

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Sheikh Miah	Erection of two dormer windows to rear elevation  116 New Road, Rubery, Worcestershire B45 9HY	24.05.2016	16/0109

**Councillor C MacDonald has requested that the application is considered at Planning Committee and not determined under Delegated Powers**

**RECOMMENDATION:**

- (a) Minded to **APPROVE** full planning permission
- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the planning application following the expiry of the publicity period on **9 June 2016**
- (c) That in the event that further representations are received, that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations have been raised relevant to the planning application, and to issue a decision after the expiry of the statutory publicity period accordingly

**Consultations**

None

**Publicity**

3 letters sent 29 March 2016 (expires 19 April 2016)  
 1 letter sent 19 May 2016 (expires 9 June 2016)  
 Site notice posted 29 March 2016 (expires 19 April 2016)

No responses received to date

**Councillor C MacDonald**

Application 15/0376 changing the use of the first floor from storage to additional seating was considered at Planning Committee on 6 July 2015 and was granted subject to a condition that a window at first floor should be fixed shut and maintained in perpetuity. The current proposal introduces new windows to this property.

**Relevant Policies**

**Bromsgrove District Local Plan 2004 (BDLP):**

DS13 Sustainable Development  
 RUB2 Development in Rubery Shopping Area

**Others:**

NPPF National Planning Policy Framework  
NPPG National Planning Practice Guidance

**Relevant Planning History**

15/0376	Change of use of first floor from storage to additional seating area	Approved	07.07.2015
B/18572/1989	Change of use from Class A1 to Class A3	Approved	11.12.1989

**Assessment of Proposal**

The site is located within the retail and commercial area of Rubery on the south side of New Road where a row of shops fronts a service road allowing parking. The application site is also located between commercial properties at ground floor, with flats/offices above the adjoining properties. To the rear is an un-adopted road providing access to the rear of the commercial properties and some parking provision. To the south and south-west of the un-adopted road are the rear gardens serving 4 St Chad's Road and 6 St Chad's Road.

The development relates to the formation of two pitched roof dormer windows to the rear of the premises to permit the use of the roof space for storage and a staff welfare area to be utilised during opening times. The plans submitted indicate no internal alterations to the building. The area will be accessed via an external door at first floor level via an internal staircase. The applicant has implemented 15/0376 granted on 7 July 2015 and converted the first floor to additional restaurant seating.

The proposed development is to the rear and not visible from the streetscene. The dormers will be clad in tiles to match the existing roof material. The design and external appearance of the dormer windows is acceptable and I raise no issue on this matter.

Whilst I note the comments from Councillor MacDonald, Condition 3 attached to 15/0376 at the request of Members relates to the first floor windows facing New Road being fixed shut in perpetuity. This condition was not imposed on any windows to the rear elevation of the premises. Members are tasked with considering the planning merits of the application before them and I do consider they are fettered by this previous decision.

The rear garden serving 6 St Chad's Road is located to the west of the site. The rear garden of 4 St Chad's Road tapers to point at the point it meets the application site. The dormer windows are located 16 metres from the rear boundaries of these two properties. The rear wall of the dwelling at 4 St Chads is located 27 metres away at an obscure angle to the application premises. For the reference of Members, SPG1 refers to a separation distance of 21 metres between window wall to window wall and suggests that domestic proposals should maintain a distance of five metres per storey to the common boundary. Given the separation distances that comply with the parameters of SPG1, the use of the additional space for storage and use by staff during business hours is not

considered to be detrimental in terms of privacy considerations. I thus raise no objection on amenity grounds.

Given all material planning considerations, including design and residential amenity, the proposal is deemed acceptable.

**RECOMMENDATION:**

- (a) Minded to **APPROVE** full planning permission
- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the planning application following the expiry of the publicity period on **9 June 2016**
- (c) That in the event that further representations are received, that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations have been raised relevant to the Listed Building Consent application, and to issue a decision after the expiry of the statutory publicity period accordingly

**Suggested Conditions:**

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

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

- 2) The development shall be finished in materials to match in colour, form and texture those roof materials on the existing building.

Reason: To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004

- 3) The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings listed in this notice:  
Unreferenced location plan  
Proposed elevations plan MT/2/A/1  
Floor plan MT/1/A/1

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

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