

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 5TH JUNE 2023, AT 6.00 P.M.

PRESENT: Councillors A. Bailes, D. J. A. Forsythe, E. M. S. Gray, C.A. Hotham (substituting for Councillor B. McEldowney), H. J. Jones, R. Lambert, M. Marshall, J. Robinson, J. D. Stanley and D. G. Stewart

Officers: Mr. D. M. Birch, Mr. A. Hussain (via Teams), Mr. R. Keyte, Mr. S. Agimal, Worcestershire County Council, Highways, Mrs. S. Hazlewood, Mr. S. Edden, Ms. E. Darby, Ms. F. Flower and Mrs P. Ross

1/23 **ELECTION OF CHAIRMAN**

RESOLVED that Councillor H.J. Jones be elected as Chairman of the Committee for the ensuing municipal year.

2/23 **ELECTION OF VICE-CHAIRMAN**

RESOLVED that Councillor M. Marshall be elected as Vice-Chairman of the Committee for the ensuing municipal year.

3/23 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors S. J. Baxter and B. McEldowney; with Councillor C. Hotham in attendance as the substitute Member for Councillor B. McEldowney.

4/23 **DECLARATIONS OF INTEREST**

Councillor C. Hotham declared an Other Disclosable Interest in relation to Agenda Item No.7 – Planning Application 23/00429/FUL, 32 Lickey Square, Lickey, Birmingham, B45 8HB; in that he had been in contact with one of the main objectors. Councillor C. Hotham left the meeting room prior to the consideration of this item.

5/23 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING**

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

All Members agreed that they had received and read the Committee Update.

6/23

22/00469/FUL - MIXED USE APPLICATION FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL USE AND THE KEEPING OF HORSES, WITH DAYROOMS AND EXISTING STABLE ANCILLARY TO THAT, THE STABLES, DALE LANE, LICKEY END, BROMSGROVE, WORCESTERSHIRE, B60 1GZ, MR. S. BROADLEY

Officers drew Members' attention to the Committee Update, which detailed an additional representation that had been received in objection to the application.

A copy of the Committee Update 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 former District Councillor for the Lickey Hills Ward, former Councillor J. King.

Officers presented the report and the presentation slides, as detailed on pages 18 to 26 of the main agenda report.

The application was a mixed use application for the stationing of caravans for residential use and the keeping of horses, with dayrooms and existing stable ancillary to that use.

Officers drew Members' attention to the supporting information regarding the occupiers of the proposed pitches and their personal circumstances, under 'Best Interest of Children and Personal Circumstances'; which further referenced Article 8 of the European Convention on Human Rights, as detailed on pages 13 and 14 of the main agenda report.

Officers further reiterated that, on Planning Balance, the proposal represented inappropriate development in the Green Belt by definition; it would harm the openness of the Green Belt and conflict with the purposes of including land within it. Paragraph 148 of the NPPF stated that substantial weight should be given to any harm to the Green Belt. In addition, the proposal would harm the character and appearance of the area. This harm was afforded significant weight.

Officers referred to the two reasons for refusal, as detailed on page 15 of the main agenda report.

At the invitation of the Chairman, Councillor B. Kumar, Ward Member, addressed the Committee in objection to the application.

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

On being put to the vote it was

Resolved that Planning Permission be refused, for the two reasons as detailed on page 15 of the main agenda report.

7/23

23/00429/FUL - PROPOSED DWELLINGHOUSE, 32 LICKEY SQUARE, LICKEY, BIRMINGHAM, B45 8HB, MR. D. JONES

Officers informed the Committee that the Application was validated on 6th April 2023; and that the former District Councillor for the Lickey Hills Ward, former Councillor J. King had called the application in, to be determined by Planning Committee Members. The current Ward Member, Councillor B. Kumar had also requested that the application be determined by Planning Committee Members.

Officers presented the report and the presentation slides, as detailed on pages 42 to 59 of the main agenda report.

Officers highlighted that planning permission was granted for a two-storey dwelling at this site under reference 21/00312/FUL on 06.07.2021. Following this, planning permission was granted for a part two storey, part three storey dwelling at the site under reference 22/00978/FUL on 08.02.2023.

The elevations of the dwelling as approved under reference 22/00978/FUL were included within the presentation pack of the officer's report.

The principle of the development which included its means of access from Lickey Square had been established and it was only necessary to compare the respective detailed changes between the proposal and the extant approvals in terms of its siting and appearance in considering whether the current application was acceptable or not.

The overall height of the dwelling would not exceed that of the development granted under reference 22/00978/FUL.

In this context, the proposed development would deliver acceptable design and would not harm the overall character and appearance of the surrounding area. It would comply with Policy BDP19 of the Bromsgrove District Plan (adopted January 2017).

As detailed on page 33 of the main agenda pack, to minimise the impact the development would have upon the occupiers of number 16 The Badgers having had regard to the perception of overlooking / loss of privacy raised during the consideration of earlier applications, the proposed dwelling had been rotated clockwise via its south-west corner by approximately 18 degrees such that the rear elevation would face

more towards the south-west, looking less directly towards the side garden serving number 16 The Badgers.

Officers further informed the Committee that the Council could not currently demonstrate a five-year housing land supply (3.23 years at the time of writing). The presumption in favour of sustainable development therefore applied in accordance with Paragraph 11(d) of the Framework. In this case, Paragraph 11 (d) ii commented that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. Significant weight should be attributed to the positive contribution the proposal would make towards addressing this current significant housing shortfall.

At the invitation of the Chairman, Mr. P. Ollis addressed the Committee in objection to the application.

Mr. D. Jones, the Applicant's Agent addressed the Committee in support of the Application.

The Committee then considered the Application, which Officers had recommended that planning permission be granted.

Members raised a number of questions and concerns with regard to the following:

- The Ecology Report being out of date.
- The ground level difference and overall height of the proposed development, as detailed of page 32 of the main agenda report.
- Supplementary Planning Document (SPD) with regard to separation distance, overbearance and overlooking with regard to the Juliet Balconies.
- Not in keeping with neighbourhood dwellings.
- Visibility Splay being met, the Committee needed to ensure that there was safe access.

The Highways Officer, Worcestershire County Council informed Members that there were two extant consents and that the visibility splay should not be reconsidered. If Members were minded to refuse the application the developer could still continue to build to the two extant consents. The consent granted on appeal by the planning inspectorate did not raise any concerns on the ability to deliver the visibility splay. The proposed development was fully assessed and as detailed in the report, the visibility splay could be achieved. The visibility plans submitted were accepted by the planning inspector. Highways officers considered the rotation and screening to be ok in their view.

Officers further informed the Committee that dwellings 1, 2 and 3 would have Juliet Balconies, which would have a guard rail only; they would not be a 'walk out' balcony. As detailed in Condition 7 on page 37 of the main agenda report.

Some Members continued to question the visibility splay being met and expressed their concerns that Planning Committee Members had not seen the access plan.

Members then debated if a Site Visit would be beneficial in order for Members to see the scale of the proposed development, access, visibility splays and any potential overlooking/overbearance.

Officers drew Members' attention to the 'Relevant Planning History' as detailed on page 30 of the main agenda report. Officers suggested that Members take caution when reaching a decision and referred to the application in 2016 that was refused by BDC and allowed at appeal subject to conditions; and the recent planning applications considered acceptable and therefore granted by previous Planning Committee Members.

Following on from the concerns and issues raised, some Committee Members were of the opinion that the application be deferred in order for Committee Members to conduct a Site Visit.

In response, Officers confirmed that a Site Visit could be arranged.

Members agreed that a Site Visit was necessary in order to provide a clearer picture of the proposed development and that the visibility plan be viewed by Committee Members. It was important that Members ensured that access was safe.

Following on from this debate, an Alternative Recommendation was proposed that the application be deferred in order for Committee Members to attend a Site Visit and see the visibility plan.

On being put to the vote, it was

RESOLVED that the Application be deferred and brought back to a future meeting of the Committee once Planning Committee Members had carried out a Site Visit; and had seen the visibility plan.

8/23

23/00273/FUL - ERECTION OF INDUSTRIAL UNIT WITH STORAGE AND OFFICES. FORMATION OF NEW CAR PARK AND LANDSCAPING, GEORGE ROAD, BROMSGROVE ENTERPRISE PARK, BROMSGROVE, WORCESTERSHIRE B60 3AL, MR. R. JONES

Officers presented their report and in doing so drew Members' attention to Presentation Slides, as detailed on pages 72 to 80 of the main agenda report.

The application was for the erection of an industrial unit with storage and offices; and the formation of a new car park and land scaping.

Officers referred to the Principle of the Development. Policy BDP14 sets out that designated employment areas 'are expected to make a significant contribution towards creating jobs across Bromsgrove and meeting the employment targets' identified in Policy BDP3.

Bromsgrove Enterprise Park was an existing commercial park situated on land designated for employment purposes and as such the principle of commercial development on this site was acceptable.

Officers highlighted that no objections had been received from Worcestershire County Council, Highways.

Officers responded to questions from Members with regard to the height of the proposed unit compared to the adjacent building; and in doing so stated that the proposed unit would be 2 metres lower in height.

Members raised further questions and queried the Highways information on the visibility splays of approx. 90m in each direction to be achieved and appropriately conditioned, as detailed on page 63 of the main agenda report. Members further queried the amount of car parking spaces to be provided.

In response the Highways Officer, Worcestershire County Council, stated that with regard to the visibility splays, the centre of access was 2.4m back from the carriageway to 43m along the nearside kerb edge in each direction; so up to 90m could be achieved. Highways had originally requested amended drawings from the applicant, which were received. The approved drawings could have a Condition included.

The Highways Officer drew Members' attention to Condition 5, as detailed on page 65 of the main agenda report which stated:

"The Development hereby approved shall not be brought into use until the accessible car parking spaces as shown on Drawing No. 22 24 04 A Proposed Parking Plan have been provided onsite and thereafter shall be kept available for disabled users as approved".

Members highlighted that the Council had recently declared a climate emergency and therefore, Members asked if the number of electric charging points could be increased from the minimum of 3, as requested by WCC Highways.

Officers explained that the Committee could not request that the applicant increased this amount, as they were meeting the criteria requested of them. Conditions had to be reasonable and proportionate.

Members further questioned a delivery and servicing plan, as they had some concerns that vehicles accessing the site during construction might park on the highway if there was not enough room for them on the site. Members also questioned if there was any enforcement that could be included in the Conditions, for any vehicles found to be using

residential areas in order to access the site.

Members further questioned as to why a travel plan was not included in the Conditions, as there would be a number of employees on the site and they were of the opinion that all new developments, such as this application should have a travel plan. Therefore, Members requested that an additional Condition for a travel plan to be included.

The Highway Officer stated that the application was sent to the Travel Plan Officer but no response was received.

In response officers referred Members to Condition 11, Construction Environmental Management Plan, as detailed on page 66 of the main agenda report. Officers explained that with regard to enforcement of any vehicles accessing the site via residential areas, this would be a matter for the police, the local authority would not be able to enforce.

Following on from a strong debate and to address the concerns raised by the Committee. Members agreed that three additional Conditions be included, as follows:-

1. Details of a construction traffic routeing plan.
2. Details of a Travel plan.
3. Details of a Service Delivery Plan.

RESOLVED that Planning Permission be granted, subject to the Conditions as detailed on page 65 to 69 of the main agenda report; and to include the three additional Conditions as detailed in the preamble above. (Officers to determine the detailed wording).

9/23

23/00130/LBC - INSTALLATION OF SOLAR PHOTOVOLTAIC (PV) PANELS, PARKSIDE, MARKET STREET, BROMSGROVE, WORCESTERSHIRE, B61 8DA, BROMSGROVE DISTRICT COUNCIL

Officers informed the Committee that the application was being reported to the Committee as the applicant was Bromsgrove District Council.

The Chairman announced that Officers would be providing a Joint Presentation on Planning Applications 23/00130/LBC (and 23/00435/FUL). The presentation slides were detailed on pages 90 to 92 of the main agenda report.

This Listed Buildings Consent application sought the installation of solar photovoltaic (PV) panels, at Parkside, Market Street, Bromsgrove, Worcestershire, B61 8DA. The Building was Grade II Listed and was used as shared office space for a number of occupiers.

Officers informed the Committee that the Conservation Officer had no objections to the application, and that their comments were detailed on page 81 of the main agenda report.

Members then considered the Application, which officers had recommended be granted.

RESOLVED that Listed Building Consent be granted, subject to the Conditions, as detailed on page 83 of the main agenda report.

10/23

23/00435/FUL - INSTALLATION OF SOLAR PHOTOVOLTAIC (PV) PANELS, PARKSIDE, MARKET STREET, BROMSGROVE, WORCESTERSHIRE, B61 8DA, BROMSGROVE DISTRICT COUNCIL

Officers informed the Committee that the application was being reported to the Committee as the applicant was Bromsgrove District Council.

The Chairman announced that Officers would be providing a Joint Presentation on Planning Applications 23/00435/FUL (and 23/00130/LBC). The presentation slides were detailed on pages 90 to 92 of the main agenda report.

The application sought full planning permission for the installation of solar photovoltaic (PV) panels, at Parkside, Market Street, Bromsgrove, Worcestershire, B61 8DA. The Building was Grade II Listed and was used as shared office space for a number of occupiers.

Officers informed the Committee that the Conservation Officer had no objections to the application, and that their comments were detailed on page 85 of the main agenda report.

Members then considered the Application, which officers had recommended be approved.

Officers responded to questions from Members with regard to the placing of the Invertors and the expiry of the consultation period being 16th June 2023.

RESOLVED that delegated powers be granted to the Head of Planning, Regeneration and Leisure to determine the full planning application following:

- (a) the expiry of the consultation period on 16 June 2023 and in the event that representations were received, that delegated powers be granted to the Head of Planning, Regeneration and Leisure, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations had been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

11/23

MINUTES

The public minutes and confidential minutes of the Planning Committee meeting held on 3rd April 2023, were received.

The Chairman highlighted that due to the local elections, that the Committee Members present at the meeting held on 3rd April 2023, were no longer elected Members. However, she was happy to propose that both sets of minutes be approved as a correct record.

Councillor C. Hotham asked for it to be noted that he had attended the meeting as an observer.

Having been proposed and seconded it was

RESOLVED that, subject to the amendment, as detailed in the preamble above that the public minutes and confidential minutes of Planning Committee meeting held on 3rd April 2023, be approved as a correct record.

The meeting closed at 7.24 p.m.

Chairman