

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

**TUESDAY, 4TH JUNE 2024, AT 6.00 P.M.**

PRESENT: Councillors H. J. Jones (Chairman), M. Marshall (Vice-Chairman), A. Bailes, D. J. A. Forsythe, E. M. S. Gray, R. J. Hunter (substituting for Councillor S. M. Evans), B. Kumar (substituting for Councillor R. Lambert), B. McEldowney, J. Robinson and J. D. Stanley

Officers: Mr. D. M. Birch, Mr. A. Hussain, Mr. S Edden, Mr. P. Lester and Mrs. P. Ross

11/24

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

Apologies were received from Councillors D. G. Stewart, R. Lambert and S. M. Evans, with Councillor R. J. Hunter substituting for Councillor S. M. Evans and Councillor B. Kumar substituting for Councillor R. Lambert.

12/24

**DECLARATIONS OF INTEREST**

Councillor J. Robinson declared an Other Disclosable Interest, in relation to Agenda Item Number 5 (Minute No. 15/24) – 24/00335/FUL – Former Library, Council Offices, Fire Station and Residential Buildings, Windsor Street, Bromsgrove; in that he had spoken to residents with regards to this application.

Councillor A. Bailes declared an Other Disclosable Interest, in relation to Agenda Item Number 4 (Minute No 14/24) – 23/00403/OUT – Land South Side of Houndsfield Road, Hollywood; due to his former employer The Traffic Consultancy (TTC) being the traffic consultants on this application.

Both Councillors J. Robinson and A. Bailes left the meeting room for the duration of the relevant agenda item and took no part in the Committee's consideration nor voting on this matter.

13/24

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

The 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.

14/24

**23/00403/OUT - OUTLINE APPLICATION FOR THE ERECTION OF 50 NEW DWELLINGS (INCLUDING MARKET, AFFORDABLE AND CUSTOM/SELF BUILD PLOTS) AND A FLEXIBLE COMMERCIAL/COMMUNITY USE BUILDING WITH ASSOCIATED ACCESS, INFRASTRUCTURE, LANDSCAPING, DRAINAGE AND OPEN SPACE PROVISION; CONSIDERING ACCESS INTO THE SITE ONLY WITH ALL OTHER MATTERS RESERVED. LAND AT SOUTH SIDE OF HOUNDSFIELD LANE, HOLLYWOOD, WORCESTERSHIRE, B47 5QY. MR. B. LITTLE.**

Further information was included in the Committee Update, with regards to the comments received from the applicant to the officer's report which criticised the planning balance section as detailed on pages 24 and 25 of the main agenda pack. The applicant wished to draw the Committee's attention to appeal decision APP/P1805/W/23/3325834, as detailed on page 3 of the Committee Update, which also included the officer's response, as detailed on pages 3 to 4.

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 outline application was for the erection of 50 new dwellings (including market, affordable and custom/self-build plots) and a flexible commercial / community use building with associated access, infrastructure, landscaping, drainage and open space provision; considering access into the site only with all other matters reserved.

Officers presented the presentation slides, as detailed on pages 28 to 37 of the main agenda pack; and in doing so drew Members' attention to the following slides: -

- Parameter Plan
- District Plan extract
- Site layout plan (Indicative)
- Map at Para 8.15 of applicants planning statement showing Parcel NE6

Members were further informed that access had now been agreed with Highways, Worcestershire County Council and the agreed visibility splays required.

Officers further drew Members' attention to the Housing Land Supply, which detailed that the Council could currently demonstrate a housing land supply of 3.3 years, and Green Belt information. The application site was located within the Green Belt. Proposals within the Green Belt

were assessed against the guidance set out in Chapter 13 of the National Planning Policy Framework (NPPF) in addition to the Council's own Green Belt policies. The proposal did not meet any of the policy criteria specified at Policy BDP4 of the Bromsgrove District Plan (BDP) or at Paragraph 154 or 155 of the NPPF and as such, the proposal would amount to inappropriate development, which by definition, was harmful to the Green Belt. In accordance with Paragraph 153, substantial weight should be given to any harm to the Green Belt. 'Very Special Circumstances' (VSC) would not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal was clearly outweighed by other circumstances, as detailed on pages 14 and 15 of the main agenda pack.

Officers further referred to the Purposes of the Green Belt. The first part of the Green Belt Review, which as published in August 2019, was entitled Green Belt Purposes Assessment: Part 1. This report splits the District's Green Belt land into 60 parcels and assesses each parcel's contribution to the function of the Green Belt. Part 2 of the Green Belt Purposes Assessment would consider a range of more detailed sites against the Green Belt purposes in a more localised and focused manner but has yet to be published. This particular site was submitted as part of the Council's Call for Sites process and had been assigned reference number 195 although no formal assessment of the site had been published to date. In Part 1 of the Purposes Assessment, the application site falls within Parcel NE6 as shown on the plan submitted in the applicants planning statement at Paragraph 8.15 (land South of Hollywood, North of Wythall).

In assessing the area against the purposes of the Green Belt, the assessment concludes that the area was strong in relation to its strength of contribution, in respect of the following Green Belt purposes: to prevent neighbouring towns from merging into one another. In terms of safeguarding the countryside from encroachment this was classified as moderate, as detailed on page 16 to 18 of the main agenda pack.

The proposed development would be of a size, scale, form, and intensity that would fundamentally erode the form, character and setting of this area.

Officers highlighted that the Applicant's Case and Very Special Circumstances (VCS) and the Planning Balance, were detailed on pages 23 to 25 of the main agenda pack.

Officers stated that in conclusion the NPPF states that inappropriate development was, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 confirmed that when considering any planning application, local planning authorities should ensure that substantial weight was given to any harm to the Green Belt. 'Very special

Circumstances' would not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, was clearly outweighed by other considerations.

As referred to in the preamble above, the Planning balance section of the report, sets out the harms and benefits and officers concluded that all of the harms were not clearly outweighed by all of the benefits. 'Very Special Circumstances' did not therefore exist in this case.

It was considered that the application of policies in the NPPF provided a "clear reason for refusing" the development proposal under NPPF paragraph 11(d)(i). It was concluded that the proposals conflicted with the development plan policies in so far as they related to the Green Belt and the character and appearance of the area. There were no other material considerations that had a bearing on balance.

Officers drew Members' attention to the reasons for refusal, as detailed on page 26 of the main agenda pack.

At the invitation of the Chairman, the applicant Mr. B. Little addressed the Committee.

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

In response to questions from Members with regards to the affordable housing balance and substantial weight for the provision of affordable housing; officers clarified that Policy BDP8 sought the provision of 40% affordable housing on qualifying sites. The application proposed the provision of 50 dwellings in total, with 26 of these being affordable, which equated to 52%. Officers referred to the comments received from the Council's Housing Strategy team and the dwelling type to be provided, as detailed on pages 9 and 13 of the main agenda report. A section 106 Agreement (S106) would secure any housing requirement.

In response to further questions, officers briefly explained the Council's Local Plan Review and the two-part Green Belt Review, and that the application site fell within Parcel NE6, as detailed on page 16 to 18 of the main agenda pack.

The proposed development was inappropriate development in the Green Belt. In assessing the area against the purposes of the Green Belt, the assessment concluded that the area was strong in relation to its strength of contribution, in respect of the following Green Belt purposes: to prevent neighbouring towns from merging into one another.

Some Members commented that, as stated in the report, that the development proposed would equate to urban sprawl and encroachment into the countryside; and that one of the Green Belt purposes was to prevent neighbouring towns from merging into one another.

On being put to the vote, it was

**RESOLVED** that planning permission be refused for the reasons as stated on page 26 of the main agenda pack.

15/24

**24/00335/FUL - DEMOLITION OF EXISTING BUILDINGS AND ASSOCIATED SITE REMEDIATION, REMOVAL OF EXISTING REDUNDANT SERVICES AND UTILITIES. FORMER LIBRARY, COUNCIL OFFICES, FIRE STATION AND RESIDENTIAL BUILDINGS, WINDSOR STREET, BROMSGROVE, WORCESTERSHIRE, B60 2BJ. MR. S. CARROLL.**

Officers drew Members' attention to the Committee Update, which detailed Worcestershire Regulatory Services (WRS) final comments on the application. Members attention was further drawn to the Contaminated Land – Remediation and Verification Condition and the Informative, as detailed on pages 5 to 8 to 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 demolition of the existing buildings and associated site remediation, removal of existing redundant services and utilities.

Officers presented the presentation slides, as detailed on pages 46 to 48 of the main agenda pack.

Officers explained that the application sought full planning permission to demolish all the structures on Windsor Street which comprised of a former library, Council office block, former Bromsgrove fire station, accommodation, and a training tower for the firefighters.

Bromsgrove District Council had been awarded £14.5m through the Government's Levelling Up Fund to be invested into projects to improve Bromsgrove Town Centre. Four sites in Bromsgrove had been identified as part of the 2040 vision, one of which was the site discussed in this report, Windsor Street, as detailed on page 42 of the main agenda pack.

Officers referred to the Contamination information, as detailed on page 43 of the main agenda pack.

Members then considered the application which officers had recommended be granted, subject to the final satisfactory comments from WRS Contamination, which had now been received, as detailed in the preamble above.

Officers responded to questions from the Committee with regards to contamination and a Construction Environmental Management Plan

(CEMP), and in doing so; clarified that in respect of the demolition a number of comprehensive reports had been received and pre-application discussions had taken place, so as the site could come forward for future residential use and to ensure that any subsequent applications had no concerns raised, for its use, from WRS, Contaminated Land. Condition 3, as detailed on page 44 of the main agenda pack highlighted that 'the demolition works hereby permitted shall be carried out in accordance with the details outlined in the Condition and Demolition Statement unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.' Further Conditions from WRS – Contaminated Land had been included in the Committee Update, pages 7 and 8.

Some Members raised questions about the access path (as shown on the Site Layout slide) being closed off during the demolition and further questioned if the access path would be restored once the demolition had ended and up until the building works commenced.

Officers explained that the access path was not a right of way and was therefore not a planning consideration for Members, but a civil matter for the applicant.

In response to further questions from Members with regards to the Levelling Up Fund programme and timescales in relation to the undertaking of an asbestos survey prior to the demolition of the buildings, together with the appropriate mitigation measure; officers commented that their understanding was that once planning permission was in place that work would commence quickly, they did not have a timescale as to when it would be completed by.

Members stated that they supported the officer's decision, however they would like to be reassured that officers had read the Condition and Demolition Statement and that the site would be cleared in a meaningful way for residents and other people around the site.

On being put to the vote, it was

**RESOLVED** that following the final satisfactory comments received from Worcestershire Regulatory Services, as detailed on pages 5 to 7 of the Committee Update that full planning permission be granted, subject to

- a) Conditions 1 to 5, as detailed on pages 43 and 44 of the main agenda pack; and
- b) the additional WRS Contaminated Land – Remediation and Verification Conditions 1 to 4 and the Informative, as detailed on pages 7 and 8 of the Committee Update.

**THE ERECTION OF 26 DWELLINGS - OUTLINE APPLICATION (INCLUDING DETAILS OF ACCESS, LAYOUT, SCALE AND APPEARANCE)) TO SUBSTITUTE PLOTS 13-16 WITH ALTERNATIVE HOUSE TYPES. LAND REAR, ALGOA HOUSE, WESTERN ROAD, HAGLEY, WORCESTERSHIRE. MRS. R. CRANN.**

Officers presented the report and the presentation slides, as detailed on pages 60 to 65 of the main agenda pack.

Officers highlighted the proposed changes as part of the amendment to the approved scheme, as detailed on page 53 of the main agenda pack; and as follows: -

- Proposing to swap the SL1 and SL2 dwelling types on plots 13-16 which are stepped units with a one storey bungalow appearance at the front which step down to the rear. To a more standard house type which does not require a stepped unit design for these dwellings.
- Reconfigured access and parking arrangement for plots 13-16.
- Minor changes to the elevational treatment.

Officers further explained that a section 106 Agreement (S106) was completed for the application. The legal agreement was worded such that, if a s73 consent was granted (such as this application), the obligations in the S106 legal agreement (such as affordable housing, education, off site open space, etc) shall relate to the new s73 consent. This was specified in Section 17 of the agreement. Therefore, a supplemental deed/new legal agreement was therefore not required in this case.

Officers drew Members' attention to the Recommendation, as detailed on page 54 to 57 of the main agenda pack.

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

Officers responded to questions from the Committee and in doing so, clarified that there had been no changes to the layout of the trees. Conditions under the previous consent would be replicated and any adoption of the roads or maintenance of the trees would be up to the developer to submit. Highways, Worcestershire County Council (WCC) might not adopt the trees, but a Condition could be included to maintain the trees.

Councillor A. Bailes raised a query regarding a Condition that Highways, WCC, had included within their comments to Application 14/0408, as follows: -

**'Residential Welcome Pack**

The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

Reason: To reduce vehicle movements and promote sustainable access.'

Officers explained that this Condition had been omitted in error but could be incorporated into the application should Members be in agreement. With Members agreeing to add an additional Condition (Condition 16), it was

**RESOLVED** that planning permission be granted, subject to Conditions 1 to 15, as detailed on pages 54 to 56 of the main agenda pack; and an additional Condition, as detailed in the preamble above.

- Condition 16 – that the Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

Reason: To reduce vehicle movements and promote sustainable access.

17/24

#### **PLANNING PERFORMANCE REPORT QUARTER 4 (1ST JANUARY - 31ST MARCH 2024)**

The Chairman took the opportunity to remind the Committee that the report was for noting only.

Members commented that they welcomed the report and looked forward to future quarterly reports.

In response to questions from the Committee, the Development Management Manager stated that it was not appropriate to include appeals information within the report, as the Council were tested on the outcome of any appeals. All Ward Councillors were informed of a synopsis of appeals in their Ward area and this information was also provided to Planning Committee Members. Appeals information was also included on Public Access by their site address, so they were accessible and visible to everyone.

Following further discussions on the statistics and information included within the report, the Development Management Manager further explained that the purpose of the report was to look at planning performance and outcomes. Enforcement did not come into this. Some appeals were under delegated powers and Ward Members and Planning



Committee Members could speak with the Planning Case Officer involved.

With regards to the 'Quality of Decision Making' figures, the Development Management Manager commented that the Council had few major applications and this had the potential to easily affect the statistical return. Major applications were predominantly brought to the Planning Committee for determination.

The Development Management Manager stated that variables such as Officer resources and the refusal of extension of time requests were also factors to be taken into account.

Members expressed their thanks and commented that the report was incredibly positive, with some Members stating that they would be sharing the information with their residents. Members liked the accessible format of the report and would remind themselves of the 'Quality of Decision-Making Figure' of 5.7% which was good, as it had previously been 9%.

The Development Management Manager explained briefly, following queries from Members, the consequences of going into Special Measures.

Members again expressed their sincere thanks to officers.

The meeting closed at 7.27 p.m.

Chairman