

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

11TH JANUARY 2016 AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P.L. Thomas (Vice-Chairman), C. Allen-Jones, M. T. Buxton, M. Glass, C.A. Hotham, K.J. May, S. R. Peters, S. P. Shannon, L. J. Turner and P. J. Whittaker

Officers: Mr. D. M. Birch, Mr. M. Bough, Mr. G. Boyes, Miss. E. Farmer, Mr. S. Hawley (Worcestershire Highways Authority), Mr. A. Hussain, Mrs. S. Sellers, Mrs. J. Smyth and Mrs. S. Williams

74/15 **APOLOGIES**

An apology for absence was received on behalf of Councillor S.J. Baxter. Councillor L.J. Turner was confirmed as Councillor Baxter's substitute for the meeting.

75/15 **DECLARATIONS OF INTEREST**

The following declarations of interest were made:

Councillor R.J. Deeming (Chairman) asked for it to be noted, in relation to Item 9 on the Agent (Planning Application 2015/0819 – Land off East Works Drive, Cofton Hackett), that he was Chairman of Cofton Hackett Parish Council.

Councillor P.L. Thomas asked for it to be noted, in relation to Item 10 on the Agenda (Planning Application 2015/0964 – 40 Marlborough Avenue, Bromsgrove), that he had called the matter in for the Committee to consider and that as he might be perceived to have a pre-determined view, he would withdraw from the meeting for its consideration. Councillor Thomas withdrew from the meeting prior to discussion of the item and took no part in the discussion or voting on the matter.

Councillor C.A. Hotham declared an Other Disclosable Interest in Item 5 on the Agenda (Tree Preservation Order (No.7) 2015 – Trees on land at 19-27 New Road, Bromsgrove) in that he was acquainted with the owner of the property next door to the land the subject of the Order. Councillor Hotham therefore withdrew from the meeting prior to discussion of the item and took no part in the discussion or voting on the matter.

Councillor C.A. Hotham also declared an Other Disclosable Interest in Item 7 on the Agenda (Planning Application 2015/0652 – Re-alignment of Fieri Hill Road, Barnt Green, Birmingham) in that he had previously expressed a pre-

determined view on the application and also that he had registered to speak to the matter as Ward Member. Councillor Hotham withdrew from the Committee into the public gallery prior to consideration of the item and subsequently withdrew from the meeting following the public speaking process and took no part in the discussion or voting on the matter.

Councillor K.J. May asked that it be noted, in relation to Agenda Item 8 (Planning Application 2015/0779 – The Dodford Inn, Whinfield Road, Dodford) that she had called the matter in for the Committee to consider but was not predetermined and would be participating in the debate.

Councillor K.J. May also asked that it be noted, in relation to Agenda Item 12 (Planning Application 2015/1041 Sunday Hill, Whinfield Road, Dodford) that she had called the matter in for the Committee to consider but was not predetermined and would be participating in the debate.

Councillor C. Allen-Jones, prior to consideration of Item 6 on the Agenda (Tree Preservation Order (No.10) 2015 – Trees on land at Cherry Hill Road, Barnt Green, Bromsgrove) declared an Other Disclosable Interest in that he was acquainted with the owner of a neighbouring property. Councillor Allen-Jones therefore withdrew from the meeting prior to discussion of the item and took no part in the discussion or voting on the matter.

76/15 **MINUTES**

The minutes of the meeting of the Planning Committee held on 7th December 2015 were submitted.

RESOLVED that the minutes of the meeting be approved as a correct record.

77/15 **TREE PRESERVATION ORDER (NO.7) 2015 - TREES ON LAND AT 19 - 27 NEW ROAD, BROMSGROVE**

The Committee considered the confirmation with modification of Tree Preservation Order (No.7) 2015 relating to trees on land at 19 to 27 New road, Bromsgrove.

RESOLVED that Tree Preservation Order (No.7) 2015, relating to trees on land at 19 – 27 New Road, Bromsgrove be confirmed with modification as detailed in Appendix 5 (Modified Plan and Schedule of Trees) to the report.

Owing to his late arrival at Committee, Councillor C. Allen-Jones was not present during consideration of the above Item and took no part in its discussion or voting thereon.

78/15 **TREE PRESERVATION ORDER (NO.10) 2015 - TREES ON LAND AT CHERRY HILL ROAD, BARNT GREEN, BROMSGROVE**

The Committee considered the confirmation of Tree Preservation Order (No. 10) 2015 relating to trees on land at Cherry Hill Road, Barnt Green, Bromsgrove.

RESOLVED that Tree Preservation Order (No.10) 2015, relating to trees on land at woodland adjoining 15 Cherry Hill Road, Barnt Green, Bromsgrove, be confirmed and made permanent as detailed in Appendix 6 to the report.

79/15 **2015/0652 - RE-ALIGNMENT OF FIERY HILL ROAD - FIERY HILL ROAD, BARNT GREEN, BIRMINGHAM, WORCESTERSHIRE B45 8LF - MR MARK GAY FOR CALA HOMES**

The Committee was reminded that a decision on the matter had been deferred at the previous meeting of the Committee on the 7th December 2015 in order for Officers to have further discussions with Worcestershire Highways Authority and the Applicant relating to the Highway speed survey that had been submitted with the Application. Members noted that additional speed surveys were subsequently carried out by the Applicant and reviewed by the Highways Authority, the conclusions of which had been detailed in the Officer report.

The Committee also noted further representations from Barnt Green Parish Council and additional Officer information relating to the proposed transfer of ownership of the car park to the Parish Council, as detailed in the published Update report, copies of which were provided to Committee Members and the public gallery prior to commencement of the meeting.

At the invitation of the Chairman, Mr. R. Bellamy, for the Applicant, addressed the Committee. Councillor C.A. Hotham, in whose Ward the application site was located, also addressed the Committee.

RESOLVED that Planning Permission be granted, subject to the Conditions and notes as detailed on pages 110 to 113 of the main agenda report.

80/15 **2015/0779 - REFURBISHMENT AND EXTENSIONS AT THE DODFORD INN - THE DODFORD INN, WHINFIELD ROAD, DODFORD, WORCESTERSHIRE B61 9BG - MR D MYATT**

The Committee noted late consultation responses from Worcestershire Regulatory Services in relation to noise / dust nuisance and a letter of support for the application, as detailed in the published Update report, copies of which were provided to Committee Members and the public gallery prior to commencement of the meeting.

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

The Committee then considered the Application, which was recommended for refusal by Officers. Having considered the information provided, Members were of the view that the scale and design of the proposed extension was commensurate with the existing building and therefore appropriate and would not be harmful to the openness of the Great Belt. Members also considered that weight should be given to the economic aspect of the proposal which was supported locally, particularly in view of the economic history of the site over recent years. Concerns were expressed that should the business not be able to expand sufficiently to attract more business it would not remain viable. Reference was also made to the National Planning Policy Framework relating to the encouragement of viable businesses.

Members therefore took the view that very special circumstances existed to grant Planning permission, subject to Conditions.

RESOLVED that Planning Permission be granted, subject to the following Conditions and Informatives:

Conditions

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

- 2) Details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be subject to the approval, in writing, of the local planning authority before any work on the site commences.

Reason: To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.

- 3) The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings listed in this notice:

Location plan Dwg. No. 15:18:LP
Existing site plan Dwg. No. 15:18:01
Existing plans and elevations Dwg. No. 15:18:00
Proposed site plan Dwg. No. 15:18:03
Proposed plan and elevations Dwg. No. 15:18:02

Reason: For the avoidance of doubt and in the interests of proper planning.

- 4) The existing lean to store building located at the rear of the main building (as indicated on Dwg. No. 15:18:02) shall be demolished and all the resultant materials removed from the site before development in pursuance of this permission is commenced.

Reason: In order to secure a well-planned development in accordance with policies DS1 and S35A of the Bromsgrove District Local Plan January 2004.

- 5) Joinery details including those in the existing building at a scale of 1:5 shall be subject to the approval in writing, of the local planning authority before any work on the site commences.

Reason: To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.

- 6) A scheme of landscaping and planting (including screen planting between the site and Dingle View), shall be submitted to, and approved by the Local Planning Authority in writing. The 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 all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate

The approved scheme shall be implemented within 12 months from the date when the buildings hereby permitted are first occupied. Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004 .

Informatives

- 1) This decision has been taken having regard to the policies within the Bromsgrove District Local Plan January 2004 (BDLP) and the National Policy Framework (NPPF) 2012 and other material considerations. The Officer's recommendation was for refusal as the development does not comply with the provisions of the development plan. However, the LPA are aware of the requirement to work in a positive and proactive manner with the applicant in the determination of planning applications. In this case, members of the Planning committee considered that very special circumstance existed to justify the granting of planning permission.

- 2) The applicant is advised to re-route the informal footpath that would be obstructed as a result of the extension.
- 3) The hours of opening shall be in accordance with hours set by Worcestershire Regulatory Services under the Licensing Act 2003
- 4) In order to minimise any nuisance (noise, dust, etc.) from the proposed works the applicant should refer their contractor to the WRS Code of Best Practice for Demolition and Construction Sites dated July 201.1

81/15

2015/0819 - ERECTION OF 41 DWELLINGS, LANDSCAPING AND ASSOCIATED DEVELOPMENT INFRASTRUCTURE - LAND OFF EAST WORKS DRIVE, COFTON HACKETT, WORCESTERSHIRE - MR RICHARD HICKMAN FOR ST. MODWEN DEVELOPMENTS

The Committee noted various additional representations from the Council's Strategic Housing Team, Birmingham City Council, Cofton Hackett Parish Council and additional information provided by the Applicant relating to public open space, affordable housing and drainage matters, to address the concerns raised by Members at the previous meeting of the Committee, when the Application was deferred to enable Officers and the Applicant to hold further discussions. Members further noted that negotiations had taken place with the Applicant subsequent to comments from Birmingham City Council in regard to including a Section 106 enhancement contribution towards the local community infrastructure, all as detailed in the published Update Report, copies of which were provided to Committee Members and the public gallery prior to commencement of the meeting.

Officers also drew Members attention to the amended recommendation on the Update report to reflect the agreed additional contribution towards the local community infrastructure.

At the invitation of the Chairman, Mr. R. Hickman, for the Applicant, addressed the Committee. Parish Councillor K. Duncan also addressed the Committee on behalf of Cofton Hackett Parish Council.

The Committee then considered the Application, which was recommended for approval by Officers. Whilst Members were pleased to note the Applicant's responses to concerns raised at the previous meeting of the Committee and welcomed the additional Section 106 contribution negotiated with the Applicant, concerns were raised in relation to the proposed 30 dwelling trigger point for the submission of the application for the proposed Community Centre which the Committee were keen to see come forward as soon as possible. Members were therefore of the view that the trigger point for this submission should be 20 dwellings and not 30 as proposed. Concerns were also raised in regard to the proposed financial contribution towards the provision of wheelie bins for the scheme with Members seeking to ensure that the full cost for supply and delivery of the bins had been factored into the figure. Officers agreed to check the costings with the Council's Waste Team.

The Committee also briefly discussed a matter relating to public footpaths and a suggestion that the tunnel footpath under the railway could be opened up for public use, which Officers advised could not be conditioned but suggested could be put to the Applicant as a Guidance Note.

RESOLVED that

- 1) authority be delegated to the Head of Planning and Regeneration Services to determine the Planning Application following receipt of a suitable and satisfactory Legal mechanism in relation to the following matters:
 - a) £2,460.00 (subject to a review of costings) as a contribution towards the provision of wheelie bins for the scheme;
 - b) the on-site provision of affordable housing to be maintained as such in perpetuity;
 - c) £50,000 as a contribution towards new toilet facilities at Lickey Hills Visitor Centre;
 - d) trigger points to be provided to ensure the following when the next phased Application is submitted for residential development:
 - i) to ensure the implementation of the open space area adjacent to the site; and
 - ii) to ensure the submission of an application for a Community Centre; and
- 2) The Conditions and Informatives detailed on pages 131 to 138 of the main agenda report and the following additional Informative:
 - 8) The Applicant's attention is drawn to the Committee's comments in the preamble above in respect of enhancing statutory footpath 521 (D) that crosses under the railway line.

82/15

**2015/0964 - REPLACEMENT DWELLING (PART RETROSPECTIVE) - 40
MARLBOROUGH AVENUE, BROMSGROVE, WORCESTERSHIRE B60
2PD - MR MIKE LEWIS**

Members noted one additional letter of objection, as detailed in the published update report, copies of which were provided to Committee Members and the public gallery at the meeting.

At the invitation of the Chairman, Ms A. Pickup, objecting, addressed the Committee. Mr M. Lewis, the Applicant, also addressed the Committee.

The Committee then considered the Application which was recommended for approval by Officers. Having considered all of the information provided, and acknowledging the amendments the Applicant had made to the proposal to address the Committee's reasons for refusal at a previous meeting of the Committee, Members were still of the view that the bulk and mass of the side wall elevation would impact on the neighbouring property.

RESOLVED that Planning Permission be refused for the following reason:

"The replacement dwelling would have an unacceptable overbearing impact on the neighbouring property 38 Marlborough Avenue in regards to the bulk of the side elevation. The proposal is therefore contrary to Policies DS13 and S7 of the Bromsgrove District Local Plan and guidance contained within the councils adopted Supplementary Planning Guidance Note 1: Residential Design Guide."

83/15 **2015/0969 - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 18 DWELLINGS - 118 KIDDERMINSTER ROAD, BROMSGROVE, WORCESTERSHIRE B61 7LD - MR ANDREW COCKAYNE**

This item of business had been withdrawn from the Agenda by Officers and was not discussed.

84/15 **2015/1041 - DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF NEW GARAGE AND AGRICULTURAL STORE (AMENDED TO PREVIOUS APPLICATION 2015/0710) - SUNDAY HILL, WHINFIELD ROAD, DODFORD, BROMSGROVE, WORCESTERSHIRE B61 9BG - MR AND MRS R LYDON**

At the invitation of the Chairman, Mr. R. Lydon, the Applicant, addressed the Committee.

The Committee then considered the Application, which Officers had recommended for refusal. Members considered that the Applicant had addressed the Committee's previous concerns relating to the location of the staircase and the width of the building and were of the view that the building would be complementary in design to Sunday Hill by virtue of its scale. They further considered that the amended proposal would not be unduly prominent in the Conservation Area or out of character with its surroundings.

The Committee were therefore minded to approve the Application subject to the imposition of Conditions, to include the removal of Class E Permitted Development rights and the use of external rooflights.

RESOLVED that Planning Permission be granted, subject to the following Conditions:

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

- 2) The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings listed in this notice:

15 353 015 Proposed Elevations
15 353 012 Proposed Ground Floor Plan
15 353 013 Proposed First Floor Plan
15 353 016 Elevations with Respect of House
15 353 014 Sections
15 353 011 Site Plan
15 353 001 Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Class E shall be carried out without the prior approval of the local planning authority to an application in that behalf.

Reason: To protect the openness of the Green Belt in accordance with policies DS2 and C27c of the Bromsgrove District Local Plan.

- 4) No additional windows or rooflights shall be inserted at any time on the proposed garage without written confirmation from the Local Planning Authority.

Reason: To make sure that the development preserves the character of the conservation area and relates to the area in which it is being built in order to comply with policy DS13 and S36 of the Bromsgrove District Local Plan January 2004

- 5) Prior to the commencement of development, details of the materials and finishes to be used on the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual and heritage amenities of the area and in accordance with Policies S36 and S38 of the Bromsgrove District Local Plan 2004.

The meeting closed at 8.07 p.m.

Chairman