

BROMSGROVE DISTRICT COUNCIL

VIRTUAL MEETING OF THE PLANNING COMMITTEE

MONDAY 9TH NOVEMBER 2020, AT 6.00 P.M.

PRESENT: Councillors P. J. Whittaker (Vice-Chairman, in the Chair),
A. J. B. Beaumont, S. P. Douglas, A. B. L. English, M. Glass,
S. G. Hession, C.A. Hotham (substituting for Councillor S.J. Baxter),
J. E. King, P. M. McDonald and M. A. Sherrey (substituting for Councillor
R. J. Deeming)

Officers: Mr. A. Hussain, Mr. D. M. Birch, Mr. S. Jones, Miss. E. Farmer,
Mrs. P. Ross and J Gresham

47/20 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillor R. J. Deeming with
Councillor M. S. Sherrey in attendance as the substitute member and
Councillor S. J. Baxter, with Councillor C. Hotham in attendance as the
substitute member.

48/20 **DECLARATIONS OF INTEREST**

Councillor C. Hotham declared an interest in Agenda Items 5, (Minute
No. 51/20) and 6, (Minute No. 52.20) as follows:

Agenda Item 5 - An other disclosable interest in that he was acquainted
with one of the GP's at Hillcrest GP surgery.

Agenda Item 6 – that he would be speaking on this item as Ward
Councillor under the Council's public speaking rules. Following the
conclusion of public speaking, Councillor Hotham took no part in the
Committee's consideration nor voting on the matter.

49/20 **MINUTES**

The minutes of the Planning Committee meetings held on 22nd
September and 5th October 2020, were received.

RESOLVED that the minutes of the Planning Committee meetings held
on 22nd September and 5th October 2020, be approved as correct
records.

50/20 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE
MEETING**

The Vice-Chairman announced that a Committee Update had been circulated to all Planning Committee Members and he asked if all Members had received and read the Committee Update report.

Councillor M. A. Sherrey stated that she had been unable to access the Committee Update report therefore, it was agreed by Members that officers would cover the contents of the Committee Update report during their presentations.

51/20

19/01356/FUL - FULL PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND THE DEVELOPMENT OF 63 DWELLINGS WITH ASSOCIATED PUBLIC OPEN SPACE AND INFRASTRUCTURE - BARN HOUSE FARM, FOXLYDIATE LANE, REDDITCH, WORCESTERSHIRE, B97 5PB - REDROW HOMES LTD

Officers reported that further comments had been received from Bentley Paucefoot Parish Council and officers responses to those comments, as detailed in the published Update Report, copies of which were provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and in doing so drew Members' attention to paragraph A1 on page 17 of the main agenda report.

Officers explained that this was a matter being presented at appeal and therefore Members were being asked to reach a resolution on what their decision would have been, had they been in a position to consider the application under normal circumstances. The decision will ultimately be taken by the Planning Inspectorate, but in order for officers to prepare a statement of case in respect of this appeal it was necessary, because of the nature of this application being a major one, to firstly seek a resolution from Members as to what their decision would have been.

Members needed to be mindful that they would not be making a decision as such, they would be giving officers a mandate for approval or refusal of the application to be included in the statement of case to be submitted to the Planning Inspectorate.

The Chairman commented that Planning Committee Members had previously been asked to do this, so this was not unusual.

Officers continued and informed the Committee that the proposed development was on the edge of Webheath and the north side of Foxlydiate Lane. The site was wholly in the district of Bromsgrove but at the boundary with Redditch Borough Council; who were a consultee on this application. The site was located within the larger Foxlydiate development site.

The application provided an appropriate portion of affordable housing included an allowance for vacant building credit as detailed in paragraph 63 of the main agenda report.

The properties had been designed to have a distinct 1930s architectural style inspired by the Arts and Crafts movement and would incorporate timber and tile with a mix of brick and render and eaves detailing.

As noted in the main agenda report there would be walking and cycling routes which would connect from this site to the large Foxlydiat site; enabling residents of this smaller site access to the facilities on the larger Foxlydiat development, without having to walk onto Foxlydiat Lane.

Barn House Farm comprised a collection of historic barns converted to residential use, with more modern barns to the north. The proposal entailed the demolition of all existing buildings on the application site. The buildings were non-designated assets and officers considered that the scale of the harm arising from their loss would not outweigh the benefit of redevelopment of the site for housing.

As agreed with the Chairman, officers briefly summarised the additional representations received from Bentley Paucefoot Parish Council and representations received from local residents; since the application was withdrawn from the agenda of the Planning Committee meeting held on Monday 5th October 2020, and officers responses, as detailed in the published Update Report.

The meeting stood adjourned from 18:26 p.m. to 18:54 p.m. due to external technical issues impacting on the Live Streaming of the meeting.

At the invitation of the Chairman, Mr. S. Hawley, the Applicant's Agent addressed the Committee. Councillor R. Cheape on behalf of Bentley Paucefoot Parish Council, also addressed the Committee in objection to the application.

The Committee then considered the Application, which Officers had recommended for approval.

Following an extensive debate, officers responded to a number of questions from Members and in doing so clarified that:

- The application site was located within Bromsgrove District and was intended to serve the development needs of Redditch Borough Council. With regards to the 5-year land supply, neither Bromsgrove District Council nor Redditch Borough Council were currently able to demonstrate a 5-year land supply, there was still a deficit despite approval of the larger Foxlydiat development.

- The original application, which was withdrawn from Planning Committee on 5th October 2020, had been recommended for refusal by officers. However, the original objections raised by Worcestershire County Council, Highways Authority had been resolved. The applicant had engaged with WCC Highways Authority to address their concerns and a significant number of the concerns previously noted had subsequently been satisfactorily addressed.

With the agreement of the Chairman, Mr. G. Nock, Jacobs, who had acted on behalf of WCC Highways Authority providing advice on this application addressed the Committee.

Mr. Nock referred to the concerns raised by Bentley Pauncefoot Parish Council in respect of the proposed pedestrian access. The developer had now proposed to provide a 2m footway to be built all the way through the site and had put forward satisfactory actions for a safe and suitable access and proposed priority pedestrian route according to the National Planning Policy Framework (NPPF). The 2m footway would not be one continuous footway but would tie into the existing footway. Both Jacobs and Mott MacDonald had gone through some very detailed technical appraisals.

During the debate Members also raised a number some concerns with regards to the percentage and size of the affordable dwellings, lack of on-site open space and the demolition of heritage assets.

Officers commented that the proposed development provided the appropriate portion of affordable housing, up to 40%, which also included an allowance for vacant building credit as set out at paragraph 63 of the NPPF.

The access point in the development, in order to link this development to the facilities on the larger Foxlydiate development, would result in the loss of a non-designated heritage asset. However, officers had considered that the scale of the harm arising from their loss would not outweigh the benefit of redevelopment of the site for housing.

There was a small area of open-space at the northern end of the proposed site with funding being sought for off-site facilities on the larger Foxlydiate scheme.

WCC Highways Officers further clarified that with regards to the £10k funding sought for two bus stops, those costs had been provided to WCC from their passenger transport team.

Officers further responded to questions from Members with regards to the Construction Environmental Management Plans (CEMP) and in doing so explained that an additional condition could be included on the CEMP that, a vehicle routing plan be submitted. Officers could take enforcement action for any consistent breaches.

Officers commented that considerable time and legal advice would be sought for those s106 contributions yet to be confirmed and if they were Community Infrastructure Levy (CIL) compliant.

The Council's Legal Advisor stated that with regards to the trigger points for contributions to be paid for education provision, those trigger points would have been agreed with WCC education department and the developer.

Councillor C. Hotham proposed an alternative recommendation that Planning Permission be refused.

On being put to the vote, the Committee did not vote for the alternative recommendation and the Chairman went back to the original recommendation.

RESOLVED that Members would have been minded to GRANT full planning permission in the event that an appeal against non-determination had not been lodged and it had been able to determine the application.

- (a) that delegated powers be granted to the Head of Planning Regeneration to agree a suitable and satisfactory legal mechanism in relation to the following:
- (i) Sustainable Transport
 - £41,742 contribution for a bus service
 - Approximately £10,000 for 2 bus stops on Foxlydiat Lane
 - £59,000 free home to school transport
 - (ii) Personal Travel Planning
 - £200 Per Dwelling
 - (iii) Education Infrastructure
 - First School Contribution £204,096

 - Middle School Contribution
 - Primary phase £85,040
 - Secondary phase £93,208

 - Total Contribution = £382,344
 - (iv) Off-site sports contribution (To be Confirmed)
 - (v) Waste Management Contribution:
 - Green bins (recycling) £26.75
 - Grey bins (general refuse) £25.49
 - 1 set of bins therefore being £52.24
 - (vi) Planning Obligation Monitoring Fee: (To be confirmed)

Revised Regulations have been issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met.

- (vii) GP Surgery Contribution £ 23,805 (to be confirmed)
- (viii) Redditch Town Centre Enhancement Works (To be Confirmed)
- (ix) The securing of a 36.5% provision of on-site affordable dwelling units (adjusted to take account of vacant building credit) which equates to 23 units.
- (x) The provision and future maintenance in perpetuity of the SuDs facilities.
- (xi) The provision of a pedestrian link with the adjoining development site subject to application 16/0263 and 2016/077
- (xii) A financial contribution of up to a maximum of £42,223.80 to meet annual shortfalls in NHS Service revenue.
- (b) that delegated powers be granted to the Head of Planning Regeneration to agree the final scope and detailed wording and numbering of conditions (which the Council would wish to see imposed in the event the appeal is allowed);

and

c) the following Conditions: -

Time Limit for Commencement

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason:- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

Plans

2. The development hereby approved shall be carried out in accordance with the following plans and drawings:

DART__THREE_BLOCK_-EF_DD4_M.2.0_VER1__1_-902-896269

TAVY__THREE_BLOCK_-EF_TT3_M.3.0_VER1__1_-902-896289

TAVY__FOUR_BLOCK_-EF_TT3_M.3.0_VER1__1_-902-896287
1690-08-02-120_LOCATION_PLAN_1_-896293

TAVY__THREE_BLOCK_-EF_TT3_M.3.0_VER1__1_-901-896288
AF-MAISONETTES_-_4X-903-896267
DART__THREE_BLOCK_-EF_DD4_M.2.0_VER1__1_-901-896268
TAVY__FOUR_BLOCK_-EF_TT3_M.3.0_VER1__1_-901-896286
AF-MAISONETTES_-_4X-902-896266
SUNNINGDALE_901__EF_SUND_DM.7__VER3-896283
TAVY__2_BLOCK_-EF_TAVY_EM.1.0-901__2_BLOCK_-896285
1690-08-02-111_MATERIALS_PLAN-896255
SUNNINGDALE_902__EF_SUND_DM.7__VER3-896284
1690-08-02-122_- _ENCLOSURES_PLAN-896259
1690-08-02-130_HIGHWAY_ADOPTION-A1-896261
1690-08-02-123_- _FFLS-896260
SHAFTESBURY_901__EF_SHAF_DM.7__VER4-896280
1690-08-02-100_- _SITE_PLAN-A1_1_-896258
1690-08-02-116_- _SECTIONS-896257
AF-MAISONETTES_-_4X-901-896265
HENLEY_901__EF_HENL_DM.6__VER3-896271
WARWICK_901__EF_WARW_DM.6__VER3-896290
70056785-LA-DPL-002-896264
LETCHWORTH_901__EF_LETC_SM.5__VER3-896275
HENLEY_902__EF_HENL_DM.6__VER3-896272
LETCHWORTH_903__EF_LETC_SM.5__VER3-896277
LETCHWORTH_902__EF_LETC_SM.5__VER3-896276
OXFORD_LIFESTYLE_901__EF_OXFOQ_DM.3__VER3-896279
LEAMINGTON_LIFESTYLE_901__EF_LEAMQ_DM.2__VER3-896273
70056785-LA-DPL-001-896263
LEAMINGTON_LIFESTYLE_902__EF_LEAMQ_DM.2__VER3-896274
1690-08-02-112_STREET_SCENES-896256
1690-08-02-140_- _SURFACE_MATERIALS_PLAN-896262
MARLOW_901__EF_MARO_DM.2__VER4-896278
1690-08-02-110_- _SITE_PLAN_COLOURED-896254
SINGLE_GARAGE_SINGLE_002__EF_GAR_SGS2_1__VER1_1_-896282
SINGLE_GARAGE_SINGLE_002__EF_GAR_SGS2_1__VER1-896281
DOUBLE_GARAGE_TWIN_002__EF_GAR_DGT2_1__VER1-89627

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

Finished Floor Levels

3. Details of the finished ground floor levels of all the approved buildings and the finished ground levels along with details of existing ground levels based on OS datum shall accompany each Reserved Matters application. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is carried out at suitable levels and in relation to adjoining land and buildings and in the interests of amenity and highway requirements.

Refuse storage facilities

4. Details of the facilities for the storage of refuse for any apartments within the development shall be submitted within each Reserved Matters. No individual apartment shall be occupied until approved refuse storage facilities to serve that dwelling have been provided in accordance with approved details.

Reason: To ensure the proposed dwellings have adequate refuse storage facilities and that such facilities ensure that the Local Authority refuse bins do not detract from the character and appearance of the development through failure to provide a space for their storage between collections.

Hard Surfaces

5. Before development commences details of all proposed hard surface areas shall be submitted the Local Planning Authority. Such details shall include proposed finished levels or contours, car parking layouts, other vehicle and pedestrian footpaths/access and circulation areas, hard surface materials. No dwelling shall be occupied until the submitted details have been approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

Landscaping

6. Before the dwellings are first occupied a scheme of landscaping comprising a plan and schedule detailing the size, species, specification and disposition of all proposed soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be all be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species.

Reason:- In the interests of the visual amenity of the area

Tree Protection

7. All retained trees and their Root Protection Areas must be protected during clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate. No storage of plant/materials within the Root Protection Areas of any retained trees. This fencing and /or ground protection shall be constructed in accordance with the guidance in the British Standard BS5837:2012 and shall remain as erected until the development has been completed.

Reason: In order to protect the trees which form an important part of the amenity of the site.

Offsite Highway Works

8. The Development hereby approved shall not be occupied until the highway improvements / offsite works / site access works comprising: - Works as shown on drawing 08222-001 Rev A have been constructed and completed.

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

Cycle Parking Provision

9. The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's parking standards

Construction Environmental Management Plan

10. The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following: -

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.

- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.
- A Monitoring mechanism for construction traffic

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

Travel Plan

11. The Development hereby approved shall not be occupied until the applicant has submitted a travel plan in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and this has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator and thereafter implemented as updated.

Reason: To reduce vehicle movements and promote sustainable access.

Visibility Splays

12. The Development hereby approved shall not be occupied until the visibility splays shown on drawing 08222-001 Rev A have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

Reason: In the interests of highway safety.

Lighting Strategy

13. No development shall commence until details of an external lighting strategy has been all submitted to, and approved in writing by, the Local Planning Authority. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and otters and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical

specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

The external lighting plan for that Development Phase, must comply with the Guidance for the Reduction of Obtrusive Light criteria "E2" (Institute of Lighting Professionals, GN01:2011).

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

The approved details shall be implemented as approved prior to first occupation of that Development Phase.

Reason: To protect the visual amenity within the locality and to minimise the light pollution affecting the night sky. Save for the Advance Clearance Works, this is a pre-commencement requirement because of the need to secure satisfactory control over light pollution affecting the night sky in advance of the individual development phase commencing.

Archaeology and Heritage

14. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- a) The programme and methodology of site investigation and recording.
 - b) The programme for post investigation assessment.
 - c) Provision to be made for analysis of the site investigation and recording.
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework.

15. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (14) and the provision

made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework.

Species Protection

16. Prior to any site clearance, tree and hedgerow removal, demolition or construction, a species specific Reasonable Avoidance Measures (RAMs) method statement shall be submitted to and approved in writing by the Local Planning Authority in relation to
- i) reptiles, amphibians, bat species and small mammals.
 - ii) badgers during demolition and construction.
 - iii) breeding birds

The Reasonable Avoidance Measures (RAMs) shall thereafter be implemented in accordance with the approved method statements prior to any site clearance, tree and hedgerow removal, demolition or construction

Reason: To safeguard species protected species under The Wildlife and Countryside Act 1981 as amended within and adjacent to the development site

Habitat Enhancement

17. Prior to the commencement of development details of proposed bat and bird boxes including specifications and installation 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 and thereafter retained for the lifetime of the development.

Reason: To ensure that the development incorporates suitable measures to support protected species.

Land Contamination

18. With the exception of works relating to an approved scheme of remediation, site clearance, archaeological works, ecological mitigation, no development shall take place until points 1 to 6 have been complied with:

- i. A preliminary risk assessment (a Phase I desk study) submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of

the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".

- ii. The detailed site investigation and risk assessment must be undertaken in accordance with the approved Scheme and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place.
- iii. Where the site investigation identifies that remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority prior to development taking place. In advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- iv. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
- v. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
- vi. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared; these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out

safely without unacceptable risks to workers, neighbours and other offsite receptors.

HOURS OF WORKING AND DELIVERIES

19. Demolition/groundworks/construction work and deliveries shall not take place outside the following hours:
Monday to Friday 07:00 - 18:00 hrs
Saturdays 08:00 - 13:00 hrs
and there shall be no working or deliveries on Sundays or Bank Holidays

Reason: In the interests of residential amenity

Drainage

20. No works or development shall take place above foundation level until complete details for scheme for surface water drainage have been submitted to, and approved in writing by the Local Planning Authority. This should include, but is not limited to:-

- A detailed drainage layout showing all proposed private foul and surface water connections and SuDS features.
- Revised calculations in an electronic format.
- A simple index approach assessment considering the water quality of the sites surface water runoff.
- A plan showing the exceedance flows from any flooded volumes on the site.
- The approved scheme shall be fully implemented prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

Electric Vehicle Charging Points

21. Appropriate cabling and an outside electrical socket shall be supplied for each dwelling to enable ease of installation of an electric vehicle charging point (houses with dedicated parking) and be operational before the respective dwelling is first occupied. For all other uses with unallocated parking, at least 2 EV charging points per building (as a minimum) shall be provided and be operational before the respective building is first occupied/brought into use. The charging points must comply with BS:7671. The sockets shall comply with BS:1363, and shall be provided with a locking weatherproof cover if located externally to the building. The EV charging points required by this condition shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging equipment shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable transport modes by ensuring development is designed to enable charging of plug-in vehicles in safe, accessible and convenient locations in accordance with Paragraphs 108 and 110 of the NPPF.

52/20

20/00951/FUL - ERECTION OF REPLACEMENT LAMBING SHED (RETROSPECTIVE) - THORNBOROUGH FARM, REDHILL ROAD, KINGS NORTON, BIRMINGHAM, WORCESTERSHIRE, B38 9EH - MR. K. MOORE

Officers clarified that the Application has been brought to the Planning Committee for consideration at the request of Councillor C. Hotham, Ward Member.

Officers reported that further photographic evidence had been provided in objection to the application, as detailed in the published Update Report, copies of which were provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and informed the Committee that the application was for retrospective planning permission for the retention of the existing lambing shed onsite.

Prior approval application reference 20/00606/CUPRIO was submitted to the Council to convert the lambing shed into a dwelling under Schedule 2, Part 3, Class Q of the General Permitted Development Order 2015 (as amended). As part of this application it came to light that substantial works had taken place in March / April 2020 to repair the building following storm damage.

The extent of the works to the building which included a complete replacement of the frame structure and rebuilding of the fourth bay were considered to be commensurate to a new build and exceeded what could be considered as repairs. For this reason, the building did not benefit from the Permitted Development Rights under Class Q and the Prior Approval was refused.

Officers highlighted that when considering whether there was a need for an agricultural building it was necessary to consider whether:

- the use of the building was appropriate;
- the size of the building was appropriate for the intended use;
- it was of a suitable design for its intended use;
- the siting of the building was appropriate in agricultural terms;
- whether there were any other buildings that were suitable to meet the needs of the enterprise onsite.

The use of the building as a lambing shed for the general keeping of sheep, in addition to the storage of hay/straw bales was considered appropriate. An officer site visit and photos provided by the applicant demonstrated that the building was in use.

The proposal was to be sited in the same position as the building it had replaced and within the cluster of existing buildings on site and was therefore an appropriate siting for this development.

There was another agricultural building onsite which was currently being used by the pigs onsite. The applicants currently used a cubical per pig to give them a good amount of space, for the reasons as detailed in the report.

The structure had been replaced with a steel frame and metal clad roof. The independent agricultural consultee had not objected to the use of these materials and had also stated that the building currently being used by the pigs was not suitable for lambs.

At the invitation of the Chairman, Mr. R. Smith, speaking on behalf of Mr. & Mrs. Sambhi addressed the Committee in objection to the Application. Mr. A. Murphy, the Applicant's Agent addressed the Committee; and Councillor C. Hotham, Ward Member also addressed the Committee.

The Committee then considered the application, which officers had recommended for approval.

In response to questions from Members, officers clarified that Members had to be mindful of the reasonableness of any additional conditions imposed. The independent agricultural consultee had not raised any objections to the scheme.

Officers further clarified that Condition 2, as detailed on page 121 of the main agenda report; that "If the use of the buildings for the purposes of agricultural within the unit permanently ceases within 10 years from the date of this consent, then unless the local planning authority had otherwise agreed in writing, the building must be removed from the land". A change of use application would have to be submitted to the local planning authority should the building be used as a dwelling.

RESOLVED that planning permission be granted, subject to the Conditions as detailed on pages 120 and 121 of the main agenda report.

The meeting closed at 8.54 p.m.

Chairman