

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

TUESDAY 1ST APRIL 2025, AT 6.00 P.M.

PRESENT: Councillors M. Marshall (Vice-Chairman), A. Bailes (during Minute No's 79/24 to 84/24), S. J. Baxter, J. Clarke (during Minute No's 79/24 to 84/24), D. J. A. Forsythe, E. M. S. Gray (during Minute No's 79/24 to 84/24), B. McEldowney and J. D. Stanley

Additional Member in attendance: Councillor S. T. Nock (during Minute No's 84/24 to 86/24)

Officers: Mr. D. M. Birch, Mr. A. Hussain, Ms. R. Smith, Worcestershire County Council, Highways (via Teams) Ms. S. Williams, Ms. J. Chambers, Miss C. Gilbert and Mrs. P. Ross

The Vice-Chairman announced a change in the running order of the agenda as follows:-

Agenda Item 4 – 22/00571/FUL

Agenda Item 6 – 24/00887/S73

Agenda Item 7 – 25/00126/FUL

Agenda Item 5 – 24/00117/S73

79/24

TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were received from Councillors H. Jones, S. M. Evans and R. E. Lambert.

80/24

DECLARATIONS OF INTEREST

Councillor E. M. S. Gray declared an Other Disclosable interest in relation to Agenda Item Number 5 (Minute No. 85//24) – 24/00117/S73 - Land at Whitford Road, Bromsgrove, in that she was aware that there had been a breach of condition 25 of planning permission and that she had also been campaigning in the area. Councillor E. M. S. Gray left the meeting room for the duration of this agenda item and took no part in the Committee's consideration nor voting on this matter.

Councillor J. Clarke also declared an Other Disclosable interest in relation to Agenda Item Number 5 (Minute No. 85//24) – 24/00117/S73 - Land at Whitford Road, Bromsgrove, in that he had sought legal advice

earlier in the day and at his discretion would withdraw from the meeting for the duration of this agenda item and would take no part in the Committee's consideration nor voting on this matter.

Councillor B. McEldowney asked if he should declare an Other Disclosable interest in Agenda Item Number 7 (Minute No. 84/24) as the Cabinet Member for Leisure and Climate Change. The Council's Legal Advisor stated that Councillor B. McEldowney did not have to declare an interest as the Cabinet Member for Leisure and Climate Change.

Councillor A. Bailes also declared an Other Disclosable interest in relation to Agenda Item Number 5 (Minute No. 85//24) – 24/00117/S73 - Land at Whitford Road, Bromsgrove, in that he had represented Whitford Vale Voice during the Planning Inquiry. Councillor A. Bailes left the meeting room for the duration of this agenda item and took no part in the Committee's consideration nor voting on this matter.

Councillor M. Marshall asked for it to be noted, in relation to Agenda Item Number 7 (Minute No. 84/24) – 25/00126/FUL – Victoria Ground, Birmingham Road, that the applicant was his election agent, however, he had not discussed the application with the applicant.

81/24

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING

A Committee Update was circulated to Members prior to the meeting commencing, with a paper copy also made available to Members at the meeting.

82/24

22/00571/FUL - PROPOSED EXTENSION COMPRISING ADDITIONAL RETAIL FLOOR SPACE AND RECONFIGURED WAREHOUSE AND WELFARE BLOCK LAYOUT. ALDI, SHERWOOD ROAD, BROMSGROVE, WORCESTERSHIRE, B60 3AR- CO/ AGENT

Officers stated that, as highlighted by the Vice-Chairman, the Committee would receive a joint presentation for Planning Applications 22/00571/FUL and 24/00887/S83, Aldi Stores Limited, Sherwood Road, Bromsgrove, Worcestershire, B60 3AR. Members would then determine each application individually.

Officers drew Members' attention to page 3 of the Committee Update which highlighted amendments to condition 5; and an additional highway condition to be added, in respect of a Staff Travel Plan.

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 joint presentation slides and in doing so informed the Committee that Planning Application 22/00571/FUL was for a proposed extension comprising of additional retail floor space and

reconfigured warehouse and welfare block layout. Planning Application 24/00887/S73 was for the removal of condition 8 attached to Planning Application ref. 09/0729.

The site was located within an area designated for employment purposes as indicated in the Bromsgrove District Plan. Policies BDP13 and BDP14 of the District Plan would apply due to the designation of the site.

The application site related to an existing supermarket on the former BGW Business Park at the western end of the Aston Fields Industrial Estate. The site was located to the east of the roundabout junction of the A38.

Permission was being sought to build an extension fronting the A38. The extension measured approximately 353 sqm and would comprise of relocated staff and meeting room facilities, manager's office, plant room, and a larger warehousing area. Relocating these facilities into the proposed extension would enable an increase in retail floorspace from 990 sqm to 1315 sqm.

The extension would be single storey and comprise of a flat roof and be finished in render with brickwork on the west elevation to add interest. External plant would be provided on the roof due to the refrigeration units proposed in the extension, however, anthracite grey cladding was proposed to be erected at roof level to assist screening the plant equipment. Three trees would need to be removed to enable the development, however, six trees were proposed in replacement.

At the invitation of the Vice-Chairman, Mr. R. Williams, Property Director, Aldi addressed the Committee.

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

Members briefly questioned if a timetable of works had been given due to potential 'clogging up' of the highway.

Officers referred to the revision to condition 5, as detailed on page 3 of the Committee Update, which detailed the Construction Environment Management Plans (CEMP).

In response to Members concerns about potential noise from the relocation of the external plant equipment and refrigerated lorries, officers stated that Worcestershire Regulatory Services Noise had not raised any objections to the application.

The Development Management Manager further stated that the business had been operating since 2009 without any issues.

In response to a query on the impact on the vitality and viability of Bromsgrove Town Centre, officers referred to page 10 of the main agenda pack in that:

‘In addition, supporting documentation submitted for 09/0729 application demonstrated that the provision of a retail store in this location would not have a significant impact on any retail centre and there would be no significant impact on the vitality and viability of Bromsgrove Town Centre’.

On being put to the vote, it was

RESOLVED that full planning permission be granted, subject to

- a) delegated powers be granted to the Assistant Director for Planning, Leisure and Cultural Services to determine the full planning application, subject to:
 - b) following the expiry of the consultation period on 8th April 2025 and in the event that representations were received, that delegated powers be given to the Assistant Director for Planning, Leisure and Cultural Services, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations had been raised, and to issue a decision after the expiry of the statutory publicity period accordingly,
 - c) to agree the final scope and detailed wording and numbering of conditions as set out on pages 12 to 15 of the main agenda pack,
- and
- d) to include the revision to condition 5, as detailed in the Committee Update,
 - e) to include the additional condition recommended by Worcestershire County Council, Highways, condition 10, as detailed in the Committee Update.

83/24

24/00887/S73 - REMOVAL OF CONDITION 8 ATTACHED TO 09/0729. ALDI, SHERWOOD ROAD, BROMSGROVE, WORCESTERSHIRE, B60 3AR. ALDI STORE LTD

As detailed in Minute Number 82/24, Members received a joint presentation for Planning Applications 22/00571/FUL and 24/00887/S83, Aldi Stores Limited, Sherwood Road, Bromsgrove, Worcestershire, B60 3AR. Members would however determine each application individually.

During the debate and decision making process for Planning Application 22/00571/FUL (Minute No. 82/24), Councillor S. J. Baxter suggested that it made sense for Members to first determine Planning Application

24/00887/S73 – Removal of condition 8 attached to planning application reference 09/0729.

On being put to the vote, it was

RESOLVED that permission be granted to remove condition 8 of planning application reference 09/0729, and that

- a) delegated powers be granted to the Assistant Director for Planning, Leisure and Cultural Services to determine the application following the receipt of a Deed of Variation in respect to the removal of condition 8; and
- b) to agree the final scope and detailed wording of the other conditions attached to the original planning permission.

84/24

25/00126/FUL - PROPOSED STAND TO COVER EXISTING TERRACE, VICTORIA GROUND, BIRMINGHAM ROAD, BROMSGROVE, WORCESTERSHIRE, B61 0DR. MR. R. MCLAREN

At this stage in the meeting Councillor S. T. Nock arrived.

The Application had been brought to the Planning Committee because it was located on District Council owned land.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 70 to 73 of the main agenda pack.

The application was for a proposed stand to cover the existing terrace, at Victoria Ground, Birmingham Road, Bromsgrove.

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

Members commented that having carried out a Site Visit, that the proposal would be a great asset and improvement. Members were further pleased to note that, as detailed on page 67 of the main agenda pack that

'The visual impact of the stand, as viewed from the south, would however be softened by an area of tree planting in the existing scrub area and it is also noted that the increased enclosure of the site will help to contain light from the floodlights within the ground and noise levels.'

On being put to a vote, it was

RESOLVED that planning permission be granted, subject to the conditions as detailed on pages 67 and 68 of the main agenda pack.

85/24

24/00117/S73 - VARIATION OF CONDITION 25 OF PLANNING PERMISSION APP/P1805/W/20/3245111 ALLOWED ON APPEAL

09/02/2021 (LPA 16/1132): FROM: NO PART OF THE DEVELOPMENT SHALL BE OCCUPIED UNTIL THE JUNCTION OF FOX LANE/ ROCK HILL HAS BEEN ALTERED IN ACCORDANCE WITH THE SCHEME FOR A ROUNDABOUT SHOWN ON THE PLAN FOX LANE/ ROCK HILL SCHEMATIC REF 7033-SK-005 REVISION F. AMEND TO: NO MORE THAN 49 DWELLINGS SHALL BE OCCUPIED UNTIL THE JUNCTION OF FOX LANE/ROCK HILL HAS BEEN ALTERED IN ACCORDANCE WITH THE SCHEME FOR A ROUNDABOUT SHOWN ON THE PLAN FOX LANE/ROCK HILL SCHEMATIC SCHEME REF 7033-SK-005 REVISION G AND ANCILLARY DRAWINGS 7033-S278-701 REV C02, 2015804 AGE-ZZ-XX-DR-X-0002, 0003, 0004, 0005, 0006 REV C02. LAND AT WHITFORD ROAD, BROMSGROVE. BELLWAY HOMES

At this stage in the meeting having declared an Other Disclosable interest Councillors A. Bailes, J. Clarke and E. M. S. Gray withdrew from the meeting room.

Officers drew Members' attention to the Committee Update, which detailed an additional objection, additional information from the applicant and a brief analysis and conclusion, as detailed on page 4 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 variation of condition 25 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132), as follows:-

FROM: No part of the development shall be occupied until the junction of Fox Lane/ Rock Hill has been altered in accordance with the scheme for a roundabout shown on the plan Fox Lane/ Rock Hill schematic ref 7033-SK-005 revision F.

AMEND TO: No more than 49 dwellings shall be occupied until the junction of Fox Lane/Rock Hill has been altered in accordance with the scheme for a roundabout shown on the plan Fox Lane/Rock Hill schematic scheme ref 7033-SK-005 revision G and ancillary drawings 7033-s278-701 rev C02, 2015804 AGE-ZZ-XX-DR-X-0002, 0003, 0004, 0005, 0006 REV C02.

Officers presented the presentation slides, as detailed on pages 46 to 57 of the main agenda pack.

The current proposal sought to allow the occupation of 49 dwellings and was supported by survey data from 2024 and further modelling information (including a non-technical summary).

Officers explained that there had been extensive discussions with Worcestershire County Council (WCC) Highways and as detailed in the report that, WCC acting in its role as the Highway Authority, had undertaken a full assessment of this planning application and had raised no objections.

The proposal to vary the condition to allow occupation of some dwellings prior to the alteration of the roundabout had been subject to amendments and the submission of additional supporting information. This had occurred in response to concerns expressed by both the Highway Authority and officers.

Officers referred to the retaining wall information, as detailed on page 41 of the main agenda pack.

Officers concluded that the occupation of 49 dwellings prior to the alteration of the Fox Lane / Rock Hill junction was considered acceptable with regards to planning policy and other material planning considerations.

At the invitation of the Vice-Chairman, Mr. J. Gerner, on behalf of The Bromsgrove Society addressed the Committee in objection to the application.

Ms. D. Farrington the applicants agent and Mr. G. Anderson, Chief Executive, Bromsgrove District Housing Trust (BDHT) addressed the Committee in support of the application. Councillor D. Hopkins, Ward Member also addressed the Committee.

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

Members referred to the concerns raised by The Bromsgrove Society and that WCC Highways had stated that there would be no severe impact on the highway.

In response Ms. R. Smith on behalf of WCC Highways informed the Committee that the temporary impacts would not be severe. The threshold was set by the Department of Transport and the National Planning Policy Framework (NPPF), paragraph 116, as follows:

‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.’

Members highlighted that on three previous occasions that WCC Highways had considered the traffic impact and had recommended refusal, however, WCC Highways were now accepting the application and the remodelling. Members questioned how robust Highways was on the variation was to condition 25.

In response Ms. R. Smith on behalf of WCC Highways explained that the revised application in June 2024 for 75 dwellings to be occupied and the revised application in October 2024 for 39 dwellings to be occupied, were both refused due to 2017 data being submitted by the developer.

The developer had now submitted 2024 data, with 49 dwellings to be occupied. WCC Highways had raised no objections to the variation to condition 25, as they were satisfied with the 2024 data provided and the different number of dwellings to be occupied, for the reasons as detailed on pages 28 to 34 of the main agenda pack.

Members referred to page 35 of the main agenda pack, as follows:

‘The Highway Development Management Team cannot confirm that the scheme of works will be completed by July 2025 as indicated in Technical Note 3 and cannot confirm when works will commence, the duration of the works programme nor the anticipated completion without a S278 road space permit’.

Members asked if there was a timescale for the completion of a S278 road space permit.

In response officers stated that this would be determined with the developer and WCC Highways, the developer was not seeking beyond 49 dwellings being occupied and the data provided also reiterated that only 49 dwellings would be occupied. Members were not being asked to consider when the proposed roundabout would be started or completed.

Members commented that residents needed to be reassured that there would be traffic controls in place. The developer had put Members in a very difficult position in considering this application. The application was part retrospective as the developer had breached condition 25, as there was evidence that some of the 49 dwellings were already occupied.

Members then queried as to how many of the 49 dwellings would be affordable housing.

Officers referred to page 42 of the main agenda pack which highlighted that

‘Members should be aware that the determination of the application would have no control over the tenure of the dwellings to be occupied. This would be at the discretion of the developer.’

With the agreement of the Vice-Chairman Ms. R. Smith on behalf of WCC Highway further reassured Members that a whole narrative of work had been completed. Ms. R. Smith referred to ‘Trip Generation’ information, the NPPF paragraph 116 threshold; and that based upon the information presented, the deterioration in network performance cannot reasonably be considered severe in accordance with the NPPF.

WCC Highways were satisfied that the 2024 data submitted was undertaken to industry standards and that there was no evidence for any safety concerns. Mitigation measures were also considered.

Members referred to the comments made by Councillor D. Hopkins, Ward Members during his address to the Committee, in respect of the developer in breach of condition 25.

The Vice-Chairman commented that this was a matter for planning enforcement.

Members reiterated that this was a difficult decision and that it was unfair of the developer to put Members in this position.

On being put to the vote, it was

RESOLVED that permission be granted to amend condition 25 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (BDC 16/1132), and that

- a. delegated powers be granted to the Assistant Director for Planning, Leisure and Cultural Services to determine the planning application following the expiry of the consultation period on 1 April 2025 and in the event that representations are received,
- b. delegated powers be granted to the Assistant Director for Planning, Leisure and Cultural Services, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations had been raised, and to issue a decision after the expiry of the statutory publicity period accordingly, and
- c. to agree the final scope and detailed wording and numbering of conditions and other conditions attached to the original planning permission,

and

- d. conditions attached to the outline planning permission to be applied to the s73 decision, in addition to a new condition relating to:
 - Facing materials for the retaining wall on Fox Lane/Rock Hill.

(This resolution was ultimately invalid because the meeting was not quorate when the vote was taken on this item.)

**COMMENCEMENT OF THE MEETING AND WHICH THE CHAIRMAN,
BY REASON OF SPECIAL CIRCUMSTANCES, CONSIDERS TO BE OF
SO URGENT A NATURE THAT IT CANNOT WAIT UNTIL THE NEXT
MEETING**

There was no urgent business on this occasion.

The meeting closed at 7.19 p.m.

Chairman