

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Messrs AS, BS and BS Bhandal	<p>Glazed sun room (part retrospective): remove sloped roof and replace with flat aluminium-framed glazed roof, retaining the remaining structure as existing</p> <p>Four Stones Restaurant, Adams Hill, Clent, Stourbridge, Worcestershire DY9 9PS</p>	08.06.2020	20/00443/FUL

**RECOMMENDATION:**

- (a) **MINDED to GRANT** full planning permission:
- (b) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to determine the application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:-
  - (i) To undertake and complete the works within 6 calendar months from the date of the grant of planning permission 20/00443/FUL.
  - (ii) Planning Obligation Monitoring Fee: £TBC.
- (c) And that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions as set out in the list at the end of this report.

**Consultations**

**Clent Parish Council**

No comments submitted.

**Conservation Officer**

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Policies in BDP20, the Historic Environment Section of the Bromsgrove District Plan require that development proposals which sustain and enhance the significance of heritage assets including their setting and should not have a detrimental impact on the character, appearance or significance of heritage assets. These policies are supported by those in the NPPF.

This latest proposal is for a marginally more modest conservatory than that granted permission in 2016 and sits more or less on the same footprint of the earlier structure. It is considered that the proposal will have a neutral impact on the character and appearance of the Clent Conservation Area and would not harm the significance of the Area.

**WRS - Noise**

No objection.

## **Public Consultation**

Site Notice erected 11.5.20 expired 13.6.20

Press Notice published 22.5.20 expired 8.6.20

2 letters of comment

1 objection letter makes reference to the hours of opening of the restaurant and noise experienced as a result.

1 representation refers the unauthorised works that have taken place on site and that the applicant should have built the structure in accordance with the approved plans.

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP19 High Quality Design

BDP20 Managing the Historic Environment

### **Others**

Bromsgrove High Quality Design SPD

NPPF National Planning Policy Framework (2019)

NPPG National Planning Practice Guidance

## **Relevant Planning History**

17/00646/FUL	Demolition of existing sunroom and erection of a replacement glazed sunroom (retrospective)	Refused	19.07.2017
APP/P1805/W/3191833		Dismissed at Appeal	09.04.2018
		Overtured in High Court	15.10.20
16/0403	Demolition of front sun room and replace with new flat roof sun room.	Approved	06.07.2016
B/1994/0680	Erection of a front conservatory	Approved	07.11.1994

## **Site Description**

The Four Stones Restaurant comprises a later Victorian detached property located in the Green Belt and Clent Conservation Area. The property had been extended including a single storey brick built extension and a conservatory at the front of the property. The conservatory on site at present is unauthorised.

## **Proposal Description**

Permission is sought to construct a conservatory similar to that granted in 2016.

However, the overall height of the structure would be slightly lower than that approved in 2016.

### **Assessment of Proposal**

Planning Permission was granted under application 16/0403/FUL for; 'Demolition of front sunroom and replace with new flat roof sunroom'. The development has been implemented on site, but not in accordance with the approved drawing. The replacement to the original sunroom/conservatory includes a dominant roof structure.

Retrospective permission was sought under application 17/00646/FUL to regularise the development. However, the proposal raised issues associated with the site's location in the Green Belt and within the Clent Conservation Area and was subsequently refused. The applicant appealed the decision, but the appeal was subsequently dismissed.

Following on from the dismissed appeal, The Council have taken enforcement action in respect to the unauthorised structure. The applicant made 3 appeals against the enforcement notice. The enforcement appeals were initially dismissed, however, the appellant challenged the decisions in the High Court on a procedural matter. The High Court challenge was successful and the Court has ordered the Planning Inspectorate to re-determine the enforcement appeals.

In the meantime, the applicant is also looking at alternative approaches to resolve the enforcement matter and this application is a scheme showing modifications to the sunroom to address the refusal reasons of application 17/00646/FUL. The modifications include the removal of the pitched roof, canopy and supports, and replacing with a lower flat roof.

With reference to policy BDP4, application 16/0403/FUL allowed the general extent of the sunroom as it reflected the floor space of a previous conservatory. However, the structure built on site (as reflected in refused retrospective application 17/00646/FUL) is taller and its resultant bulk and mass is markedly greater than that previously approved under 16/0403 impacting upon the openness of the Green Belt and representing further harm.

Permission sought under this application shows a sunroom that is similar to that approved in 2016, however, the overall height of the sunroom is lower than that on site at present and would also be lower than the scheme approved under application 16/0403/FUL.

The modifications proposed under this application is for a more modest glazed structure than that granted permission in 2016. It is considered that the modifications proposed for the sunroom would not have an impact on the openness of the Green Belt and as such would accord with policy BDP.4 of the District Plan and the NPPF.

In addition, modifications proposed for the sunroom will have a neutral impact on the character and appearance of the Clent Conservation Area and would not harm the significance of the Area. The Conservation Officer raises no objection to the proposal.

### **Neighbour objections**

Comments have been submitted from neighbouring occupiers in respect to the structure that has been built on site without the benefit of planning permission. A neighbour has also raised comments in respect to noise etc. However, Worcestershire Regulatory Services raise no objections to the proposal.

### **Planning obligations**

Due to the unauthorised nature of the current development on site, a Legal Agreement is proposed for this scheme to ensure that the replacement works are carried out within a limited timeframe. Given the enforcement issues on this site, it would be appropriate to ensure the works that form part of this application are carried out promptly within a suitable timeframe from the date of this permission. Although it is noted that the Hearing date for the enforcement appeal is fixed for 24 August 2021 and the date of the decision of the enforcement appeal is likely to be within a couple of months of the date of the Hearing.

The applicant is agreeable to a Legal Agreement and such an Agreement is currently in the process of being drafted.

### **Conclusion**

An unauthorised structure exists on site at present. The works proposed under this application would be an acceptable solution to resolving the unauthorised works on site. The modifications would be more in keeping with the building and as such would be acceptable in a Conservation Area setting, whilst the scale of the development would be reduced having minimal harm on the openness of the Green Belt. The modifications proposed for the sunroom are acceptable and would be in accordance with policies in the District Plan and the NPPF.

### **RECOMMENDATION:**

- (a) **MINDED to GRANT** full planning permission:
- (b) That DELEGATED POWERS be granted to the Head of Planning, Regeneration and Leisure to determine the application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:-
  - (i) To undertake and complete the works within 6 calendar months from the date of the grant of planning permission 20/00443/FUL.
  - (ii) Planning Obligation Monitoring Fee: £TBC.
- (c) And that DELEGATED POWERS be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions as set out in the list at the end of this report.

### **Conditions:**

- 1) The development to which this permission relates must be begun within 4 months from 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:

Site location plan Dwg. No. FS/22  
Proposed alterations to sunroom Dwg. No. FS/21 Rev.a

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 roof 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.

**Case Officer:** Sharron Williams Tel: 01527 534061 Ext 3372  
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