

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

**MONDAY, 1ST NOVEMBER 2021, AT 6.00 P.M.**

PRESENT: Councillors H. J. Jones (Chairman), P. J. Whittaker (Vice-Chairman), G. N. Denaro, S. P. Douglas, A. B. L. English, M. Glass (substituting for Councillor S. G. Hession), R. J. Hunter (substituting for Councillor J. E. King), A. D. Kriss (substituting for Councillor A. J. B. Beaumont), P. M. McDonald and P.L. Thomas

Officers: Ms. C. Flanagan, Mr. D. M. Birch, Mrs. S. Hazlewood, Miss. C Wood, Ms. K. Hanchett, Worcestershire County Highways and Mrs. P. Ross

43/21

**TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

With the agreement of the Chairman the running order of the agenda was altered so that Planning Application 21/01041/FUL – Five Spice Restaurant could be presented to Members first.

Apologies for absence were received from Councillors A. J. B. Beaumont, S. G. Hession and J. E. King, with Councillors A. D. Kriss, M. Glass and R. J. Hunter, in attendance, respectively, as substitute Members.

An apology for absence was also received from Councillor M. A. Sherrey.

44/21

**DECLARATIONS OF INTEREST**

It was noted that all Members present at the meeting declared Other Disclosable Interests in Agenda Item 7 (Planning Application 21/01248/FUL) Single storey side extension – The Barn, Woodman Lane, Clent, Stourbridge, Worcestershire, DY9 9PX, in that they were all aware that the Applicant, Ms J. Willetts was the partner of a District Councillor.

45/21

**MINUTES**

The minutes of the Planning Committee meeting held on 4<sup>th</sup> October 2021 were received.

**RESOLVED** that, the minutes of the Planning Committee meeting held on 4<sup>th</sup> October 2021, be approved as correct record.

46/21

**UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING**

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

The Chairman took the opportunity to inform all those present that officers would be presenting a joint presentation for Planning Applications 19/00592/FUL and 20/01140/LBC, Blue Bird Factory, Blue Bird Park, Bromsgrove Road, Romsley, Halesowen.

47/21

**21/01041/FUL - EXTENSION TO EXISTING RESTAURANT - FIVE SPICE RESTAURANT, STOURBRIDGE ROAD, BELBROUGHTON, STOURBRIDGE, WORCESTERSHIRE, DY9 9LY - MR. S. MIAH**

Officers clarified that the Application had been brought to the Planning Committee for consideration at the request of Councillor K. J. May, Ward Councillor.

Officers reported that since publishing the agenda papers, one representation had been received in support of the proposal, as detailed in the published Committee Update, 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 the existing and proposed floor plan presentation slides, as detailed on page 67 of the main agenda report.

The application site related to a two storey detached building with single storey additions. The site was to the south west side of the Stourbridge Road, in a very elevated position. The site was also relatively isolated with adjoining fields to the east. The nearest defined settlement in the Bromsgrove District Plan (BDP) was Belbroughton.

The proposal comprised of a single storey flat roof extension to the south side of the building. This would create a new rectangular dining room which would be attached by a glazed corridor link. The internal layout of the existing building would also be slightly altered, in order to provide a disabled toilet.

Officers further drew Members' attention to the height of the dining room extension and the proposed glazed corridor link, as detailed on page 56 of the main agenda report.

The site lay within the Green Belt and therefore the key consideration with this application was whether the proposal would constitute

appropriate development within the Green Belt and the impact to the openness of the Green Belt.

Members were further informed that, Policy BDP4 of the Bromsgrove District Plan (BDP) similarly allowed for proportionate extensions to buildings within the Green Belt, however, distinguishes between residential buildings and non-residential buildings. Whilst a proportionate extension to a dwelling was considered to be up to 40% over and above the original, a proportionate extension to a non-residential building was not defined by a numerical figure. Policy PDP4(d) stated that extension to non-residential buildings should be proportionate and that the potential impact to the openness and purposes of the Green Belt should be taken into account. It further stated that proposals that could demonstrate significant benefits to the local economy and/or community would be considered favourably.

Officers drew Members' attention to the calculations that had been undertaken, which highlighted that the existing extensions approximately totalled a 77% increase over and above the original building. The proposed extensions would increase the building by a further 64 sqm, resulting in extensions totalling a 115% increase above the original building, as detailed on page 57 of the main agenda report.

As the proposal would not be proportionate and would have a detrimental impact to the openness, the proposal would comprise inappropriate development within the Green Belt. Paragraphs 147 and 148 of the NPPF stated that inappropriate development within the Green Belt was harmful by definition and should not be approved unless very special circumstances existed.

Officers drew Members' attention to the 'Very Special Circumstances' information submitted by the applicant, as detailed on pages 58 and 59 of the main agenda report.

Officers highlighted that with regard to the considerations of the 'Very Special Circumstances' submitted by the applicant, the proposal would likely result in some economic benefits to the business and to other local businesses and employment of staff. However, the purported failure of the business going forward had not been submitted by empirical factual evidence. Despite the Local Planning Authority requesting that a financial viability report be submitted, the applicant had advised that no such report would be commissioned for consideration.

Officers further drew Members' attention to the Design and Appearance, as detailed on page 59 of the main agenda report.

At the invitation of the Chairman, Mr. G. Moss the Applicant's agent and Mr. S. Miah, the Applicant addressed the Committee. Councillor M. A. Sherrey, Ward Councillor also addressed the Committee.

The Committee then considered the Application, which officers had recommended to be refused.

In response to questions from Members, officers clarified, that as detailed in the main agenda report; Policy BDP4 of the BDP stated that whilst a proportionate extension to a residential dwelling was considered to be up to 40% over and above the original, a proportionate extension to a non-residential building was not defined by a numerical figure.

Some Members commented that the glazed finish of the proposed extension would not harm the openness of the Green Belt.

Members debated the possible reasons as to why the Applicant, during a difficult time for businesses with the Covid-19 pandemic, had not submitted a financial viability report. Some Members further commented that businesses were on the brink due to the Covid-19 pandemic and therefore Members had some understanding as to why the Applicant had chosen not to submit a financial viability report. However, the Applicant was still willing to invest in the business, as explained during their address to the Committee; that the proposed extension would enable the Applicant to increase the number of covers to 96 at the premises whilst still maintaining post Covid-19 restrictions in respect of social distancing.

During the debate, Councillor P. J. Whittaker proposed an alternative recommendation that the Application being deferred until a financial viability report was submitted by the Applicant, this was subsequently withdrawn by Councillor P. J. Whittaker.

Members highlighted that the Council's current position, with the Covid-19 pandemic, was to support local businesses wherever possible.

In response to further questions from Members with regard to a financial viability report not being submitted; officers stated that financial viability reports were not confidential information and would be public information if submitted.

Having considered the officer's detailed report, the information provided by the public speakers, Members commented that the proposed development, in their opinion, was inappropriate development within the Green Belt. However, having had regard to the comments as detailed in the main agenda report, Members agreed that the proposal would result in some economic benefits and a need to encourage economic development; and that this would equate to very special circumstances. Members were also mindful that the Council had made a declaration to support local businesses, where possible, following the Covid-19 pandemic.

In response to queries from Members with regard to adding a Condition that should the business fail, that any commercial use to residential use

be removed; officers explained that Conditions needed to be reasonable, relevant and proportionate.

There followed a further brief debate on appropriate Conditions. Members were in agreement that the application be approved.

**RESOLVED** that Planning Permission be granted, subject to relevant Conditions and Informatives as appropriate.

At this stage in the meeting due to IT technical issues and with the agreement of the Chairman the meeting stood adjourned from 18:54pm to 18:59pm accordingly.

48/21

**19/00592/FUL AND 20/01140/LBC - PART DEMOLITION AND SITE CLEARANCE OF THE FORMER BLUE BIRD FACTORY SITE FOR ITS REDEVELOPMENT TO PROVIDE 108 RESIDENTIAL DWELLINGS (USE CLASS C3), CONSISTING OF BOTH NEW DWELLINGS AND CONVERSION OF THE WELFARE AND ADMINISTRATION BUILDINGS, ALONG WITH ASSOCIATED LANDSCAPING; DRAINAGE; ENGINEERING; HIGHWAYS AND ACCESS WORKS - BLUE BIRD CONFECTIONARY LTD, BLUE BIRD PARK, BROMSGROVE ROAD, ROMSLEY, HALESOWEN WORCESTERSHIRE - MR. J. RICHARDS**

Having reconvened and as highlighted at the commencement of the meeting, the Committee received a joint presentation for Planning Applications 19/00592/FUL and 20/01140/LBC.

Officers reported that with regard to:-

- **Planning Application 19/00592/FUL** – that there was an error in the contributions towards improvements to bus services as listed at the start of the main agenda report, and that a further 27 representations had been received, 26 in objection and one in support of the application.
- **Planning Application 20/01140/LBC** – that the Press notice published on 15<sup>th</sup> October 2021, expired on 1<sup>st</sup> November 2021.
- **Planning Applications 19/00592/FUL and 20/01140/LBC** - that there was a revised Recommendation.
- **Consultee comments, Housing Strategy;** and

that the applicant had circulated a briefing pack to all Planning Committee Members; as detailed in the published Committee Update, 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 the revised recommendation, as detailed in the Committee Update. Officers further drew Members' attention to the Location Plan and Aerial View slides, as detailed on pages 42 and 43 of the main agenda report.

Officers continued and informed the Committee that the proposed development comprised of the demolition of the existing modern industrial buildings on the site and the conversion of the retained Welfare and Administration buildings, to provide a total of 108 residential units. 9 units were proposed in the Administration building, 13 units were proposed in the Welfare building with the remainder of the dwellings new build.

In 2019 the Welfare and Administration building and the boundary walls, railings and gates fronting the highway were listed at Grade II and would therefore be retained.

The site lay within the Green Belt where there was a presumption against new development save for a number of exceptions outlined in Paragraphs 149 and 150 of the NPPF, these were detailed on pages 25 and 26 of the main agenda report.

There had been a large number of issues, which officers had worked closely with the consultants to address.

At the invitation of the Chairman, Mr. K. Fenwick, the Applicant's agent addressed the Committee. Mr. P. Smith, on behalf of Hunnington Parish Council, addressed the Committee in objection to the application. Councillor M. A. Sherrey, Ward Councillor also addressed the Committee.

The Committee then considered Planning Application 19/00592/FUL, which Officers had recommended to approve.

In response to questions from Members with regard to the proposed contributions towards Dudley Clinical Commissioning Group (CCG), officers explained that Worcestershire CCG had referred officers to Dudley CCG as potential residents would travel to Halesowen for health care.

Members raised further questions in respect of flooding and expressed some concern as to how quickly residents would be notified and the time they would have to evacuate their properties. Page 15 of the main agenda report detailed that 'This information indicates that the incoming surface water overland flow will take only approximately 10 minutes to fill up the basin located within the southern corner of the site (in front of the welfare building) before overspilling into the new road system'.

Officers informed the Committee that the proposal before Members had been thoroughly considered following the response received from North Worcestershire Water Management. Severe flash flooding was rare and the area was not located in a river flood zone.

Members further debated the affordable housing and vacant building credit information, as detailed on pages 31 and 32 of the main agenda report. In particular the net decrease in floor space negating the need to

provide any affordable housing on the site; with some Members commenting that there should be an affordable housing contribution with a development of this size.

In response officers reiterated Part 8 – Affordable Housing and Vacant building credit, as detailed on page 31 and 32 of the main agenda report. Which referred to the re-use of brownfield land, where vacant buildings were being reused or redeveloped and any affordable housing contribution.

Members further debated the earlier concerns they had raised with regards to drainage on the site and potential flooding, more so with recent figures in heavy rainfall increasing in the last decade.

Members commented that there was a lot to commend in the application, however, as expressed earlier, Members were still concerned with the lack of affordable housing and the calculations made under the vacant building credit.

Councillor R. J. Hunter proposed an alternative recommendation that Planning Permission be deferred in order for further clarity on vacant building credit and the implication for affordable housing provision.

On being put to the vote, the Committee voted in favour of the alternative recommendation.

Having had regard to all of the information provided relating to Planning Application 19/00592/FUL, and Members having expressed their concerns with regard to the lack of affordable housing due to the vacant building calculations; Members agreed to defer Planning Application 19/00592/FUL.

Members further agreed that Planning Application 20/01440/LBC also be deferred.

### **RESOLVED**

- a) that a decision on Planning Application 19/00592/FUL be deferred for further clarity on vacant building credit and the implication for affordable housing provision, and
- b) that a decision on Planning Application 20/01440/LBC also be deferred.

At this point in the proceedings, the Chairman announced that the meeting be adjourned in order for everyone to take a short comfort break.

Accordingly, the meeting stood adjourned from 17:49pm and reconvened at 17:52pm.

49/21

**21/01248/FUL - SINGLE STOREY SIDE EXTENSION - THE BARN,  
WOODMAN LANE, CLENT, STOURBRIDGE, WORCESTERSHIRE DY9  
9PX - MS. J. WILLETTS**

Officers reported that comments had been received from County Highways Officers that there were no highways objection to the proposed single storey side extension, the proposal did not affect the existing care parking, no highway implications; as detailed in the published Committee Update, 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 the following presentation slides:

- Location plan and aerial view
- Existing Floor Plan
- Proposed Floor Plan
- Existing Side Elevation Plan
- Site photos

Officers informed the Committee that the application site was located in Clent, being a small settlement within the Green Belt. As such, the property was outside of the Village Envelope, and within designated Green Belt. In addition, the property was a non-designated Heritage Asset located in the designated Clent Conservation Area.

The development accorded with Policy BDP4 of the 2017 adopted Bromsgrove District Plan (BDP) and NPPF Paragraph 149, as detailed on the Green Belt information provided on pages 72 and 73 of the main agenda report.

Members were asked to note that no representations had been received.

At the invitation of the Chairman, Ms. J. Willetts, the Applicant addressed the Committee.

The Committee then considered the Application, which officers had recommended to approve.

Officers responded to questions from Members with regard to the Barn not having its Permitted Development Rights removed after its conversion to a dwelling, as included in comments made by the Conservation Officer, as detailed on page 75 of the main agenda report.

Officers explained that the conversion of the barn to a dwelling house had taken place in 1975, and therefore Permitted Development Rights may not have been considered. Officers were working with current planning polices, and as such, the reasons, as detailed at paragraph 7.3, on page 76 of the main agenda report; were that officers thought it would

be reasonable and justifiable to remove future Permitted Development Rights.

**RESOLVED** that Planning Permission be Granted, subject to the Conditions, as detailed on pages 78 and 79 of the main agenda report.

The meeting closed at 8.05 p.m.

Chairman