

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr S Miah	Extension to existing restaurant  Five Spice Restaurant, Stourbridge Road, Belbroughton, Stourbridge, Worcestershire DY9 9LY	21.08.2021	21/01041/FUL

**Councillor May has requested that this application is considered by Planning Committee rather than determined under delegated powers.**

**RECOMMENDATION:** That planning permission be **Refused**

### **Consultations**

#### **Belbroughton and Fairfield Parish Council**

No comments received

#### **North Worcestershire Water Management**

No objections. The site is not at risk of flooding from any source.

#### **Highways**

No objections. There is sufficient parking on site to accommodate the proposed extension.

#### **Publicity**

Two site notices were posted 23.07.2021 (expired 16.08.2021)  
No third party representations were received as a result of this.

#### **Cllr May**

Requests that the application is placed before planning committee if minded to refuse planning permission. This additional seating is required to enable the business to be sustainable in the current economic environment and going forward.

### **Relevant Policies**

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles  
BDP4 Green Belt  
BDP13 New Employment Development  
BDP15 Rural Renaissance  
BDP16 Sustainable Transport  
BDP19 High Quality Design

#### **Others**

NPPF National Planning Policy Framework (2021)  
NPPG National Planning Practice Guidance  
Bromsgrove High Quality Design SPD

## **Relevant Planning History**

B/1997/0023	Extension to increase dining area and provide new toilet accommodation and storage (as amended by plans received 07/05/97 and letter and plan received 02/06/97)	Approved	14.07.1997
B/15031/1987	Alterations to existing premises, new layout to car park and low level lighting bollards (As amended by plans received 11.5.87)	Approved	21.05.1987
B/8112/1980	Extension of false pitched roof to existing building	Approved	17.11.1980
B/6055/1979	Alterations and erection of extension to coffee lounge	Approved	16.07.1979
BR/146/1960	Building of a sun parlour as annexe to dining room	Approved	10.05.1960

## **Assessment of Proposal**

### **Site Description**

The application site relates to a two storey detached building with single storey additions. The current use of the building is a restaurant, however planning history suggests the building has previously been used as a public house. The site lies to the south west side of the Stourbridge Road, and is in an elevated position, meaning that it is quite visually prominent from views along the main road. The site is also relatively isolated, adjoining fields to the east. The nearest defined settlement in the Bromsgrove District Plan (BDP) is Belbroughton, which is approximately one mile to the south west. The current restaurant on site is served by a car park to the south of the building, which is accessed off Dark Lane.

The proposal comprises a single storey flat roof extension to the south side of the building. This would create a new rectangular dining room which would be attached by a glazed corridor link. The extension would be sited over an existing grassed area, which has recently had temporary structures positioned on it, in order to accommodate diners during the covid pandemic. The footprint of the extension would accommodate space for approximately 34 diners. The internal layout of the existing building would also be slightly altered, in order to provide a disabled toilet.

The height of the dining room extension would measure 3.2 metres to the eaves and 3.8 metres to the top of the lantern roof. The height of the glazed corridor link would be slightly lower, measuring 2.8 metres in height. The total floor area of the new dining room and glazed link extensions would comprise of 64 square metres (sqm).

The site lies within the Green Belt and therefore the key consideration with this application is whether the proposal would constitute appropriate development within the

Green Belt and the impact to the openness of the Green Belt. Other matters including design and appearance, highway matters, and drainage will also need to be considered.

### **Green Belt**

New buildings within the Green Belt are considered inappropriate development unless they fall within a closed list of exceptions. Paragraph 149 of the National Planning Policy Framework 2021 (NPPF) sets out this list of exceptions which includes 149(c), the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy BDP4 of the Bromsgrove District Plan (BDP) similarly allows for proportionate extensions to buildings within the Green Belt, however distinguishes between residential buildings and non-residential buildings. Whilst a proportionate extension to a dwelling is considered to be up to 40% over and above the original, a proportionate extension to a non-residential building is not defined by a numerical figure. Instead, policy BDP4(d) states that extension to non-residential buildings should be proportionate and that the potential impact to the openness and purposes of the Green Belt should be taken into account. It further states that proposals that can demonstrate significant benefits to the local economy and/or community will be considered favourably.

Having regard to the above, calculations have been undertaken which confirm that the original building would have comprised of approximately 168.5 sqm of floor area over two floors. Existing extensions, which mainly comprise of the single storey additions on the west side of the building amount to 130 sqm, meaning that existing extensions approximately total a 77% increase over and above the original building. Proposed extensions would increase the building by a further 64 sqm, resulting in extensions totalling a 115% increase above the original building. With regards to the impact of the proposal on the openness of the Green Belt, the extension would result in the footprint of the building becoming less consolidated and more sprawling. Whilst the extension would be single storey and would include a flat roof, the new structure would exceed the height of the single storey section of the existing building it would attach to. The additional bulk and volume of the proposed development would occupy an area of the site which is currently free of permanent built form, and would therefore reduce the open appearance of this part of the site. As the site is positioned on a raised land level and is visible from the Stourbridge Road and Dark Lane, the proposed development would have a moderate impact to the openness of the Green Belt, albeit the development is not considered to conflict with any of the purposes of the Green Belt.

As the proposal would not be proportionate and would have a detrimental impact to openness, the proposal would comprise inappropriate development within the Green Belt. Paragraphs 147 and 148 of the NPPF state that inappropriate development within the Green Belt is harmful by definition and should not be approved unless very special circumstances exist. Substantial weight should be given to any harm to the Green Belt and very special circumstances do not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

*Very Special Circumstances*

The benefits of the proposal have been considered and the applicant has raised a number of matters which they have suggested amount to very special circumstances. These matters have been considered below:

<b>Matter raised</b>	<b>Officer response</b>
The proposal would benefit the host business and would also benefit other local businesses (suppliers, linen service, site maintenance).	Whilst it is likely that there would be an increase in revenue to both the host business and those that support the host business, it has not been adequately demonstrated that the businesses would fail if the development were unable to go ahead. This matter can therefore only be given modest weight.
Rate of business growth has slowed. The business has also invested money in new technology to enhance the restaurant, and the cost of this has been budgeted against the increased capacity of the restaurant	As above, despite the money that may have been invested to improve the business, it has not been shown that the business would not survive without the extension.
The impact of covid and the need for social distancing measures are likely to be long lasting. The increase in floor area would only maintain the number of covers the restaurant provided prior to covid. (plans indicating table layouts have been provided to illustrate this)	The government has put temporary measures in place in response to the pandemic. Whilst the erection of temporary structures may not be a suitable long term solution, the government has considered this to be a suitable measure at present. Although it is not possible to predict the future effects of the pandemic, it is clear that the proposed development would result in permanent harm to the Green Belt.
The design of the extension is a response to the covid pandemic as it would provide good ventilation.	There would be alternative methods to achieve this in the existing restaurant and it would not provide an adequate reason to cause permanent harm to the Green Belt.
The proposal would result in increased employment from 10-15 staff to 20 staff (possibly 25 on weekends and holidays)	Whilst this could potentially be a modest economic benefit of the proposal, it would conflict with the statement above which suggests that the proposal would only maintain the number of covers.
The proposal would create a disabled toilet which is an essential facility.	The proposed disabled toilet has been created within the existing floor area of the building. Given its small scale, it would not warrant the need for a large extension.
Car park is adequate in size to support expansion as it can hold 60 cars.	Adequate parking facilities would be expected and therefore this matter weighs neutrally within the planning balance.
Similar extensions have been allowed for other local businesses in the area.	Each application needs to be considered on its own merits, based on current local and national planning policy and the specific circumstances of the case.
Alternative measures have been	Whilst temporary marquees may be less attractive

implemented during pandemic, such as temporary marquees, but these are not sustainable. The proposed extension would be visually more attractive.	and may also result in harm to the openness of the Green Belt, as they are temporary structures, this harm would not be permanent.
The business may fail if the proposed development is not carried out. The site has a history of failure.	As above, this has not been adequately demonstrated through a financial viability assessment.

Having regard to the above considerations, the proposal would likely result in some economic benefits to the business and to other local businesses and employment of staff. As the development would also enhance an existing local restaurant there would also be some community benefits as a result of the development. However, the purported failure of the business going forward has not been substantiated by empirical factual evidence. Despite the Local Planning Authority (LPA) requesting that a financial viability report is submitted to demonstrate that the business would likely fail without the proposed scheme, the applicant has advised that no such report will be commissioned for consideration. Without this evidence the LPA cannot be satisfied that the survival of the business is dependent on the proposed development. In view of this, it is not considered that the reasons put forward would amount to very special circumstances that would outweigh the substantial harm arising to the Green Belt by reason of inappropriateness and moderate harm arising to the openness of the Green Belt.

### **Design and Appearance**

Policy BDP 19 of the BDP seeks high quality design which would enhance the character of the local area. The host building is overall traditional in appearance, although it has been altered and extended substantially over a number of years. The proposed extension would be substantial in its footprint, and as mentioned earlier within the report, would be taller than the single storey section of the building it would attach to. Notwithstanding this, as the development would be single storey and would comprise a flat roof, it would still be clearly subordinate in size when compared to the host building. Furthermore, the predominantly glazed finish of the extension would both reduce its dominance and also result in a development that would be distinguishable as a modern addition.

Overall, the design and appearance of the proposal is considered to be acceptable and in accordance with the requirements of policy BDP 19.

### **Highway Matters**

Worcestershire County Council Highways have raised no objections to the proposal. The Highways Officer has noted that the restaurant has sufficient parking on site to accommodate the proposed extension and the location of the extension would not affect the existing parking area.

### **Drainage**

North Worcestershire Water Management (NWWM) have confirmed that the site is not at risk of flooding from any source. Whilst appropriate surface water drainage will need to be incorporated within the development, this is already a requirement of Building Regulations. In view of this, NWWM have raised no objections and have not recommended any planning conditions.

## **Other Matters**

As the nearest residential properties are in excess of 100 metres from the location of the proposed development, there would be no adverse impact to the residential amenity as a result of the proposal.

Whilst no third party representations have been received, local ward member Councillor May has stated that additional seating is required in order for the restaurant business to be sustainable in the current economic environment and going forward. However, as discussed above, the applicant has not proven to the satisfaction of your Officers that the additional seating is required to enable the business to be sustainable in either the current economic climate or the future.

## **Conclusion**

As the proposal would result in disproportionate additions to a non-residential building in the Green Belt that would also have a moderate impact to the openness of the Green Belt, the proposal would constitute inappropriate development. Paragraphs 147 and 148 of the NPPF state that inappropriate development within the Green Belt is harmful by definition and should not be approved unless very special circumstances exist. Substantial weight should be given to any harm to the Green Belt and very special circumstances do not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

In this case the proposal would result in some economic benefits to the business by increasing their turnover and would also likely result in an increase in turnover for other local businesses which support Five Spice Restaurant. Paragraph 84 of the NPPF supports the sustainable growth of businesses in rural areas and Policy BDP13 of the BDP supports economic development in rural areas through proportionate extensions to existing businesses. As the extension in this case would not be proportionate and the applicant has not fully demonstrated that the business would fail without the proposed extension, these economic benefits are given modest weight. Whilst the proposal may also result in the removal of temporary structures on site such as marquees, as these are not a permanent structure, this matter is given limited weight. The design and appearance of the proposal is considered acceptable, and no harm has been found in relation to highways, drainage or residential amenity. As this is expected of all new development, these matters are given neutral weight in the planning balance. However, as the benefits of the proposal have only been found to be modest, it is not considered that there are very special circumstances present that would outweigh the substantial harm arising to the Green Belt.

**RECOMMENDATION:** That planning permission be **Refused**

## **Reason for Refusal**

1. The proposed extension would result in disproportionate additions over and above the size of the original building and would also have a moderate impact to the openness of the Green Belt. The proposal would therefore result in inappropriate development within the Green Belt, which is given substantial weight. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No very special circumstances exist or have been forward to outweigh the substantial harm to the

Plan reference

Green Belt by reason of inappropriateness, openness and purposes of the Green Belt. The proposal is thus contrary to Policy BDP4 of the Bromsgrove District Plan and paragraphs 147-149 of the National Planning Policy Framework.

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