

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

**MONDAY, 13TH AUGUST 2007, AT 2.00 P.M.**

PRESENT: Councillors G. N. Denaro (Vice-Chairman in the Chair),  
Mrs. J. M. Boswell, Mrs. M. Bunker, Mrs. J. Dyer M.B.E., D. Hancox,  
B. Lewis F.C.M.I, E. J. Murray, S. R. Peters, C. R. Scurrall and  
C. J. K. Wilson

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

50/07 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. J. D. Luck, E. C. Tibby and P. J. Whittaker.

51/07 **MINUTES**

The Minutes of the meeting of the Planning Committee held on 16th July 2007 were submitted.

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

52/07 **DECLARATIONS OF INTEREST**

Members made the following declarations of their interests in matters due to be considered at the meeting.

<b><u>Member</u></b>	<b><u>Application</u></b>	<b><u>Nature of Interest</u></b>
Councillor E. J. Murray	B/2007/0720	Prejudicial. Daughter in the process of purchasing an area of land adjacent to, or part of land including, the application site. During consideration of the application, Councillor Murray left the room.
Councillor E. J. Murray	B/2007/0777	Prejudicial. Daughter in the process of purchasing an area of land adjacent to, or part of land including, the application site. During consideration of the application, Councillor Murray left the room.
Councillor E. J. Murray	B/2007/0800	Prejudicial. Daughter in the process of purchasing an area of land adjacent to, or part of land including, the application site. During consideration of the application, Councillor Murray left the room.

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Councillor S. R. Peters	B/2007/0682	Prejudicial. Lives in close proximity to the application site. During consideration of the application, Councillor Peters left the room.
Councillor C. R. Scurrall	B/2007/0720	Personal. Is a member of Belbroughton Parish Council's Planning Committee which had previously considered the matter.
Councillor C. R. Scurrall	B/2007/0777	Personal. Is a member of Belbroughton Parish Council's Planning Committee which had previously considered the matter.
Councillor C. R. Scurrall	B/2007/0800	Personal. Is a member of Belbroughton Parish Council's Planning Committee which had previously considered the matter.

53/07

**B/2007/0546-HLP - CONVERSION OF STORAGE / WAREHOUSE INTO SIX OFFICE UNITS - LEA END FARM, ASH LANE, HOPWOOD - NIGEL CURTIS**

At the invitation of the Chairman, Ms. M. Simpson-Gallego, agent for the applicant, addressed the Committee and spoke in favour of the proposals.

The Head of Planning and Environment Services reported the receipt of comments from the Building Control Officer, together with a letter from a local resident expressing no objection to the application, and additional correspondence from the applicant's agents.

**RESOLVED** that permission be refused for the following reasons:

1. The proposed development represents inappropriate development in the Green Belt and would not accord with Green Belt Policy and the purposes of including land within it. Very special circumstances do not exist to outweigh the harm that would be caused. As such, the proposal is contrary to policy DS2 of the Bromsgrove District Local Plan, policies D.38 and D.39 of the Worcestershire County Structure Plan and the provisions of PPG2.
2. The proposed use would be located away from any town centre or urban area in an isolated position not well related to public transport links. The proposed B1 use would not therefore be located so as to minimise the need to travel and the users of the site would be highly dependant on the private car to travel to and from the site. As such, the proposed development is contrary to policies PA1 and PA14 of the West Midlands Spatial Strategy, policies SD.4, D.26, D.29 and T.1 of the Worcestershire County Structure Plan, and policy DS13 of the Bromsgrove District Local Plan, and the provisions of PPG13.

54/07 **B/2007/0682-HB - SITING OF ENVIRONMENTAL INCINERATOR - WYTHALL SAWMILLS, ALCESTER ROAD, WYTHALL - MR. D. NICHOLS, DAVIES TIMBER YARD**

The Head of Planning and Environment Services reported the receipt of five further letters of objection from local residents. He also informed the Committee that there were a number of inaccuracies in the drawings submitted with the application and stated that he was minded to recommend refusal of the application.

In addition, it was reported that the expiry date for the publicity period of the application should read "16.08.2007", as opposed to that referred to in the report.

**RESOLVED** that the Head of Planning and Environment Services be authorised to refuse the application upon the expiry of the publicity period on 16th August 2007 for the following reason:

- (1) Insufficient information has been provided to show the relationship of the proposed incinerator to other features on the existing south elevation of the sawmill. Furthermore, correct information has not been provided with regard to the existing roofline. As such, the proposal is contrary to policy S19 of the Bromsgrove District Local Plan.

55/07 **B/2007/0720-DI - LAY HARDCORE TO IMPROVE AND MAINTAIN AN EXISTING TRACK - LAND OFF HOCKLEY BROOK LANE, BELBROUGHTON - CARL BEDDINGTON**

The Head of Planning and Environment Services reported the receipt of comments from Belbroughton Parish Council, together with a letter from a local resident in support of the application.

**RESOLVED:**

- (a) that the Head of Planning and Environment Services be authorised to refuse the application for the reason referred to on page 30 of the report upon the expiry of the publicity period on 20th August 2007; and
- (b) that, upon the refusal of the application in (a) above, the Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Democratic Services, be authorised to proceed with the most appropriate course of enforcement action to remedy the breach of planning control.

56/07 **B/2007/0777-DI - ERECTION OF STABLE BLOCK / TACK SHED; CHANGE OF USE FROM AGRICULTURAL TO EQUINE RECREATIONAL - PART FIELD NO. 1530 ADJ. POOLHOUSE FAR, HOCKLEY BROOK LANE, BELBROUGHTON - PHILIP BROOKES**

The Head of Planning and Environment Services reported that the application for planning permission had been withdrawn.

**RESOLVED** that the Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Democratic Services, be authorised to proceed with the most appropriate course of enforcement action to remedy the breach of planning control.

57/07 **B/2007/0800-DI - ERECTION OF MOBILE 3 BERTH FIELD SHELTER (RETROSPECTIVE) - PART FIELD NO. 1448 ADJ. POOLHOUSE FARM, HOCKLEY BROOK LANE, BELBROUGHTON - A. CULLEN**

At the invitation of the Chairman, Mr. R. Skidmore, agent for the applicant, addressed the Committee and spoke in favour of the proposals.

The Head of Planning and Environment Services reported the receipt of comments from Belbroughton Parish Council.

**RESOLVED:**

- (a) that the Head of Planning and Environment Services be authorised to refuse the application for the reason referred to on page 39 of the report upon the expiry of the publicity period on 20th August 2007; and
- (b) that, upon the refusal of the application in (a) above, the Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Democratic Services, be authorised to proceed with the most appropriate course of enforcement action to remedy the breach of planning control.

58/07 **PI/2006/00220 - 6 BLAKES FIELD DRIVE, BARNT GREEN**

The Head of Planning and Environment Services reported that the applicant had informed him that he intended to demolish the bungalow, and thereby comply with condition no. 3 attached to plan ref. B/2006/0159, within the next month.

**RESOLVED** that the Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Democratic Services, be authorised to proceed with the most appropriate course of enforcement action to remedy the breach of planning control referred to in the report.

59/07 **APPEAL DECISIONS**

Members considered a report which detailed the decisions of planning appeals which had been determined since the last meeting of the Committee.

**RESOLVED** that the report be noted.

60/07 **B/2007/0539-DMB - EARTHWORKS / SITE REGRADING - PART COFTON CENTRE, GROVELEY LANE, COFTON HACKETT - REDMAN HEENAN PROPERTIES LIMITED**

(The Chairman agreed to the consideration of this item of business as a matter of urgency because a decision was required thereon before the next meeting of the Committee).

The Head of Planning and Environment Services reported that an application for planning permission had been received, under Plan Ref. B/2007/0539, for proposed re-profiling earthworks to allow for the future construction materials associated with the development of the Cofton Centre. It was also stated that the application complements the outline approval at the Committee's last meeting, on 16th July 2007, for the redevelopment of the site for industrial and warehouse units within use classes B1(b) and (c), B2 and B8.

The Head of Planning and Environment Services informed the Committee that no objections to the proposals had been received from a number of consultees, namely Birmingham City Council, the British Waterways, Environment Agency, Cofton Hackett Parish Council, the Health and Safety Executive, Network Rail, Public Rights of Way, the Ramblers Association, the Strategic Planning Officer, Worcestershire County Councils Highways Partnership (Bromsgrove) and Worcestershire County Council (Waste). In addition, he stated that additional comments had been received from the Lickey Hills Society.

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

1. C99
2. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.
3. The means of vehicular access to the development hereby approved shall be from Groveley Lane only.
4. Before any materials are brought on to the site or any development commenced, the developer shall erect protective tree fencing in relation to retained tree specimens as illustrated by BS 5837:2005 Fig. 2, on a line concurrent with Section 5 of BS 5837:2005. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development, the subject of this permission, has been completed.

Notes:

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

Duty of Care Regulations 1991  
Hazardous Waste (England and Wales) Regulations 2005  
Waste Management Licensing Regulations 1994 (as amended)  
Pollution Prevention and Control Regulations (England and Wales) 2000  
Landfill (England and Wales) Regulations 2002

Only clean, uncontaminated rock, subsoil, brick, rubble and crushed concrete should be used as fill material on site.

The applicant should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid delays.

The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy (WMSS) June 2004, the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan (BDLP) January 2004 and other material considerations as summarised below:

WMSS	QE1, QE2, QE3, QE6, QE7, QE9, PA1, PA5
WCSP	SD.2, CTC.1, CTC.9, CTC.10, CTC.12, CTC.13, CTC.14, CTC.19, CTC.20, T.1
BDLP	C4, C10a, C11, C17, DS13, E1, E2, E3, E4, E5, E9, ES1, ES2, ES4, ES5, ES6, ES7, ES8, ES14, ES16, TR1, TR11, TR12
Others	PPS1, PPG4, PPS9, Circular 06/05, Longbridge Area Action Plan: Issues and Options Report

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.

The meeting closed at 3.10 pm

Chairman