

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

THURSDAY 22ND MAY 2025, AT 6.43 P.M.

PRESENT: Councillors A. Bailes, S. J. Baxter, J. Clarke, D. J. A. Forsythe, E. M. S. Gray, H. J. Jones, P. M. McDonald (substituting for Councillor M. Marshall), J. Robinson and J. D. Stanley

Officers: Mr. D. M. Birch, Mr. A. Hussain (during Minute no's 1/25 to 9/25), Mr. M. Howarth, Anthony Collins, Mr. G. Boyes, Mr. D. Whittles, Mr. D. Kelly, Mr. C Perkins and Mrs. P. Ross

The Council's Legal Advisor apologised to all those present for the meeting commencing late, which was due to some Members seeking further legal advice on a procedural query.

1/25 **ELECTION OF CHAIRMAN**

RESOLVED that Councillor H. J. Jones be elected as Chairman of the Committee for the ensuing municipal year.

2/25 **ELECTION OF VICE-CHAIRMAN**

RESOLVED that Councillor M. Marshall be elected as Vice-Chairman of the Committee for the ensuing municipal year.

3/25 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors C. A. Hotham, R. E. Lambert, and M. Marshall, with Councillors P. M. McDonald in attendance as the substitute Member for Councillor M. Marshall.

4/25 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

5/25 **MINUTES**

The minutes of the Planning Committee meeting held on 22nd April 2025, were received.

RESOLVED that the minutes of the Planning Committee meeting held on 22nd April 2025, be approved as a correct record.

6/25

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING

The Chairman announced that a Committee Update 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.

7/25

TREE PRESERVATION ORDER (18 2024) TREE ON LAND AT 2 THE COPPICE, HAGLEY, WORCESTERSHIRE, DY8 2XZ

The Committee considered a report which detailed proposals to confirm, without modification, Tree Preservation Order (18) 2024, relating to a Tree on land at 2 The Coppice, Hagley, Worcestershire, DY8 2XZ.

The Senior Arboricultural Officer provided a detailed presentation referring to the presentation slides, as detailed on page 29 to 43 of the main agenda pack. Members' attention was further drawn to the recommendation, as detailed on page 13 of the main agenda pack.

The Senior Arboricultural Officer further informed the Committee that the provisional order was raised on 19th December 2024, as detailed in Appendix 1 to the report, in response to an indication received by the Council that the owner of the tree at 2 The Coppice, Hagley, had intended to fell the Cedar tree at that property.

A Tree Evaluation Method for Preservation Orders (T.E.M.P.O) survey was carried out on the tree within the order by a Tree Officer on 10th December 2024, the findings were detailed in Appendix 2 (page 21 of the main agenda pack).

The Senior Arboricultural Officer further referred to the three objection letters received, and the officer's response to the issues raised in objection to the TPO, namely:-

- Public Amenity Value
- Safety Issues
- General Debris Fall Nuisance
- Risk of Root Invasion

as detailed on pages 14 to 15 of the main agenda pack.

The Senior Arboricultural Officer drew Members' attention to the conclusion and recommendations, as detailed on page 16 of the main agenda pack.

The Cedar tree within the order offered a valuable level of visual amenity value, being visible from the local public road network and pathways and added considerably to the character of the estate and landscaping of the area. It had a considerable future life span and although it may need periodic crown management due to the constraints of the growing position and existing bracing, it was sustainable in the longer term within the infrastructure of the estate.

During the recent planning application there was no mention of removing the tree to facilitate an extension and indeed, the extension was designed to work with the tree, with pile and beam foundations to protect the root system. The attached tree survey from this application categorised the Cedar as “B1” under BS 5837:2012 (Trees in relation to design, demolition and construction). This classification also indicated that the tree was worthy of retention.

At the invitation of the Chairman, Mr. P. Collins, on whose land the tree was on, addressed the Committee in objection to TPO (18) 2024.

Members then considered the TPO.

Members commented that having carried out a Site Visit, the impression was that the tree was a healthy, strong tree which had been braced. However, the tree did look out of place in a small cul-de-sac. There was considerable foliage at the top of the tree and Members questioned if this was a cause for concern during strong windy weather conditions. Members had noted that all three objectors had referred to the considerable violent storm in December 2024 which had caused damage, due to a quantity of very large branches and debris being ripped from the tree, causing damage to property. Members further questioned if the height of the tree could be reduced?

In response the Senior Arboricultural Officer stated that some pruning could be carried out, however this was a typical Cedar tree with no branches on the lower end, and the crown spread out, which was not excessive. Any tree could be pruned within reason.

The Council's Legal Advisor informed Members that should Members be minded to confirm the TPO without modification, then the landowner could apply to the Council for permission to reduce the height of the tree.

Members sought clarity regarding the damage caused during the violent storm in December and the Council's liability in the future, with any potential damage or injury being caused during extreme weather conditions. Members were mindful that the objectors had indicated that major damage had been experienced during the storm in December, yet the Officer's report had indicated that there had been minor damage.

The Senior Arboricultural Officer stated that extreme weather conditions were not the responsibility of the Council, as this was out of their control. Should an application be made to manage a TPO tree with a disease

issue or existing structural damage be refused by the Council they could be liable if a failure occurred associated to that cause.

The Council's Legal Advisor informed the Committee that minor / major damage was a matter of judgement. The landowner could appeal if the Council refused their request for work to be carried out. A dangerous tree was one that was an immediate risk of harm or injury, or a serious risk of immediate harm.

Members further commented that when considering climate change, further storms were more likely to happen and occur more frequently. Would any risk be reassessed with ongoing climate change?

In response the Senior Arboricultural Officer explained that climate change was a concern in certain tree species as was long dry spells. There was a set criteria for risk assessments with the condition of trees being assessed. With regards to some Members asking about removing the tree and replacing it. The Senior Arboricultural Officer highlighted that a TPO was being raised on a tree that was valuable in its own right, he would not consider removing and replacing the tree.

At the request of Members, the Senior Arboricultural Officer explained the reasons for bracing a tree and replacing a brace if required, however, Members were informed that Officers had never seen a modern brace fail.

Members considered the nearby residents, the proximity of the children's play area and the concerns raised by the objectors with regard to the large items that fell from the tree during the severe storm in December 2024. Members expressed their concerns with the potential of other violent storms, with potential injury to people and /or property. Members further commented that such trees were massive and that these trees were prone to having major branches falling off.

On being put to the vote, there was no proposer or seconder for the recommendation, as detailed on page 13 of the main agenda pack.

The Council's Legal Advisor drew Members' attention to the (laminated) TPO Information Sheet provided.

Some Members commented that they were struggling as the tree was a lovely tree. However, Members were worried about the concerns raised and highlighted by Mr. P Collins, the landowner, with regard to the large branches that had previously fell from the tree, and the potential risk to neighbours. Some Members further commented that there was little amenity value.

Councillor P. M. McDonald proposed an alternative recommendation which was seconded by Councillor E. M. S. Gray, that the tree on land at 2 The Coppice, Hagley, Worcestershire, DY8 2XZ, should not be protected and that TPO (18) 2024 should not be confirmed.

On being put to the vote, the alternative recommendation was carried.

RESOLVED that provisional Tree Preservation Order (18) 2024, relating to the tree on land at 2 The Coppice, Hagley, Worcestershire, DY8 2XZ, not be confirmed.

8/25

24/00816/FUL - INSTALLATION OF 40 SOLAR PANELS ON 5 GROUND MOUNTED FRAMES (RESUBMISSION OF APPLICATION 24/00192/FUL. CROSSBROOK HOUSE, DUSTHOUSE LANE, FINSTALL, WORCESTERSHIRE, B60 3AE. MR. A. BORTON

Further information was included in the Committee Update, with regard to a revised Biodiversity Net Gain (BNG) Metric submitted by the applicant on 13th May 2025, as detailed on page 3 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.

It was noted that the Application had been brought to the Planning Committee for consideration at the request of Councillor P. J. Whittaker, Ward Councillor.

Officers presented the report and in doing so highlighted that the application was for the installation of 40 solar panels on 5 ground mounted frames (resubmission of application 24/00192/FUL).

Officers presented the presentation slides, as detailed on pages 83 to 91 of the main agenda pack.

Officers stated that, as detailed in the Recommendation to refuse Planning Permission, that by virtue of its position, the proposal would have a detrimental impact on the openness and purposes of the Green Belt.

At the invitation of the Chairman, Ms. J. Lodge, the Applicant addressed the Committee, and Councillor P. J. Whittaker, Ward Councillor also addressed the Committee. Having addressed the Committee, Councillor P. J. Whittaker left the meeting room.

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

Councillor E. M. S. Gray referred to page 79 of the main agenda pack, namely the closed list as referred to -

'Principle – Green Belt

In respect of Green Belt policy, it has been established through case law that the list of exceptions for 'appropriate development' set out in

policy BDP4 of the Bromsgrove District Plan (BDP) and the National Planning Policy Framework (the Framework) amounts to a closed list. Thereby, proposals not included on the list are regarded as 'prima facie' inappropriate development.'

Officers explained that, as detailed in the report, Paragraph 153 of the Framework stated that inappropriate development was, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework stated that certain other forms of development were not inappropriate including engineering operations. The proposal would involve underground cabling to connect the panels to the dwellinghouse and these elements would not amount to inappropriate development and would have minimal impact on the openness of the site. However, Paragraph 160 of the Framework, in relation to renewable energy installations in Green Belts, stated that 'elements of renewable energy projects' would comprise inappropriate development.

Some Members commented that the proposal was not a substantial solar farm, as only 40 solar panels would be installed.

Officers stated that they did try and accommodate such proposals where possible as renewable energy generation was important but that an alternative siting within the curtilage of the dwellinghouse was possible which would limit the impact on the Green Belt.

Councillor P. M. McDonald stated that Members had carried out a Site Visit and that having read the Officer's report, there was no doubt that there was a considerable amount of land in the curtilage. However, the line of the sun was very important for a solar panels. With the number of solar panels being proposed it was not a commercial solar farm. The applicant had put forward considerations in support of their proposal, as detailed on page 79 of the main agenda pack, in that 'such a development would provide significant CO2 savings and would address in a small way the Council's Climate Emergency'.

On being put to the vote, there was no proposer or seconder for the recommendation, as detailed on page 82 of the main agenda pack.

The Council's Legal Advisor took the opportunity to remind Members that should they be minded to grant planning permission; they would need to provide the reasons for granting the application.

The Development Management Manager further reiterated that Members should refer to the reasons for refusal, as detailed on page 82 of the main agenda pack, and should Members be minded to grant planning permission, that any relevant conditions be considered.

Councillor S. J. Baxter referred to the Shading Assessment and that the applicant would not get the true benefits should the solar panels be

repositioned; more sunlight was required in order to generate the required amount of electricity.

Councillor S. J. Baxter proposed an alternative recommendation which was seconded by Councillor P. M. McDonald, in that planning permission be granted.

Members were in agreement that with a Climate Emergency significant weight should be given for the use of renewable energy; and that Very Special Circumstances outweighed the harm to the Green Belt and that the proposal would not have a detrimental impact on the Green Belt or openness, as the proposal was within the applicant's grounds.

On being put to the vote, the alternative recommendation was carried.

RESOLVED that planning permission be granted, subject to

- a) delegated powers be granted to the Assistant Director for Planning, Leisure and Cultural Services, in consultation with the Chairman of the Planning Committee, to determine the Conditions.

9/25

25/00106/FUL - FIRST FLOOR REAR EXTENSION AND ANNEX WITH ANCILLARY USE TO THE EXISTING DWELLING IN THE REAR GARDEN. 47 LODGE CRESCENT, HAGLEY, WORCESTERSHIRE, DY9 0ND. MRS. C. JONES

Further information on an additional representation, received on 22nd May 2025, from Worcestershire County Council (WCC), Highways, raising two points of objections to the application, were detailed on page 3 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.

It was noted that the Application had been brought to the Planning Committee for consideration at the request of Councillor R. E. Lambert, Ward Councillor.

Officers drew Members' attention to the presentation slides, as detailed on pages 97 to 104 of the main agenda pack.

Officers presented the report and in doing so highlighted that the application was for a first floor rear extension and annex with ancillary use to the existing dwelling in the rear garden.

By its nature as a rear extension, the proposal would not be visible from the street scene and therefore would not impact upon the character of Lodge Crescent. Officers were content that the proposal was compliant

with the 45 degree guidelines set out in the Council's adopted High Quality Supplementary Planning Document (SPD).

At the invitation of the Chairman, Mr. L. Billingham, speaking on behalf of local neighbours, addressed the Committee in objection to the Application. Mrs. C. Jones, the Applicant addressed the Committee (via Microsoft Teams). Having submitted their apologies, the Council's Legal Advisor, read out a speech provided by Councillor R. E. Lambert, Ward Councillor.

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

Councillor A. Bailes then referred to the following:-

- Page 95 – 'The use of this structure is considered acceptable'. There was no information as to what the proposed structure would be used for.
- Bromsgrove Development Plan - BDP 8.198 Development in residential gardens.
- BDP19 n. - High Quality Design, Development of garden land.
- BDP SPD section 3.17 – Overbearance, dominating extension contrary to BDP High Quality SPD.
- Parking – Was there any evidence to show that 3 cars could park safely on the existing driveway without reversing onto the highway?
- WCC, Streetscape Design Guide – with 6 or more bedrooms more car parking spaces were required.

Councillor A. Bailes further referred to the objections from WCC, Highways, as detailed on pages 93 and 95 of the main agenda pack, and an additional representation, as detailed on page 3 of the Committee Update.

In response Officers stated that the use of the proposed annexe would be ancillary, with no facilities for cooking, washing or washing clothes. As stated on page 95 of the main agenda report, a building of this type could be constructed under permitted development rights with a reduced height of 2.5m. The concerns raised had been considered against the planning balance.

The Highways Officer was consulted with and had provided comments, and in doing so had quoted paragraph 116 of the National Planning Policy Framework (NPPF), which stated that there would need to be an unacceptable impact on highway safety and that the impacts on the road network would be severe. However, Officers were of a different opinion, in that the proposed extension would not be contrary to paragraph 116 of the NPPF.

The Development Management Manager took the opportunity to explain that 3 vehicles could be parked on the existing driveway. The requirement with the proposed extension would be 4 vehicles. As seen

during the Site Visit, there was unrestricted parking on Lodge Crescent. One vehicle parked on the highway would not cause significant harm to the road network.

Members commented that at previous Planning Committee meetings they were told to listen to WCC, Highways as they are the experts, and yet Members were in this instance being asked to ignore their objections.

The Development Management Manager stated that Officers would struggle at an appeal on the grounds of the application being refused due to the lack of one parking space.

Councillor E. M. S. Gray stated that after listening to the Applicant and with the curvature of the road being explained, Councillor E. M. S. Gray stated that she did not have a problem with the proposed annexe being on the side and rear garden of the existing property. The proposed extension would not have an impact upon the character of the area.

Councillor A. Bailes further reiterated that in his opinion there were several reasons to refuse planning permission.

In response to a query from Councillor J. Clarke with regards to the images showing the orientation of the sun, as referred to by the Applicant during her address to the Committee; the Chairman took the opportunity to announce a comfort break whilst Officers directed Councillor J. Clarke to the images.

The meeting stood adjourned from 20:24 pm to 20:30 pm.

Having reconvened, the Chairman read out the recommendation, as detailed on page 96 of the main agenda report.

On being out to the vote, with four Members voting in favour of the recommendation and four Members voting against the recommendation; under the Council Procedural Rules, the Chairman used their casting vote, to vote in favour of the recommendation.

RESOLVED that Planning Permission be granted, subject to the Conditions as detailed on page 96 of the main agenda pack.

10/25

PLANNING PERFORMANCE INFORMATION QUARTER 4

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

The Development Management Manager explained that the Planning Performance Information was for Quarter 4 – 1st January 2025 to 31st March 2025. As requested by the Committee the report also contained a list of the recent cost award outcomes relating to planning appeals.

Members expressed their thanks.

RESOLVED that the Planning Performance Information report, Quarter 4 – 1st January 2025 to 31st March 2025, be noted.

11/25

TO CONSIDER ANY URGENT BUSINESS, DETAILS OF WHICH HAVE BEEN NOTIFIED TO THE ASSISTANT DIRECTOR OF LEGAL, DEMOCRATIC AND PROCUREMENT SERVICES PRIOR TO THE 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 8.33 p.m.

Chairman