



## Knowle, Dorridge and Bentley Heath (KDBH) Neighbourhood Forum

### Appeal Response: 2 Station Approach, Dorridge

#### Appeal Response: Skogen, 2 Station Approach, Dorridge, Solihull Unauthorised extension to premises

Appeal Ref: APP/Q4625/C/19/3223403

Solihull Planning Reference No: PL/2017/00988/COU

Dear Sirs

Solihull Metropolitan Borough Council (SMBC) has notified the Knowle, Dorridge and Bentley Heath (KDBH) Neighbourhood Forum (NF) of the above appeal, which we note is to be determined by a hearing.

We understand that our objection document issued on 20 May 2018 and entitled '*Planning Application: 2 Station Approach, Dorridge*' has already been forwarded to you\*. In the limited time available since notification on 4 December 2019, the Appeal documentation has been reviewed by the NF Steering Committee and we wish to maintain our objection, with the additional following points for consideration by the Planning Inspector.

#### **Material Change Relevant to Assessment of the Appeal**

In March 2019, the KDBH Neighbourhood Plan (NP) was 'made' and should now be taken into account when considering whether planning permission should be granted. We set out our views on whether planning permission should be granted later in this representation.

The KDBH NP covers a population of over 20,000. It was supported at Referendum by over 96% of residents on a 36% turnout. Creating the NP demanded a huge local effort taking over 4 years to come to fruition. From the very start, one of the principal concerns that the community wanted to address through its NP was the poor layout and design of recent developments. Having accepted that the goal of the Localism / Neighbourhood Plan agenda is to empower communities, residents gave their time because they wanted to be able to take greater control over how development fits within the distinctive character and heritage of our Neighbourhood.

This appeal represents the first real test of the KDBH NP relating to commercial property in the centre of one of our three villages.

#### **General Context**

In shaping our response to this Appeal, the NF firstly wants to make is absolutely clear that it is not against Skogen as a business. There is no intent or campaign to close it down: on the contrary, the NF would see it as an asset, if brought in line with the approved plans. Since the NP in principle supports appropriately designed new developments and welcomes the economic benefits such schemes can bring, the NF very much regrets the course of events leading to the current situation, as discussed below.

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\* Note that the original document has been updated to correct an error due to a misreading of the SMBC's Planning Approval Decision Statement referencing a TPO (on a tree whose root spread is affected by the development), with an unreserved apology made. Copy of the amended version available if required.

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It is important also to stress that what is at issue here for the NF is NOT the scheme as originally approved by the Planning Committee. At that time, having actively sought community feedback, the NF was not against the development, albeit registering a few outstanding concerns\*\*.

What IS at issue, however, is:

- the unacceptable extent to which the built development deviates from the approved scheme, in conjunction with
- the way in which the process of development implementation was conducted. Material changes were made to the approved scheme with apparent disregard for the post-approval planning process and seemingly with confidence that retrospective planning approval would be granted.

The NF believes that a robust application of planning regulation should / would not have led to the current situation. Any concerns arising post approval affecting the approved design should have been actively raised and resolved in consultation with SMBC. This would have resulted in any scheme modifications, where justified, being made in accordance with the planning process, and an acceptable scheme could still have resulted.

The NF cannot therefore accept or condone: disregard of the planning permission (PL/2017/00988/COU); failure to adhere to the approved plans and conditions; the built scheme contravening important policies both in the KDBH NP and SMBC's Local Plan. In this regard, it is also highly pertinent to have an understanding of the wider context in the KDBH Neighbourhood Area in respect of:

- The emerging SMBC Draft Local Plan that envisages building 1,000+ new homes in one of the three villages in our Area. This will have huge impact, representing around 25% growth for those living in that part of KDBH. Residents understandably want to have a high degree of confidence in SMBC's ability to effectively manage and control such large scale development. Robust and effective operation of the planning system is crucial to the future of the villages.
- The number of cases where developers have deviated from what has been approved, apparently confident that retrospective planning applications will be granted. Several such cases have already occurred in our Area in the recent past, for example: the unauthorised erection of flags and signage at the Churchill scheme currently being built in Knowle in the Conservation Area; the increased height of an extension in Holland Avenue, Knowle; and current issues around green belt developments on Kenilworth Road, Knowle.

Given all the above, the NF is deeply concerned that allowing this Appeal will not only leave a sense of failure of the planning process for this particular development: but, more importantly, by setting a precedent reduce the community's credibility / faith in the planning system.

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\*\* Copy of documentation available, if required.

### **Comments on Specific Points**

The Forum wishes to add the following specific comments relating to the Appeal Statement of Case, referring to the relevant paragraph numbers:

- 1.5 The premises to the west of Grange Road are considered to be in keeping with the local character.
  
3. *That planning permission should be granted:* The Appeal case is that the scheme as built should be granted planning permission. The NF does not agree. The following points are relevant:
  - a. Any scheme being assessed now should have regard to the NP as it is part of the development plan. Improving design and maintaining and protecting the KDBH Neighbourhood Area built heritage are high priority policy goals in the KDBH NP.
  
  - b. The NF firmly supports SMBC in their decision that the scheme as built should not be approved for the reasons they have set out. We concur that the development has a detrimental impact on the Station Approach Conservation Area, which is contrary to NP Policies D1, D2 and E2, particularly as the building is in a prominent position on the entrance to the Conservation Area. In this case, the harm to the Conservation Area and to the appearance of the village centre does not outweigh any economic or social benefit.
  
  - c. *3.8 - 3.15 Massing and fenestration:* SMBC negotiated amendments to the scheme prior to approval to ensure that the roof terrace did not dominate the street scene. The height of the fencing around the terrace was reduced to achieve an acceptable design adjacent to the Station Approach Conservation Area. The addition of a first floor is not, as is argued, a covering in of an existing approved roof terrace. The roof terrace was not built. It is an unauthorised new development comprising a new first floor extension which requires planning permission. The argument that there is a reduction in massing is not tenable. The addition of the first floor has clearly had a substantial and significant impact on the massing of the development to the detriment of the Conservation Area.
  
  - d. The NF is confident that, if the built scheme had been submitted prior to its construction, Solihull Council would have negotiated a first floor extension that, at the very least, had a smaller first floor in a design that would have been less intrusive given the building's prominent position. The height, massing and design - incorporating such an extensive width of glazing at upper level - all dominate the approach to the Conservation Area. The NF also believes that the different materials that have actually been used would not have been approved as they are out of keeping with the character of the Area. While we recognise that use of timber cladding was approved in the original scheme, the built scheme uses a different type of wood cladding. Also, the colour scheme of the glazing is not sympathetic to its surroundings.

The NF considers that the design, as built, fails to comply with NP policies D1, D2 and E2 and that there are no material circumstances that outweigh the harm to the Conservation Area. The fact that it is now built should not provide any advantage in considering the Appeal.

- 3.16 *Less impact on the Conservation Area than Sainsburys.* The NF disagrees. The Sainsburys development led to a substantial improvement in the appearance of the wider area before one reaches the turn into the Conservation Area. The Sainsburys scheme was also amended (see the frontage detail around the car park) to better reflect the style of development.
- 3.19 *Public benefits.* While the NF agrees that there are benefits, as recognised above, these do not outweigh the harm to the Conservation Area given the sensitive position of the building.
- 4.1 *Material change of use - already has A3/4 consent:* The Appeal case is that, as the existing planning permission for use of the ground floor and roof terrace is for A3/A4 use, then that use already applies to the first floor extension. We dispute this. The roof terrace of the approved scheme was not implemented and therefore the new first floor extension does not benefit from that consent.
- 4.3 *Planning conditions:* The NF refers to the landscape issues and removal of tree supposed to be retained by condition, as explained in the NF original submissions. Such actions were contrary to the planning condition imposed on the original consent and would now be contrary to Policy NE1 of the Neighbourhood Plan.

Finally, the NF does not agree with the argument put forward that the scheme size is not significantly more than that originally approved.

We trust these additional comments will be taken into account in considering this appeal. The KDBH Neighbourhood Forum confirms that it would wish to take part in the hearing if possible.

Yours faithfully

J E Aykroyd  
Chair  
Knowle, Dorridge and Bentley Heath Neighbourhood Forum