

# **BROMSGROVE DISTRICT COUNCIL**

## **MEETING OF THE PLANNING COMMITTEE**

**MONDAY, 17TH MAY 2010**

**AT 2.00 P.M.**

PRESENT: Councillors E. C. Tibby, G. N. Denaro, Mrs. J. M. Boswell, R. J. Deeming, Mrs. J. Dyer M.B.E., Ms. H. J. Jones, B. Lewis F.CMI, Mrs. J. D. Luck, E. J. Murray, S. R. Peters, C. J. Tidmarsh, P. J. Whittaker and C. J. K. Wilson

Observers: Councillors C. R. Scurrall, S. P. Shannon and Mrs. M. A. Sherrey JP

Officers: Mrs. D. Warren, Mr. D. M. Birch, Mrs. H. L. Plant, Mr. A. Fulford, Mr. S. Hawley (Worcestershire County Council) and Mr. A. C. Stephens

### 1/10 **ELECTION OF CHAIRMAN**

**RESOLVED** that Councillor E. C. Tibby be elected Chairman of the Committee for the ensuing municipal year.

### 2/10 **ELECTION OF VICE-CHAIRMAN**

**RESOLVED** that Councillor G. N. Denaro be elected Vice-Chairman of the Committee for the ensuing municipal year.

### 3/10 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

### 4/10 **DECLARATIONS OF INTEREST**

The following declarations of interest were made:-

<u>Member</u>	<u>Application / Agenda Item</u>	<u>Nature of Interest</u>
Councillor R. J. Deeming	Agenda Item 18 (Enforcement of Planning Control)	Personal. Acquainted with the owner of the site referred to in the report.
Councillor P. J. Whittaker	Agenda Item 18 (Enforcement of Planning Control)	Personal. Acquainted with the owner of the site referred to in the report.

5/10 **MINUTES**

The minutes of the meeting of the Planning Committee held on 19th April 2010 were submitted.

**RESOLVED** that the minutes be approved as a correct record.

6/10 **10/0016-CE - NEW DETACHED ANNEX FOR FAMILY SUPPORT, THERAPY AND EDUCATION - PRIMROSE HOSPICE AND CANCER HELP CENTRE, ST. GODWALDS ROAD, BROMSGROVE, B60 3BW - MR. A. ROBINSON, PRIMROSE HOSPICE**

**RESOLVED** that permission be granted subject to the conditions and notes set out or referred to on pages 12 to 14 of the report.

7/10 **10/0115-JT - RETAIL WAREHOUSE (BULKY GOODS) WITH ASSOCIATED PARKING AND INFRASTRUCTURE (APPLICATION B/2005/0293) - 2 SHERWOOD ROAD, BROMSGROVE, B60 3DU - BARPRO GROUP AND CHASE COMMERCIAL**

The Head of Planning and Regeneration Services informed Members of the Committee of the "*Greater Flexibility for Planning Permissions: Guidance*" (published November 2009) which related to this application. In addition, she reported the comments of the Environmental Health Officer, in respect of the Air Quality Management Area, together with the comments of the Contaminated Land Officer.

Furthermore, the Head of Planning and Regeneration Services stated that a revised Flood Risk Assessment was currently awaiting approval by the Environment Agency.

At the invitation of the Chairman, Mr. Simon Hawley addressed the Committee and spoke on behalf of the applicant in support of the application. Councillor S. P. Shannon also addressed the Committee in his capacity as one of the Ward Members for the area in which the application site was located.

**RESOLVED**

- (1) that the application be referred to the Government Office for the West Midlands under the "departure" procedure; and
- (2) that, in the event that the application is not "called-in" by the Government Office for the West Midlands, permission to approve the application be delegated to the Head of Planning and Regeneration subject to:
  - (a) the receipt of satisfactory comments from the Environment Agency and any reasonable conditions and / or notes which may be specified therein;
  - (b) the satisfactory completion of an agreement under Section 106 of the Town and Country Planning Act 1990, as amended, in respect of financial contributions relating to:
    - (i) the resurfacing of Sherwood Road;

- (ii) a traffic light signal upgrade at the A.38 / Stoke Road / Charford Road junction;
- (iii) bus shelter improvements in the immediate locality; and
- (c) the imposition of the same conditions attached to the previous planning permission reference B/2005/0293.

8/10

**10/0116-DMB - PROPOSED ERECTION OF 24 NO. AFFORDABLE DWELLINGS INCLUDING PROVISION OF NEW ACCESS ROAD AND CREATION OF OPEN SPACE - LAND AT SHAW LANE, STOKE PRIOR, BROMSGROVE - BROMSGROVE DISTRICT HOUSING TRUST**

The Head of Planning and Regeneration Services reported the receipt of an addition 58 letters in respect of the application which, in total amounted to 542 letters objecting to the proposals and one letter in support. She also reported that the applicant's agents had been addressing issues relating to the submission of a planning obligation by agreement under Section 106 of the Town and Country Planning Act 1990 for monetary contributions in respect of affordable housing, transport and highway considerations.

At the invitation of the Chairman, Mr. M. Jones addressed the Committee on behalf of the Stoke Prior Residents' Association and spoke in opposition to the proposed development whilst Mr. H. Richards spoke in support of the proposals on behalf of Bromsgrove District Housing Trust. On behalf of Stoke Parish Council, Mr. P. Thomas also addressed the Committee and expressed the parish council's views on the application.

Consideration was then given to the application which had been recommended for refusal by the Head of Planning and Regeneration Services. Members initially considered whether the site could be considered as a 'rural exception site' to allow for the development of affordable housing under policy S16 of the Bromsgrove District Local Plan. Following the preliminary discussions, the Committee decided that it was not a rural exception site.

The Committee then examined the various issues arising from the proposals, as detailed in the report with particular reference as to whether the proposals amounted to inappropriate development within the Green Belt and whether the 'very special circumstances' put forward by the applicant to overcome the presumption against development in the Green Belt.

Therefore, having regard to this, and the material considerations and other issues referred to in the report, it was

**RESOLVED** that permission be refused for the reasons set out on pages 48 and 49 of the report.

9/10

**10/0199-JT - PROPOSED EIGHT COURT SPORTS HALL, FITNESS SUITE, SPORTS TEACHING PAVILION, CHANGING ROOM EXTENSION, BOARDING ACCOMMODATION, GATEHOUSE, ASSOCIATED CAR PARKING AND EXTERNAL WORKS - BROMSGROVE SCHOOL, WORCESTER ROAD, BROMSGROVE, B61 7DU - BROMSGROVE SCHOOL**

The Head of Planning and Regeneration Services stated that the description of the development had been revised so as to read as follows: "*Proposed eight court sports hall, fitness suite, sports teaching pavilion, changing room extension, boarding accommodation, gatehouse, associated car parking and external works (as augmented by revised Site Plan 2514-23-Z received 13.05.2010)*". She also reported the comments of the Woodland Officer and Worcestershire Highways, together with an update for the Committee in respect of issues relating to residential amenity and the withdrawal of several objections by adjacent occupiers to the proposals which had previously been received.

At the invitation of the Chairman, Mr. M. Chinner spoke on behalf of a number of local residents in support of the application and praised the way in which it had been dealt with by the applicant, the architect and the Council's Development Control Section.

**RESOLVED** that permission be granted subject to the following conditions, and notes:-

1. C001 Standard time - three years.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans 2514-21, 23-Z, 24-E, 25-E, 26-E, 28-B, 32-F, 33-E and 34-D, and 2571-003-S, 004-Q, 005-L and 007E unless minor alterations are submitted to and approved in writing by the Local Planning Authority.

Reason: To define the permission and in order to secure the satisfactory appearance of the development in accordance with policy CTC.1 of the Worcestershire County Structure Plan 2001 and policy DS13 of the Bromsgrove District Local Plan.

3. C003 Materials to be submitted
4. Prior to the commencement of the hereby approved development, or within 6 months of commencement, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours or use, access by non-school users / non-members, management responsibilities, security arrangements and a mechanism for review. The approved development shall not be used other than in accordance with the approved Scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with PPG17 (paragraph 15, point 4) and policies S31 and S32 of the Bromsgrove District Local Plan.

5. The disposal of storm water shall be by means approved by the Local Planning Authority. The approved system shall be operational before building works commence, other than those works required for the approved drainage system. Balancing will be required in accordance with the Environment Agency policy. There is no Public Surface Water Sewer and no surface water will be allowed to discharge to the foul water sewer.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

6. The disposal of foul sewage shall be to the public foul sewer located in Worcester Road. If an existing connection is being used, then its condition needs to be proved, otherwise all new works are to be dealt with by the water authority and Worcestershire County Council.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

7. Prior to the commencement of any works on site, a detailed landscaping scheme of tree and hedge planting and biodiversity enhancement, shall be provided to the approval of the Local Planning Authority. This scheme shall include the following:
  - (a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;
  - (b) full details of enhancement works to the boundary of the application site with nos.119 - 171 Worcester Road and Peter's Finger;
  - (c) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

8. Prior to occupation of the development hereby permitted, the approved scheme of landscaping and planting shall be completed to the satisfaction of the Local Planning Authority.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

9. No trees on the boundary of the application site with nos.119 - 171 Worcester Road and Peter's Finger shall be pruned, felled or uprooted without the specific prior written permission of the Local Planning Authority. Where the Local Planning Authority permits such works, suitable replacements as agreed in writing by the Local Planning Authority shall be planted.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

10. No works in connection with the development hereby approved shall be undertaken other than in accordance with the submitted tree protection drawing 10036/32681.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

11. Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the developer shall erect protective fencing around the Root Protection Areas (RPA) of the trees shown retained on the approved plans on and adjacent to the application site. This fencing shall be constructed as illustrated by Figure 2 and at positions in accordance with section 5.2.2 of British Standard BS5837:2005 to the satisfaction of the Local Planning Authority. This fencing shall be maintained to the satisfaction of the Local Planning Authority until all development the subject of this permission has been completed.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

12. No works of any kind, including changes in ground levels, installation of utility services, passage, storage or use of machinery, shall be permitted within the Root Protection Areas of trees on and adjacent to the site without the prior specific written permission of the Local Planning Authority.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

13. Where any works are proposed within the Root Protection Area of any trees on or adjacent to the application site, these shall only be carried out in accordance with an Arboricultural Method Statement submitted to and approved by the Local Planning Authority.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

14. No materials, waste or wash water of any kind shall be stored, installed, burned or disposed of within the Root Protection Areas of trees on and adjacent to the site without the prior specific written permission of the Local Planning Authority.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

15. No trees or hedges shown retained on the approved scheme shall be topped, lopped, felled or uprooted without the specific written permission of the Local Planning Authority.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

16. Any retained or new planting trees, hedges or shrubs on the site as shown on the approved landscaping scheme which are removed, become dead, diseased or dangerous, shall be replaced to the satisfaction of the Local Planning Authority in the first available planting season.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

17. Prior to any of the buildings here permitted being occupied, the applicant shall submit a schedule of regular works to ensure the maintenance of the trees and hedges in a sound ecological and environmental condition to the approval of the Local Planning Authority. The approved schedule of works shall be maintained for the life of the development and not ceased or varied unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.

18. All external lighting in the development hereby approved must comply at all times with the Guidance Notes for the Reduction of Obtrusive Light issued by the Institute of Lighting Engineers. The development shall not commence until a satisfactory detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. No lighting shall be used in the development other than in accordance with such details as are agreed.

Reason: In order to protect the amenities of the area in accordance with policy RST.1 of the Worcestershire Structure Plan and policies DS13, RAT3 and S19 of the Bromsgrove District Local Plan.

19. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.

Reason: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway.

20. 8 car parking spaces shall be provided on the site for the use by the disabled in a location to be agreed in writing by the Local Planning Authority. Such spaces shall be satisfactorily identified and reserved solely for that purpose and shall be made available prior to the developments occupation.

Reason: To comply with parking standards and to provide parking for all users.

21. Prior to the occupation of the development hereby permitted engineering details of the amended junction onto Worcester Road shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the Highway.

22. Means of vehicular access for construction traffic to the development hereby approved shall be from Worcester Road only.

Reason: In the interest of Highway Safety.

23. The development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision be retained and kept available during the construction of the development.

Reason: To prevent indiscriminate parking in the interests of Highways safety.

24. The hereby approved development shall not be occupied until engineering details of the improvements to the Public Highway have been submitted to and approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

Reason: In the interest of Highway Safety.

#### Notes

1. West Mercia Police advises that it is important that a suitable design of access control is included within the hereby approved proposals to prevent 'sneak-in' thefts.
2. The applicants attention is drawn to the requirement that, in all cases where an agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief agreed with the Highway Authority and their design shall include any necessary amendments to the existing system. The design brief should be discussed with the Highway Authority prior to the commencement of the design.
3. A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act, 1990, provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.

10/10 **10/0206-MT - TWO STOREY SIDE AND REAR EXTENSION - 2 THICKNALL RISE, HAGLEY, DY9 0LQ - MR. D. SIKKAM**

At the invitation of the Chairman, Mr. R. Jones addressed the Committee whilst Mr. P. Sehdeva spoke in support of the application on behalf of the applicant. Councillor Mrs. M. A. Sherrey JP also addressed the Committee in her capacity as one of the Ward Members for the area in which the application site was located.

**RESOLVED** that consideration of the application be deferred in order that further information may be presented to the Committee at a future meeting in respect of the floorspace / volume increase of the proposals over that of the original dwelling and related information concerning previous applications.

11/10 **10/0212-DK - ERECTION OF TWO NO. B1/B2/B8 UNITS WITH ANCILLARY CAR PARKING AND SERVICING AREAS (EXTENSION OF TIME FOR B/2007/0265) - PLOT 10, ACANTHUS ROAD, REDDITCH, B98 9EX - LE GALLAIS COMPANY**

The Head of Planning and Regeneration Services reported that the description of the proposed development should be revised so as to read "*The proposal is for an extension of time for permission B/2005/0265 for the erection of two No. B1/B2/B8 units with ancillary car parking and servicing areas,*" and that all references in the report to the previous planning permission should state B/2005/0265.

**RESOLVED** that permission be granted subject to the conditions and notes set out or referred to on pages 77 to 80 of the report, together with the following additional condition:-

30. The permission hereby approved shall be carried out in strict accordance with the details approved for conditions 3, 4, 18, 21, 22, 23 and 26 attached to planning permission reference B/2005/0265 (Details Ref.: DLD/HLF/7212/RB32, received 18th July 2005 and Ref.: DLD/DLD/7212/RB34, received 6th August 2005).

12/10 **10/0213-DK - ERECTION OF B2 BUILDING WITH ANCILLARY CAR PARKING AND SERVICING AREAS AT LAND ADJACENT TO HELLER MACHINE TOOLS (EXTENSION OF TIME FOR B/2005/0351) - HELLER MACHINE TOOLS LTD., ACANTHUS ROAD, REDDITCH, B98 9EX - HELLER MACHINE TOOLS LTD.**

The Head of Planning and Regeneration Services reported an amendment to the final paragraph of her report so that the penultimate sentence in the last paragraph on page 83 of the report, under the "Assessment" heading read "*Therefore, a three year consent is appropriate.*"

**RESOLVED** that permission be granted subject to the conditions and notes set out or referred to on pages 83 and 84 of the report, but with the following amendment to condition no. 1:-

1. C1 (Three years)

13/10 **10/0284-CE - PROPOSED LORRY TURNING / MANOEUVRING AREA - BRANSONS FURNITURE SHOWROOM, ALCESTER ROAD, BEOLEY, B98 9DS - MR. B. COLLETT**

The Head of Planning and Regeneration Services reported the receipt of comments from Worcestershire Highways, Beoley Parish Council and the Economic Development Officer, together with additional information received from the applicant's agent. She also clarified the legal status in respect of the 'hardstanding' area.

At the invitation of the Chairman, Lady S. Gauntlett-Shea addressed the meeting and spoke in support of the application on behalf of the applicant.

Consideration was then given to the application, the original recommendation for which was to delegate authority to the Head of Planning and Regeneration Services refuse planning permission. However, based upon the updated information reported at the meeting, the Head of Planning and Regeneration Services considered that the additional information submitted by the applicant's agent, and the favourable comments of Worcestershire Highways, were sufficient to warrant an amendment to the recommendation to one of approval of the application.

**RESOLVED** that authority to approve permission be delegated to the Head of Planning and Regeneration Services upon the expiry of the publicity period on 18th May 2010, subject to:-

- (a) the receipt of an accurate and satisfactory site plan;
- (b) the imposition of appropriately-worded conditions relating to -
  - (i) the use of the hardstanding to ensure that it is not used for the parking of vehicles (including overnight parking) and / or the storage of other items/materials; and
  - (ii) the area being clearly marked as a turning area.

14/10 **10/0317-MT - CHANGE OF USE FROM MARKET HALL TO CAR PARK - FORMER MARKET HALL SITE, ST. JOHN STREET, BROMSGROVE, B61 8QY - BROMSGROVE DISTRICT COUNCIL**

The Head of Planning and Regeneration Services reported that a Flood Risk Assessment had been received prior to the commencement of the meeting which would need to be considered by the Environment Agency before a decision could be made on the application.

**RESOLVED** that consideration of the application be deferred in order for the comments of the Environment Agency to be taken into account before a decision may be made.

15/10 **LOCAL GOVERNMENT ACT 1972**

**RESOLVED** that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of

the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part being as set out below, and that it is in the public interest to do so:-

<u>Minute No.</u>	<u>Paragraphs</u>
16/10	2 and 6

16/10 **ENFORCEMENT OF PLANNING CONTROL (REF.: 20100517-01)**

Consideration was given to a report which outlined a reported breach of planning control. The Head of Planning and Regeneration Services gave a verbal update in respect of the current situation at the site referred to in the report.

However, in view of the changing nature of activities at the site, together with the length of time some of the operations had been ongoing, it was

**RESOLVED** that consideration of taking enforcement action be deferred in order that further investigations be undertaken in respect of the alleged unauthorised uses of the site.

The meeting closed at 3.45 p.m.

Chairman