

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

TUESDAY 9TH JULY 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), R. E. Lambert, B. McEldowney, J. Robinson and J. D. Stanley

Officers: Mr. D. M. Birch, Mr. A. Hussain, Mr. S. Agimal, Worcestershire County Council Highways, Mr. T. Ball, Mr. G. Boyes, Ms. R. Paget, Mr. P. Lester and Mrs. P. Ross

18/24

TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies were received from Councillor S. M. Evans with Councillor R. J. Hunter substituting.

19/24

DECLARATIONS OF INTEREST

Councillor A. Bailes declared an Other Disclosable Interest, in relation to Agenda Item Number 7 (Minute No 24/24) – 23/00324/FUL – Alvechurch Sports and Social Club, Radford Road, Alvechurch.

Councillor 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.

20/24

MINUTES

The minutes of the Planning Committee meetings held on 21st May and 4th June 2024, were received.

With regards to the minutes of the meeting held on 21st May 2024, Councillor E.M.S Gray asked for the following amendments: -

Page 7, Minute No. 3/24 typographical error, respectively and not respectivly.

Page 10, Minute No. 7/24, paragraph be amended to read: -

Members expressed some concern with the width of the access in particular with regards to the fire services access as they were not consulted as part of the application. Officers explained that they were not a statutory consultee, to which Members disagreed in that they believed they should be consulted with ~~on~~ any application where the proposed highway was under 3.7m. It was further detailed that the current width of the access was 3.3m and was poorly lit and without a footpath, therefore, should these issues be rectified it would make the access much smaller and less than the 3.2m width required by the Worcestershire County Council Streetscape Design Guide.

Councillor M. Marshall asked for the following amendments: -

Page 7, Minute No. 4/24 typographical error, Councillor M. Marshall and not Councillor C. Marshall.

Page 8, Minute No. 7/24 typographical error, Councillor M. Marshall and not Councillor M. Marchall. Also, that the paragraph be amended as follows: -

Councillor M. Marshall withdrew to the public gallery prior to the Officer's presentation and left the meeting room after addressing the Committee, as the Ward Councillor, under the Council's public speaking rules.

Page 10, Minute No. 7/24. Councillor M. Marshall felt that the Officer's Decision Notice, available on Public Access, reflected more accurately the comments made by Members and should therefore be included within the minutes, as follows: -

The proposed development would, by reason of its consequential displacement of vehicles to the public highway, have a severe residual cumulative impact upon the surrounding road network. Accordingly, it would be contrary to Policy BDP1 and paragraph 115 of the National Planning Policy Framework.

RESOLVED that, subject to the amendments, as detailed in the preamble above that the minutes of the Planning Committee meetings held on 21st May and 4th June 2024, be approved as correct records.

21/24

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING

The Chairman announced that a Committee Update was 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.

22/24

TREE PRESERVATION ORDER (TPO 2) 2024 - TREES ON LAND AT THE OASIS, HAGLEY, WORCESTERSHIRE, DY9 0AT

The Committee considered a report which detailed proposals to consider the confirmation without modification Tree Preservation Order (TPO) (N0.2) 2024, relating to two trees on land at The Oasis, Hagley, Worcestershire, DY9 0AT.

The Tree Officer provided a detailed presentation, and in doing so drew Members' attention to the recommendation, as detailed on page 23 of the main agenda pack.

The officer further informed the Committee that the provisional order was raised on 8th February 2024 following on from an initial enquiry made, by a tree surgeon, regarding the status of two Cedar trees, situated within a grassed area at the southern end of The Oasis's access road as detailed at Appendix 1 to the report.

The officer drew Members' attention to the objections raised, as detailed at Appendices 2 and 3 to the report; in respect of the provisional TPO having been raised. A further neutral letter was also received, as detailed at Appendix 4 to the report.

The officers' comments in relation to the points raised in the objections were detailed on page 24 of the main agenda pack and referred to: -

- Age and size of the trees.
- Waterlogged soils and movement of the water table.
- Shading out of gardens.
- Needle drop and acidification of soils.

The officer highlighted that the trees were coming into full maturity and their growth would be expected to slow considerably as they matured. There was no evidence of any structural deficit or disease, as they were reasonably young trees. There was no evidence of waterlogged soils. The trees were very prominent to the residents of Willow Close, The Greenway, Cavendish Drive, The Oasis, and highway users and pedestrians.

Members then considered the TPO.

In response to a query from the Committee on Appendix 4 being a neutral response, it was explained that the letter did not make any negative comments or any objections to the proposed TPO.

The officer further responded to a query about there being no Tree Evaluation Method for Preservation Orders (TEMPO) included with the report, which would have provided further evidence for Members consideration. Members were informed that following the guidance tool used it was not felt necessary to include a TEMPO for this TPO. The trees had more than 40 years of life. However, this was a valid point and the officer agreed to be mindful to include a TEMPO with any future reports they presented to the Committee.

A TPO did not prevent work being carried out on the trees, an application to carry out appropriate work on the trees could be submitted to the Council for consideration and subsequent approval being agreed prior to any work being carried out on the trees.

The officer clarified that as stated in the report, that an initial enquiry was made by a tree surgeon. The tree surgeon had been asked by a management company to remove the trees. The officer then met the tree surgeon and the management company's agent on site. The agent was not bothered or concerned with a TPO being issued. It was genuinely seen as appropriate to issue a TPO on trees with no threat against them, in this instance a TPO was raised in order to stop the trees from being felled.

The officer and the Senior Arboricultural Officer further responded to queries on liability and potential liability to the Council should Members be minded to confirm without modification TPO (No.2) 2024. In terms of liability and risk, if officers were made aware of a serious problem and chose to ignore it; then the Council would be liable. Officers had to consider the probability of something happening.

The Senior Arboricultural Officer further commented that whilst it was recognised that trees required a certain level of approved maintenance and frequency of any maintenance, trees were pruned / crowned in an appropriate level in accordance with British Standards (BS) guidance.

On being put to the vote, it was

RESOLVED that provisional Tree Preservation Order (No.2) 2024 relating to two Cedar trees on land at The Oasis, Hagley, Worcestershire, DY9 0AT, be confirmed without modification and made permanent, as raised, and shown at Appendix 1 to the report.

23/24

TREE PRESERVATION ORDER (TPO 3) 2024 - TREE ON LAND AT 21 AND 23 HAWTHORNE DRIVE, HOLLYWOOD, B47 5QT

The Committee considered a report which detailed proposals to consider the confirmation without modification Tree Preservation Order (TPO) (N0.3) 2024, relating to trees on land at 21 and 23 Hawthorne Drive, Hollywood, B47 5QT.

The Senior Arboricultural Officer provided a detailed presentation, and in doing so drew Members' attention to the recommendation, as detailed on page 37 of the main agenda pack.

Members were informed that the provisional order was raised on 8th February 2024, as shown at Appendix 1 to the report; in response to an indication received by the Council that the owner of the tree at 23 Hawthorne Drive had intended to fell the Oak tree on that property.

A Tree Evaluation Method for Preservation Orders (TEMPO) was carried out on the trees, as detailed at Appendix 2 to the report. The TEMPO showed that the trees had accrued a score worthy of consideration of a TPO.

Three objections were received in respect of the provisional TPO having been raised. The officers' comments in relation to the points raised in the objections were detailed on page 38 of the main agenda pack and referred to: -

- Public Amenity Value.
- Risk of Subsidence and Root Invasion to Property.
- General Deris Fall Nuisance.
- Risk of Root Invasion to Drains.
- Shadowing.

It was noted that on page 39 of the main agenda pack, that under the paragraph 'Shadowing' that the house number should read 27 Beech Road and not 23 Beech Road.

At this stage in the meeting there was a technical issue with the Live Streaming. Therefore, the Chairman announced a short adjournment and comfort break for Members and officers.

Accordingly, the meeting stood adjourned from 18:44 p.m. to 18:54 p.m.

Having reconvened and at the invitation of the Chairman, the Council's Legal Officer read out the speech, in objection to the TPO, provided by Mr. and Mrs P. Conlon, who were unable to attend the meeting.

It was noted that under the Council's Public Speaking rules, that Mr. and Mrs. P. Conlon's speech had taken three minutes to be read out.

At the discretion of the Chairman, Mr. A. Pickersgill, who had also submitted a representation in objection to the TPO, was allowed one minute to address the Committee.

Members then considered the TPO.

In response to a query from the Committee on the TEMPO scoring, as detailed at Appendix 2 to the report. The Senior Arboricultural Officer explained how the scoring had been determined.

The Senior Arboricultural Officer responded to further questions from Members with regards to 'Risk of Root Invasion to Drains' and the estate itself. In doing so, Members were informed that as detailed on page 39 of the main agenda pack; roots did not generally exert any mechanical pressure on drains to create damage, they tended to take the easiest direction of growth and go around any obstruction such as drains. The estate was a modern estate and as such would be expected to have a high quality and robust drainage infrastructure that would be unlikely to

be damaged by root and therefore suffer root invasion. There was no evidence or historical evidence of tree related damage to the drains or work being carried out on the drains due to root invasion, or any damage to nearby drives or kerbs. The estate was built over 30 years ago and anyone purchasing a property on the estate would be aware of nearby mature trees, which predated the estate and the infrastructure.

In respect of overbearing and shadowing, the Senior Arboricultural Officer clarified that the Council had no powers to enforce / instruct the residents of 21 and 23 Hawthorne Drive to carry out work on the trees should they become overbearing or create further shadowing. A TPO would ensure that appropriate levels of tree management and crown thinning was carried out. A TPO did not prevent work being carried out on the trees, an application to carry out appropriate work on the trees could be submitted to the Council for consideration and subsequent approval being agreed prior to any work being carried out on the trees.

On being put to the vote, it was

RESOLVED that provisional Tree Preservation Order (No.3) 2024 relating to trees on land at 21 and 23 Hawthorne Drive, Hollywood, B47 5QT, be confirmed without modification and made permanent, as raised and shown at Appendix 1 to the report.

24/24

23/00324/FUL - REFURBISHMENT OF THE EXISTING BUILDING AND EXTENSION TO ACCOMMODATE NEW BED AND BREAKFAST ACCOMMODATION (USE CLASS SUI GENERIS), ALVECHURCH SPORTS AND SOCIAL CLUB, RADFORD ROAD, ALVECHURCH. C/O AGENT

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

Officers drew Members' attention to the Committee Update, whereby one objector had requested that their comments be withdrawn. One objector had added additional comments to their original response. Other comments made by Alvechurch Residents Association about the conduct of the Applicant, were not addressed as it was not a material planning consideration. Worcestershire County Council Highways had provided an update; and the planning officer's response was also included.

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 presentation slides, as detailed on pages 81 to 97 of the main agenda pack; and in doing so, highlighted that the application was for the refurbishment of the existing building and extension to accommodate new bed and breakfast accommodation (Use Class *Sui Generis*).

The Conservation Officer had confirmed that there would be neutral impact on the significance of the Conservation Area, and that the proposals would not harm the significance of the nearby listed buildings.

The proposed extension would measure approximately 6.4m high, 12m deep and 15.4m long. The extension would include 20 bedrooms with a connecting corridor into the main building. The proposed extension would include bedrooms at ground and first floor level.

The introduction of additional fenestration on the existing building alongside the alteration of existing openings was welcomed and an improvement to the overall design and appearance of the building. The proposed windows and frames to the existing building would be painted timber sash, with or without a restrictor. The proposed windows and frames of the proposed extension would be painted timber casement windows, with or without a restrictor, as detailed on the presentation slides on pages 91 and 92 of the main agenda pack.

The existing building was located approximately 2m from the boundary and approximately 18m from the rear of 1 Swan Street. The existing building was built at an angle to the gardens on Swan Street and therefore the distance between the boundary increased in a south-easterly direction to approximately 4m.

At present the site had 48 car parking spaces which would be reduced to 33 spaces (a reduction of 15 parking spaces) which was deemed to be acceptable to Worcestershire County Council (WCC) Highways as the development met the Streetscape Design Guide parking standards and was in a sustainable location.

At the invitation of the Chairman, Ms. L. Brown on behalf of Alvechurch Residents Association, who were in objection to the application addressed the Committee. Ms. C. McIntyre, the Applicant's Planning Agent spoke in support of the application. Councillor T. Williams, representing Alvechurch Parish Council and Councillor C. Hotham (substituting Ward Councillor for Councillor A. Bailes) addressed the Committee in objection to the application.

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

Members raised a number of questions with regards to the application being *Sui Generis* and not as they would expect - C1 (Hotel) Hotels, under the 'Use Classes Order'.

Officers drew Members' attention to the 'Uses' as detailed on page 67 of the main agenda pack which stated: -

'The existing use of the site as a social club/public house is *Sui Generis*. The proposals would be ancillary to the main use. There is no proposed

reception area shown on the proposed floor plans, the accommodation is only accessible through the members bar area, there are no other facilities used exclusively by paying guests of the accommodation and the general activity associated with the coming and going of customers staying at the premises would not be markedly different from the existing use. The inclusion of accommodation is a traditional function and accepted as an ancillary use.'

Some Members raised further concerns in respect of the proposed reduction in car parking spaces. The proposal was for 28-bedroom bed and breakfast accommodation with 33 car parking spaces being retained. Members questioned if this were sufficient, as there would also be 2 bars being visited by different people other than those using the bed and breakfast accommodation. If functions (parties) were held there 33 car parking spaces would not be enough. Anyone using the facilities would not want to park further away from the premises. There was a significant risk that the number of car parking spaces provided would be inadequate.

In response the WCC Highways officer commented that there was not another such premises for comparison, so C1 (Hotel) was appropriate for Highways to use. There would be 33 car parking spaces in total and a further 72 spaces available within 300m of the application site. There were double yellow lines around the proposed site and vicinity so there would be no displaced parking.

Members raised the question about staff using the car parking spaces and larger delivery vans accessing the site and parking. The WCC Highways officer confirmed that the staff car parking requirements were included within the car parking standards. Staff may live in the area or use public transport. With regards to delivery vans, this was not usually a recommendation or condition from Highways. There was no request from the applicant and no evidence that large vans would be using the site to park.

Members further questioned using C1 (Hotel) and asked if the application were for a pub, how would that be assessed?

The WCC Highways officer stated that the application had been assessed as C1 (Hotel) due to the bedroom numbers.

The Development Management Manager reiterated that the application had been assessed as C1 (Hotel) category which was the best fit.

Other Members commented that they agreed with the concerns raised by some of the Members with regard to insufficient car parking spaces, no accessible car parking provision and no EV Chargers being provided. Members further highlighted the comments made by the public speakers in objection to the application, and as detailed in the report a total of 134 objections had been also received. The site sat on a bend, and this

could prove dangerous with delivery vans, or laundry vans backing into the site.

In response the officer referred to Condition 14 on page 78 of the main agenda report, which stated that: -

'The Development hereby approved shall not be occupied until the parking and turning facilities have been provided as shown on drawing 1132-07G'.

The officer further explained that there would be 2 accessible car parking spaces, as detailed at Condition 17 on page 79 of the main agenda report. The provision of EV Chargers was now the remit of the Council's Building Control department and was not a planning consideration.

It was noted and queried that Alvechurch Sports and Social Club was listed on the Councils' Register of Assets of Community Value. Officers confirmed that as detailed in the report it was nominated and accepted onto the register as of 23rd September 2022. Officers drew Members' attention to page 66 of the main agenda pack 'Asset of Community Value' (ACV).

The Chairman briefly explained that this was not a planning consideration and the Council's Legal Officer stated that this did not stop a planning application from being submitted to the Local Authority, it enabled the local community to purchase the building should it come up for sale.

The Chairman then referred to the Recommendation, as detailed on pages 75 to 79 of the main agenda pack, with no proposer or seconder, and Members having expressed their concerns an Alternative Recommendation for refusal of the application was proposed and seconded.

The Charman took the opportunity to remind Committee Members to be mindful in providing concise and valid planning reasons for refusing the application.

Members then took the opportunity to further discuss and agree their main concerns and reasons for refusing the application.

On being put to the vote it was

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

- a) The proposed development would, by reason of insufficient car parking have a consequential displacement of vehicles to the public highway, resulting in a severe residual cumulative impact upon the surrounding road network; and

- b) The existing building was at odds with the historic and architectural character of the Alvechurch Conservation Area. The proposed extension would, by reason its overall design, bulk, scale and massing, cause an unacceptable visual impact on the Alvechurch Conservation Area.

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

Accordingly, the meeting stood adjourned from 20:04 p.m. to 20:10 p.m.

25/24

24/00077/REM - RESERVED MATTERS APPROVAL (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) FOR THE CONSTRUCTION OF 241 DWELLINGS AND ASSOCIATED WORKS AND INFRASTRUCTURE, PURSUANT TO THE OUTLINE PLANNING PERMISSIONS 19/00976/HYB AND 19/00977/HYB (CROSS BOUNDARY APPLICATION WITH REDDITCH BC 24/00083/REM). PHASE 5 DEVELOPMENT BROCKHILL EAST, HEWELL ROAD, REDDITCH, WORCESTERSHIRE. PERSIMMON HOMES LTD

Having reconvened, Officers drew Members' attention to the Committee Update, which detailed further comments from North Worcestershire Water Management, with the plans as listed, being removed from Condition 1.

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 presentation slides, as detailed on pages 113 to 129 of the main agenda pack; and in doing so, highlighted that the application was for reserved matters approval, appearance, landscaping, layout and scale. For the construction of 241 dwellings and associated works and infrastructure, pursuant to the outline planning permissions 19/00976/HYB and 19/00977/HYB (Cross boundary application with Redditch BC 24/00083/REM). Phase 5 Development Brockhill East, Hewell Road, Redditch, Worcestershire.

Officers highlighted that the consideration of the impacts of a development proposal was not altered by political boundaries and could not be considered in isolation. Members needed to consider the application as a whole, (not just that part of the development within its own administrative boundary) and come to a decision based upon that consideration. However, Members would only be determining the application in so far as it related to the administrative boundary of Bromsgrove. For reference, this related to land extending from the approved phase 6 north towards the area for phase 4. The proposed housing and green infrastructure areas were split between both authorities.

Hybrid applications 19/00976/HYB and 19/00977/HYB for up to 960 dwellings consisted of a full application for 128 dwellings accessed off Weights Lane, new public open space, drainage system, engineering operations associated works and an outline application (with all matters reserved with the exception of access) for the construction of the remaining dwellings.

Officers drew Members' attention to the 'Proposal Description' as detailed on page 103 of the main agenda pack.

The application sought a total of 142 market homes to be provided across the site to provide 30 (21%), two-bedroom dwelling, 51 (36%), 3-bedroom dwellings and 61 (43%) four bed dwellings. The proposals included the provision of 99 affordable housing units, which equated to 41% of the total dwellings proposed. As part of the proposal, mostly 2 storey dwellings were proposed. However, there were also some 2.5 dwellings incorporating dormers.

Officers further drew Members' attention to the 'Reserved Matters' to be considered under this application, as fully detailed on page 103 of the main agenda pack. It was reiterated that the issue of external access had already been determined and approved.

The proposed layout of the Phase 5 proposals had directly incorporated the ideas of the Framework Plan and Design and Access Statement (DAS) into the layout by mirroring the suggested built form and incorporating areas of green open space along the ridgeline and SuDS basins.

Phase 5 had an average density of 42 dwellings per hectare, allowing for efficient use while being sensitive to the site's landscape and topography. This density is slightly higher than Phases 4 and 6. However, this density was not inappropriate, as Phase 6 was primarily larger, detached units. This density helped to assimilate Phase 5 into the wider site while maintaining its character.

Officers referred to the 'Affordable Housing Provision' and 'Proposed Affordable Housing Mix – Phase 5', as detailed on page 105 of the main agenda pack.

It was highlighted that the majority of Phase 5 was located within Bromsgrove and complied with the s106 Agreement criteria by providing 40.2% affordable housing (78 units). The developer had included a higher provision of affordable housing into this phase to address an under provision in Redditch approved under Phase 6.

With regards to 'Housing Mix,' the DAS required that building heights be primarily two storeys. This was reflected in the proposals, where primarily 2-storey dwellings mimicked local character and occasional 2.5-storey dwellings provided interest and focal points along the street scene.

Officers further drew Members' attention to 'Highways and Parking, as detailed on page 108 of the main agenda pack. The Highway Authority had been consulted, and several revisions were made to the plans to ensure the development was acceptable. As a result of these changes, WCC as the Highway Authority, had advised that it had no objection, subject to conditions.

As detailed in 'Impact on Residential Amenity' page 109 of the main agenda report. In relation to the construction phase of this phase of development, under condition 39 of the hybrid permission, a Construction Environment Management would be required prior to the commencement of the 5th phase.

In conclusion, officers explained that this was an allocated development site. The four reserved matters under consideration were found to comply with the relevant conditions imposed as part of the hybrid permission and to adhere to the masterplan, the principles of the Design and Access Statement, the District Plan and the NPPF. In the planning balance and taking account of material planning considerations, the development was acceptable and, subject to the conditions as set out on pages 110 to 112 of the main agenda pack. The Reserved Matters application was recommended for approval.

Members then considered the Reserved Matters application.

Members were curious if a current update was available on the number of dwellings constructed and the build out rate.

Officers commented that they were happy to take this question away in order to provide more detailed information. However, at the end of June there were 73 occupations on the hybrid phase and the Weights Lane work was now completed.

Members further referenced the original Conditions included within Outline Planning Applications 19/00976/HYB and 19/00977/HYB and sought reassurance from officers that these Conditions would be adhered to.

In response to the specific concerns raised by Councillor A. Bailes, officers took the opportunity to reassure Councillor A. Bailes and the Committee that the initial Conditions applied to applications 19/00976/HYB and 19/00977/HYB, were still robust Conditions and that the Planning Authority and WCC Highways would ensure that the Conditions were adhered to and completed with; and that officers would be monitoring this. It was not appropriate at tonight's meeting, to replicate or reinforce Conditions that were already in place. Officers further agreed to provide Councillor A. Bailes with further information in respect of his questions about Conditions 35 and 38.

In response to further questions from the Committee, officers provided brief details on the affordable housing split between Bromsgrove and

Redditch, site constraints for Redditch and overprovision in future phases. Officers further clarified that there was a joint s106 agreement between Bromsgrove and Redditch, which required joint signatories. This ensured joint working and to mitigate the requirements of the hybrid applications.

On being put to the vote it was

RESOLVED that the Reserved Matters application for layout, scale, appearance, and landscaping, be approved, subject to the Conditions as detailed on pages 110 to 112 of the main agenda pack.

The meeting closed at 8.32 p.m.

Chairman