

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

**MONDAY 8TH APRIL 2024, AT 6.00 P.M.**

PRESENT: Councillors M. Marshall (Vice-Chairman), S. J. Baxter (in the Chair for Minute No's 60/23 and 61/23), D. J. A. Forsythe, E. M. S. Gray, C.A. Hotham (substituting for Councillor A. Bailes), R. Lambert, B. McEldowney, J. Robinson, J. D. Stanley and D. G. Stewart

Officers: Mr. D. M. Birch, Mr. A. Hussain, Mr. P. Lester, Ms. R. Paget and Mrs. P. Ross

**Prior to the commencement of the meeting, the Vice-Chairman informed all those present that he would be standing down as Vice-Chairman in order to address the Committee under the Council's public speaking rules, as Ward Councillor for Agenda Item Numbers 6 and 7 (Minute No's 60/23 and 61/23). Therefore, another Member of the Planning Committee would be required to Chair the meeting for these two agenda items. It was also noted that the running order of the agenda had been changed and would be presented in the following order - Agenda Item Numbers 9, 5, 8, 6 and 7.**

**A nomination for Chairman for Agenda Item Numbers 6 and 7, was received and seconded.**

**It was RESOLVED that Councillor S. J. Baxter would preside as Chairman of the meeting for Agenda Item Numbers 6 and 7 (Minute No's 60/23 and 61/23).**

53/23

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

Apologies were received from Councillors H. J. Jones and A. Bailes, with Councillor C. A. Hotham in attendance as the substitute Member for Councillor A. Bailes.

54/23

**DECLARATIONS OF INTEREST**

Councillor M. Marshall declared in relation to Agenda Item No. 6 – 23/01400/FUL - Land Rear of 17-19 Willow Gardens, Bromsgrove, B61 8QD and Agenda Item No. 7 – 23/01401/FUL – Land Rear of 8-14 (evens) Willow Gardens, Bromsgrove, B61 8QD; in that he would be addressing the Committee for these items as Ward Councillor under the

Council's public speaking rules. Following the conclusion of the public speaking, Councillor M. Marshall left the meeting room.

Councillor D. J. A. Forsythe declared in relation to Agenda Item No. 8 – 24/00025/FUL – 135 Shawhurst Lane, Hollywood; in that he would be addressing the Committee for this item as Ward Councillor under the Council's public speaking rules. Following the conclusion of the public speaking, Councillor D. J. A. Forsythe left the meeting room.

Councillor S. J. Baxter declared in relation to Agenda Item No. 8 – 24/00025/FUL - 135 Shawhurst Lane, Hollywood; in that she was a member of Wythall Parish Council, who had been consulted on the Application and had been spoken to by a local resident about the Application. Having advised that, she had not attended any meetings or any discussions when the application was considered by the Parish Council; and did not express a view when spoken to by a local resident, Councillor Baxter participated and voted on the matter.

Councillor C. A. Hotham declared in relation to Agenda Item No. 9 - 24/00079/FUL – Land to the rear of 1-6 Smedley Crooke Place, Redditch Road, Hopwood; in that he would be addressing the Committee for this item as Ward Councillor under the Council's public speaking rules. Following the conclusion of the public speaking, Councillor C. A. Hotham left the meeting room.

Councillor J. Robinson declared in relation to Agenda Item No.9 – 24/00079/FUL – Land to the rear of 1-6 Smedley Crooke Place, Redditch Road, Hopwood; in that he was employed by National Highways who were one of the consultees on planning applications. Councillor J. Robinson explained that he had been granted a Dispensation and remained on the Committee for the consideration of this item.

55/23

## **MINUTES**

The minutes of the Planning Committee meeting held on 19<sup>th</sup> February 2024, were received.

Councillor B. McEldowney asked for an amendment to be noted as follows, page 2, paragraph 5, should read:

'to assist with accessibility for a disabled adult living at the site'.

**RESOLVED** that, subject to the amendment, as detailed in the preamble above that the minutes of the Planning Committee meeting held on 19<sup>th</sup> February 2024, be approved as a correct record.

56/23

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

The Vice-Chairman announced that there was a Committee Update which had been circulated to Members prior to the meeting commencing, with a paper copy also made available to Members at the meeting.

Members indicated that they had had sufficient time to read the contents of the Committee Update and were happy to proceed.

57/23

**24/00079/FUL - DEVELOPMENT OF 34 AFFORDABLE DWELLINGS, ASSOCIATED LANDSCAPING, SITEWORKS AND CONSTRUCTION OF NEW ACCESS FROM EXISTING HIGHWAY ROUNDABOUT. LAND TO REAR OF 1-6 SMEDLEY CROOKE PLACE, REDDITCH ROAD, HOPWOOD, WORCESTERSHIRE. CAWDOR CAPITAL (HOPWOOD) LIMITED**

It was noted that further comments had been received from Dr Peter King with regard to an affordable housing development in Hopwood, as detailed on page 3 of the Committee Update. 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 presented the report and in doing so highlighted that the application was for the development of 34 affordable dwellings, associated landscaping, siteworks and construction of a new access from the existing highway roundabout.

Members were informed that the application was a resubmission of planning application 22/01419/FUL for the erection of 34 affordable dwellings. The application was refused by Planning Committee Members (contrary to the officer's recommendation) in November 2023 due to Green Belt matters and concerns regarding the sustainability of the site.

Officers presented the presentation slides, as detailed on pages 120 to 138 of the main agenda pack.

Officers drew Members' attention to the Relevant Planning History, as detailed on pages 92 and 93 of the main agenda report.

Officers explained that as part of the resubmission, that the applicant had provided further justification in relation to the reasons for refusal, which including a report regarding the sustainability of the site.

Officers highlighted that at the time of drafting the Committee report, that a planning appeal against the refusal of the 22/01419/FUL application had been received by the Planning Inspectorate. However, whilst the appeal had been accepted by the Planning Inspectorate there was no current start date.

The application site related to a 0.8ha parcel of land located to the east side of the A441 Redditch Road adjacent to the roundabout junction with the B4120. The site was in the Green Belt as defined in the Bromsgrove District Plan (BDP); and was within the Alvechurch Parish Neighbourhood Plan area and was located adjacent to but outside of the defined Village Envelope of Hopwood.

The application proposed that all of the dwellings would be social rented. This met the definition of Affordable housing as found in Annex 2 of the National Planning Policy Framework (NPPF). Bromford Housing Association had been identified as the proposed operator.

The proposed housing mix was detailed on page 94 of the main agenda pack.

Officers referred to pages 101 to 103, which detailed Alvechurch Neighbourhood Plan.

The comments received and proposed enhancements from Worcestershire County Council (WCC) Highways, were detailed on pages 105 to 106 of the main agenda report.

Officers further referred to sustainability and in doing so referenced the Applicant's transport consultants' Technical Note and the key points made, as detailed on page 106 of the main agenda report.

The 2019 planning appeal on this site did not consider sustainability matter. In terms of local precedents, it was considered that the most relevant was a nearby site on Ash Lane which proposed 15 dwellings, Appeal reference APP/P1805/W/22/3294824) which did examine this matter. The Inspector in this case considered the site on Ash Lane to be sustainable.

Officers reiterated that neither WCC Highways nor officers considered the site to be in an unsustainable location. On this basis, it was concluded that the site was accessible and complied with policies BDP1 and BDP16, as well as the NPPF.

With regards to the Green Belt, as detailed in the Conclusion section on page 110 of the main agenda report. A judgement as to the balance between harm and whether the harm was clearly outweighed by other considerations, including the benefits of the development, must be reached.

In this case, it was considered that the contribution towards housing land supply and that the proposals would provide 100% affordable housing were material considerations that weigh very strongly in favour of the proposals; and that the benefits of the proposals now clearly outweighed the harm to the Green Belt, and that consequently, Very Special Circumstances (VSC) did apply.

At the invitation of the Chairman, Mr. C. Robinson, the Applicant's representative and Councillor C. A. Hotham, Ward Councillor addressed the Committee.

Members then considered the application which officers had recommended be granted.

Members queried if it was appropriate to consider the resubmission application before the Planning Inspectorate had made a decision and would their decision be made taking into account the NPF prior to the changes made in December 2023?

In response, officers explained that the Planning Inspectorate would refer to the recently updated NPPF. With regards to determining the resubmitted application with an appeal outstanding; an applicant could resubmit an application at any time for Members consideration. Therefore, Members would need to make a decision on the resubmitted application before them.

Members further commented that there had, in their opinion, been no real changes in the resubmitted application, the only changes were with the recently updated NPPF. BDP stated that up to 40% affordable housing should be provided, which was reasonable and enabled the Council to supply a balanced mixture of housing and developments that were commercially viable. Members were therefore struggling with this proposal being commercially viable and queried whether the applicant should submit a viability test.

Officers commented that no viability information had been submitted by the applicant. The applicant had accepted all of the required contributions being sought, and if the application was approved, this would be subject to Conditions and all socially rented units would be secured with a S106 legal agreement as to the use of those dwellings in perpetuity. Therefore, any future amendments to the proposal with regards to altering the mix of dwellings (not all dwellings being affordable), would result in a further planning application being submitted.

Officers further clarified that the application site would still remain within the Green Belt, so would still need to meet any requirements of the Green Belt, should the application be granted.

Some Members recalled similar concerns being raised when the initial application was considered, with concerns being raised with regards to having a site that was all affordable housing development, would potential residents feel isolated. There were no services, buses, GP's and schools. Members reiterated that they still had the same concerns.

In response referred to their earlier comment with regard to a S106 legal agreement and in doing so stated that Bromford Housing Association had submitted a letter in support of the application and to operate the

socially rented units if the application was granted. The proposed site would meet a wide range of community due to the size of the units being offered. The Council's housing team were also in support of the proposal.

Members repeated that since the previous application not much had changed, would approving this application then possibly open up the Council to receiving a lot of Green Belt applications. Also, was this area sustainable?

Officers stated that they understood Members concerns with regard to sustainability. However, the assessment of the proposal was based on the Ash Lane appeal and the application being supported by WCC Highways. Furthermore, as detailed in the report, on page 106 of the main agenda report; the 2019 planning appeal on this site did not consider sustainability matter. Officers further stated that, should Members be minded to grant planning permission, in their opinion this would not set a precedence for other Green Belt applications, as each application was considered on its own merits. The Ash Green appeal was referenced, in the report, due to its relevance with being in a very similar location in Hopwood, both applications would have access to the same facilities in Hopwood. The Planning Inspectorate had assessed the Ash Lane appeal on sustainability and had considered it to be acceptable.

Some Members stated that sustainability was key and that they struggled with the required financial contribution for necessary School Transport Services in a sustainable area.

With no Members proposing the Recommendation, an alternative Recommendation was proposed and seconded.

On being put to the vote, it was

**RESOLVED** that planning permission be refused for the following reasons:-

- a) inappropriate development in the Green Belt, there were no Very Special Circumstances to outweigh the harm identified to the Green Belt; and
- b) the proposed development would be in an unsustainable location.

58/23

**23/01232/FUL - SUBDIVISION OF DWELLING INTO 6NO. SELF-CONTAINED APARTMENTS, AROSA, THE HOLLOWAY, ALVECHURCH, B48 7QA. MR. K. CROSS-WATSON**

The Application had been brought to the Planning Committee for consideration at the request of Councillor A. Bailes, Ward Councillor.

It was noted that further comments had been received from Rowney Green Residents Association with regard to further planning matters and the officer's response to those matters, as detailed on page 3 of the Committee Update. 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 presented the report and in doing so highlighted that the application was for the subdivision of dwellings into 6 self-contained apartments.

Officers presented the presentation slides, as detailed on pages 28 to 37 of the main agenda report.

At the invitation of the Chairman, Ms. L. Casey, the Applicant's Planning Agent addressed the Committee.

Members then considered the application which officers had recommended be granted.

In response to Members, officers clarified that Planning Application 19/01359/FUL which was granted in 2019, had now expired. Therefore, the applicant had had to resubmit an application. Since Planning Application 19/01359/FUL paragraph numbers had changed in the updated NPPF, but the relevant paragraphs remained the same for this new application.

Members questioned the cumulative traffic impact that these dwellings would add, along with the 60 plus housing units in Bordesley Hall, which would generate significant traffic to the T-junction that was on a slope. The cumulative impact of the development had been considered with the previous application and by those who had raised representations in objection to this application. However, WCC Highways had not picked up on this.

Officers stated that WCC Highways had not raised any concerns with the proposed development or any cumulative impact with other developments in the area.

Some Members suggested deferring the application until a cumulative impact response was received from WCC Highways.

Officers explained that the application needed to be determined by Friday 12<sup>th</sup> April 2024, the applicant may not agree to any further time for a decision to be made and could appeal on non-determination.

Members further queried that statement on page 24 of the main agenda report as follows

"... two of the dwellings falling below Technical Housing Standards..."

In response officers explained that whilst there was a shortfall with two of the dwellings falling below Technical Housing Standards, on the whole and on balance the scheme was acceptable.

On being put to the vote, it was

**RESOLVED** that Planning Permission be granted, subject to the Conditions as detailed on pages 24 to 25 of the main agenda report.

59/23

**24/00025/FUL - CHANGE OF USE FROM A DWELLINGHOUSE (USE CLASS C3) TO A CHILDREN'S HOME (USE CLASS C2, 135 SHAWHURST LANE, HOLLYWOOD. MR. M. SHABAN**

The Application had been brought to the Planning Committee for consideration at the request of Councillor D. J. A. Forsythe, Ward Councillor.

Officers presented the report and in doing so highlighted that the application was for the change of use from a dwelling house (Use Class C3) to a children's home (Use Class C2).

Officers presented the presentation slides, as detailed on pages 84 to 88 of the main agenda report.

Members were informed that throughout the determination process, additional clarification and information was sought and received in respect of how the home would operate. This information was detailed on pages 77 and 78 of the main agenda report.

At the invitation of the Chairman, Mr. S. Ahmed, the Applicant's Representative and Councillor D. J. A. Forsythe, Ward Councillor addressed the Committee.

The Committee then considered the change of use application, which officers had recommended be granted.

Councillor E. M. S Gray informed the Committee that she was a Member of WCC Corporate Parenting Board and that in effect all Members were corporate parents as such, with a duty to look after children. There were currently issues with WCC finding suitable spaces for children across Worcestershire.

In response to questions from Members with regards to the size of the property to accommodate both staff and children and the number of bedrooms, officers drew Members' attention to the Existing and Proposed Floor Plan presentation slide, as detailed on page 87 of the main agenda report. How the accommodation and bedrooms were utilised for staff and children was an operational matter and not a planning consideration. WCC Highways had raised no concerns with the number of staff attending and leaving the property; or children being picked up / dropped off.



Members commented that whilst they had taken into consideration the concerns raised by local residents, there was never any control as to who our neighbours could be. This operation would have more control, giving nearby residents a more peaceful life.

In response to a further query, the Vice-Chairman took the opportunity to explain that this was not a traditional planning application, it was a change of use.

On being put to the vote, it was

**RESOLVED** that Planning Permission for Change of Use be granted, subject to the Conditions as detailed on page 82 of the main agenda report.

60/23

**23/01400/FUL - DEMOLITION OF EXISTING GARAGES AND ERECTION OF NEW BUILD DWELLING INCLUDING ASSOCIATED ACCESS AND LANDSCAPING. LAND REAR OF 17-19 WILLOW GARDENS, WILLOW GARDENS, BROMSGROVE, B61 8QD. BDHT**

At this stage in the meeting the Vice-Chairman withdrew to the Public Gallery; with Councillor S. J. Baxter taking the Chair.

The Application had been brought to the Planning Committee for consideration at the request of Councillor M. Marshall, Ward Councillor.

Officers presented the report and in doing so highlighted that the application was for the demolition of existing garages and the erection of new build dwelling including associated access and landscaping.

Officers presented the presentation slides, as detailed on pages 50 to 56 of the main agenda report.

The site was located in a residential and sustainable location off an unclassified road, the site has an existing vehicular access with good visibility in both directions. Willow Gardens had footways and street lighting on both sides of the road and no parking restrictions were in force in the vicinity. The site was located within walking distance of amenities, bus route and bus stops. It was noted there would be a loss of 13 garages, the applicant had provided a justification and reasoning as to why the loss of these garages should be accepted by highways. There was no legal right for the applicant to provide the 13 garages to accommodate local residential car parking. The applicant had provided a car parking survey which confirmed that the streets in the vicinity (within 300m) had the capacity to provide parking for the 9 garages which were occupied.

At the invitation of the Chairman (in the Chair), Mr. K. Lawrence (via Microsoft Teams), the Applicant's Representative and Councillor M. Marshall, Ward Councillor addressed the Committee.

The Committee then considered the application, which officers had recommended be granted.

Members expressed their concerns with regards to known parking issues on Willow Road and Crabtree Lane, making it difficult for buses to pass. Whilst it was good to see a development on a Brown Field site, the proposed development would increase parking issues, which Members were concerned about.

Members commented that the garages were in a state of disrepair so could not be used by existing tenants of Bromsgrove District Housing Trust (BDHT). Were BDHT tenants happy with the garages being demolished?

BDHT proposed to build one new one bedroom dwelling with garage on quite a large site. It appeared that BDHT had not done anything to sort out the parking problems for the residents in Willow Gardens. Some residents drove across the grass verges and also parked on the grass verges. The garages being in a state of disrepair added to the parking problems.

Officers highlighted that the scheme did not include a garage, it would include two parking spaces. The applicant's representative was not here to address parking issues.

Members referred to the parking survey that was carried out by the applicant which confirmed that the streets in the vicinity (within 300m) had the capacity to provide parking for the 9 garages which were occupied. Members questioned what were the parking numbers of the road, 20 cars? Members referred to BDHT's similar Planning Application 23/01400/FUL which detailed that the parking survey carried out by the applicant confirmed that the streets in the vicinity (within 300m) had the capacity to provide parking for the 3 garages which were occupied. This would take up another 3 parking spaces.

Councillor D. G. Stewart stated that he knew this part of the town and had joined BDHT on a walkabout. The garages were in a state of disrepair but there were 12 cars parked and ad hoc parking taking place on the road; it would deprive the residents of car park spaces and shift the larger vehicles using the space onto the roads.

With the agreement of the Chairman (in the Chair), the Applicant's representative clarified that there were two separate Technical Notes.

Members continued and agreed that parking needs and parking displacement needed to be considered and that due to this, both Planning Applications 23/01400/FUL and 23/01401/FUL, should be looked at together.

Members also considered deferring both applications to a future meeting of the Planning Committee whereby an officer from WCC Highways would be asked to attend.

Officers explained that the applicant could put up a gate to stop any parking taking place at the garages. Whilst officers accepted that there was not a WCC Highways officer in attendance at tonight's meeting, WCC Highway had looked at both applications individually and cumulatively and had looked at a one bed unit and not potential parking displacement. Officers were of the opinion that the scheme was acceptable.

Members further questioned if cumulative impact was not a matter to be considered could visual impact be considered

Officers stated that WCC Highways had assessed visibility, and drew Members' attention to the comments received from WCC Highways, as detailed page 39 of the main agenda report.

At the request of the Committee, officers displayed (on the overhead screen) a street view of the area using Google Maps.

Officers further explained that Members could look at both applications collectively, but Members would need to make a decision individually for each application.

Members agreed that this made sense, there was a need to look at both applications together in order to fully understand the full cumulative impact.

An Alternative Recommendation was proposed and seconded, and on being put to the vote; it was

**RESOLVED** that further consideration of the Application be deferred to a future meeting of the Planning Committee; whereby an officer from Worcestershire County Council Highways will be in attendance.

61/23

**23/01401/FUL - DEMOLITION OF EXISTING GARAGES AND ERECTION OF NEW BUILD DWELLING INCLUDING ASSOCIATED ACCESS, LANDSCAPING & GARAGE. LAND REAR OF 8 - 14 (EVENS) WILLOW GARDENS, BROMSGROVE, B61 8QD. BDHT**

The Application had been brought to the Planning Committee for consideration at the request of Councillor M. Marshall, Ward Councillor.

Taking into account the Member discussions and debate on Planning Application 23/01400/FUL (Agenda Item Number 6); officers presented the presentation slides, as detailed on pages 68 to 74 of the main agenda report.

The application sought the demolition of the existing garages and the erection of a new build dwelling including associated access, landscaping and garage.

At the invitation of the Chairman (in the Chair), Mr. K. Lawrence (via Microsoft Teams), the Applicant's Representative and Councillor M. Marshall, Ward Councillor addressed the Committee.

Councillor C. A. Hotham stated that Members had been told that 47 parking spaces had been assessed and that 32 were in use. 44 of the 47 spaces would be used, 47 spaces were assessed on perfect parking and that the cumulative impact had been assessed.

Members further referred to the Relevant Planning History and the following statement: -

"The adjacent site, land to the rear of Willow Road and New Road (Ref: 21/01343/PIP), has been granted permission in principle for a minimum of 1 dwelling and a maximum of 2 dwellings. A technical details application has not been submitted. Therefore, no details of layout are available".

Officers displayed (on the overhead screen) a street view of the area referred to using Google Maps. Officers explained that the application site, with permission in principle, was not a garage site, as shown as Google Maps.

Members noted that BDHT had offered to put in dropped kerbs for residents and commented that by doing this there would be an environmental aspect with ripping out front gardens for parking spaces; with no real net gain.

Officers highlighted that the dropped kerbs did not form part of the application.

Members still expressed their concerns with the impact of additional parked cars, whilst also acknowledging that BDHT could close off access to the garages at any given time.

Members were of the opinion that the cumulative impact of displaced parking due to both planning applications submitted by BDHT, should be looked at. With this in mind, Members felt strongly that WCC Highways should have been in attendance to respond to the concerns raised.

An Alternative Recommendation was proposed and seconded, and on being put to the vote; it was

**RESOLVED** that further consideration of the Application be deferred to a future meeting of the Planning Committee; whereby an officer from Worcestershire County Council Highways will be in attendance.

At this stage in the meeting, the Vice-Chairman returned to the meeting room to officially close the meeting.

The meeting closed at 8.16 p.m.

Chairman