within the NPPF confirms major development as that being 10 dwellings or more, or sites over 0.5 hectares in size. The Council considers that the requirement for providing affordable housing is now triggered at 10 dwellings rather than 11 and the 1,000 sqm trigger has been replaced with a site size trigger of 0.5 hectares. The applicant has commented that the site may be developed at a lower number of dwellings than 10. However, the description of the development submitted by the applicant states: Outline application for up to 10 dwellings. Further, the site area at 0.53 hectares exceeds the 0.5 hectare trigger. The applicant has not provided an obligation to provide any affordable dwellings at the site (affordable dwellings being dwellings defined as affordable under Annex 2: Glossary – page 64 of the NPPF). Further, in the event of the development providing 10 residential dwellings, the applicant has not agreed to enter a S106 agreement to provide monies to WCC for education provision and highway improvements as set out earlier in this report.

Ecology

The Council's Tree Officer has raised no objection subject to the imposition as planning conditions to protect existing trees and hedgerows.

A Preliminary Ecological Appraisal (PEA) and Phase 1 habitat survey (March 2021) has been undertaken by a qualified Ecologist which concluded that the site is dominated by botanically poor grassland of low quality due to the grazing of horses on the site.

The report comments that trees or buildings on the site do not support features suitable for roosting and/or hibernating bats, whilst much of the site was thought to be of low value to foraging or commuting bats.

No evidence of breeding birds, particularly in the form of nests, was recorded on the land, although the Bramble scrub was considered to hold some potential for nesting birds.

The site was considered unsuitable for Great Crested Newts, as there are no permanent still water features, and no refugia or hibernacula. The report comments that Reptiles are also unlikely to be encountered, as there were limited basking areas, with no obvious refugia or hibernacula.

I have noted that the PEA was carried out in March 2021 rather than in late spring / early summer (during the height of the bird nesting season). Further, a bat (emergence) survey

has not been carried out and such surveys should take place between the months of May to September.

Very Special Circumstances

The proposals represent inappropriate development in the Green Belt.

Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and shall not be approved except in very special circumstances. Moreover, I consider that the proposal would be harmful to the openness of the Green Belt. This Green Belt harm is a matter to which the Council should attach substantial weight in decision making terms in line with Paragraph 144 of the Framework.

Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whilst the proposal would contribute towards housing supply and create short term construction jobs, the social and economic benefits of the development attract little weight in the planning balance.

I have not identified any very special circumstances necessary and none have been put forward to justify the demonstrated harm to the Green Belt in this case.

Other matters

Only drawing 21-5693-101 – Proposed Site Plan Rev 01 has been submitted to the Council in respect to the matter of access sought under this outline planning application. The plan also indicates dwelling location, parking location, and landscaping which are not matters being sought under this application. If means of access to the site was acceptable (which it is not) and drawing 21-5693-101 were to be approved this would also indicate that matters reserved for future consideration including layout are acceptable also. Such matters have not been considered under this application having regard to the submitted planning application form.

Conclusion

The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. The proposal would result in loss of openness to the Green Belt and would also result in encroachment into the countryside, conflicting with one of the purposes of Green Belts. The modest social and economic housing contribution does not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.

The proposal would result in an unsustainable form of development and insufficient information to demonstrate appropriate highway safety and access for all users in accordance with local and national policy has been provided.

No considerations have been advanced that would justify a decision other than in accordance with the development plan, where the scheme would clearly conflict.

RECOMMENDATION: That planning permission be Refused

Reasons for Refusal

1. The site is located outside a defined village envelope within an area identified within the Development Plan as falling within the Green Belt where there is a presumption against inappropriate development. In such an area, development is limited to that which is not inappropriate to a Green Belt and which would preserve its openness. The proposal does not meet any of the policy criteria specified at Policy BDP4 of the Bromsgrove District Plan (BDP) or at Paragraph 145 of the National Planning Policy Framework furthermore 2019 (NPPF) and as such the proposal would amount to inappropriate development, which by definition, is harmful to the Green Belt. The development would reduce the openness of the Green Belt and furthermore, the development would result in encroachment in the countryside, conflicting with the purposes of Green Belt policy. No very special circumstances exist or have been put forward to clearly outweigh the significant harm caused to the Green Belt. As such the proposal is considered to be contrary to Policy BDP.4 of the Bromsgrove District Plan and the provisions of the Alvechurch Neighbourhood Plan and the National Planning Policy Framework.
2. The proposed development by reason of its distance from essential services, job opportunities and public transport links in addition to a lack of adequate footway provision and street lighting would mean that future occupiers would be reliant upon motor vehicles as a means of transport. As such it would result in an unsustainable form of development. The proposal would therefore be contrary to Policies BDP.1 and BDP.16 of the Bromsgrove District Plan and Paragraphs 8, 108 and 110 of the NPPF.
3. No speed survey evidence has been submitted to determine the recommended visibility splays for the proposed intensified use in this location and no plan has been provided showing that the pedestrian and vehicular visibility splays can be achieved safely and without encroaching onto third party land. As such, insufficient evidence has been advanced to demonstrate that vehicular access to the site could be achieved without compromising highway safety. The proposal would therefore be contrary to Policy BDP.16 of the Bromsgrove District Plan and Paragraphs 108, 109 and 110 of the NPPF.
4. The lack of a formal agreement to contribute towards highways, education provision and to ensure the provision of affordable housing on the site is contrary to the requirements of Policies BDP.6 and BDP.8 of the Bromsgrove District Plan and Paragraph 63 of the NPPF. The proposed development would result in an increase in the demand on local facilities with no compensation or enhancement of existing facilities, thus resulting in harm to the wider community around the site. Contrary to Paragraph 56 of the NPPF the applicant has failed to enter into a S106 agreement to mitigate these impacts.

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21/00711/OUT

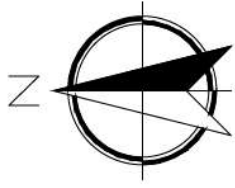
Land off Withybed Lane, Withybed Green,
Alvechurch

Outline application for up to 10 dwellings with all
matters reserved except for access

Recommendation: Refuse

Site Location





Site context

Red cross indicates site

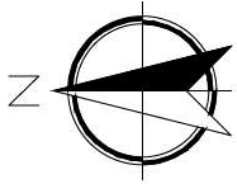
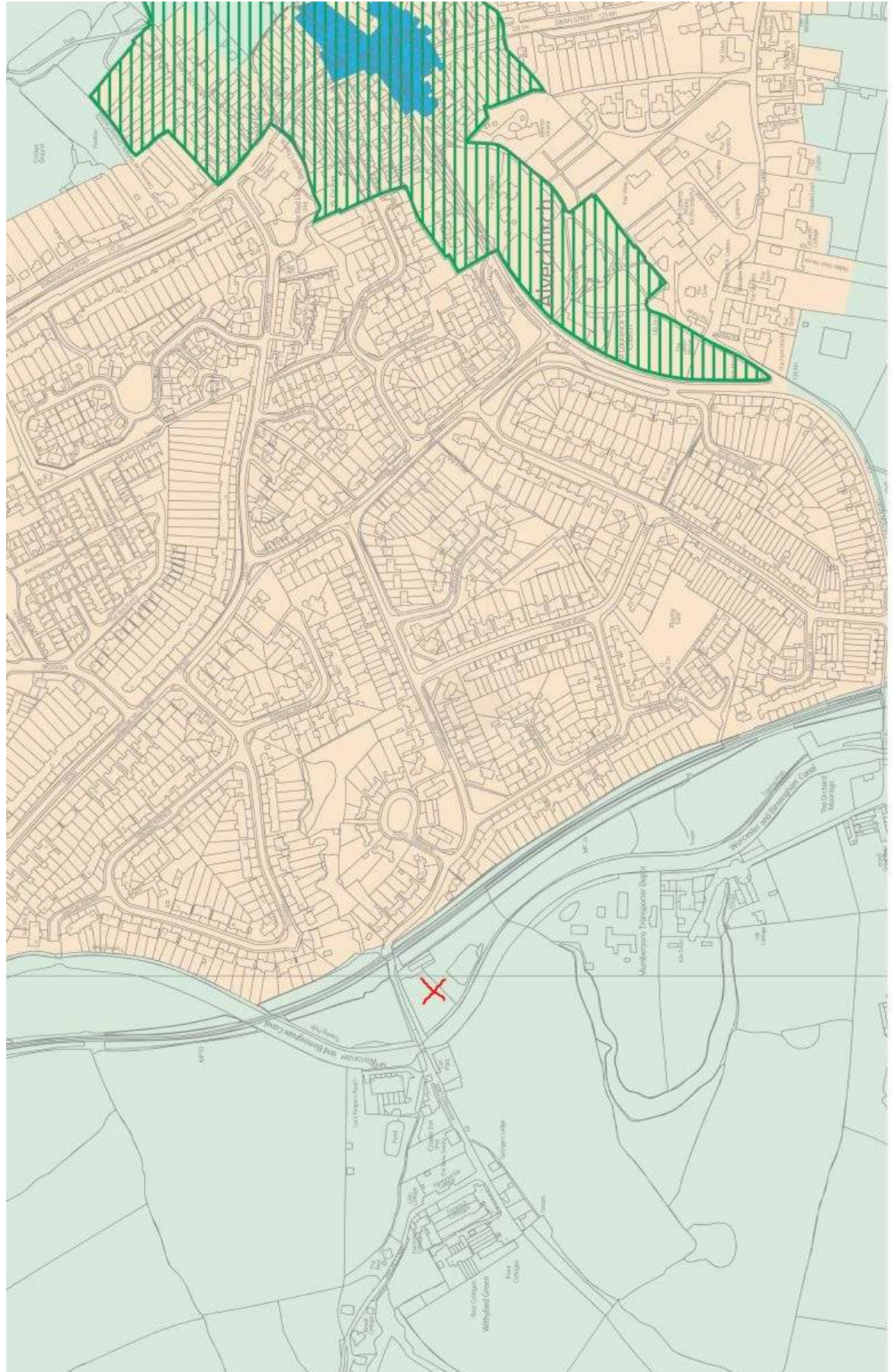


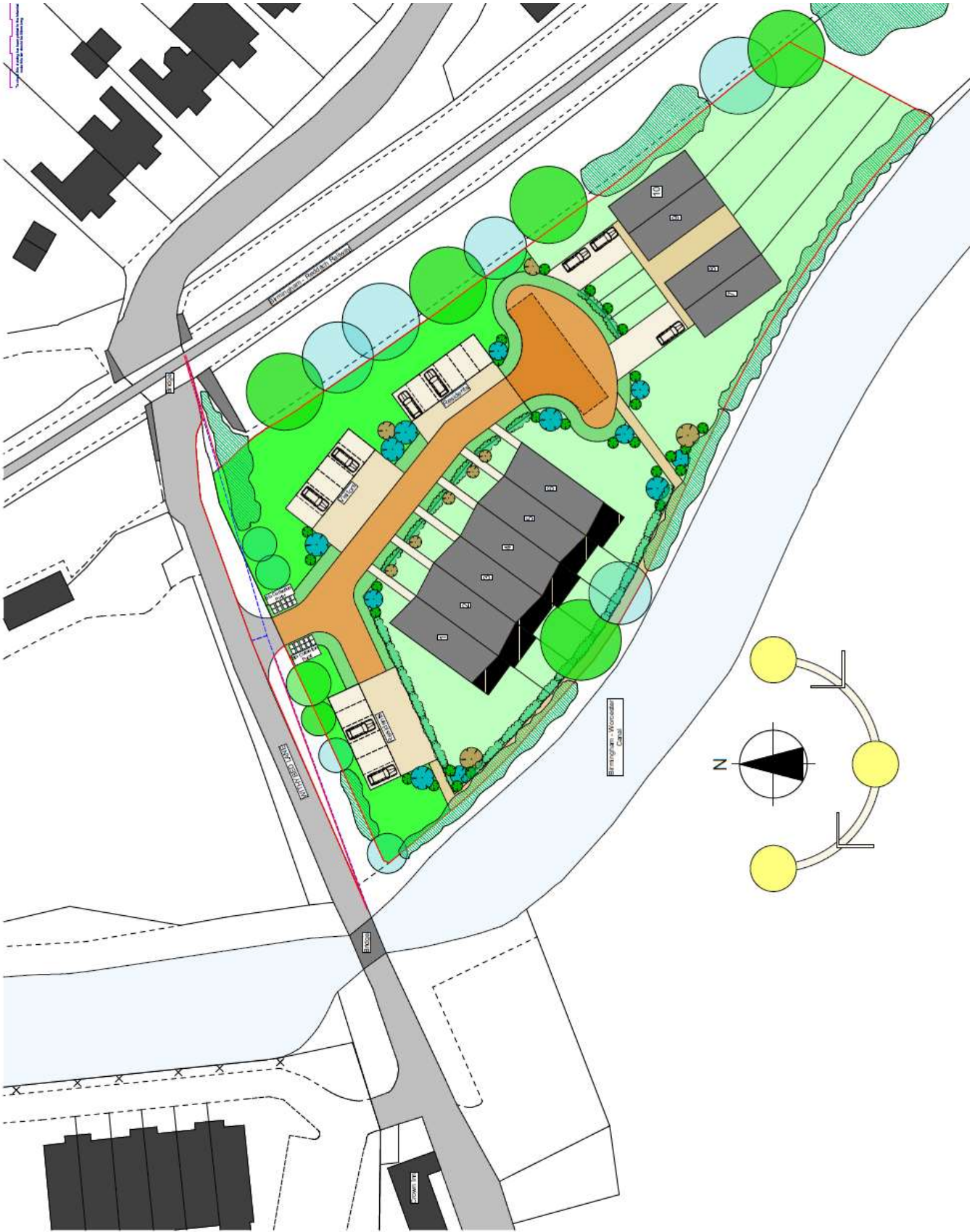
Image of site



Bromsgrove District Plan extract Site marked with red cross



Site layout



Access detail

