

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 6TH MARCH 2023, AT 6.00 P.M.

PRESENT: Councillors H. J. Jones (Chairman), A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, A. B. L. English, J. E. King, M. A. Sherrey and C. J. Spencer

Officers: Mr. D. M. Birch, Mr. R. Keyte, Mr. A. Hussain (via Microsoft Team), Mr. P. Lester, Ms. J. Chambers, Mr. P. Jenkins, Ms. F. Flower, Mr. S. Agimal, Worcestershire County Council, Highways and Mrs. P. Ross

41/22

TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were received from Councillors M. Glass and A. D. Kriss.

42/22

DECLARATIONS OF INTEREST

Councillor C. J. Spencer declared an Other Disclosable Interest in relation to Agenda Item No.4 - (Tree Preservation Order (11) 2022), 58 Braces Lane, Marlbrook, Bromsgrove, B60 1DY), in that she knew the occupiers of 58 Braces Lane. Councillor C. J. Spencer left the meeting room prior to the consideration of this item.

It was noted that all Members present at the meeting declared Other Disclosable Interests in the following:-

Agenda Item 7 (Planning Application 22/01640/LBC - Aldham House, Fish House Lane, Stoke Prior, Bromsgrove, B60 4JT), in that they were all aware that the Applicant was related to a Ward Councillor; and

Agenda Item 9 (Planning Application 23/00053/FUL – 29 Brecon Avenue, Bromsgrove, B61 0TQ), in that the Applicant was a District Councillor.

43/22

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING (TO BE CIRCULATED PRIOR TO THE START OF THE MEETING)

The Chairman announced that three Committee Updates had been circulated to all Planning Committee Members and asked all Members whether they had received and read all of the Committee Updates.

All Members agreed that they had received and read all three Committee Updates.

44/22

TREE PRESERVATION ORDER (11) 2022: 58 BRACES LANE, MARLBROOK, BROMSGROVE B60 1DY

The Committee considered a report which detailed proposals to confirm, without modification, Tree Preservation Order (TPO) (11) 2022, relating to a Beech tree at 58 Braces Lane, Marlbrook, Bromsgrove, B60 1DY.

The Senior Arboricultural Officer provided a detailed presentation, and in doing so drew Members' attention to the recommendation, as detailed on page 7 of the main agenda report.

Officers further informed the Committee that the provisional order was raised on 19th October 2022, as detailed at Appendix 1 to the report; in response to trees having been recently removed from the gardens of neighbouring properties and known intention of property owners in this area to be considering development within the rear garden area of the properties.

A Tree Evaluation Method For Tree Preservation Orders (TEMPO) was carried out on TI Beech prior to the provisional order being raised, the tree scored 17 points, which indicated that a TPO was justified; as detailed at Appendix 2 to the report.

Officers drew Members' attention to the objection received from Mr. & Mrs. Fletcher, owners of 58 Braces Lane, Marlbrook, Bromsgrove, B60 1DY; as detailed at Appendix 3 to the report; and the officer's comments in relation to the points raised, as detailed on page 8 of the main agenda report.

Members then considered the TPO.

Officers were asked if a TPO was confirmed without modification, could the owners pollard the Beech tree.

Officers responded that as with any TPO, consent from the Local Authority would be needed to carry out any work. Members were further informed that Beech trees did not respond well to pollarding or ground work. However, officers would look into any applications received to lift / thin the crown in order to bring light into the garden. In the officer's estimation the Beech tree was approximately 60/70 years old.

It was noted that Councillor J. E. King arrived late and therefore took no part in the debate or voting on this item.

RESOLVED that provisional Tree Preservation Order (11) 2022, relating to a Beech tree at 58 Braces Lane, Marlbrook, Bromsgrove, B60 1DY, be confirmed without modification and made permanent as raised and shown at Appendix 1 to the report.

45/22

21/01836/FUL - CHANGE OF USE OF LAND AND BUILDINGS (UNITS 1 AND 2) FROM AGRICULTURE AND EQUESTRIAN USE TO MIXED-USE AGRICULTURE, EQUESTRIAN AND EDUCATION, REPLACEMENT ROOF TO UNIT 2 (PARTS 3 AND 4), NEW WINDOWS TO NORTH-EAST ELEVATION OF UNIT 2 (PART 1) AND ASSOCIATED FOUL DRAINAGE WORKS. THORNBOROUGH FARM, REDHILL ROAD, KINGS NORTON, BIRMINGHAM. RIVERSIDE EDUCATION

Officers drew Members' attention to Committee Update 3, page 3 which detailed an additional representation that had been received and the amended recommendation that planning permission be refused.

A copy of Committee Update 3 was provided to Members and published on the Council's website prior to the commencement of the meeting.

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

Officers presented the report and presentation slides, as detailed on pages 42 to 55 of the main agenda report; and in doing so, highlighted that the application sought a change of use of land and buildings (units 1 and 2) from agricultural and equestrian use to mixed-use agriculture, equestrian and education, replacement roof to unit 2 (parts 3 and 4), new windows to north-east elevation of unit 2 (part1) and associated foul drainage.

Officer drew Members' attention the 'Background' and 'The Proposal', as detailed on pages 29 and 30 of the main agenda report.

Officers further highlighted that the site was located wholly in the Green Belt.

Officers explained that an existing timber building within the site was subject to an Enforcement Notice requiring it to be demolished. The Enforcement Notice was issued on 12th January 2021 and was subsequently upheld on appeal in September 2021, as detailed on page 29 of the main agenda report.

Officers drew Members' attention to page 55, the "Application Site, other land in applicant's control, Hazeldene" slide. Officers further referred to the close proximity to Hazeldene and that a number of the residents had expressed their concerns, as detailed in the report. Therefore, it was considered that the development would result in a loss of residential amenity, in particular associated with Hazeldene.

Officers further reiterated that the mixed use proposal related to the whole of the application site and it would not be possible to restrict the use of the land or limit the number of people present by means of a planning condition.

At the invitation of the Chairman, Mr. R. Smith, addressed the Committee in objection to the Application. Mr. A. Murphy, the Applicant's Planning Agent addressed the Committee. The Council's Legal Advisor read out the statement submitted by Councillor C. A. Hotham, Ward Councillor.

Members then considered the application, which officers had recommended that planning permission be refused.

In response to questions from Members with regard to foul drainage, officers clarified that currently there was a shared sewerage treatment plant with Hazeldene. However, permission was being sought for the installation of a new sewage treatment plant to serve the site, should the application be approved. So currently there were no specific details on foul drainage.

Officers informed the Committee that enforcement action with regard to the continued use of the site as an education facility was not open for discussion. As detailed in the report, there was an unauthorised development on the site, whereby an Enforcement Notice had been issued, as shown in the preamble above.

Some Members commented that they lived in close proximity to a similar educational site and could empathise with the concerns raised by those residents living in close proximity to this site. Although some Members understood why the school wanted this additional facility, it was felt that it was not in an appropriate area. The site was wholly in the Green Belt and concerns had been raised. Members further referred to the daily traffic movements, as detailed on page 31 of the main agenda report; and that as detailed in the report, there were no Very Special Circumstances.

Other Members also commented that support should be given for such a specialised educational facility, as there were not many places like this and that Members should show some compassion. Therefore, Members questioned, if Planning Conditions with regard to foul drainage and pattern of use could be included, should Members be minded to approve the application?

Officers explained that any Conditions had to be precise.

At this stage in the meeting, Councillor S.P. Douglas proposed an Alternative Recommendation, which was seconded by Councillor J. E. King, that

Delegated powers be granted to the Head of Planning, Regeneration and Leisure Services to determine the application, and to include Conditions with regard to:-

- Drainage
- Pattern of use
- Opening hours
- Limiting the number of children on site
- Electric Charging Points
- Cycle storage

In response to Officers, Councillor S.P. Douglas went through the reasons for refusal, and in doing so gave her opinion as to why these were not justifiable.

Officers further responded to questions with regard to noise mitigation and the entrance to Hazeldene.

On being put to the vote, the Alternative Recommendation was lost.

RESOLVED that Planning Permission be refused, subject to the reasons as detailed in the amended Recommendation, on Committee Update 3, page 3.

46/22

22/01228/REM - RESERVED MATTERS SUBMISSION FOR DETAILS RELATING TO THE DEVELOPMENT OF 46 RESIDENTIAL DWELLINGS, INCLUDING DETAILS ON LAYOUT, DESIGN, DRAINAGE, ENGINEERING DETAILS AND LANDSCAPING. BORDESLEY HALL, THE HOLLOWAY, ALVECHURCH. MR. A RUSSELL (WAIN HOMES)

Officers drew Members' attention to Committee Updates 1, 2 and 3, which detailed:-

Committee Update 1 – The Conservation Officers final comments. The Applicant's response. Officer Assessment and Revised Recommendation.

Committee Update 2 – Comments received from Rowney Green Association (RGA), March 2023.

Committee Update 3 – Pages 3 and 4, which referred to the comments received from RGA (Committee Update 2).

Copies of all three Committee Updates were provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers reminded the Committee that the application was for the Reserved Matters for layout, scale, appearance, and landscaping.

Officers drew Members' attention to the revised recommendation, as detailed on page 6 of Committee Update 1.

Officers presented their report and in doing so stated that the "Reserved matters submission for details relating to the development of 46 residential dwellings, including details on layout, design, drainage, engineering details and landscaping".

Members' attention was drawn to the presentation slides, as detailed on pages 72 to 90 of the main agenda report.

Bordesley Hall was an unlisted heritage asset. Its ambience was messed up many years ago, when it had become a research establishment and had had modern buildings built around it. The proposed development was located adjacent to Bordesley Hall and within the boundary of its former gardens and associated parkland, which now lay predominantly to the southeast. Both the 18th century hall and the landscaped park were recorded on the Historic Environment Records (HERs), WSM77512 and WSM228136, respectively.

Officers further drew Members' attention to the 'Proposal', as detailed on page 62 of the main agenda report.

Officers reiterated that the principle of the proposed development had been established through the granting of hybrid permission 21/00684/HYB. Therefore, the issues for consideration by Members were limited to matters of the internal vehicular access, layout, scale, appearance and landscaping.

The Reserved Matters to be considered under this application were: -

- Layout - the way in which buildings, routes and open spaces within the development are provided, situated, and orientated in relation to each other and to buildings and spaces outside the development. This includes the internal road configuration.
- Scale - the height, width and length of each building proposed within the development in relation to its surroundings;
- Appearance - the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour, and texture; and
- Landscaping - the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—
 - screening by fences, walls or other means;
 - the planting of trees, hedges, shrubs or grass;
 - the formation of banks, terraces or other earthworks;
 - the laying out or provision of gardens, courts, squares, water features,
 - sculpture or public art; and

- the provision of other amenity features

Officers stated that overall it was considered that given the degree of separation, position and orientation between the proposed dwellings and neighbouring properties; that the proposal would not result in harm to the amenity of the occupants of neighbouring properties or future occupants of the proposed dwellings.

Officers concluded that the principle of development had been accepted following the grant of hybrid planning permission. This Reserved Matters application would lead to a reduction in built footprint and volume when compared with the site as existing, to increase the openness of the Green Belt, and was designed in a manner that reflected its rural location. The layout, scale and appearance of properties would also respect the amenity of neighbouring properties adjacent to the application site.

At the invitation of the Chairman, Mr. T. Hawkeswood, addressed the Committee in objection to the Application and Mr. A. Russell, the Applicant addressed the Committee.

Members then considered the application, which officers had recommended that Reserved Matters for layout, scale, appearance and landscaping be granted.

Officers responded to questions from Members with regard to S106 monies and clarified that the site was brownfield land.

Officers further clarified on the presentation slides the red line area shown on the 'Site Location Plan' and 'Approved Parameters Plan under 21/00684/HYB', as detailed on pages 72 and 75 of the main agenda report.

Officers further responded to questions from Members with regard to lighting and light pollution, and in doing so officers reassured Members that, light pollution, ecology and impact on wildlife would be taken into consideration; and that officers and the developer would take on board the comments and concerns raised by the Committee; in response to the concerns raised by residents in respect of light pollution.

Members raised further questions about Tree Preservation Orders (TPOs) on the site. Officers stated that all trees were subject to some form of protection on the mixed and woodland areas.

Officers further responded to questions with regard to the provision and location of public open spaces and S106 monies for the provision of recycling / refuse bins.

On being put to the vote and Members noting the Revised Recommendation, as detailed on page 6 of Committee Update 1, it was

RESOLVED that the Reserved Matters for layout, scale, appearance, and landscaping be granted, subject to the revised Recommendation, as detailed on Committee Update 1, page 6, and the Conditions as set out on pages 68 and 69 of the main agenda report.

At this stage in the meeting, the Chairman announced a comfort break.

Accordingly, the meeting stood adjourned from 19:53 hours to 20:01 hours.

47/22

22/01640/LBC - ROOF ALTERATIONS TO INCLUDE THE INSERTION OF 2 NO. CONSERVATION ROOFLIGHTS. PARTIAL REMOVAL OF INTERNAL WALL. ALDHAM HOUSE, FISH HOUSE LANE, STOKE PRIOR, BROMSGROVE, B60 4JT. MR. J. TILL

Having reconvened Officers drew Members' attention to Committee Update 3, page 4, which detailed that Stoke Parish Council had no objection.

A copy of Committee Update 3 was provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers informed the Committee that the Application had been brought to the Planning Committee, as the Applicant was related to a Ward Councillor.

Officers presented the report and presentation slides, as detailed on pages 96 to 101 of the main agenda report; and in doing so, informed Members that the Application sought roof alterations to include the insertion of 2 conservation rooflights and partial removal of an internal wall.

Aldham House was originally built in 1753 with later additions in 1853. It was located in the setting of the 12th Century, Grade I Listed St. Michael's Church.

The proposed rooflights were to opposite slopes of a later, single storey extension at the rear of the property and they would be largely hidden from view and would therefore have negligible impact upon the significance of Aldham House and the adjacent St. Michael's Church.

Internally, the ceiling of the roof would be removed to enable a vaulted space, with new steelwork introduced to support the roof. Again, the fabric here was of low significance and so the impact was considered to be negligible.

A section of internal wall was also to be removed, joining an existing and a former door opening into one, larger opening. This involved the removal of some fabric of slightly higher significance, being part of the 19th century wing, however a sense of the original plan form of the space

would be retained through the provision of a ceiling level downstand and wall nibs at each end.

The applicant had worked with officers and sympathetic work to the building would be carried out. Therefore, officers considered the minor harm to be sufficiently mitigated, and also justified through the provision of enlarged kitchen accommodation more appropriate for a property of this size.

Members then considered the application, which officers had recommended that Listed Building Consent be granted.

RESOLVED that Listed Building Consent be granted, for the reasons, as detailed on page 93 of the main agenda report.

48/22

23/00027/REM - APPROVAL OF RESERVED MATTERS RELATING TO LANDSCAPING PURSUANT TO OUTLINE PLANNING PERMISSION 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. MR. D. BILLINGHAM

Officers drew Members' attention to Committee Update 3, pages 4 and 5, which detailed that the applicant had substituted the fruit bearing trees on plots 5,6,7,8,11 and 17 for non-fruit bearing trees; and the Revised Recommendation.

A copy of Committee Update 3 was provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and presentation slides, as detailed on pages 108 to 112 of the main agenda report; and in doing so, highlighted that the application was for the approval of Reserved Matters relating to landscaping pursuant to outline planning permission 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

Outline planning permission (for access, layout, scale, and appearance) was granted on 6th January 2023 for the erection of 26 dwellings (ref: 14/0408). Therefore, the principle of the use had been established, and the main issue was whether the proposed details which related to landscaping were acceptable in terms of the development plan and national policy.

The Council's Arboricultural Officer had confirmed that the quantity and proposed size of trees proposed were satisfactory. However, they had asked that the fruiting trees that were proposed on the side of driveways and the access road to be substituted for more suitable non-pioneer, native, broadleaved trees. Fruit trees would inevitably cause problems

for future residents with their fruit fall, and residents would seek to have them removed.

Officers further highlighted Committee Update 3, page 4 which referred to the fruit bearing trees being removed, as detailed in the preamble above, and the revised Recommendation, as detailed on pages 4 and 5.

Members then considered the Reserved Matters application relating to landscaping, which officers had recommended be granted.

Officers responded to questions from Members with regard to the retaining wall, open spaces management and highways matters; and further clarified that these matters had already been determined and approved under the Outline Application and S106 agreement.

The Development Management Manager further responded with regard to additional concerns raised about the future management and maintenance of public open spaces, and in doing so; informed the Committee that the Council could not make the developer hand over the public open spaces for the Council to manage. Discussions would take place with the developer that Bromsgrove District Council was keen to adopt these public open spaces in perpetuity, but it was up to the developer to determine the management and maintenance of public open spaces, and that this was not a planning issue.

RESOLVED that the Reserved Matters for landscaping be granted, subject to the revised Recommendation and Conditions, as detailed on Committee Update 3, page 4.

49/22

23/00053/FUL - SINGLE STOREY SIDE EXTENSION. 29 BRECON AVENUE, BROMSGROVE, B61 0TQ. MR. R. LAIGHT

Officers reported that the Application had been brought to the Planning Committee, as the Applicant was a serving District Councillor.

Officers presented the report and presentation slides, as detailed on pages 118 to 124 of the main agenda report; and in doing so, informed Members that the Application was for a single storey side extension.

The application site was located on the western side of Brecon Avenue at the head of the cul-de-sac, situated within the residential area of Bromsgrove.

The proposed extension was of a modest scale and was considered to be sympathetic to the main house and would not harm the character of the street or local area.

Members then considered the application, which officers had recommended that planning permission be granted.

RESOLVED that Planning Permission be granted, subject to the Conditions as detailed on pages 114 and 115 of the main agenda report.

The meeting closed at 8.25 p.m.

Chairman