

**BROMSGROVE DISTRICT COUNCIL**

**VIRTUAL MEETING OF THE PLANNING COMMITTEE**

**MONDAY 1ST MARCH 2021, AT 6.00 P.M.**

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

Officers: Mr. A. Hussain, Mr. D. M. Birch, Mr. G. Boyes, Ms. S. Williams and Mrs. P. Ross

89/20 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

An apology for absence was received from Councillor G. N. Denaro with Councillor S. A. Webb in attendance as the substitute Member.

90/20 **DECLARATIONS OF INTEREST**

Councillor J. E. King declared in relation to Agenda Item 5, (Minute No 93/20), in that she was a Parish Councillor at Lickey and Blackwell Parish Council; and Ward Councillor for Lickey Hills.

During Agenda Item No. 6 (Minute No. 94/20), Councillor S. G. Hession asked for it to be noted that she had just realised that the Applicant was the son of the Chairman of Wythall Parish Council, on which she was a Parish Councillor. Councillor Hession stated that she was not aware of the relationship until now, however, she had not discussed the application with anyone.

91/20 **MINUTES**

The minutes of the Planning Committee meeting held on 1<sup>st</sup> February 2021, were received.

**RESOLVED** that the minutes of the Planning Committee meeting held on 1<sup>st</sup> February 2021, be approved as a correct record.

92/20 **UPDATES TO PLANNING APPLICATIONS**

It was noted that there were no Committee Updates.

93/20

**TREE PRESERVATION ORDER (14) 2020 - TREE(S) ON LAND AT 11 PLYMOUTH ROAD, BARNT GREEN, B45 8JE**

The Committee considered a report which detailed proposals to confirm, without modification, Tree Preservation Order (No.14) 2020, relating to trees on land at 11 Plymouth Road, Barnt Green, B45 8JE.

Officers provided a detailed presentation.

Officers drew Members' attention to the recommendation, as detailed on page 13 of the main agenda report.

Officers informed the Committee that the trees in question were 3 yew trees and a pine tree.

Officers drew Members' attention to the objection received and the officer's comments in relation to the points raised within the objection, as detailed on page 14 of the main agenda report.

Officers further informed the Committee that a Tree Evaluation Method for Preservation Orders (TEMPO) assessment of the group of trees was carried out to aid the decision-making process of evaluating the trees suitability for protection. The group of trees scored 18, as detailed at Appendix 3. Anything over a score of 14 under this method was deemed suitable for Tree Preservation Order protection.

The group of trees were highly prominent to users of Plymouth Road and therefore offered a high degree of visual amenity to passers-by, both pedestrian and road users. The trees added greatly to the character of the street and the area.

In response to Members questions, officers explained that the trees on the opposite side did not have TPO's, however, then trees in the distance, shown on the presentation slides were protected.

Officers further highlighted that with regard to pruning / pollarding the trees, that pruning options on the Pine tree would be very limited because of the tree species as they did not handle pruning very well. There could be some sympathetic level to the pruning of the Yew trees, that would be acceptable, but not to the level of pollarding, as pollarding was a heavy form of pruning.

**RESOLVED** that Tree Preservation Order (No.14) 2020 relating to trees on land at 11 Plymouth Road, Barnt Green, B45 8JE, be confirmed without modification, as detailed in the Provisional Order on Appendix 1 to the report.

94/20

**20/01281/FUL - FIRST STOREY EXTENSION TO PROVIDE SELF CONTAINED FLAT TO BE USED WITH EXISTING BUSINESS AS EXTENDED FAMILY ACCOMMODATION - HYLTON HOUND HOTEL, MIDDLE LANE, KINGS NORTON, WORCESTERSHIRE, B47 6LD - MR.**

## **D. TAYLOR**

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

Officers presented the report and in doing so informed the Committee that the application was for a first storey extension to provide a self-contained flat to be used with the existing business as extended family accommodation.

Officers referred to the following presentation slides:-

- Site location plan and block plan
- Existing ground floor plan
- Existing elevations
- Proposed ground floor plan

The site formed part of a dog kennel business with dog grooming facility that operated from the premises. The site had off street car parking for the business, a large grassed area that formed part of the site, was used to exercise the dogs in boarding.

Permission was being sought for an extension to provide self-contained residential accommodation above the existing business premises.

The applicant had indicated that the accommodation was needed in association with the existing business use. However, given the self-contained nature of the new accommodation, the absence of any documentation accompanying the application that would link the use of the new accommodation to the business and lastly, the retention of the existing flat for the business, officers considered that the scheme equated to the formation of a new dwelling.

The site lay within the Green Belt as designated under policy BDP4 of Bromsgrove District Plan and was outside of any settlement. Therefore, the main issues to consider in the determination of the application were:-

- Whether the proposal would be inappropriate development in the Green Belt having regard to the policies of the Bromsgrove District Plan and the National Planning Policy Framework (NPPF).
- If the proposal was inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

The NPPF identified that the fundamental aim of the Green Belt Policy was to prevent urban sprawl and that inappropriate development was harmful to the Green Belt and should not be approved except in very special circumstances.

Officers further informed Members that the existing building was single storey with a shallow pitch roof and an approximate floor area of 135 sqm. The proposed extension would comprise of a first floor extension providing 3 bedroomed self-contained residential accommodation, as detailed on page 32 of the main agenda report.,

Whilst the roof would be hipped, two large dormers would be provided to achieve useable floorspace within the loft area.

Officers highlighted that the total floor area of the extension would amount to approximately 181 sqm, resulting in a 134.5% increase in floorspace. Given the scale of the works proposed, the additional floorspace would be excessive in comparison to the original floorspace, and as such would result in a disproportionate addition over and above the size of the original building.

Due to the self-contained nature of the proposed extension, officers were of the view that the scheme equated to the formation of a new dwelling.

Policy BPD4 allowed for limited infilling in Green Belt settlements, as detailed on page 32 of the main agenda report.

The site was located next to a road that was unlit, with no footpaths, meaning occupiers of the proposed dwelling would have to rely on private transport to get to nearby amenities and services given its unsustainable location.

Officers further highlighted that Worcestershire County Council Highways had raised an objection to the application due to the unsustainable location of the scheme.

The new self-contained accommodation would be above the existing building and being two storey, the proposed unit would be substantially taller than the existing single storey building currently on site.

Due to the scale and design of the self-contained accommodation, the resultant building would be materially larger than the existing building, having an effect on the openness and purposes of the Green Belt.

The NPPF indicated that openness was an essential characteristic of the Green Belt.

The proposal did not fall within the closed exceptions set out in NPPF paragraph 14 and would be contrary to Policy BDP4 of the Bromsgrove District Plan; and would be inappropriate development in the Green Belt.

Officers further drew Members' attention to 'Very Special Circumstances' and the applicant's statement regards the challenging times for the

business due to the Covid-19 pandemic, as detailed on pages 33 and 34 of the main agenda report.

Officers had noted the arguments put forward by the applicant and whilst officers understood the exceptional circumstances that the business had had to deal with due to the Covid-19 pandemic; officers still considered that they did not amount to very special circumstances that would outweigh the harm identified to the Green Belt.

Officers referred to page 35 of the main agenda report and the detailed reasons for refusing planning permission.

At the invitation of the Chairman, Mr. D. Taylor the Applicant and Mr. M. Cano, the Applicant's agent addressed the Committee. Councillor G. N. Denaro, Ward Councillor also addressed the Committee.

The Committee then considered the Application, which had been recommended for refusal by Officers.

Members referred to the comments made by Mr. D. Taylor in his address to the Committee, in terms of a business need as he was expanding the dog care facilities and would be open 24 hours a day, 365 days a year; in order to maintain a safe environment for the dogs and employees whilst on site.

In response to questions from Members, the Development Management Manager clarified that no documentation had been submitted by the applicant showing the linkage between the use of the residential accommodation and the business use.

There was no legal agreement to tie these two entities together, therefore should Members be minded to approve the application, a legal agreement would be required to be agreed and signed by the applicant, that there was some degree of association. If there was no legal agreement in place, the residential dwelling could be occupied by any other person / persons not associated with the business.

The Development Management Manager further reiterated that each application should be considered on its own merit; and he would remind Members that they must determine the details of the application as presented.

There was no specific percentage for non-domestic buildings in the Local Plan, however, Members should consider the balance; of approving an application that would result in a 134.5% increase in floorspace, and if that balance outweighed the harm to the Green Belt.

Members commented that they fully understood and appreciated that officers were following planning guidance and legislation and had put forward some really good points in the report.

Members continued to debate as to who would be affected by the harm to openness in the Green Belt and its unsustainable location, other than the family members and staff employed at the business. Members commented that, in their opinion, they did not agree that the site was unsustainable as there were other larger businesses and residential dwellings located within close proximity.

Having considered the Officer's report, the information provided by the public speakers, Members supported the application, as it was an established family business.

Members were of the view that the business and the potential employment opportunities offered by the business should be encouraged and supported. Members further stated that local businesses and families should be encouraged to stay in the district. The longevity of the business would benefit the local rural economy and that the business was located in an area that was less likely to be problematic on the environment with any potential noise emanating from the dogs.

However, Members also noted the information provided by officers and the Council's Legal Advisor that a suitable legal agreement would be required that inextricably linked the business to the proposed dwelling, and that the proposed dwelling could not be sold separately to the business.

Members had carefully considered all matters presented to them but stated that the proposed dwelling would not cause harm to the openness of the Green Belt or the Street Scene. Furthermore, Members were of the view that the proposed dwelling was in a sustainable location. Therefore, all of these constituted to very special circumstances and Members were therefore minded to approve the application.

**RESOLVED:**

- (a) that delegated powers be granted to the Head of Planning and Regeneration to approve the application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:-
  - (i) The accommodation shall inextricably linked to the dog kennel business and cannot be sold independently to the land or business enterprise;
  - (ii) The accommodation hereby permitted shall be limited to the applicant (and their immediate family) or someone employed in connection with the dog kennel business;
  - (iii) Planning Obligation Monitoring Fee: £TBC

Revised Regulations have been issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met. The fee/charge is subject to confirmation following authorisation to proceed with this provision at the meeting of Full Council on 25 September 2019.

And

- (b) that delegated powers be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions:-

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 hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings/ Documents listed in this notice: (to be finalised).

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

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

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

- 4) Details of appropriate cabling and an outside electrical socket to be supplied for each property to enable ease of installation of an electric vehicle charging point (houses with dedicated parking) shall be submitted to and approved by the Local Planning Authority. For developments with unallocated parking i.e. flats/apartments 1 EV charging point per 10 spaces (as a minimum) should be provided by the developer to be operational before occupation. The charging point must comply with BS7671. The socket should comply with BS1363 and must be provided with a locking weatherproof cover if located externally to the building. The approved scheme shall be implemented before the building(s) hereby permitted are first occupied.

Reason: In the interests of sustainability.

- 5) The Development hereby permitted shall not be first occupied until sheltered and secure cycle facilities has been provided in accordance with Site Layout Plan (Dwg. No. to be finalised) 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.

The meeting closed at 7.18 p.m.

Chairman