B R O M S G R O V E D I S T R I C T C O U N C I L

MEETING OF THE PLANNING COMMITTEE

THURSDAY 10TH DECEMBER 2024, AT 6.00 P.M.

PRESENT: Councillors H. J. Jones (Chairman in the Chair during Minute No's 50/24 to 59/24), M. Marshall (Vice-Chairman, in the Chair during Minute No's 60/24 to 62/24), A. Bailes, J. Clarke, S. M. Evans, D. J. A. Forsythe, E. M. S. Gray, B. Kumar, B. McEldowney and J. D. Stanley

Officers: Mr. D. M. Birch, Mr. A. Hussain, Mr. T. Ball, Mr. A. White, Mrs. J. Chambers, Mr. D. Kelly, Mr. P. Lester, Miss. E. Darby, Mr. C. Perkins and Mr. G. Day

50/24 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillor R. E. Lambert with Councillor B. Kumar in attendance as a substitute.

Apologies were also received from Councillor S. J. Baxter.

51/24 **DECLARATIONS OF INTEREST**

The Chairman declared with regard to Agenda item No.13 – 24/01062/CPE, Stoney Lane Farm, Stoney Lane, Alvechurch, Worcestershire, B60 1LZ, in that the applicant was a fellow Councillor. The Chairman clarified that Members remained impartial and had had no discussion with the applicant over the application.

The Chairman also declared with regard to Agenda item No.11 – 24/00904/CPL, 32 Mearse Lane, Barnt Green, Worcestershire, B45 8HL In that the applicant was a fellow Councillor. The Chairman clarified that Members remained impartial and had had no discussion with the applicant over the application.

Councillor A. Bailes declared with regard to Agenda Item No.9 – 24/00554/REM, Bordesley Hall, The Holloway, Alvechurch, Worcestershire, B48 7QA, in that he would be addressing the Committee for this item as Ward Member, under the Council's Public Speaking Rules. After addressing the Committee as Ward Member,

Councillor A. Bailes left the meeting room and took no part in the Committee's consideration nor voting on this matter.

Councillor B. Kumar declared A Pecuniary Interest in relation to Agenda Item No.11 – 24/00904/CPL, 32 Mearse Lane, Barnt Green, Worcestershire, B45 8HL in that he was the applicant. Councillor B. Kumar left meeting room for the duration of this agenda item and took no part in the Committee's consideration nor voting on this matter.

Councillor H. Jones declared A personal Interest in relation to Agenda Items No.6 – 24/00229/FUL, No7 – 24/00307/FUL and No12 - /No12 – 24/01005/FUL, all in relation Backlane Farm, St Kenelms Road, Romsley, Worcestershire, B62 0PG. In that she knew the applicant personally. Councillor H. Jones left the meeting room for the duration of all 3 agenda items and took no part in the Committee's consideration nor voting on these matters.

52/24 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON 15TH OCTOBER 2024**

The minutes of the Planning Committee meeting held on 15th October 2024, were received.

RESOLVED that the minutes of the Planning Committee meeting held on 15th October 2024, be approved as a correct record.

53/24 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING (TO BE CIRCULATED PRIOR TO THE START OF THE MEETING)**

The Chairman announced that there were two Committee Updates 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.

54/24 **24/00516/S73 - VARIATION OF CONDITION 22 OF PLANNING PERMISSION APP/P1805/W/20/3245111 ALLOWED ON APPEAL 09/02/2021 (LPA 16/1132): FROM: 22) NO DWELLING SHALL BE OCCUPIED UNTIL THE ACOUSTIC FENCING ON THE NORTH-WESTERN PART OF THE SITE HAS BEEN ERECTED IN ACCORDANCE WITH A SCHEME WHICH HAS BEEN SUBMITTED TO AND APPROVED IN WRITING BY THE LOCAL PLANNING AUTHORITY. THE ACOUSTIC FENCING SHALL BE RETAINED THEREAFTER. AMEND TO: 22) NO DWELLING SHALL BE OCCUPIED IN RELATION TO THE APPROVED RESERVED MATTERS 23/00993/REM (MILLER HOMES PHASE) INCLUDING PLOTS 291 TO 293 & PLOTS 342 TO 353 ONLY OF THE APPROVED RESERVED MATTERS 22/00090/REM (BELLWAY HOMES PHASE) OR SUBSEQUENT VARIATIONS THEREOF UNTIL THE ACOUSTIC FENCING ON THE NORTH-WESTERN PART OF THE SITE, HAS BEEN ERECTED IN ACCORDANCE WITH A SCHEME WHICH HAS BEEN SUBMITTED TO AND APPROVED IN WRITING BY THE LOCAL PLANNING AUTHORITY. THE ACOUSTIC FENCING SHALL BE RETAINED THEREAFTER AND MUST BE ERECTED BEFORE 22/00090/REM (BELLWAY) PLOTS 291 T**

Officers presented the report and in doing so, drew Members' attention to the presentation slides, as detailed on pages 89 to 93 of the Public Reports pack and the update report.

The application was for the land at Whitford Road, Bromsgrove and sought the alteration of Condition 22 of the planning permission granted on appeal APP/P1805/W/20/3245111.

Officers detailed that Condition 22 had stated that no dwelling should be occupied until the acoustic fencing on the North-Western part of the site was completed. However, the applicant sought a change to Condition 22 to restrict occupancy of the Miller Homes part of the site and Plots 291 – 293 and 342 – 353 only of the Bellway Homes part of the site and allow occupation of all other Bellway Homes plots.

The applicant had submitted information which detailed that the noise impact on occupying the other plots could be appropriately managed via noise mitigation measures, such as fencing and double glazing. Officers further clarified that additional amended details of the proposed double glazing had been submitted but had not been commented on by Worcestershire Regulatory Services (WRS) and thus Officers sought delegated authority to determine the wording of the new Condition 22 should Members be minded to approve the change.

At the invitation of the Chairman, Councillor D. Hopkins, Ward Member and the applicant's planning agent, Debbie Farrington of Cerda Planning addressed Planning Committee.

Members were disappointed that the noise issues were not raised previously and had come to Committee as a Condition amendment, but

pending comments from WRS Members were generally in support of the amendment.

On being put to the vote, it was

RESOLVED that permission be granted to amend Condition 22 of planning permission APP/P1805/W/20/3245111, subject to:-

a) delegated powers be granted to the Assistant Director for Planning, Leisure and Cultural Services to determine the application subject to the satisfactory final views of Worcestershire Regulatory Services; and

b) delegated powers be granted to the Assistant Director for Planning, Leisure and Cultural Services to determine the application, subject to an amended wording of Condition 22 and the other conditions attached to the original planning permission.

55/24 **24/00904/CPL - SINGLE-STOREY REAR EXTENSION. 32 MEARSE LANE, BARNT GREEN, WORCESTERSHIRE, B45 8HL. MR. B. KUMAR**

Having previously declared a pecuniary interest, Councillor B. Kumar left the room for the duration of the item and took no part in the debate or decision making thereof.

Officers presented the report and in doing so, drew Members' attention to the presentation slides, as detailed on pages 159 to 164 of the Public Reports pack.

The application was for 32 Mearse Lane, Barnt Green, Worcestershire, B45 8HL and sought permission for a single storey rear extension.

The application was being considered by Planning Committee Members rather than determined under delegated powers as the applicant was a serving District Councillor, therefore, it fell outside the scheme of delegation to Officers.

As the application fell within the scope of permitted development, Members were asked to determine the application on the basis of a Certificate of Lawfulness and not under planning merits. Officers drew Members' attention to the proposed floor plans, as detailed on page 164 of the Public Reports pack, which detailed that the extension came under the permitted dimensions of 4m height and 4m extension as it was 3m in height and 4m extension.

On being put to the vote, it was

RESOLVED that the Certificate of Lawfulness be granted, subject to

a) the plans 1311_01 and 1311_03; and
b) the Condition as outlined on Page 158 of the Public Reports pack.

56/24 **24/00554/REM - RESERVED MATTERS APPLICATION FOR DETAILS RELATING TO THE DEVELOPMENT OF 43 DWELLINGS, ASSOCIATED PARKING, ROADS AND FOOTPATHS, AREAS OF OPEN SPACE, DRAINAGE INFRASTRUCTURE, PLANT, LANDSCAPING AND ASSOCIATED WORKS. BORDESLEY HALL, THE HOLLOWAY, ALVECHURCH, WORCESTERSHIRE, B48 7QA. WAIN HOMES**

It was noted that having registered to speak as Ward Member for the application, Councillor A. Bailes withdrew to the Public Gallery.

Officers presented the report and in doing so, drew Members' attention to the presentation slides, as detailed on pages 109 to 126 of the Public Reports pack.

The application was for Bordesley Hall, The Holloway, Alvechurch, Worcestershire, B48 7QA and sought reserved matters approval for the erection of 43 dwellings with associated parking and landscaping works.

Officers clarified that the principle of the development was decided at a previous Planning Committee meeting, under the hybrid application 21/00684/HYB on 6th October 2022. Therefore, the application before Members was a reserve matters application to consider layout, scale, appearance and landscaping.

Officers further clarified that a previous reserve matters application was approved by Members of the Planning Committee on 9th March 2023 for 46 dwellings. In comparing the two developments Officers highlighted the change in number and type of dwellings and also the changes to the road network away from a circular route.

The development supplied off road parking for each dwelling with an additional 11 visitor parking spaces around the site. The housing mix was 3/4/5 bed dwellings with a mix of 10 different housing types, a selection of which was detailed on pages 119 to 122 of the Public Reports pack.

As the application was submitted prior to the 10% diversity net gain requirement by Bromsgrove District Council, it would not be subject to a condition, therefore, the ecology consultant had raised no objection.

Condition 8 covered the proposed lighting on site, this was detailed on page 117 of the Public Reports pack. Due to concerns with light pollution, a number of 1m lighting columns were proposed, this was deemed acceptable by Officers and Consultees.

At the invitation of the Chairman, Debbie Farrington, the applicant's Agent addressed the Committee in support of the application. Councillor Steve Hornsby, on behalf of Alvechurch Parish Council and Councillor A. Bailes, Ward Member, addressed the Committee in objection to the application.

After addressing the Committee, Councillor A. Bailes retired from the meeting room for the duration of the debate.

A number of points were clarified following questions from Members:

- Bordesley hall was a non-designated heritage asset which was the lowest designation, therefore, only limited weight was given to factors such as overlooking, which needed to be weighed up against the development as a whole.
- Due to vacant building credit the development had no requirement to supply affordable housing.
- The change from 2/3 bed dwellings to 3/4/5 bed units was a decision taken by the applicant. However, with no affordable housing requirement, there was little the Council could do to enforce specific housing types.
- The removal of additional TPO protected trees against widening the access road was discussed, the decision was made to retain the Trees as there was good viability along the road so pedestrian/cyclist safety would not be adversely impacted.
- Condition 18 covered restricting construction traffic, details of which would need to be submitted by the applicant prior to commencement.
- There were no plans to make the development a gated community, this was further supported by two areas of open space which were intended to be available to the wider general public.

Whilst Members expressed their sympathy with the Parish Council representation, in that the original development had contained a large mix of 1 or 2 bed units which had been highlighted to be a particular need in the area. Members accepted that they had to consider the application before them and without a need for affordable housing due to vacant building credit there was no requirement for the developer to supply smaller units.

On being put to the vote, it was

RESOLVED that the Reserved Matters application be approved subject to:-

a) Conditions 1 and 3 as detailed on pages 106 and 107 of the Public Reports pack; and
b) An amended Condition 2 as detailed on page 3 of the Committee Update.

57/24 **24/01062/CPE - LAWFUL DEVELOPMENT CERTIFICATE SOUGHT TO CONFIRM DEVELOPMENT HAS COMMENCED IN ACCORDANCE WITH CONDITION 1 OF PLANNING PERMISSION REF. 21/01754/FUL DATED 11TH FEBRUARY 2022; CHANGE OF USE OF FARMHOUSE AND ATTACHED BARNS TO FORM HOLIDAY LET ACCOMMODATION WITH REINSTATEMENT ROOF WORKS TO THE ATTACHED BARNS; CHANGE OF USE OF DETACHED BARN TO CREATE DWELLING HOUSE WITH SINGLE STOREY EXTENSION; CREATION OF NEW ACCESS TRACK AND PARKING AREA TO FARMHOUSE AND REMEDIATION AND REINSTATEMENT WORKS TO DOVECOT AND SO WOULD BE LAWFUL FOR PLANNING PURPOSES. STONEY LANE FARM, STONEY LANE, ALVECHURCH, WORCESTERSHIRE, B60 1LZ. MR. P,. WHITTAKER**

Officers presented the report and in doing so, drew Members' attention to the presentation slides as detailed on pages 185 to 188 of the Public Reports pack.

The application was for Stoney Lane Farm, Stoney Lane, Alvechurch, Worcestershire, B60 1LZ and sought commencement confirmation for the application 21/01754/FUL via a Lawful Development Certificate (LDC).

The application was being considered by Planning Committee rather than being determined under delegated powers as the applicant was a serving District Councillor, therefore, the application fell outside of the scheme of delegation to Officers.

21/01754/FUL was approved on 11th February 2022 and in accordance with Condition 1, development must commence with 3 years. Therefore, the applicant had submitted evidence to Officers to prove work had commenced and in order obtain an LDC.

Officers drew Members' attention to the images as detailed on page 188 of the Public Reports pack and clarified that there was no requirement to corroborate the evidence submitted in this instance. Members commented that without evidence to contradict the information provided by the applicant, there was no reason not to grant the LDC.

On being put to the vote, it was

RESOLVED that the Lawful Development certificate be granted.

58/24 **24/00708/FUL - FULL PLANNING APPLICATION OR 3NO. INDUSTRIAL UNITS, B2/B8 USE CLASS WITH FIRST FLOOR OFFICES, ASSOCIATED PARKING & SERVICE AREAS. SAPPHIRE COURT, ISIDORE ROAD, BROMSGROVE TECHNOLOGY PARK, BROMSGROVE, WORCESTERSHIRE B60 3ET. MR. J. DOWNES**

Officers presented the report and in doing so, drew Members' attention to the presentation slides as detailed on pages 141 to 155 of the Public Reports pack.

The application was for Sapphire Court, Isidore Road, Bromsgrove Technology Park, Bromsgrove, Worcestershire B60 3ET and sought planning permission for the erection of 3 industrial units.

Officers identified the proposed site plan detailed on page 144 of the Public Reports pack. The location of each of the 3 units and the parking and access for each unit was identified.

No objection had been raised by any statutory consultee which included Worcestershire County Council Highways. It was further highlighted that the 10% biodiversity net gain would be achieved off site.

Members saw no issue with the application and on being put to the vote, it was

RESOLVED that that planning permission be approved subject to:-

a) Conditions as detailed on pages 133 and 137 of the Public Reports pack; and

b) Informatives as detailed on pages 137 to 139 of the Public Reports pack.

59/24 **TPO24/170 - REQUESTING CONSENT TO WORK ON A TPO PROTECTED TREE - 256 STOURBRIDGE ROAD, CATSHILL, BROMSGROVE, B61 9LQ**

The application was for TPO24/170 on the grounds of 256 Stourbridge Road, Catshill, Bromsgrove. The TPO was to request consent to fell a protected tree.

The Arboricultural Officer provided a detailed presentation and in doing so drew Members' attention to the recommendation, as detailed on page 25 of the Public Reports pack.

Officers informed Members that 5 representations had been submitted in support of the application to fell of the tree. The main reasons given were: -

- Debris fall/ Leaf fall/ droppings

- Lack of light
- Drainage and root encroachment
- Impact on mental wellbeing

Officers identified each of these main reasons in turn.

Debris was to be expected from a tree of its size which included leaves, fruit and droppings, so was a consideration.

There was no formal right to light so Officers could not consider that as a reason to fell the tree. However, Officers clarified that there was a significant loss of light to the properties and that there was no measure which could be put in place to resolve this without felling the tree.

Officers further informed Members that the root system was very likely to be under the dwellings considering the close proximity, however, there was no evidence of subsidence, and it was impossible to determine if it would happen. However, considering that the soil in the area was sandstone rather than clay, subsidence was less likely as sandstone contracted less when drying out.

In terms of surface root damage and displacement, there was some evidence to support this. which included a gate which could not be opened; and a few bricks and slabs being raised, however, this was identified as a minor disruption.

Officers noted that considering the very recent storm activity there was likely to be increased anxiety and stress caused by the tree, however, Officers detailed that the tree was in a very good condition which would have deep roots and there was no evidence of damage or identified risk.

Finally, it was noted that the reasons supplied to fell the tree must be raised against its amenity value, The Arbicultural Officer gave substantial weight to the amenity value as the tree was a very good specimen which was visible from a number of properties, and it would be a significant loss to the area. Therefore, the Officers recommendation was to refuse consent to fell the tree.

At the invitation of the Chairman, Mr Roy Eastwood, local resident, and Councillor S. Webb, Ward Member, addressed the Committee in support of the consent request application.

After questions from Members the following was clarified by Officers.

- Should Members decide to approve the consent request application to fell the tree, legislation dictated that the tree must be replaced at the same site with a similar species as the TPO would remain and would therefore transfer to the new tree.
- The tree would not be expected to get much taller, however, the trunk size would continue to increase.

- That liability for any damage caused by the tree would only fall to the Council following a rejected application if there was evidence that harm was likely when making the decision. Evidence was not present in this instance with the tree being in a healthy condition and therefore, the Council would not be liable.

During the debate, Members discussed the recent storm damage that had been caused and expressed their sympathy towards the anxiety that having such a large tree in such close proximity would cause.

Members highlighted that a number of established trees had recently been felled by high winds so although there was no evidence that the tree would come down it was not entirely known what could happen. Therefore, Members gave substantial weight to the anxiety caused for residents.

Councillor B. Kumar proposed an Alternate Recommendation to approve the application to remove the tree stating the impact of the mental wellbeing of residents outweighed the amenity value of maintaining the tree. The Alternative Recommendation was seconded by Councillor E. McEldowney.

On being put to the vote, it was

RESOLVED that Consent be granted to fell tree TPO24/170.

60/24 **24/00229/FUL - RETENTION OF 13 STORAGE CONTAINERS (AND HARDSTANDING). LAND AT BACKLANE FARM, ST KENELMS ROAD, ROMSLEY, WORCESTERSHIRE B62 0PG. MR. M. HODGETTS**

Having declared a Personal Interest in that she knew the applicant, the Chairman Councillor H. Jones retired from the meeting room for the duration of Agenda Items No's. 6, 7 and 12; and took no part in the debate or decision making thereof. The Vice-Chairman Councillor M. Marshall took to the chair for the remainder of the meeting.

At this stage in the meeting the Chairman announced a short comfort break. Accordingly, the meeting stood adjourned from 20:00 hours to 20:06 hours.

Having reconvened, the Chairman announced that as agenda item No's 6, 7 and 12 all pertained to the same site, there would be a combined presentation for all 3 applications. This would be followed by a combined public speaking section. However, the Chairman clarified that there would be separate questions/debate on each of the applications and also separate votes.

Officers presented the reports and in doing so stated that the applications were all for the Land at Backlane Farm, St Kenelms Road, Romsley, Worcestershire B62 0PG. All applications were retrospective

and recommended for refusal due to being inappropriate development in the Greenbelt without any special circumstances.

Officers clarified that following a clerical error, an updated presentation was published for the first agenda item and could be found on pages 3 to 9 of the Supplementary Agenda pack. The application sought the retention of 13 storage units at the northern part of the site.

The location and containers were identified on page 6 of the Supplementary Agenda pack. The additional hardstanding, which was also covered under the retrospective application, was highlighted on the images shown on pages 8 and 9 of the same supplementary agenda pack.

The second presentation was detailed on pages 77 to 81 of the Public Report pack and sought the retention of a storage compound.

Officers detailed the location on page 78 of the Public Reports pack and identified the route to the compound which formed part of the application, this path was not formally marked. Officers further clarified that the application also included the retention of the fencing, CCTV cameras and floodlighting which were required for the security of the compound.

The third presentation was detailed on pages 173 to 177 of the Public Report pack and sought the retention of an extended carparking area and seating area to be used by the café on site.

Officers referred to the location, as detailed on page 174 of the Public Reports pack and confirmed that there was an existing approved car parking area. Members were being asked to determine the extension to the car parking area and the additional seating area.

Officers then highlighted to Members that votes must be undertaken separately on each of the applications.

At the invitation of the Chairman, Liz Nicholson, the applicant's agent, had 9 minutes to address the Committee, 3 minutes for each of the applications. Councillor S. Nock, Ward Member, addressed the Committee in support of agenda items No's 6 and 12 only, therefore, he was allocated 6 minutes to address the Committee.

After the public speaking had ended, Members asked questions on each application in turn. Questions and voting was covered under each agenda item separately.

During the debate of agenda item No6, Officers clarified that the application previously sought to approve 9 units, this was due to a certificate of lawfulness being sought on 4 of the units. However, when it was deemed unlikely that the certificate would be granted, Officers

permitted the amendment of the retrospective application to cover all 13 units as opposed to processing a further application.

Members noted the economic impact of rejecting the application which would force the current occupiers to move. However, Members did not consider that this economic loss constituted very special circumstances to allow the development within the Greenbelt.

On being put to the vote, it was

RESOLVED that permission be refused for the reasons as stated on page 56 of the Public Reports pack.

61/24 **24/00307/FUL - RETENTION OF STORAGE COMPOUND AND HARDSTANDING, INCLUDING 2.4M PALISADE FENCE. LAND AT BACKLANE FARM, ST KENELMS ROAD, ROMSLEY, WORCESTERSHIRE B62 0PG. MR. M. HODGETTS**

The Officers presentation and public speaking for this item was covered under minute No 60/24. However, as previously stated in the preamble above, Members debated each application and voted separately.

In response to questions from Members, Officers clarified that a proposal to attach a condition to the application which necessitated its return to agricultural storage would fail the necessity test.

Members expressed the opinion that the compound was very imposing on the surrounding area and that the floodlighting would cause a significant level of light pollution. The loss of the economic benefit was discussed; however, Members did not feel that the loss amounted to the very special circumstances required to allow development within the Greenbelt.

On being put to the vote, it was

RESOLVED that permission be refused for the reasons as stated on page 76 of the Public Reports pack.

62/24 **24/01005/FUL - CHANGE OF USE OF LAND FROM AGRICULTURAL USE TO CREATE EXTERNAL SEATING AREA AND EXTENDED CAR PARKING AREA IN ASSOCIATION WITH THE COMMERCIAL USES ON THE SITE (RETROSPECTIVE). BACKLANE FARM, ST KENELMS ROAD, ROMSLEY, WORCESTERSHIRE, B62 0PG. MR. M. HODGETTS**

The Officers' presentation and public speaking for this item was covered under minute No. 60/24. However, Members debated each item and voted separately.

In response to questions from Members, Officers clarified that the existing car park was not part of the application and that it was only the gravel extension to the car parking area which could be considered.

Officers further clarified that should Members be minded to approve the application, the plans show that the gravel car park would be replaced with grasscrete.

It was clarified that should Members refuse the application the land would have to be returned to agricultural use.

Members discussed the economic impact of the development. Members expressed the opinion that the development was sympathetic in nature to the surrounding land use, it was also commented that due to the location being at the front of the site and given its size it would have little value for agricultural purposes. It was further stated that the development supported an existing business and that permitting the café the opportunity to expand and diversify itself, in order to remain viable, should be given significant weight.

Given the pre-amble above, Councillor B. Kumar expressed the opinion that approval should be given, however, Officers detailed that a reason should be stated on planning grounds. Therefore, a short recess was granted to decide on the exact wording of the Alternative Recommendation.

The meeting stood adjourned between 21:00 and 21:03 hours.

Having reconvened, Councillor B. Kumar proposed an Alternative Recommendation to approve the application on the grounds that the economic benefit to the café constituted the special circumstances required to permit the development in the Greenbelt. The Alternative Recommendation was seconded by Councillor E. M. S. Gray.

Officers informed Members that conditions, such as the operating hours, would be covered under the existing café approval and thus would not be a consideration for Members.

On being put to the vote, it was

RESOLVED that the application be granted for reasons that the economic benefit of the development outweighed the harm of development in the Greenbelt and thus very special circumstances were considered to exist.

The meeting closed at 9.09 p.m.

Chairman