

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 28TH MAY 2012 AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker, Mrs. S. J. Baxter, Mrs. J. M. Boswell, M. A. Bullivant, R. A. Clarke, R. J. Laight, P. Lammas, Mrs. C. M. McDonald, E. J. Murray, J. A. Ruck, C. J. Tidmarsh and C. J. K. Wilson

Officers: Mr. A. Hussain, Mr. D. M. Birch, Mr. D. Kelly, Mr. M. Dunphy and Ms. J. Smyth, Mr. S. Hawley (Worcestershire Highways) and Mrs. J. Smyth.

1/12 **ELECTION OF CHAIRMAN**

RESOLVED that Councillor R. J. Deeming be elected Chairman of the Committee for the ensuing municipal year.

2/12 **ELECTION OF VICE-CHAIRMAN**

RESOLVED that Councillor P. J. Whittaker be elected Vice-Chairman of the Committee for the ensuing municipal year.

3/12 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J. S. Brogan and Mrs. H. J. Jones.

4/12 **DECLARATIONS OF INTEREST**

The following declarations of interest were made:

| <u>Member</u> | <u>Application</u> | <u>Nature of Interest</u> |
|--------------------|--------------------|---|
| Cllr. C.J.Tidmarsh | 12/0175-LA | Personal and Prejudicial. Close personal friend of Applicant, Chair of local Conservative Branch. Cllr Tidmarsh left the room and took no part in its consideration and voting thereon. |

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|-----------------------|------------|---|
| Cllr.Mrs. J.M.Boswell | 12/0175-LA | Personal. Personal friend of Applicant. |
| Cllr.M.A.Bullivant | 12/0175-LA | Personal. Personal friend of Applicant. |
| Cllr.R.A.Clarke | 12/0175-LA | Personal. Personal friend of Applicant. |
| Cllr. R.J.Deeming | 12/0175-LA | Personal. Personal friend of Applicant. |
| Cllr.R.J.Laight | 12/0175-LA | Personal. Personal friend of Applicant. |
| Cllr.P. Lammas | 12/0175-LA | Personal. Personal friend of Applicant. |
| Cllr.P.J.Whittaker | 12/0175-LA | Personal. Personal friend of Applicant. |

5/12 **MINUTES**

The minutes of the meeting of the Planning Committee held on 30th April 2012 were submitted.

RESOLVED that the minutes be approved as a correct record.

6/12 **TREE PRESERVATION ORDER 12/029 - APPLICATION TO FELL A CHESTNUT TREE AT 49 PARK ROAD, HAGLEY**

The Head of Planning and Regeneration Services reported on the deteriorating condition of an infected and decaying mature Horse Chestnut tree, the subject of a Tree Preservation Order, which, it was considered, needed to be felled in the interests of public safety.

RESOLVED that approval to fell the tree be granted, subject to the planting of a replacement Chestnut tree in a similar location within 12 months of the felling.

7/12 **11/0748- DMB - MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL (C3) AND/OR RESIDENTIAL INSTITUTION (C2),**

As both the Outline and Reserved Matters Applications for the site were on the agenda for discussion that evening, with the agreement of the Chairman, and in order to facilitate Officer's presentations and public speaking representations, the two applications were discussed together. It was

reported, however, that for purposes of clarity the Committee's decisions on the two applications would be recorded separately in the formal minutes of the meeting.

The Head of Planning and Regeneration Services reported on and provided additional clarification on a number of matters relating to: amended plans in respect of affordable housing provision; overall densities; land levels; the proposed; community building; public open space; and a number of additional terms for the Section 106 Agreement. Additional comments, received from Cofton Hackett Parish Council, were also reported.

At the invitation of the Chairman, Mr J Tait, the Agent for the Applicants, addressed the Committee.

During the discussion, it was suggested that the recent Committee site visit, undertaken in respect of both Applications, had not been conducted in the appropriate manner. Officers clarified that, the Applicant's Agent had only been present to provide visual references in the context of the other sites within the whole development, that were outside of Bromsgrove's boundary, and which the Council's Planning Officers were not privy to information on.

A motion to defer consideration of both Applications, in order to investigate the Council's role in the matter, was lost on the vote. Subsequent to the vote being lost, the three Committee Members who had requested the deferral withdrew from the meeting and took no further part in the debate nor voted on the matter.

RESOLVED that authority be delegated to the Head of Planning and Regeneration Services to determine the Outline Planning Application:

- a) upon receipt of a suitable and satisfactory legal mechanism in relation to Heads of Terms as detailed on pages 53 and 54 of the report;
- b) the following additional Heads of Terms:
 - (i) Payment of the District Council's reasonable and proper legal fees incurred in connection with the completion of the Agreement.
 - (ii) The payment of a monitoring fee at £50 per dwelling index linked applicable from the 230th unit onwards
 - (iii) The Owners undertake to provide employment and apprenticeships with skills training and further education to Local People in connection with the construction and operation of the Development in the following ways:
 - Prior to Implementation of the Development the Owners undertake to designate a Local Skills and Employment Co-ordinator who shall where practicable liaise with and work in

partnership with the Longbridge Employment and Skills Group to ensure the aims of this Schedule are followed; and

- To issue a written statement to contractors and sub-contractors for contracts associated with the construction or operation of the Development requesting that such contractors and sub-contractors use reasonable endeavours to notify local employment agencies in the District Council's area and the city of Birmingham of all job vacancies as soon as the vacancies are known; and that evidence of notification of all job vacancies be given to the District Council; and
- To issue a written statement to contractors for the Development requesting a written assurance from such contractors and sub-contractors to use reasonable endeavours to comply with equal opportunities of employment and training for Local People and Local Businesses and where possible to offer apprenticeships to Local People who may qualify under a government scheme or some other scheme that may be in place from time to time by the government the District Council or some other employment agency at the time the Development is Implemented; and to advertise vacancies in local job centres and local newspapers; and to provide appropriate and adequate training skills for all new employees or apprenticeships during the construction phase of the development

Clarity that the viability reviews to be submitted on completion of the 230th and 477th dwellings, with the viability review updating the current Delivery and Viability Report submitted with the current application; and

- c) upon completion of the agreement referred to in a) and b) above, Outline permission be granted, subject to the themes of Conditions set out or referred to on pages 54 and 55 of the report.

8/12 **11/0750-DMB - ERECTION OF 229 RESIDENTIAL DWELLINGS, NEIGHBOURHOOD PARK, CHILDREN'S PLAY AREA, ASSOCIATED LANDSCAPING AND ACCESS WORKS - LAND AT FORMER LONGBRIDGE EAST WORKS, GROVELEY LANE, COFTON HACKETT - ST MODWEN DEVELOPMENTS LIMITED, ST MODWEN PROPERTIES III SARL AND PERSIMMON HOMES LIMITED**

As both the Outline and Reserved Matters Applications for the site were on the agenda for discussion that evening, with the agreement of the Chairman, and in order to facilitate Officer's presentations and public speaking representations, the two applications were discussed together. It was reported, however, that for purposes of clarity the Committee's decisions on

the two applications would be recorded separately in the formal minutes of the meeting.

The Head of Planning and Regeneration Services reported on and provided additional clarification on a number of matters relating to: traffic calming measures; amended plans in respect of affordable housing provision in respect of proposed changes to the housing mix; and a number of additional terms for the Section 106 Agreement. Additional comments, received from Cofton Hackett Parish Council, were also reported.

At the invitation of the Chairman, Mr J Tait, the Agent for the Applicants, addressed the Committee.

During the discussion, it was suggested that the recent Committee site visit, undertaken in respect of both the Outline and Reserved Matters applications, had not been conducted in the appropriate manner. Officers clarified that, the Applicant's Agent had only been present to provide visual references in the context of the other sites within the whole development, that were outside of Bromsgrove's boundary, and which the Council's Planning Officers were not privy to information on.

A motion to defer consideration of both Applications, in order to investigate the Council's role in the matter, was lost on the vote. Subsequent to the vote being lost, the three Committee Members who had requested the referral, withdrew from the meeting and took no further part in the debate nor voted on the matter.

RESOLVED that authority be delegated to the Head of Planning and Regeneration Services to determine the Full Planning Application:

- a) following the receipt of a suitable and satisfactory legal mechanism in relation to Heads of Terms as detailed on page 102 of the report;
- b) the following additional Heads of Terms for the Section 106 Agreement:
 - i) Payment of the District Council's reasonable and proper legal fees incurred in connection with the completion of the Agreement;
 - ii) The sum of £22,500 to be paid to the District Council towards the costs incurred in relation to the viability assessment for the development on completion of the Section 106 Agreement.
 - iii) The Owners undertake to provide employment and apprenticeships with skills training and further education to Local People in connection with the construction and operation of the Development in the following ways:
 - Prior to Implementation of the Development the Owners undertake to designate a Local Skills and Employment Co-ordinator who shall where practicable liaise with and work in partnership with the Longbridge Employment and

Skills Group to ensure the aims of this Schedule are followed; and

- To issue a written statement to contractors and sub-contractors for contracts associated with the construction or operation of the Development requesting that such contractors and sub-contractors use reasonable endeavours to notify local employment agencies in the District Council's area and the city of Birmingham of all job vacancies as soon as the vacancies are known; and that evidence of notification of all job vacancies be given to the District Council; and
 - To issue a written statement to contractors for the Development requesting a written assurance from such contractors and sub-contractors to use reasonable endeavours to comply with equal opportunities of employment and training for Local People and Local Businesses and where possible to offer apprenticeships to Local People who may qualify under a government scheme or some other scheme that may be in place from time to time by the government the District Council or some other employment agency at the time the Development is Implemented; and to advertise vacancies in local job centres and local newspapers; and to provide appropriate and adequate training skills for all new employees or apprenticeships during the construction phase of the development; and
- c) on completion of the agreement referred to in a) and b) above, Full Planning Permission be granted, subject to the themes of Conditions set out or referred to on page 102 of the report.

9/12 **12/0066-DMB- SUBMISSION OF RESERVED MATTERS TO 11/0343 (INTERNAL ACCESS, APPEARANCE, LAYOUT, SCALE AND LANDSCAPING) FOR THE ERECTION OF 80 RESIDENTIAL UNITS - LAND AT CHURCH ROAD, CATSHILL - CALA HOMES**

The Head of Planning and Regeneration Services provided additional information in relation to affordable housing issues, in particular in relation to proposals for a new mix of housing types to: make the shared ownership units more acceptable; provide a slight increase in rented units; and increase the 1 bedroom rented units. Members also noted information provided by Worcestershire County Council, in relation to Village Green issues.

At the invitation of the Chairman, Mr M. Robson of Cerda Planning, Agent for the Applicant, addressed the Committee. Ms I Frazer, of the Catshill Marshes Action Group, addressed the Committee and spoke in objection to the Application. Councillor J. Brogan also spoke in his capacity as one of the Ward Members for the area in which the application site was located.

Consideration was then given to the Application, which had been recommended for delegated approval by the Head of Planning and Regeneration Services. However, on the matter being put to the vote, Members considered that the development should be refused on the grounds that:

“the cumulative visual impact of the layout and character of the development (with specific reference to Plots 7 – 27 to the eastern boundary and the apartment block to the northern elevation) were unacceptable in design terms and thus failed to produce a high quality development”.

RESOLVED that permission be refused for the reason set out above.

10/12 **12/0170-DK - CONSTRUCTION OF 16 DWELLINGS PLUS NEW ACCESS FORMED BY DEMOLITION OF NO 31 COBNALL ROAD AND PART DEMOLITION OF NO 33 PLUS NEW EXTENSION TO NO 33 - LAND AT COBNALL ROAD, CATSHILL - BROMSGROVE DISTRICT HOUSING TRUST**

The Head of Planning and Regeneration Services reported that amended plans had been received and agreed in relation to two minor amendments in respect of the positioning of a number of windows to comply with SPG1. Members were also advised that, the additional information requested by the Drainage Engineer in respect of the suitability of soakaways on the site, had also been received and accepted. An additional representation, received from a Catshill resident, was also noted.

At the invitation of the Chairman, Mr C. Lewis, on behalf of the Applicant, addressed the Committee. Councillor J.Brogan also addressed the Committee in his capacity as Ward Member.

RESOLVED that permission be granted subject to the Conditions and Notes set out or referred to on pages 128 to 132 of the report.

11/12 **12/0175-LA - PROPOSED REPLACEMENT OF MODERN DEFECTIVE WINDOWS TO GRANNY ANNEX (AS AMENDED BY PLANS RECEIVED 20.04.12) - BOWLING GREEN FARM, WORCESTER ROAD, BROMSGROVE, B61 7HZ - MR. P. THOMAS**

The Head of Planning and Regeneration Services reported that Listed Building Consent was required to replace the windows in the Grade II Listed Building due to their poor condition.

RESOLVED that Listed Building Consent be granted, subject to the Conditions and Notes set out or referred to on Page 134 of the report.

12/12 **12/0310-HR - PROPOSED NEW DROPPED KERB AND ACCESS TO PROVIDE SEPARATE ACCESS AND CAR PARKING - THE LODGE, BEACON HILL, REDNAL, B45 9QL - MR. S. DUDLEY**

This item was withdrawn at the request of the Applicant's Agent and was not discussed.

13/12 **12/0316-MT - EXTENSION OF TEMPORARY PLANNING PERMISSION FOR CAR PARK EXTENSION - FORMER MARKET HALL SITE, ST JOHN STREET, BROMSGROVE - BROMSGROVE DISTRICT COUNCIL**

The Head of Planning and Regeneration Services reported that a further temporary planning permission had been requested to continue the current use as a car park given that there had been no developer interest in the site to date.

A suggestion was made that a condition be included for car parking on the site to be made free. It was noted that such matters did not fall within the remit of the Planning Committee and would have to be pursued under different Council Policy.

RESOLVED that a temporary Planning Permission be granted for a period of one year, subject to the Conditions and Informatives set out or referred to on Page 144 of the report.

The meeting closed at 7.55 p.m.

Chairman