

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

TUEADAY 4TH MARCH 2025, AT 6.00 P.M.

PRESENT: Councillors M. Marshall (Vice-Chairman, in the Chair), A. Bailes, S. J. Baxter, J. Clarke, S. M. Evans (for agenda items 71/24 to 77/24), D. J. A. Forsythe, E. M. S. Gray, B. McEldowney and J. D. Stanley

Observers: Councillor K. Taylor

Officers: Mr D M. Birch, Mr S Edden, Mr M Howarth and Mr G Day

71/24 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

An apology for absence was received from Councillor H. Jones.

72/24 **DECLARATIONS OF INTEREST**

Councillor S. M. Evans declared in regard to agenda item 8 (Minute No 78/24) – To consider any other business. Councillor Evans stated that due to the reports in relation to agenda item 8 being exempt, he would clarify the nature of the interest during the private session.

73/24 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON 14TH JANUARY 2025**

The minutes of the Planning Committee meeting held on 14th January 2025, were received.

RESOLVED that the minutes of the Planning Committee meeting held on 14th January 2025, be approved as a correct record.

74/24 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING (TO BE CIRCULATED PRIOR TO THE START OF THE MEETING)**

The Vice-Chairman announced that there were no update reports.

75/24

22/01431/FUL - IMPORTATION OF MATERIAL TO RE-PROFILE AND LEVEL LAND (RETROSPECTIVE). SUMACH, PRIORY ROAD, DODFORD, BROMSGROVE, B61 9DA. MR. C. RUDGE

Officers presented the report and in doing so, drew Members' attention to the presentation slides, as detailed on pages 25 to 32 of the Public Reports pack.

The application was for Sumach, Priory Road, Dodford, Bromsgrove, B61 9DA and sought retrospective planning permission to re-profile and level land.

Officers explained that the application was retrospective in nature and that the Council's attention was drawn to the site in May 2022, with an application being submitted in November 2022. However, Officers noted that materials were still being imported onto the site up until February 2024, after which no major additions were noted.

The site location was shown on page 26 of the Public Reports pack. The current condition of the site was also highlighted and the images were noted to have been taken in September 2024 after some topsoil had been imported and grass seed had been sewn.

Officers detailed that no objections had been raised by relevant consultees which included County Archaeology, the Council's Conservation Officer and Worcester Regulatory Services (WRS).

At the invitation of the Vice-Chairman, Rachel Jennings, Local Resident, Councillor J. Shapiro, Dodford with Grafton Parish Councillor and Councillor K. Taylor, Ward Member, addressed the Committee in objection to the application.

The following was clarified after questions from Members:

- The reason given by the applicant for the development was that they wished to level off their back garden to create a flat playing area for their family.
- The images were provided by the applicant, however, Officers clarified that it was not unusual for images from applicants to be used within an application and that a number of Officers including himself had visited the site and could attest to the authenticity of the images.
- That although it was possible that bat foraging and hunting grounds were impacted, no evidence had been provided as to a specific impact or harm which had been caused as a result of the development.
- There were a number of other works which were being considered such as a tarmac area and fence, however, it was clarified to Members that only the matter of landscaping was to be considered, as detailed in the application before them.

Members commented that should they refuse the application, the applicant would likely appeal their decision. If the decision was appealed to the Planning Inspectorate, the reviewing panel would not be from the local area and after seeing the images of the site and lack of consultee objections, the decision would likely be overturned with the potential for significant costs against the Council. Therefore, it was a very difficult position that Members and Officers were in when determining the application.

Members expressed displeasure with the handling of the application and that a stop was not put on the importation of materials when it was first discovered in November 2022. Members were also displeased that the application was retrospective, and permission was not sought before the development had commenced. However, Officers clarified that the retrospective nature of the application was not a consideration for Members and that they needed to consider the application before them.

Members commented on the difference in soil height and that a 10-12m elevation increase amounted to a very significant level of material being imported onto the site, which would likely have amounted to 100's of Tonnes.

The nature of the evidence provided made it difficult for Members to grasp the scale of the development as they felt they did not have a good overview of the site with only internal images being provided. Members commented that this made it difficult to come to a decision on the application, as it could not be determined how the development site stood when compared to adjacent properties and land contours.

Therefore, to permit Members a better overview of the development and the impact on the local area, Councillor S. J. Baxter proposed an Alternative Recommendation to defer the application to a later meeting of the Planning Committee to permit a site visit to be undertaken by Members. The Alternative Recommendation was Seconded by Councillor D. J. A. Forsythe and on being put to the vote it was:

RESOLVED that having had regard to the development plan and to all other material considerations, planning permission be deferred to a future meeting of the Planning Committee subject to a site visit being undertaken by Members.

76/24

24/01309/FUL - PROPOSED SINGLE STOREY REAR EXTENSION, RAISED PATIO INCLUDING RETAINING WALLS, STEPS & HANDRAIL, NEW TRIPLE GARAGE, PORCH AND GARAGE CONVERSION INCLUDING NEW RENDER FINISH TO FRONT AND PART SIDE ELEVATIONS. NEW BOUNDARY WALL, RAILINGS AND AUTOMATIC SLIDING GATE INCLUDING MODIFIED ACCESS AND ENLARGED DRIVEWAY. 30 MIDDLEFIELD LANE, HAGLEY, DY9 0PX. MR & MRS GLAZE

Officers presented the report and in doing so, drew Members' attention to the presentation slides, as detailed on pages 39 to 52 of the Public Reports pack.

The application was for 30 Middlefield Lane, Hagley, DY9 0PX and sought planning permission for a single storey rear extension, an existing garage conversion and for the erection of a new triple garage.

Officers explained that the property was a large, detached dwelling which sought permission for a number of works, and further drew Members' attention to the presentation slides detailing the location and the current and proposed layouts as detailed on pages 40 to 48 of the Public Reports pack. Officers noted the error in the aerial view on page 41 which labelled the dwelling as Number 28 whereas it was in fact number 30.

A number of the proposed works did not require planning permission and were covered under permitted development rights, therefore, although all the works were detailed under the application, the main point of consideration for Members was the new triple garage proposed.

No objections were raised by local residents nor consultees and the application was brought before Members due to being called in by the Ward Member. Officers further highlighted that one of the two large trees as shown on page 45 of the Public Reports pack had already been felled to allow the development. The felling was done entirely legally as there was no Tree Preservation Order (TPO) attached at the time, however, subsequently a TPO was attached to the other large specimen at the front of the property.

Officers also displayed an image of a triple garage which was erected on a local property (number 49) to highlight that planning permission had been granted locally for a similar development, this was noted as not being part of the Public Reports pack, but was deemed relevant for Members to be aware that previous similar developments had been granted.

Members then debated the application which Officers had recommended be approved and were largely in support of the development. Members could see no material reason to object to the application, Therefore, on being put to the vote it was:

RESOLVED that having had regard to the development plan and to all other material considerations, planning permission be granted subject to the Conditions as detailed on pages 37 and 38 of the Public Reports pack.

77/24

PLANNING PERFORMANCE INFORMATION - QUARTER THREE (1 OCTOBER 2024 - 31 DECEMBER 2024)

The Development Management Manager presented the report for the Planning Performance Information Quarter 2 – 1st July to 31st December 2024.

The Development Management Manager stated that the figures were still healthy, however, there had been a slight increase on the percentage of decisions overturned at appeal to 7.7%. The increase was attributed to having less applications coming before Members which had caused an increase in the figures, however, this was still less than the 10% stipulated by Government so did not currently pose a concern.

It was noted that the two upheld “non-major” appeals were both delegated decisions made by Officers and could be attributed to a difference of opinion by the inspectorate and were not further challenged.

Due to the nature of appeals and the process of calculating any cost settlement decision, there was often a delay in any cost award. Therefore, a cost decision had not been made yet on the upheld appeals. Officers assured Members that when the information had been received that they would include this in a future quarterly report, ensuring that it would be made clear at the time which application the cost was attributed to.

Members expressed their thanks and commented that the report was positive and useful.

RESOLVED that the Planning Performance Information report, Quarter 2 – 1st July to 31st December 2024, be noted.

78/24

TO CONSIDER ANY OTHER BUSINESS, DETAILS OF WHICH HAVE BEEN NOTIFIED TO THE HEAD OF LEGAL, EQUALITIES AND DEMOCRATIC SERVICES PRIOR TO THE COMMENCEMENT OF THE MEETING AND WHICH THE CHAIRMAN CONSIDERS TO BE OF SO URGENT A NATURE THAT IT CANNOT WAIT UNTIL THE NEXT MEETING

The Vice-Chairman announced that an item had been received which required an urgent decision to be taken by Members, the contents of which were in the exempt supplementary pack, a copy of which had been supplied to Members prior to the meeting commencing.

Due to the private nature of the information which Members needed to consider, the deliberation and decision had to be taken in closed session and a vote thereof was taken to go into closed session and it was:

RESOLVED: under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12 (A) of the said Act: which is Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

After returning to public session, The Vice-Chairman thanked Members for their attendance and closed the meeting.

The meeting closed at 7.24 p.m.

Chairman