

BROMSGROVE DISTRICT COUNCIL

VIRTUAL MEETING OF THE PLANNING COMMITTEE

27TH APRIL 2021, AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, A. B. L. English, S. G. Hession, J. E. King and P.L. Thomas

Officers: Ms. C. Flanagan, Mr. A. Hussain, Mr. D. M. Birch, Mr. G. Boyes, Mr. P. Lester and Mrs. P. Ross

117/20 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

An apology for absence was received from Councillor P. M. McDonald.

118/20 **DECLARATIONS OF INTEREST**

With the agreement of the Chairman, Councillor P. J. Whittaker made a public apology in respect of an inappropriate comment made during the Planning Committee meeting held on Tuesday 16th March 2021.

Councillor J. E. King asked for it to be noted that, as Ward Member, she had spoken with the residents of Birkdale Avenue and had listened to their concerns with regard to the potential of trees being removed. However, she had made no written comments regarding this matter.

119/20 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING**

The Chairman announced that a Committee Update had been circulated to all Planning Committee Members prior to the meeting commencing.

120/20 **TREE PRESERVATION ORDER (19) 2020 TREES ON LAND OFF BIRKDALE AVENUE, BLACKWELL, BROMSGROVE**

The Committee considered a report which detailed proposals to confirm, without modification, Tree Preservation Order (No.19) 2020, relating to trees on land at the side of 37-38, Birkdale Avenue, Blackwell, Bromsgrove.

Officers provided a detailed presentation.

Officers drew Members' attention to the recommendation, as detailed on page 1 of the main agenda report.

Officers informed the Committee that the provisional order was raised on 19th November 2020 in view of a perceived threat brought to the Council's attention by residents in Birkdale Avenue of a risk of further tree clearance on the site due to a future alternative use for the land.

Officers drew Members' attention to the objection received and the officer's comments in relation to the points raised within the objection, as detailed at Appendix 2 to the report.

Members' attention was also drawn to the letter of support, as detailed at Appendix 4 to the report.

Officers further informed the Committee that a Tree Evaluation Method for Preservation Orders (TEMPO) assessment of the group of trees had been carried out to aid the decision-making process of evaluating the trees suitability for protection.

The group of trees scored between 15 – 17, as detailed at Appendix 3 to the report. Any trees scoring over 12 under this method was deemed potentially suitable for Tree Preservation Order protection.

The trees were highly prominent to users of the railway and visitors to the area of Birkdale Avenue, offering a high degree of visual amenity value to passers-by on the train, pedestrians and visitors to Birkdale Avenue. They added greatly to the character of the area.

Members commented that they were in agreement with the officer. There were two green spaces in the whole of this residential area which was enjoyed by both residents and people who walked through the area. When the estate was developed it was deemed to be worthy of saving a much needed green area, which had since developed and matured over the last 30 years.

Therefore, Members were in agreement with the officer's recommendation.

RESOLVED that Tree Preservation Order (No.19) 2020 relating to trees on land at the side of 37-38, Birkdale Avenue, Blackwell, Bromsgrove, be confirmed without modification, as detailed in the Provisional Order on Appendix 1 to the report.

121/20

20/01565/FUL - DEMOLITION OF NO'S. 163 & 165 BIRMINGHAM ROAD AND CONSTRUCTION OF EIGHT DETACHED DWELLINGS, 163 - 165 BIRMINGHAM ROAD, LAND TO THE REAR OF 151 AND 157 BIRMINGHAM ROAD AND 73 ALL SAINTS ROAD, BROMSGROVE, W & J AND R & S THORN AND HUGHES

Officers clarified that the Application had been brought to the Planning Committee for consideration as the floor area of the development exceeded 1000 square metres, and therefore, under the Council's Scheme of Delegation had to be referred to the Planning Committee for determination.

A further representation was received on 27th April 2021, which was also forwarded to all Planning Committee Members. A summary of the representation and the officer's response was 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 provided a detailed presentation and informed the Committee that the application site comprised of 163 and 165 Birmingham Road. These were two brick built detached dwellings that dated from the mid-19th century and were located adjacent, thus in the setting of, the Grade II listed Bartleet House. Plus, land to the rear of 151 and 157 Birmingham Road and 73 All Saints Road, Bromsgrove.

The application sought planning permission to demolish the two existing dwellings and erect 8 detached dwellings. This would result in a net increase of 6 dwellings.

The site was (0.34ha) and was located between several residential dwellings fronting Birmingham Road, as detailed on page 30 of the main agenda report.

The effect of the proposal on nearby designated and non-designated heritage assets, the impact on the Setting of nearby Designated Heritage Asset and the Conservation Officers comments were detailed on pages 31 to 33 of the main agenda report.

There was an extant planning permission for 5 dwellings on part of the application site (20/00483/FUL). This had been approved by the Planning Committee on 7th September 2020. This was on a site that comprised two residential dwellings fronting numbers 163 and 165 Birmingham Road and their rear garden curtilages.

The application site had been enlarged to include part of the rear curtilages of 151 and 157 Birmingham Road and 73 All Saints Road.

Officers drew Members' attention to 'The Planning Balance', as detailed on page 37 of the main agenda report.

The Democratic Services Officer explained that Mr. & Mrs. W. Roberts, who had objected to the application, had emailed their concerns to all Planning Committee Members and officers had also summarised their representation in the Committee Update report. Therefore, they had chosen not to address the Committee.

At the invitation of the Chairman, Mrs. S. Jones addressed the Committee in objection to the Application. Mr. K. Lawrence, the Applicant's architect addressed the Committee on behalf of the Applicant.

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

Some Members commented that they were disappointed that there were no smaller dwellings on the proposed scheme and questioned the concerns raised by the residents of All Saints Road with regard to being overlooked. However, Members noted that the rear gardens of each property would comfortably exceed the Council's minimum requirements, as detailed on page 34 of the main agenda report, which referred to the High Quality Design SPD.

In response to questions from Members with regard to amending the application, the Council's Legal Advisor reminded the Committee that they had to determine the application as presented.

Other Members commented that the application made better use of the rear gardens on All Saints Road and Birmingham Road, than the previous application (20/00483/FUL).

Officers further responded to Members questions with regard to the objections received from The Bromsgrove Society, as detailed on page 28 of the main agenda report.

Officers stated that with regard to drainage, as detailed on page 36 of the main agenda report, North Worcestershire Water Management (NWWM) had no objections to the proposals.

There was not a blanket ban on the development of rear gardens and that the Council had a 5 year housing supply shortfall.

With regards to the layout and design, officers considered the scheme to be a good scheme and that it did its best in keeping with the character and appearance of the local environment, as detailed on page 34 of the main agenda report.

Highways Officers had raised no objections to the proposal subject to conditions.

The principle of the demolition of the non-designated heritage assets had been established with the grant of planning permission under planning application 20/00483/FUL. The new application did not alter the assessment and conclusions made at that time.

The additional houses were located to the south west and therefore further away from the listed building and it was not considered that on their own they would further harm the setting of Bartlett House.

In response to concerns raised by Members in respect of the existing boundary walls, officers referred to Condition 16, as detailed on page 41 of the main agenda report.

RESOLVED that Planning Permission be granted subject to the Conditions as set out on pages 38 to 41 of the main agenda report.

122/20

20/01635/FUL - VARIATION OF PLANNING CONDITIONS 2 (APPROVED PLANS), 3 (MATERIALS) AND 4 (JOINERY) ATTACHED TO PLANNING PERMISSION 18/01593/FUL TO ALLOW ADJUSTMENTS TO THE APPROVED DWELLING DESIGN INCLUDING THE ADDITION OF A CHIMNEY AND FRONT ELEVATION CHANGES AND LANDSCAPING - 11 CHERRY HILL AVENUE, BARNT GREEN, BIRMINGHAM, WORCESTERSHIRE, B45 8LA - MR. B. HASNAIN

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

Officers provided a detailed presentation and in doing so further informed the Committee that planning application 18/01593/FUL was considered at Planning Committee on 4th November 2019 for the demolition of the existing bungalow and detached garage and the erection of a two storey 4-bedroom dwelling. The application was approved.

The application proposed the following changes to the approved scheme, a chimney, an increase in the ridge height of the property with the main ridge height being limited to no higher than the forward ridge of 15 Cherry Hill Avenue, 1 window on the rear ground floor elevation changing from a patio to a standard window, 1 flat roof dormer to the rear had been removed and adjusting the front dormers so they were now the same height. These changes were proposed as well as providing information regarding materials and front door joinery details.

Officers drew Members' attention to the relevant planning history, as detailed on page 67 of the main agenda report.

Officers further drew Members' attention to the proposed and approved 'Measurements' slides, as detailed on pages 81 and 82 of the main agenda report.

The proposal was situated within the Barnt Green Conservation Area. There were no conservation objections from the Conservation Officer and no objections from Barnt Green Parish Council.

Officers stated that the proposed changes were considered to comply with Bromsgrove District Plan Policies BDP1, BDP7, BDP19, BDP20, the Bromsgrove High Quality Design SPD and the provisions of the NPPF. Therefore, in conclusion, the application was recommended for approval subject to conditions.

At the invitation of the Chairman, Professor J. Storr addressed the Committee in objection to the Application. 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 the Committee with regards to work being undertaken on the site and if the application was for retrospective planning permission, officers informed Members that they had last visited the site in February 2021.

Officers further explained that the whole purpose of this application was to regulate and get authorised planning permission for the proposed changes. The applicant had well progressed with the proposed scheme and the Council had not sought to stop the development whilst the application was being considered; however, it had been explained to the applicant's agent that any work progressed would be at their own risk.

Members referred to the 'Approved Front and Rear Elevation Plans' slide, as detailed on page 85 of the main agenda report. Officers clarified that the height of the original approved application was set slightly below the forward ridge of 15 Cherry Hill Avenue, the scheme as proposed, would increase that height if approved. The proposed application sought an increase in the ridge height from 8.53 metres (as approved previously) to 8.58 metres, which was an increase in ridge height by 50mm.

Members referred to the 'Measurements' slide, as detailed on page 81 of the main agenda report and further commented that looking at the new proposed scheme with the ground removed, it appeared to be much bigger and bulkier than the approved scheme.

In response to the concerns raised by objectors and questions from Members with regard to the potential to further develop the roof space at a later stage, officers drew Members' attention to page 70 main agenda report, which detailed the removal of Permitted Development Rights. Officers also referred to Condition 10, as detailed on page 72 of the main agenda report.

The Council's Legal Advisor reminded Members that they needed to determine the application as presented and that any future Planning Committee Members would be made aware of the relevant planning history, should any further applications be received for this site.

In response to comments made by Committee Members, the Development Management Manager reiterated that Members were being asked to make a decision on the application before them, and the planning merits of the proposed scheme, as detailed in the officer's report.

In response to the concerns raised by some Members with regard to the proposed scheme being overbearing, officers referred to the character and appearance, as detailed on page 68 of the main agenda report.

Officers commented that the area was characterised by individually designed dwellings and that the increase in ridge height would have little discernible effect on the wider character and appearance of the area. The siting, scale and design of the proposed dwelling was considered to be acceptable.

Officers reiterated that there were no objections from the Conservation Officer or Barnt Green Parish Council.

Following the comments and concerns raised by the Committee, the Council's Legal Advisor explained that however reprehensible Members considered the approach taken by the applicant, she would echo the comments made by the Council's Development Management Manager, that Members should consider the application before them on its planning merits only.

Having considered the officer's report and clarification from officers on a number of points, it was put to the vote.

The accuracy of the recording of the vote was queried by Councillor P. J. Whittaker.

For the purposes of clarity, the Democratic Services Officer asked Members to clearly state if they were voting for, against or abstaining from the recommendation to grant Planning Permission.

RESOLVED that Planning Permission be granted subject to the Conditions as set out on pages 70 to 72 of the main agenda report.

The meeting closed at 7.36 p.m.

Chairman