

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

TUESDAY, 20TH JULY 2021, AT 6.03 P.M.

PRESENT: Councillors P. J. Whittaker (Vice-Chairman in the Chair), A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, A. B. L. English, M. Glass (substitute for Councillor H. J. Jones), J. E. King, M. A. Sherrey, P.L. Thomas and S. A. Webb (substitute for Councillor S. G. Hession)

Officers: Ms. C. Flanagan, Mr. D. M. Birch, Mr. D. Edmonds, Ms. S Williams, Miss. E. Farmer, Mr. S. Edden, Mr. A. Sukvinder, Worcestershire County Council, Highways and Mrs. P. Ross

14/21

TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

The Chairman opened the meeting and advised all those present that arrangements had been made to ensure that the meeting was held in accordance with social distancing requirements and Government guidance in respect of holding meetings at a physical location.

Apologies for absence were received from Councillor P. M. McDonald, Councillor S. G. Hession with Councillor S. Webb in attendance as the substitute Member and Councillor H. J. Jones with Councillor M. Glass in attendance as the substitute Member.

15/21

DECLARATIONS OF INTEREST

Councillor A. B. L. English declared an other disclosable interest prior to the Committee's consideration of Agenda Item No.5 - (Planning Application – 21/00302/FUL - High Brow, Rowney Green Lane, Rowney Green, Birmingham, Worcestershire, B48 7QP), (Minute No. 18/21), in that she supported the proposal. Councillor English left the meeting room prior to the consideration of this item.

Councillor M. S. Sherrey declared in relation to Agenda Item No. 6 – (Planning Application 21/00556/FUL – Mossett Cottage, Third Road, Bromsgrove, Worcestershire, B61 0BT), (Minute No. 19/21), in that she would be addressing the Committee for this item as Ward Councillor under the Council's public speaking rules. Following the conclusion of public speaking, Councillor M. A. Sherrey took no part in the Committee's debate nor voting on this matter.

16/21

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING

The Vice-Chairman announced that a Committee Update had been circulated to all Planning Committee Members prior to the meeting commencing.

The meeting stood adjourned for a short while whilst the Vice-Chairman read the Committee Update.

17/21

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

Officers informed the Committee that the assessment of applications for Lawful Development Certificates were based on the accuracy of the information supplied by the applicant.

Since issuing the Certificate, evidence had emerged from members of the public that the applicant may not own the whole of the land edge, as detailed on page 6 – Site Location Plan, in the main agenda report.

It had been confirmed via a Land Registry Search, as detailed on page 7 – Land Registry Ownership Plan, of the main agenda; that a triangular 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 advisor stated 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 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).

The applicant had since submitted a new application for a Certificate of Lawfulness of proposed use or development (CLOPUD) this time with the proposed detached garage in the same position, but with a maximum height of 2.5 metre. This application was under consideration.

RESOLVED that the Certificate of Lawful Proposed Development for a two storey rear extension and detached garden store at 2 Thicknall Rise, Hagley, Stourbridge, Worcestershire, DY9 0LQ, issued on 13th November 2020, reference 20/00739/CP, be revoked.

18/21

21/00302/FUL - PROPOSED DETACHED DOUBLE GARAGE - HIGH BROW, ROWNEY GREEN LANE, ROWNEY GREEN, BIRMINGHAM, WORCESTERSHIRE B48 7QP - MR. C. OAKLEY

Officers clarified that the Application had been brought to the Planning Committee for consideration at the request of Councillor A. B. L. English, Ward Councillor.

Officers presented the report and in doing so informed the Committee that, permission was being sought for a double garage measuring approximately 5.3 x 5.7 metres. The garage would have a hipped roof and would be finished in brick and tiles to match the existing bungalow. The garage would be positioned in the front garden of the property.

Policy BPD4 of the District Plan would apply as well as Paragraph 143 of the National Planning Policy Framework (NPPF) which stated that inappropriate development was by definition harmful and should not be approved except in very special circumstances. Paragraph 145 of the NPPF stated 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 in 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 identified that openness was one of the essential characteristics of Green Belts, along with permanence. The Courts had confirmed that the openness of the Green Belt had 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 carried substantial weight.

Members' attention was drawn to the Applicant's very special circumstances as summarised on pages 12 and 13 of the main agenda report.

The officer's response to the arguments put forward by the Applicant were detailed on pages 13 and 14 of the main agenda report.

Officers further stated that the proposal conflicted with Policy BDP4 of the District Plan, which amongst other things limited development within the Green Belt. The very special circumstances submitted did not outweigh the harm identified to the Green Belt.

The design of the proposal had 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 streetscene thereby materially harming the character of the area having an unacceptably adverse impact upon the character of the streetscene.

Alvechurch Neighbourhood Plan referred to proposals reflecting the identity of the local setting, by way of height, scale, spacing and layout, following established building lines and streetscene arrangements for front gardens. Particular reference was made in respect to garages under Policy H4.8j which encouraged garages to be set back from the street frontage. The proposal would conflict with this policy of the Alvechurch Neighbourhood Plan.

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

At the invitation of the Chairman, Mr. K. Coombes, the Applicant's agent addressed the Committee on behalf of the Applicant.

The Committee then considered the Application, which officers had recommended be refused.

In response to Members, officers clarified that the applicant could still implement the garage that had formed part of the approval under reference B/2000/0310. The garages were not like for like, the approved garage was more of a single garage, and whilst it was set forward from the front of the 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.

Some Members questioned as to who would be affected by the proposal. Alvechurch Parish Council had not objected. A joint letter of support from 6 neighbours had also been received and surely, they would be affected by the proposal.

Members also commented that there were similar houses with detached garages, sat in this Green Belt area and that a lot of the vegetation would be retained, which would hide the double garage.

Members were mindful that the application before them did breach the Council's High Quality Design SPD, as detailed on pages 13 and 14 of the main agenda report and that there were no very special circumstances.

Therefore, Members were minded to refuse planning permission.

RESOLVED that Planning Permission be refused for the reasons, as detailed on pages 14 and 15 of the main agenda report.

19/21

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

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

Officers presented the report and in doing so informed the Committee that, the application was for alterations to the existing detached garage building onsite to create a residential annexe together with the erection of a glazed link connecting the garage building and dwelling house and erection of a domestic store room to the rear. The annexe was proposed for the applicant's elderly parents to occupy.

The application site was located within the Green Belt.

The existing dwelling had been extended on a number of occasions as detailed in the Planning History, on page 26 of the main agenda report. The applicants outline in their Planning Statement that the dwelling had been previously extended by 116% above the original. This figure did not include the detached garage which was granted planning permission in 1985. Including the garage, the dwelling had been extended well above the 40% and as such any further additions to the building should be considered as inappropriate development in the Green Belt. The current proposal added a further 12sqm in floor space which was a further 10% above the original.

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

The applicants had put forward justification for the extensions on the grounds that the proposed accommodation was required for the occupation of the applicant's parents who were in need of care. Also outlining it reasonable and necessary for the link to be provided to allow safe access to the main dwelling.

The garage could be converted without the glazed link and without the store to the rear. Although it was appreciated that the parents would need safe access to the main dwelling, the small distance from the building and level ground between the buildings does not make the requirement for this link essential for the proposed use. This link was considered a preference not a necessity and did not prevent the garage being converted for the family's needs.

Officers concluded and stated that the proposed extensions amounted to inappropriate development in the Green Belt and although small in scale; taking into consideration the extensive planning history, the proposed extensions were to be considered disproportionate to the original dwelling. As stated during the course of the meeting, including the garage, the dwelling had been extended 186% above the original.

At the invitation of the Chairman, Mr. I. Dunnaker, the Applicant addressed the Committee. Councillor M. Sherrey, on behalf of Councillor K. May, Ward Member, also addressed the Committee.

The Committee then considered the Application, which officers had recommended be refused.

In response to questions from the Committee, officers clarified that the internal alterations to the garage did not require planning permission for the use as an annexe, so the garage could be converted. In terms of the two doors that linked the properties, they could be done under Class A permitted development rights. As detailed in the officer's report, the link was not essential for the proposed use. Glazed links often included lighting which made it more visible from the street scene.

Members commented that as highlighted in the officer's report, that the glazed link was small in scale and felt that it would not have an impact on the Green Belt or streetscene and that the link would provide a safe access for the elderly parents in inclement weather conditions.

Officers reiterated that although the glazed link was small in scale, Members needed to consider the cumulative impact, and that the dwelling had been extended 186% above the original. In response to Members questioning how the development had been extended to 186% above the original, officers stated that Green Belt policy had evolved since 1983 and that the previous extensions were historic, as detailed in the relevant planning history on page 26 of the main agenda report.

Members agreed that this did cause them some conflict, as the proposed development would add an additional 10% and some Members commented that the Committee should adhere to policies.

In response officers highlighted that the NPPF did not define what percentage was inappropriate development, however Policy BDP4.4 of the adopted Bromsgrove District Plan permitted extensions to existing residential dwellings up to a maximum of 40% increase of the **original** dwelling.

However, some Members also commented that the historic extensions had been approved when the maximum 40% increase was not a requirement.

Members also commented that there was also a need for families who wanted to provide suitable accommodation for elderly parents.

Some Members reiterated that in their opinion the proposed development would not impact on the Green Belt or streetscene; and as detailed on page 25 of the main agenda report, that letters of support had been received.

An Alternative Recommendation was proposed that planning permission be granted, on the grounds that the family circumstances constituted to very special circumstances that outweighed the inappropriate development and harm to the Green Belt; and that the proposed small development would provide suitable accommodation for their elderly parents. Members further agreed that the following Conditions be included:-

- that the 'Occupation of the development hereby approved shall be limited to the Landowner (and any resident dependent of the landowner) and cannot be sold independently to the site'; and
- the removal of Class A and E Permitted Development rights.

RESOLVED that Planning Permission be granted, subject to:-

- a) authority be delegated to the Head of Planning and Regeneration to determine the final detailed wording of Conditions, and
- b) that two additional Conditions be included, as detailed in the preamble above.

20/21

21/00540/FUL - PROPOSED DWELLING, REAR OF 182 AND 184 STOURBRIDGE ROAD, BROMSGROVE, WORCESTERSHIRE, B61 0AR - MR. W. BULLOCK

This application was withdrawn from the Agenda.

At this point in the proceedings the Chairman announced that the meeting be adjourned in order for everyone to take a comfort break.

Accordingly, the meeting stood adjourned at 19:07pm and reconvened at 19:13pm.

21/21

21/00711/OUT - OUTLINE APPLICATION FOR UP TO 10 DWELLINGS, WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS - LAND OFF WITBYBED LANE, WITBYBED GREEN, ALVECHURCH, WORCESTERSHIRE - MR. C. BRAIN

Officers reported that 5 further letters in objection to the application had been received and that the comments received were covered by the representations as summarised on pages 62 and 63 of the main agenda report. An amendment to Worcestershire County Council, (WCC) Highways comments, as detailed on page 58 of the main agenda report, that no footpath or streetlighting existed for a distance of 70 metres. The

amended (and correct) statement was that no footpath existed for a distance of between 45 and 50 metres. It was conceded that one streetlight did exist at a distance of approximately 60m to the east of the sites proposed entrance beyond the railway bridge. Further, a single streetlight existed near to the proposed access point. The above did not however alter the view of WCC Highways that the site was in an unsustainable location for the reasons stated within the report. The applicant's agent had provided letters to the planning department written in support of the application. Letters 1, 2, 3 and 4 and the officers' responses to those letters; were detailed in the published Committee Update, copies of which were provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers clarified that the Application had been brought to the Planning Committee for consideration as it was a Major development (10 dwellings).

Officers presented the report and in doing so informed the Committee that the Outline application was for up to 10 dwellings with all matters reserved except for access.

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

Pages 58 and 59 of the main agenda report listed the amenities located and the vehicular access issues.

The sites planning history was limited. Planning permission was granted in 1995 for the retention of buildings in relation to equine uses.

The site fell outside the Alvechurch village settlement as defined in the Bromsgrove District Plan.

Page 66 of the main agenda report detailed highway safety, which highlighted that Witherbyed Lane was a narrow country lane with no pavements and streetlighting.

Officers had not identified any very special circumstances necessary, and none had been put forward to justify the demonstrated harm to the Green Belt.

Officers drew Members' attention to the reasons for refusal, as detailed on page 69 of the main agenda report.

At the invitation of the Chairman, Mr. C. Brain, the Applicant addressed the Committee.

The Committee then considered the Application, which officers had recommended be refused.

Officers explained that, as detailed on page 66 of the main agenda report; that the Council accepted that it did not have an up to date 5 year housing supply. However, the National Planning Policy Framework indicated that the presumption in favour of sustainable development did not apply where the application of policies that protect areas or assets of particular importance provided a clear reason for refusing the development proposed. Green Belt was an example of such areas/assets, and the proposal would be inappropriate development in accordance with the policy.

Members commented that the reasons for refusal were comprehensive. However, some Members disagreed with the inclusion of 'Reason for Refusal number 2'. The proposed development was right next door to a built up area with access to the train station / bus stops; and was within walking distance to Alvechurch schools. Members commented that it was not unsustainable.

In response, WCC Highways officer stated that the proposed development was unsustainable. Withybed Lane was a narrow country lane, no footpath existed for a distance of between 45 and 50 metres and only one streetlight existed at a distance of approximately 60m to the east of the sites proposed entrance. The bus stop was located approximately 470m away and was not a frequent service. The train station was approximately 850m away.

Some Members further commented that they were not in agreement that the proposed development was in an unsustainable location.

Members further commented that, as highlighted by WCC, Highways, as detailed on page 58 of the main agenda report; that they agreed that there was insufficient evidence from the applicant with regard to speed surveys and visibility splays.

An Alternative Recommendation was proposed with regards to the 'Reasons for Refusal', in that Reason 2 be deleted.

RESOLVED that Planning Permission be refused for Reasons 1, 3 and 4, as detailed on page 69 of the main agenda report, and that Reason 2 be deleted.

The meeting closed at 7.33 p.m.

Chairman

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