

BROMSGROVE DISTRICT COUNCIL

VIRTUAL MEETING OF THE PLANNING COMMITTEE

MONDAY, 22ND MARCH 2021, AT 6.08 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, A. B. L. English, J. E. King, P. M. McDonald, M. A. Sherrey and P.L. Thomas

Officers: Ms. C. Flanagan, Mr. A. Hussain, Mr. D. M. Birch, Mrs. N. Chana, Mrs L. Russ, Mr. D. Kelly, Miss. E. Farmer and Mrs. P. Ross

101/20

TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence was received from Councillors M. Glass and S. G. Hession, with Councillor M. A. Sherrey in attendance as the substitute Member for Councillor S. G. Hession.

102/20

DECLARATIONS OF INTEREST

Councillor P. J. Whittaker declared in relation to Agenda Item No. 8, 20/01063/FUL – Stoney Lane Farm, Stoney Lane, Alvechurch, Worcestershire, B60 1LZ (Minute No 108/20), in that the application site related to land on his farm. Councillor P. J. Whittaker left the virtual meeting prior to the consideration of this item.

Councillor P. J. Whitaker asked for it to be noted, that in relation to Agenda Item No. 6, 20/01129/FUL – 9 Parish Hill, Bournheath, Bromsgrove, Worcestershire, B61 9JH; that he knew the public speaker in a professional capacity, but he did not think that his knowledge of the public speaker would have an effect on his judgement on this application.

Councillors R. J. Deeming, A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, A. B. L. English, J. E. King, P. M. McDonald, M. A. Sherrey and P. L. Thomas, declared other disclosable interests in Planning Application 20/01603/FUL – Stoney Lane Farm, Stoney Lane, Alvechurch, Worcestershire, B60 1LZ; in that the land was within the ownership of a member of the Planning Committee and the Councillors were acquainted with the member.

103/20

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING

There were no Committee Updates.

104/20

20/01064/FUL - PROPOSED SINGLE STOREY EXTENSION TO THE FRONT ELEVATION AND FIRST FLOOR REAR EXTENSION - 25 LONG COMPTON DRIVE, HAGLEY, STOURBRIDGE, WORCESTERSHIRE, DY9 0PD - MR & MRS NOCK

Officers stated that, as highlighted by the Chairman, the Committee would receive a detailed joint presentation for Planning Applications 20/01064/FUL – 25 Long Compton Drive and 20/01065/FUL – 27 Long Compton Drive.

Officers presented the joint presentation and report and explained to the Committee that the dwelling was semi-detached; and that the proposal was for a single storey front extension to the lounge and a first-floor extension at the rear of the dwelling. The site was located within the residential area of Hagley.

Officers further explained that the proposed first floor extension at the rear would project two metres beyond the rear wall. The two-metre projection would be in breach of the 45-degree guidance and would therefore have a detrimental effect of the amenity of the occupiers of No. 27 Long Compton Drive.

Officers highlighted that the residents of No. 27 Long Compton Drive had also submitted a planning application, as detailed in the pre-amble above.

To overcome the 45-degree breach, both parties had agreed to enter into a Unilateral Undertaking with the Council to construct both the extensions at the same time. This joint approach would remedy the 45-degree code conflict.

The Committee then considered the Application, which Officers had recommended for approval.

In response to questions from Members, officers clarified that No. 27a would not be affected by the proposed extension.

Members commented that the Unilateral Undertaking was appropriate and that it would be inappropriate to grant one planning application and not the other.

Officers further clarified that the Unilateral Undertaking was in perpetuity and that if granted planning permission would last for 3 years, therefore the scheme would have to be implemented within 3 years.

Mr. A. Hussain, Legal Advisor to the Planning Committee, further stated that the Unilateral Undertaking would run with the land and that both of the applicants would have to implement and complete their extension

simultaneously. Any new occupier of the dwelling would have 'successor entitlement' and would have to adhere to the Unilateral Undertaking.

Members agreed that the Unilateral Undertaking was sensible and noted that both parties had agreed to enter into a Unilateral Undertaking. Therefore, the Committee were minded to approve both applications.

RESOLVED that full Planning Permission be granted, subject to:-

1. authority be delegated to the Head of Planning, Regeneration and Leisure to determine the full planning application following the satisfactory completion of a Unilateral Undertaking to agree that both planning consents (20/01064/FUL and 20/01605/FUL be implemented at the same time;

and

2. subject to the Conditions as detailed on pages 2 and 3 of the main agenda report.

105/20

20/01065/FUL - PROPOSED SINGLE STOREY EXTENSION TO FRONT ELEVATION AND FIRST FLOOR REAR EXTENSION - 27 LONG COMPTON DRIVE, HAGLEY, STOURBRIDGE, WORCESTERSHIRE, DY9 0PD - MR & MRS MUMBY

For the reasons as detailed at Minute Number 104/20, Members were minded to approve Planning Permission.

RESOLVED that full Planning Permission be granted, subject to:-

1. authority be delegated to the Head of Planning, Regeneration and Leisure to determine the full planning application following the satisfactory completion of a Unilateral Undertaking to agree that both planning consents (20/01065/FUL and 20/01064/FUL be implemented at the same time;

and

2. subject to the Conditions as detailed on pages 6 and 7 of the main agenda report.

106/20

20/01129/FUL - TWO STOREY SIDE EXTENSION. DEMOLITION OF WORKSHOP AND MODERN GARAGE. REMOVAL AND EXCAVATION OF EXISTING HARD SURFACE AND REPLACE WITH GARDEN AREA WITH TIERED RETAINING WALLS - 9 PARISH HILL, BOURNHEATH, BROMSGROVE, WORCESTERSHIRE, B61 9JH - AMIE HOLDEN

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

Officers gave a detailed presentation and reported that the application site was located on the north-eastern side of Parish Hill, Bournheath, in the designated Green Belt, and outside of the defined village settlement boundary.

It comprised of an existing cottage set back from the highway behind a detached workshop, with a modern flat roof garage attached to the south-western elevation of the dwelling. There was a very small amenity area to the rear of the existing dwelling with the majority of the remainder of the site being a tarmac driveway.

There was a relatively steep gradient to the road with the land sloping downwards by approximately 3 metres from the south-west to north-east.

The proposal sought permission to construct a two-storey side extension, to demolish the workshop and modern garage and to remove and excavate the existing hard surface, which would be replaced with a tiered grassed green area comprising of retaining walls.

As the workshop was neither structurally viable nor retained any significant features related to its original function, in this instance its loss would be considered acceptable, subject to a condition that required an historic building record being undertaken.

Officers further highlighted that the Conservation Officer was in agreement that the nailer's cottage was of low significance and acknowledged the low potential for restoration of the building, for the reasons as detailed on page 21 of the main agenda report.

The two-storey extension would create enlarged living space on the ground floor and two more bedrooms and a study at first floor.

Officers informed the Committee that the development of new buildings in the Green Belt was considered inappropriate, except for a number of exceptions as outlined in Policy BDP4 of the District Plan and paragraph 145 of the NPPF. Criteria 4 of Policy BDP4 sets out that extensions were permitted to existing residential dwellings either up to a maximum of 40% increase of the original dwelling, or an increase of up to a maximum total floor space of 140m² (original dwelling plus extensions).

Officers drew Members' attention to page 22 of the main agenda report, which highlighted the 1994 extensions floor area of 10m² had been deducted from the floor area of the existing plans. Although the workshop was proposed to be demolished, it was still classed as an 'original' building in close proximity of the dwelling, therefore its floor area of 32.5m² had been included when determining the original base figure from which to calculate the percentage increase from.

The total floor area (ground and first floor) of the proposed extension would be 85.8m². This combined with the existing extension (of a

minimum of 10m²) would still equate to an increase of 85.1%. The proposal would result in an increase in floor area on the site of 22.4m².

Officers stated that the Applicant had put forward Very Special Circumstances as detailed on page 24 of the main agenda report.

At the invitation of the Chairman, Mr. I. Keay, the Applicants agent addressed the Committee.

The Committee then went on to consider the application which officers had recommended be refused.

Officers responded to a number of points raised by Members during the debate and in doing so reiterated that the existing non-original attached modern garage was not part of the original cottage, it was deemed to be an extension and had not been included in the calculations due to the fact that it was proposed to be removed as part of the proposal. Page 22 of the main agenda report provided detailed information on the calculations considered by officers.

Members stated that whilst fully understanding the reasons for refusal and that the proposal went against the High Quality Design SPD; the proposed dwelling would enhance the street scene by removing the unsightly roadside workshop and modern garage. However, as highlighted in the report the proposed dwelling would equate to an increase of 85.1%, exceeding the maximum 40% increase as set out in Policy BDP4 of the District Plan.

Officers responded to further questions from the Committee and in doing so, informed Members that whilst the proposed extension would be narrower than the existing detached garage, it would still have a greater footprint and floor area given that the proposal was for a two-storey side extension.

Having considered the officer's presentation, the information provided by the speakers and clarification from officers with regard to the questions raised, Members were in agreement with officers that the Application be refused.

RESOLVED that Planning Permission be refused for the reasons as set out on pages 25 and 26 of the main agenda report.

107/20

20/01446/FUL - VARIATION TO SECTION 106 AGREEMENT ATTACHED TO APPLICATION 13/0054 FOR THE ERECTION OF AN AGRICULTURAL DWELLING - HILL FARM, HOCKLEY BROOK LANE, BELBROUGHTON, STOURBRIDGE, WORCESTERSHIRE DY9 0AA - MR. R. FAIRBAIRN

Officers clarified that the Application had been brought to the Planning Committee for consideration due to a variation of the Section 106 Agreement.

Officers explained that the site comprised of two large parcels of agricultural land within the ownership of the applicant. One of the parcels of land surrounded Hill Farm and other area was located to the south east of Hill Farm around New House Farm.

Planning permission was granted for the construction of an agricultural dwelling at Hill Farm, Belbroughton, under planning application 13/0054 on 27th March 2015, subject to an Agreement under Section 106 (S106) of the Town and Country Planning Act 1990, which effectively tied the occupation of the agricultural dwelling and the land in the ownership of the applicant within single planning unit, as detailed on page 44 of the main agenda report.

The sale of 54.16 acres (21.92ha) of the Land at New House Farm had been agreed subject to the variation of the S106 Agreement, also detailed on page 44 of the main agenda report,

The proposed variation of the S106 Agreement needed to be considered in the context of the policy purposes of the requirement in the approval of the original planning application 13/0054 for the construction of an agricultural dwelling, for the reasons as detailed on pages 44 and 45 of the main agenda report.

The proposed variation to the S106 Agreement attached to planning application 13/0054 to enable land to be sold would not conflict with the requirement for the agricultural dwelling permitted on the holding and would accord with policies BDP4 of the Bromsgrove District Plan and with the advice of Supplementary Planning Guidance Note 6 and the NPPF.

In response to questions from the Committee, officers clarified that there was a 10 year Farm Business Tenancy (FBT) on most of the land sold. The remaining farm, even without the proposed FBT, would be large enough to enable an occupant to comply with the agricultural occupancy condition attached to planning application 13/0054. Therefore, the area to be farmed would be the same area as currently farmed.

RESOLVED that the proposed Variation to the Section 106 Agreement be granted.

108/20

20/01603/FUL - INSTALLATION OF BOILER AND LONG LOG DRYING STORE WITHIN THE EXISTING BARN ONSITE - STONEY LANE FARM, STONEY LANE, ALVECHURCH, WORCESTERSHIRE, B60 1LZ - MR. M. POWELL

Officers clarified that the Application had been brought to the Planning Committee for consideration as the land was within the ownership of a Bromsgrove District Council Member.

Officers explained that the application was for the re-use of an existing agricultural storage building for a log drying business. The proposal included the installation of a boiler and log dryer.

The proposed Biomass boiler was installed within the existing building and had not resulted in the increase of its overall footprint. However, the biomass boiler had required the installation of a flue within the existing roof slope of the building, which was the only external change.

The flue would project through the roof of the building by approximately 1.7 metres; but would not result in the overall volume or floor area of the building being increased. Due to this, it was not considered that the proposed flue would be a disproportionate addition over and above the size of the original building.

Officers drew Members' attention to rural diversification, as detailed on page 53 of the main agenda report.

RESOLVED that planning permission be granted subject to the Conditions and Informatives, as detailed on page 54 of the main agenda report.

The meeting closed at 7.10 p.m.

Chairman