

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 7TH OCTOBER 2013 AT 6.00 P.M.

PRESENT: Councillors P. J. Whittaker (Vice-Chairman), S. J. Baxter, M. A. Bullivant, R. A. Clarke, R. J. Laight, P. Lammas, C. M. McDonald, P. M. McDonald, E. J. Murray, J. A. Ruck and C. J. Tidmarsh

Invitees: Mr. M. Weller (Lambert Smith Hampton Consultants)

Officers: Ms. R. Bamford, Mr. D. M. Birch, Mr. G. Boyes, Ms. S. Green, Mr. S. Hawley (Worcestershire Highways), Mr. D. Kelly, Ms. T. Lovejoy and Mrs. J. Smyth

47/13 **APOLOGIES**

Apologies for absence were received on behalf of Councillors J.S. Brogan, R.J. Deeming (Chairman) and C.J.K. Wilson.

48/13 **DECLARATIONS OF INTEREST**

The following declarations of Interest were made:

Councillors P.J. Whittaker (Vice-Chairman in the Chair), .S.J. Baxter, M.A. Bullivant, R.A. Clarke, R.J. Laight, P. Lammas, C.M. McDonald, P.M. McDonald, E.J. Murray, J.A. Ruck, C.J. Tidmarsh, declared other disclosable interests in Planning Application 13/0581 – the Applicant is an elected Member of the Council and the Councillors are acquainted with the Applicant.

Councillor C.J. Tidmarsh declared an other disclosable interest in Planning Application 13/0213 - in view of concerns Councillor Tidmarsh understood Councillor Whittaker (Acting Chairman) had expressed in regard to him having a potential interest, and for the benefit of the Committee and the public gallery, Councillor Tidmarsh briefly explained his past history with the site which had consisted of trying to ensure that members of the public and the Parish Council were aware of development proposals for the site. Councillor Tidmarsh then declared that, on this basis, he had decided to withdraw from the meeting during consideration of the item. In response, Councillor Whittaker advised that he had not requested that Councillor Tidmarsh withdraw from the determination of the item. Councillor Tidmarsh stood by his decision to withdraw from the meeting in the interests of the Council, and was not present and took no part in its consideration and voting thereon.

49/13 **MINUTES**

The Minutes of the meeting of the Planning Committee held on 9th September 2013 were submitted.

RESOLVED that the minutes be approved as a correct record, subject to:

in respect of Minute 41/13 (Declarations of Interest), it being formally recorded that Councillor C.M. McDonald had also declared other disclosable interests in Planning Applications 13/0611 and 13/0422 – the Applicants for both Applications were elected Members of the Council and were known to Councillor McDonald.

50/13 **13/0558 - CHANGE OF USE OF A WAREHOUSE BUILDING FROM WAREHOUSE (USE CLASS B8) TO MIXED USE AS A WAREHOUSE WITH MARTIAL ARTS CLASSES AND CHILDREN'S PARTIES (SUIS GENERIS) - SHERWOOD HOUSE, SHERWOOD ROAD, BROMSGROVE, WORCESTERSHIRE B60 3DR - MR JOHN SWIFT**

The Head of Planning and Regeneration Services reported on an additional representation received in support of the application. Information on the outcome of a recent appeal decision in Redditch in relation to a similar proposed leisure use was also reported.

At the invitation of the Chairman, Mr J. Swift, the Applicant (accompanied by Mr.J.Jowitt, his Agent) addressed the Committee. Councillor C.J. Bloore, nominated representative for Councillor S.P. Shannon, Ward Member for the area in which the application site was located, also addressed the Committee on behalf of Councillor Shannon in his absence.

Consideration was then given to the application, which the Head of Planning and Regeneration Services had recommended for refusal. On the matter being put to the vote, the Committee considered that:

'whilst accepting the Council's Policies in relation to the proposal, in this instance, the benefits of the Club to the community outweighed the economic impact to the area and that the proposed change of use was suitable'.

RESOLVED that retrospective Planning Permission for the change of use be granted, subject to the following conditions:

- 1) In accordance with submitted plans.
- 2) The use hereby permitted shall operate between the hours of 0930 and 2100 Monday to Friday and between 1000 and 1800 on Saturdays and Sundays.

Reason: In order to ensure that the amenity of the adjoining occupiers is maintained in accordance with policy DS13 of the Bromsgrove District Local Plan 2004.

51/13 **TREE PRESERVATION ORDER NO. (1) - TREES ON LAND AT 28 BITTELL ROAD, BARNT GREEN, BROMSGROVE, WORCESTERSHIRE, B45 8LT**

The Committee considered a report in regard to the revocation of Tree Preservation Order (No.1) 2013 on a tree on land at 28 Bittell Road, Barnt Green, Bromsgrove, Worcestershire B45 8LT and the creation of a new replacement order Bromsgrove District TPO (11) 2013 for 26 Bittell Road, Barnt Green, Bromsgrove, Worcestershire B45 8L.

Officers reported that the position and ownership of the tree had been wrongly identified as being on land at 28 Bittell Road instead of 26 Bittell Road, at the time TPO (No.1) 2013 had been imposed. In order to correct the situation and continue to maintain the protection of the tree in question, the Committee was asked to revoke the existing Tree Preservation Order and agree to the creation of a new replacement order.

RESOLVED that Tree Preservation Order (No.1) 2013 relating to a tree on land at 28 Bittell Road, Barnt Green, Bromsgrove, Worcestershire, B45 8LT be revoked and the immediate creation of the replacement order Bromsgrove District Tree Preservation Order (11) 2013 at 26 Bittell Road, Barnt Green, Bromsgrove, Worcestershire, B45 8LT, be approved, in order to ensure the continued protection of the tree, as shown on the memorandum and plan attached at Appendix 2 to the report.

52/13 **13/0046 - PROPOSED DEMOLITION OF EXISTING PUBLIC HOUSE AND CONSTRUCTION OF FOURTEEN ONE BEDROOM FLATS (AMENDED SCHEME) - IVY COTTAGE (PH), 30 GIBB LANE, CATSHILL, WORCESTERSHIRE B61 0JR - ELMSVYNE LTD**

This matter was withdrawn from the Agenda by Officers and was not discussed.

53/13 **13/0213 - REDEVELOPMENT OF A FORMER LATEX FACTORY SITE TO PROVIDE MIXED-USE DEVELOPMENT, INCLUDING UP TO 157 DWELLINGS (USE CLASS 3), UP TO 850 SQ. METRES BUSINESS FLOOR SPACE (USE CLASS B1A AND B1C), A NEIGHBOURHOOD CENTRE (COVERING USE CLASSES A1, A2, A3, A5 AND D1), VILLAGE HALL / COMMUNITY BUILDING (USE CLASS D1) AND A NURSING / CARE HOME (USE CLASS C2), OPEN SPACE, INFRASTRUCTURE, LANDSCAPING AND ASSOCIATED WORKS, INCLUDING GROUND RE-PROFILING - FORMER POLYMER LATEX SITE, WESTON HALL ROAD, STOKE PRIOR, WORCESTERSHIRE B60 4AL - ONE PROPERTY GROUP UK LTD**

The Head of Planning and Regeneration reported on the Council's independent Assessment of the Applicant's Viability Appraisal, and its position in relation to advice within the National Planning Policy Framework (NPPF). Mr Mark Weller, of Lambert Smith Hampton Consultants, who carried out the

assessment on behalf of the Council, provided clarification on a number of issues raised by Members during the debate.

Late representations from the Environment Agency in respect of flood risk, surface water drainage and water quality, all as detailed in the Update Report circulated to Members and the public gallery prior to the commencement of the meeting, were also noted.

An additional condition in respect of noise, odour and burning on the site was requested by a Member and agreed by the Committee, the condition to be drafted by Officers as appropriate.

At the invitation of the Chairman, Mr. D. Currie, the Applicant, addressed the Committee.

RESOLVED that authority be delegated to the Head of Planning and Regeneration Services to grant Outline Planning Permission, subject to:

- 1) Receipt of a suitable and satisfactory legal mechanism in relation to:
 - i) the provision of 15 affordable housing units to be made available and held in perpetuity at 80% of market value;
 - ii) a contribution towards the provision of enhanced education facilities at Aston Fields Middle School and St. John's CE Middle School, the rate of contribution to be £,1521 per 2/3 bedroom units and £2,282 per 4 bedroom unit;
 - iii) public transport improvement measures - £20,000 for Gold Standard bus shelters on Shaw Lane;
 - iv) the provision and maintenance in perpetuity of the proposed on-site public open space, proposed children's play area and areas for habitat enhancement;
 - v) the provision of and maintenance in perpetuity of the proposed drainage facilities on the site (including the former brine reservoir, balancing ponds and pumping station);
- 2) the conditions set out or referred to on pages 66 to 73 of the main report; and
- 3) the following additional Condition:

"33. Noise / odour / burning".

54/13 **13/0244 - PROPOSED EXTENSION OF EXISTING TRAINING STABLE ACCOMMODATION AND PROPOSED NEW HEAD TRAINER AND VISITOR ACCOMMODATION - DOMINION RACING STABLES, SEAFIELD LANE, PORTWAY, BIRMINGHAM, WORCESTERSHIRE B48 7HL - MR IAN WILLIAMS**

The Head of Planning and Regeneration Services reported on amended plans relating to siting matters that had been submitted and agreed.

At the invitation of the Chairman, Mr.I. Williams, the Applicant, addressed the Committee.

RESOLVED that authority be delegated to the Head of Planning and Regeneration Services to determine the application following the expiration of the publicity period on 7th October, subject to;

- 1) in the event that further representations are received, authority be delegated to the Head of Planning and Regeneration Services, in consultation with the Chairman of the Planning Committee, to assess whether any new material considerations have been raised and to issue a decision; and
- 2) the conditions set out or referred to on pages 89 to 92 of the main report.

55/13 **13/0304 - DETAILED PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF TWELVE HOUSES, ACCESS, PARKING, AMENITY SPACE AND ASSOCIATED WORKS (AMENDED SCHEME) - LAND TO REAR OF PRINCE OF WALES INN (PH), 65 STOURBRIDGE ROAD, HAGLEY, WORCESTERSHIRE DY9 0QS - FOOTSTEP HOMES (HAGLEY) LTD**

The Head of Planning and Regeneration Services reported on a number of updates related to amended plans that had been submitted and representations received in regard to the subsequent re-consultation process from third parties, the Council's Tree and Landscape Officer and Worcestershire Highways Authority, all as detailed in the Update Report provided for Committee Members and the public gallery prior to the meeting.

The Committee noted proposed additional conditions and informatives, also as detailed in the Update.

At the invitation of the Chairman, Mr. M. Robson, the Applicant's Agent, addressed the Committee.

RESOLVED that

- 1) authority be delegated to the Head of Planning and Regeneration Services to determine the Planning Application following the receipt of a landscape scheme, the satisfactory views of consultees following the completion of a re-consultation and subject to:

the completion of a suitable legal mechanism in relation to:

- i) A financial contribution towards the provision of enhanced local education facilities; and
- ii) the provisional and subsequent maintenance in perpetuity of the on-site open space provision;

- 2) the Conditions and Informatives set out or referred to on page 102 of the report; and
- 3) the following additional Conditions and Informatives:
 - “8. C005 obscure glazing to: plot 7 eastern side elevation, plot 8 western side elevation, plot 10 western side elevation; 11 eastern side elevation plot 12 rear elevation first floor window;

Landscape

9. No trees or hedges on the application site show retained on the approved plans, or the branches or roots of trees growing onto the site from adjacent land, shall be topped, lopped, felled or uprooted without the specific written permission of the Local Planning Authority.
10. Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, suitable fencing or other protective measures in accordance with British Standard BS 5837:2005 shall be erected to the satisfaction of the Local Planning Authority around the Root Protection Areas of all trees on and adjacent to the application site as shown being retained on the approved plans. These protective measures shall be maintained as approved until all works subject of this permission have been completed. No works of any kind are to be carried out within the Root Protection Areas without the prior approval of the Local Planning Authority.
11. No works of any kind shall be permitted within or through the protected areas of trees, hedges or landscape features both on and adjacent to the application site without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of mixing or fuel tanks.
12. Prior to the commencement of any works on site, a detailed landscaping scheme of tree and hedge planting on both Open Space areas and individual residential plots shall be provided to the approval of the Local Planning Authority.
13. Prior to the development being occupied or operational, the approved landscaping scheme shall be completed to the satisfaction of the Local Planning Authority. Should any trees or hedges which are shown to be retained or planted on the approved plans subsequently die, become diseased or be

removed, they shall be replaced or restored to the satisfaction of the Local Planning Authority.

14. Prior to the development being occupied or operational, the applicant shall submit a schedule of regular works to ensure the maintenance of the trees, hedges and other landscaping areas in a sound ecological and environmental condition to the approval of the Local Planning Authority. The approved schedule of works shall be carried out for the life of the development and not ceased or varied unless otherwise approved in writing by the Local Planning Authority.

Highways

15. HC25 – modified. Access, turning and parking;
16. HC36- A modified. Cycle Parking (multi-unit) 3 / 4 bed 4 cycle spaces;
17. HC36-B modified. Cycle parking (multi-unit) 5 bed 6cycle spaces;
18. HC40 – modified. Highway improvements/offsite works;
19. HC41- modified. On site roads submission of detail;
20. HC44 – Wheel Washing;
21. HC51- Parking for Site Operatives; and

Informatives.

- HN6 – Section 278 agreement.
- HN7 – Section 38 Agreement Details
- HN8 – Drainage details for Section 38.
- HN9 – No Drainage to discharge to Highway.
- HN16 – Design of Street Lighting for section 278.

56/13 **13/0581 - PROPOSED NEW SCREEN AND DOORS TO INFILL EXISTING OPEN PORCH - EDGEWOOD HOUSE, RONEY GREEN LANE, ALVECHURCH, BIRMINGHAM B48 7QP - MR ROGER HOLLINGWORTH**

RESOLVED that Planning Permission be granted, subject to the Conditions set out or referred to in Pages 112 and 113 of the report.

The meeting closed at 7.50 p.m.

Chairman