

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

**MONDAY, 2ND MARCH 2020 AT 6.00 P.M.**

PRESENT: Councillors P. J. Whittaker (Vice-Chairman), S. J. Baxter, A. J. B. Beaumont, S. P. Douglas, A. B. L. English, M. Glass, J. E. King, H. D. N. Rone-Clarke (Substitute), M. A. Sherrey (Substitute), C. J. Spencer (Substitute) and P.L. Thomas

Officers: Mr. D. M. Birch, Mrs. H. L. Plant, Mr. G. Boyes, Mr T. Ball, Mrs. N. Chana, Miss. E. Farmer, Mr P. Lester, Mr. S. Jones, Ms. A. Scarce, Mrs. S. Sellers and Mr. S. Hawley, Worcestershire County Council, Highways

1/15 **APOLOGIES**

Apologies for absence were received from Councillors R. Deeming, S. Hession and P. McDonald with Councillors C. Spencer, M. Sherrey and H. Rone-Clarke attending as substitutes respectively.

1/15 **DECLARATIONS OF INTEREST**

Councillor A. Beaumont declared in relation to Agenda Item 8, Minute No 76/19), that he had a predetermined view on the matter and would be withdrawing to the public gallery to speak on this item as Ward Councillor under the Council's public speaking rules. Following the conclusion of public speaking, Councillor Beaumont remained in the public gallery for the duration of the Committee's debate and took no part in the Committee's consideration nor voting on the matter.

1/15 **MINUTES**

The Minutes of the Planning Committee meetings held on 9<sup>th</sup> December 2019 and 13<sup>th</sup> February 2020 were received.

**RESOLVED** that the minutes of the Planning Committee meetings held on 9<sup>th</sup> December 2019 and 13<sup>th</sup> February 2020, be approved as a correct record.

1/15 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING (TO BE CIRCULATED PRIOR TO THE START OF THE MEETING)**

The Chairman confirmed with Members that they had received and read the update which had been published and circulated prior to the commencement of the meeting.

1/15 **TREE PRESERVATION ORDER (NO 7) 2019 - TREES ON LAND AT RUSHLEIGH ROAD, MAJORS GREEN B90 1DH**

The Committee considered a report which detailed proposals to confirm, without modification, Tree Preservation Order (No 7) 2019, relating to trees on land at Rushleigh Road, Majors Green B90 1DH.

Officers drew Members' attention to the Supplementary Documentation agenda pack and the photographs of the trees on pages 1 to 4. It was noted that notwithstanding objections made to the order, officers had concluded that the trees were of very good quality and worthy of protection.

**RESOLVED** that Provisional Tree Preservation Order (No.7) 2019, relating to trees on land at Rushleigh Road, Majors Green B90 1DH be confirmed without modification from the Provisional Order, as raised and shown on the plan and scheduled in Appendix (1) .

1/15 **TREE PRESERVATION ORDER (NO 9) 2019 - TREE ON LAND AT MILTON DRIVE, HAGLEY, DY9 9LS**

The Committee considered a report which detailed proposals to confirm, without modification, Tree Preservation Order (No 6) 2019, relating to trees on land at Milton Drive Hagley DY9 9LS.

Officers drew Members' attention to the Supplementary Documentation agenda pack and the photographs of the trees on pages 5 to 9. Officers summarised the objections to the order as set out in Appendix 2 and highlighted the key issues identified in arboricultural report at Appendix 3 and officers reasons for reaching different views on these matters and on the TEMPO score.

**RESOLVED** that Provisional Tree Preservation Order (No.6) 2019, relating to trees on land at Milton Drive Hagley DY9 9LS be confirmed without modification from the Provisional Order as raised and shown in Appendix (1) .

1/15 **14/0408 - RESIDENTIAL DEVELOPMENT COMPRISING THE ERECTION OF 26 DWELLINGS - OUTLINE APPLICATION (INCLUDING DETAILS OF ACCESS, LAYOUT, SCALE AND APPEARANCE) - LAND REAR OF ALGOA HOUSE, WESTERN ROAD, HAGLEY, WORCESTERSHIRE - MR. D. BILLINGHAM**

Officers presented the report and explained that although approved at Planning Committee in November 2014, the planning permission had never been issued due to delays finalising the section 106 agreement relating to highways matters. Members were referred to the previous 2014 committee report at Appendix 1. At the request of the applicant, the updated application before Members had been expanded to cover outline planning permission for all matters save for landscaping.

Members were referred to the updates on page 1 of the Update Report.

It was noted that the site formed the last remaining parcel of land in Hagley that had been identified under the Bromsgrove District Plan (policy BDP5(B) Other Development Sites) and had been identified as a housing development site. The application proposed 26 two storey dwellings split between 2, 3 and 4 bedrooms, including 10 affordable dwellings.

The access from the site would be from Western Road and Members were referred to the layout plan, and more detailed information regarding the type of dwellings proposed. In officers assessment the application met the relevant requirements for design and layout and residential amenity, and there were no objections from County Highways or Worcestershire Regulatory Services. Impact on existing facilities in Hagley would be mitigated by the provisions of the proposed section 106 contributions as detailed on pages 61 to 62 of the agenda.

At the invitation of the Chairman Mrs L. McGrath addressed the Committee in objection to the application and Councillor S. Colella spoke in his capacity as Ward Councillor.

In responding to points made during public speaking, the County Council's Highways Officer confirmed that further traffic modelling for this site had not been required in light of assessment work previously carried out for the adjacent site. The Highways Officer further clarified that the section 278 Highways Agreement would not attract financial contributions from the applicant.

Officers confirmed that the 50/50 split of the section 106 contributions to Hagley Community Centre and Clent Parish Hall had been based on the geographical location of the site.

In debating the application Members expressed their general support for the scheme subject to some reservations regarding future management of the public open space. This centred on concerns that use of a private management company could potentially lead to expense for the future occupiers, and that there might be other alternatives that had not been considered. Following further discussion it was moved that an additional recommendation be added to give delegated authority to officers to enter into discussion with the applicant regarding ownership of the public space being taken on by the council or Hagley Parish Council.

**RESOLVED** that

- (1) Minded to approve planning permission;
- (2) That delegated powers be granted to the Head of Planning and Regeneration to determine the outline planning application following the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:

**Highways**

- Active Travel and Public Transport Infrastructure within Hagley contribution:  
£25,534.90

#### **Education Infrastructure**

- A contribution towards Hagley Primary School based on the cost per open market dwellings as per the following tariff:  
£3,230 open market 2 or 3 bedroom dwelling  
£4,845 open market 4 or more bedroom dwelling
- A contribution towards Haybridge High School and sixth form based on the cost per open market dwellings as per the following tariff:  
£4,213 open market 2 or 3 bedroom dwelling  
£6,252 open market 4 or more bedroom dwelling

#### **Medical Infrastructure**

- A financial contribution towards Worcestershire Acute Hospitals NHS Trust to help support the provisions of acute primary healthcare:  
£TBC
- A financial contribution of towards Redditch and Bromsgrove CCG-Hagley Surgery  
£9,936

#### **The improvement of Hagley Community Centre and Clent Parish Hall:**

£21,044.66 (split on a 50%/50% basis: £10,522.33/£10,522.33)

#### **Car-Parking Enhancement in Hagley:**

£2104.35

#### **Waste Management Contribution:**

Waste and recycling bins calculated as follows:

- £25.49 per 240 litre standard capacity grey receptacle (waste)
- £26.75 per 240 litre standard capacity green receptacle (recycling)

#### **Planning Obligation Monitoring Fee:**

£TBC

And:

The securing of 10 on-site affordable dwelling units

The provision and future maintenance in perpetuity of the on-site play space and open space provision

- (3) That **delegated powers** be granted to the Head of Planning Regeneration to agree the final scope, detailed wording and numbering of conditions as set out on pages 79 to 85 of the agenda;
- (4) And that delegated powers be granted to the Head of Planning and Regeneration to enter into negotiations with the developer for an alternative scheme for management of the public open space and to discuss the option of ownership being transferred to the District Council or Hagley Parish Council.

1/15 **19/01023/FUL - ERECTION OF STABLE BUILDING AND MENAGE, INCLUDING IMPROVEMENT OF ACCESS, CONSTRUCTION OF DRIVEWAY AND LAYING OF HARDSTANDING - LAND SW OF SALT BAY FARM, YARNOLD LANE, DODFORD, BROMSGROVE, WORCESTERSHIRE - MR. N. NUNN**

Officers outlined the application which was for the demolition of an existing structure located in the Green Belt and the erection of a stable building, a ménage and the laying of stone and grasscrete to create a turning area. The stables structure would consist of a timber building with two loose boxes and a tack room.

Officers had assessed the application as being compliant with policies BD15 and BDP4 of the District Plan and paragraphs 145 and 146 of the NPPF in that the proposed stables would not be considered to be inappropriate in the Green Belt as they would be in a suitable position on the site and replace a structure of similar scale. The design had been deemed to be suitable in terms of scope and style, and it was considered by officers that the building would not harm the openness of the Green Belt. No objections had been received from County Highways or from North Worcestershire Water Management.

Objections had been received from the Parish Council and local residents as to the height of the proposed stables and animal welfare issues. Members were referred to the response received from the applicant with regard to the design and dimensions of the building as set out in the Update Report. With regard to animal welfare issues, there were exceptions under which it would be possible to house two horses on a plot of 0.5 hectares in area and Members were referred to the relevant provisions of the Animal Welfare Act 2006.

At the invitation of the Chairman Mr. K. Taylor and Mrs A. Hill addressed the Committee in objection to the application and Mr. P. Brown the applicant's agent addressed the Committee on behalf of the applicant. Parish Councillor R. Jennings on behalf of Dodford and Grafton Parish Council and District Councillor Andrew Beaumont (Ward Councillor) addressed the Committee in objection to the application.

In debating the application Members referred to a number of concerns raised during public speaking including the small size of the site, whether it would be suitable for two horses from an animal welfare point of view, the proposed scale of the stables including the proposed roof height, that the new stables structure would be in a more prominent location than the existing building, the impact on the openness of the Green Belt and highways issues.

In response officers clarified that loss of a view was not a material planning consideration, animal welfare issues were regulated under separate legislation and that from a highways perspective the changes were regarded as a betterment.

Following further debate Members remained concerned as to the scale and location of the stables and the impact on the openness of the Green Belt and an alternative recommendation for refusal was moved and seconded.

RESOLVED that Planning Permission be refused for the following reasons:-

1. The proposed development would not preserve, and would harm the openness of the Green Belt by reason of the prominent position of the proposed building visible from public views from Yarnold Lane. No very special circumstances have been put forward, or exist, to outweigh the harm identified. The development is therefore inappropriate development in the Green Belt. The proposal would therefore be contrary to BDP4 of the Bromsgrove District Plan and the guidance contained in Paragraphs 143, 144, and 145 of the National Planning Policy Framework 2019.
2. The NPPF requires new buildings for equine development consist of appropriate facilities. By reason of the proposed height of the building and size of the plot the proposed stable and ménage are considered to exceed what are appropriate facilities on site. The proposal would therefore be contrary to BDP15 of the Bromsgrove District Plan and the provisions contained in the National Planning Policy Framework 2019.

1/15

**19/01610/FUL - PROPOSED DEMOLITION OF FORMER BROMSGROVE DISTRICT COUNCIL HOUSE, BBC HEREFORD & WORCESTER BUILDING AND HOSTEL, AND PROPOSED DEVELOPMENT OF 61 NO. DWELLINGS COMPRISING OF 18 NO. HOUSES, 4 NO. MAISONNETTES AND 39 NO. APARTMENTS - THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE, B60 1AA - MR. M. BOUGH**

Officers presented the report and outlined the application made by Bromsgrove District Council to re-develop the land at the site of the former Council House on Burcot Lane for residential use.

The location of the site provided a number of constraints including the irregular boundary line, the proximity to the A38, the presence of the Spadesbourne Brook passing along the western boundary and the location close to significant existing buildings including the Police and Fire Station and All Saints Church.

Officers explained the proposed layout with reference to the relevant plans and it was noted that 18 two storey houses were proposed to be built on the footprint of the Council House building with 4 maisonettes behind. The hostel building on the eastern side of the site would be demolished and that part of the site would be used for the construction of 39 apartments as part of a 4 storey block. The mix of tenure would include affordable rent, shared ownership, private rented and market units. The scheme as a whole would provide 30% affordable housing, made up of 66% social rented and 34% intermediate affordable housing.

The site was located in flood zones 2 and 3 but additional flood alleviation measures had been incorporated to mitigate issues with surface water flooding. Working in conjunction with North Worcestershire Water Management, the applicant had included additional features to address this including cellular storage and permeable paving.

The application site was defined as previously developed land and the proposed use of the site for residential development accorded with the relevant policies and was acceptable. A transport statement had been submitted and there were no objections on highways grounds.

Members were referred to the proposed amendments to the conditions and section 106 requirements as set out on pages 4 to 5 of the Update Report.

At the invitation of the Chairman Ms Bonnie Carswell, agent of the applicant, addressed the Committee in support of the application.

In response to questions from Members officers clarified the following:-

- That BDHT would be taking steps to mitigate the loss of the hostel as set out on page 144 of the agenda;
- That it was possible that the same contractor for both the demolition and construction phases could be used;
- That full details of what construction methods would be used, including the recycling of any material from the demolished buildings would not be available yet although re-use of material would potentially be possible where appropriate.
- That there was insufficient space on the site to include on site play facilities and to mitigate this an off-site play contribution would be included in the section 106 agreement.

In debating the application, the overall response of Members was supportive of the proposal. In particular Members highlighted the benefits of bringing the site back into use and the advantages of being able to provide additional housing in a town centre location, including affordable housing.

**RESOLVED** that

- (1) Minded to approve planning permission;
- (2) That delegated powers be granted to the Head of Planning and Regeneration to determine the Full planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following:

Contributions towards off-site Sport and Recreational facilities due to increased demand from future residents, required in compliance with SPG11

- Toddler and Junior Play - (Recreation Road play area) TBC
- Junior Sport - (Barnsley Hall Playing Pitches) TBC
- and Adult Fitness - (Recreation Road) TBC

- and any open space requirements TBC (Officers request therefore that the final detail of the offsite sum and the nature of these provisions listed above be Delegated to the Head of Planning and Regeneration Services)

Contributions towards Education provision by way of;

- First School Contribution=£68,032
- Middle School Contribution primary phase =£34,016
- add secondary phase = £23,302
- High School and Sixth Form Contribution = £69,906

Contributions for refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy

- 1 x 240 litre green wheeled bin @ £26.75 x 22 = £558.50
- 1 x 240 litre grey wheeled bin @ 25.49 x 22 = £560.78
- 8 x 1100 litre domestic waste wheeled bins @£252.43 = £2,019.44
- 8 x 1100 litre recycling wheeled bins @£252.43 = £2,019.44

Contributions towards GP Surgery Contribution

- Capital funding to increase capacity within the GP Catchment Area = £27,761.

Contributions towards Worcestershire Acute Hospital Trust Contribution

- (WAHT)Agreement of a final sum not exceeding £82,654.00 to be Delegated to the Head of Planning and Regeneration Services (subject to verifying any deductions based on services already provided by the WAHT)

Planning Obligation Monitoring Fee: (Contribution amount to be confirmed)

The provision of 30% (18 units on the site to be restricted to Affordable Housing in perpetuity

The provision of on-site SuDS facilities, with associated trigger points for adoption and the management and maintenance of the on-site SuDS facilities by Bromsgrove District Council or another appropriate party (Cost to be confirmed)

The provision of the on site open space provision, with associated trigger points for adoption and the management and maintenance of the on-site open space provision by Bromsgrove District Council or another appropriate party (Cost to be confirmed);



- (3) That delegated powers be granted to the Head of Planning and Regeneration to agree the final scope, wording and numbering of conditions and informatives as set out on pages 153 to 162 of the agenda, including the additional condition relating to provision of written details/drawings of the soft landscaping areas, as set out on page 3 of the Update Report.

[Mr Dale Birch, Development Management Manager for the Council, left the meeting for the duration of this item]

1/15 **19/01625/FUL - APPLICATION TO VARY CONDITION 2 OF PLANNING PERMISSION 17/01429/FUL, MADE UNDER S.73 OF THE TOWN AND COUNTRY PLANNING ACT 1990, TO ALLOW REVISIONS TO FENESTRATION LAYOUT, REVISIONS TO ROOF DESIGN (RETAINING PERMITTED MAXIMUM HEIGHT), ALONG WITH GAS COOLING UNIT TO ALLOW A REDUCTION IN THE CHIMNEY HEIGHT AND AMENDMENTS IN THE SITE LAYOUT RESULTING IN A REDUCTION IN HARDSTANDING ACROSS THE SITE - LAND ADJACENT NEW INNS LANE, RUBERY, BIRMINGHAM - WESTERLEIGH**

Officers outlined the application which was for minor amendments to be made to the planning permission allowed on appeal in 2019 (reference 17/01429/FUL). The background was that the applicant had now worked through the technical requirements of the building with a prospective operator, and this had led to a number of proposed changes being identified.

The changes consisted of the addition of a cooling unit, reduction in the height of the approved chimney flue, changes to the roof profile, changes to some of the windows and doors and reduction in the amount of the proposed hard surfacing.

Members were referred to a plan depicting the changes to the roof levels and officers set out the details of the proposed cooling unit which would be located in a screened service yard. Members were also referred to the additional information in the Update Report.

At the invitation of the Chairman Mr. Robert Clarke addressed the Committee in support of the application and Councillor Peter McDonald spoke in his capacity as Ward Councillor to object to the application.

In response to questions from Members officers clarified the following:-

- That the control of emissions was a separate issue from the question of granting planning permission, and was controlled under separate legislation.
- The relevant regulations were set by DEFRA (Department for Environment Food and Rural Affairs) and compliance would be enforced by WRS (Worcestershire Regulatory Services). The operator

would have to apply for an annual licence and demonstrate evidence to show that the crematorium equipment was being operated lawfully.

- The Inspector at the appeal had found that there was no evidence to show that the operation would harm air quality and WRS had made no objections to the application for minor amendments.
- The most recent appeal decision had acknowledged the need for the facility.

In debating the application Members noted the long history of the site and outcome of the 2019 appeal.

**RESOLVED** that Planning Permission be granted, subject to the Conditions as detailed on pages 168 to 174 of the main agenda report.

1/15 **19/01636/FUL - NEW DWELLING - 2 DODFORD ROAD, BOURNEHEATH, BROMSGROVE B61 9JR - MR. & MRS. D. BARNES**

Officers presented the application which was for the construction of an additional two storey dwelling in the curtilage of number 2 Dodford Road. The site would be divided to create an "L" shaped plot with access from the existing drive off Fairfield Road. The house would be oriented to face Dodford Road and as such complied with the provisions of policy BDP4 of the Bromsgrove District Plan regarding infilling in settlements in the Green Belt.

A number of objections had been received to the application from local residents which had been considered by officers. On the issue of overlooking, officers were satisfied that the application was acceptable due to the differences in level. A proposed pedestrian access to the front of the house had been removed from the application and there were no objections from County Highways.

At the invitation of the Chairman Mr. Will Lane, local resident, addressed the Committee in objection to the application.

Officers answered questions from the Members relating to points raised in public speaking and confirmed the following:-

- Worcestershire Wildlife Trust had not objected to the application as set out on page 5 of the Update Report.
- Although the public speaker had referred to legal mechanisms to preserve the hedgerow, advice from officers was that for a domestic hedge it was not considered necessary, appropriate or enforceable to impose restriction on the retention of the hedge. An advisory note regarding wildlife obligations would be included if the application was granted.
- That to install a new pedestrian access at the front of the property in the future would not need planning consent, but to install a vehicular access would, unless permitted development rights were removed.

- That notwithstanding Members questions regarding the hedge, the applicant was planning to retain the hedge. Any additional controls imposed through the planning permission would come into effect once planning permission was granted.

In debating the application Members commented that the proposed dwelling appeared to conform with the street scene and fit in well in terms of size and appearance.

Members expressed concerns regarding the retention of the hedge and the potential for the applicant to make changes in the future that might affect the amenity of nearby residents. Accordingly, it was proposed that two additional conditions be added with regard to removal of permitted development rights and imposing a requirement for a Construction and Environmental Management Plan (CEMP).

**RESOLVED** that Planning Permission be granted, subject to:-

- (1) The conditions and informatives set out on pages 180 to 181 of the main agenda;
- (2) An additional condition to remove permitted development rights (classes A to F) from the new dwelling; and
- (3) An additional condition to require the applicant to submit a Construction Environmental Management Plan (CEMP).

The meeting closed at 9.10 p.m.

Chairman