

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

**MONDAY, 1ST NOVEMBER 2010**

**AT 2.00 P.M.**

PRESENT: Councillors E. C. Tibby (Chairman), G. N. Denaro (Vice-Chairman), Mrs. J. M. Boswell, Miss D. H. Campbell JP, R. J. Deeming (during Minute No.'s 93/10 to 100/10), B. Lewis F.CMI (during Minute No.'s 93/10 to 99/10), Mrs. J. D. Luck (during Minute No.'s 93/10 to 101/10), E. J. Murray, S. R. Peters, C. J. Tidmarsh and C. J. K. Wilson

Observers: Councillor R. Hollingworth

Officers: Mrs. S. Sellers, Mr. D. M. Birch, Mr. D. Kelly, Mr. A. Bucklitch, Mr. S. Hawley (Worcestershire Highways) and Mr. A. C. Stephens

93/10 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. J. Dyer M.B.E. and P. J. Whittaker.

94/10 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

(Note: at 2.02 p.m., the meeting was adjourned in order that Councillor B. Lewis F.CMI could consider whether or not he had an interest in planning application ref. 10/0828-MT. After taking advice, he was satisfied that he had no interest to declare in the matter but stated that, although he would reserve his right to speak on the application, he would not participate in voting on it. The meeting resumed at 2.09 p.m.)

95/10 **MINUTES**

The Minutes of the meeting of the Planning Committee held on 11th October 2010 were submitted.

**RESOLVED** that the minutes be approved as a correct record.

96/10 **10/0727-DK - PROPOSED INDUSTRIAL WAREHOUSING (B1(6) AND (C), B2 AND B8 (UNIT 5)) (APPROVAL OF RESERVED MATTERS) - PART COFTON CENTRE, GROVELEY LANE, COFTON HACKETT - REDMAN HEENAN PROPERTIES LTD.**

The Head of Planning and Regeneration Services advised Members of legal advice which had been obtained in respect of matters relating to the

Longbridge Infrastructure Tariff [LIT]. The Committee was informed that the Council could not seek a contribution in respect of the LIT requirements outlined in the Longbridge Area Action Plan on an application for reserved matters. She also reported the comments of the Tree Officer.

Consideration was then given to the application. The previous recommendation had been for delegated powers to be granted to the Head of Planning and Regeneration Services to approve the application subject to a planning obligation under section 106 of the Town and Country Planning Act 1990 being entered into and, if the agreement was not entered into, to refuse the application. However, the recommendation of the Head of Planning and Regeneration Services had been amended to one of approval in light of legal advice that had been received concerning the ability of the Council to impose section 106 contributions at reserved matters stage.

**RESOLVED** that the reserved matters to application 07/0356 be approved subject to the following conditions:-

1. C1 (Time Limit)
2. No additional mezzanine floor areas, other than those shown on the approved drawings, shall be provided within the building hereby approved without the prior written consent of the Local Planning Authority.
3. C3 (Materials to be submitted)
4. Prior to the commencement of any works on site, a detailed landscaping scheme of tree and hedge planting and wildlife habitat creation or enhancement, shall be provided to the approval of the Local Planning Authority.
5. Prior to the development being occupied or operational, the approved landscaping scheme shall be completed to the satisfaction of the Local Planning Authority.
6. Prior to the development being occupied or operational, the applicant shall submit a schedule of regular works to ensure the maintenance of the trees, hedges and other landscaping areas in a sound ecological and environmental condition to the approval of the Local Planning Authority. The approved schedule of works shall be carried out for the life of the development and not ceased or varied unless otherwise approved in writing by the Local Planning Authority.
7. Should any trees or hedges which are shown to be retained or planted on the approved plans either die, become diseased or are removed, they shall be replaced or restored to the satisfaction of the Local Planning Authority.
8. Where necessary, following the completion of the measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be

reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where necessary, a remediation scheme must be prepared; these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme, a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

10. 12 car parking spaces shall be provided on the site for use by the disabled in a location to be agreed in writing by the Local Planning Authority. Such spaces shall be satisfactorily identified and reserved solely for that purpose and shall be made available prior to the developments occupation.
11. 193 car parking spaces shall be provided on site and shall be reserved solely for that purpose and such spaces be made available for the use before the development hereby approved is occupied.
12. Prior to the first use of the development hereby approved, secure parking for 24 cycles to comply with the Council's standards shall be provided within the curtilage of the site and these facilities shall thereafter be retained for the parking of cycles only.
13. Prior to the first use of the development hereby approved, secure parking for 12 motorcycles to comply with the Council's standards shall be provided within the curtilage of the site and these facilities shall thereafter be retained for the parking of cycles only.
14. Prior to the commencement of the development hereby permitted, the applicant shall submit, and have approved in writing, a travel plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Council's Travel plan co-ordinator.

97/10 **10/0828-MT - CHANGE OF USE OF REDUNDANT RURAL BUILDING TO 2 DWELLINGS - POOLHOUSE FARM, HOCKLEY BROOK LANE, BELBROUGHTON, DY9 0AG - MR. AND MRS. POWELL**

The Head of Planning and Regeneration Services reported the comments of the Chief Building Control Officer and Worcestershire Highways. She also responded with comments of her own in respect of an additional supporting letter from the applicant's agent.

At the invitation of the Chairman, Lady S. Gauntlett-Shea addressed the Committee and spoke in support of the application.

**RESOLVED** that permission be refused for the reason set out on page 18 of the report.

98/10 **10/0837-SG - SINGLE STOREY REAR EXTENSION - BRANSONS FURNITURE SHOWROOM, ALCESTER ROAD, BEOLEY, B98 9DS - MR. B. COLLETT**

The Head of Planning and Regeneration Services reported the comments of Worcestershire Highways, and clarified that Beoley Parish Council had been consulted on the application, not Wythall Parish Council as stated on page 23 of the report. She also responded with comments of her own in respect of an additional supporting letter from the applicant's agent.

At the invitation of the Chairman, Lady S. Gauntlett-Shea addressed the Committee and spoke in support of the application.

Consideration was then given to the application which had been recommended for refusal by the Head of Planning and Regeneration. On the matter being put to the vote, Members considered that:

- the support and continued viability of a rural business;
- the need for a covered external storage area;
- the economic benefits arising from job creation; and
- the current state and the use of the part of the site to which the application relates would be tidied up by the proposals and would have limited harm upon the openness of the Green Belt -

constituted very special circumstances to outweigh the harm that would be caused to the openness of the Green Belt and the purposes of including land within the Green Belt, and any other harm.

**RESOLVED** that authority to approve the grant of permission be delegated to the Head of Planning and Regeneration upon the expiry of the consultation period on 8th November 2010, subject to any reasonable conditions and notes considered necessary by the Head of Planning and Regeneration Services.

99/10 **10/0853-DK - DEMOLITION OF SINGLE STOREY GARAGE AND ERECTION OF 5 BEDROOM DETACHED DWELLING AND DETACHED GARAGE WITH NEW VEHICULAR ACCESS - WESTVIEW, ROWNEY GREEN LANE, ROWNEY GREEN, ALVECHURCH, B48 7QF - MR. D. BLOWER**

The Head of Planning and Regeneration Services reported the comments of the Tree Officer, and stated that a further seven letters of objection had been received. She also clarified issues relating to the garages at West View and the adjacent property, The Drift, together with clarifying that she would be minded to refuse the application.

At the invitation of the Chairman, Mr. M. Kenny addressed the Committee and spoke in opposition to the proposals. Councillor R. Hollingworth also addressed the Committee and spoke against the proposals in his capacity as one of the Ward Members for the area in which the application site was located.

**RESOLVED** that authority to refuse permission be delegated to the Head of Planning and Regeneration upon the expiry of the consultation period on 3rd November 2010.

100/10 **10/0888-MT - PROPOSED ERECTION OF TWO NEW BUNGALOWS - 10 AND 14 COTTAGE LANE, MARLBROOK, BROMSGROVE, B60 1DW - MR. WILBY / MRS. MADDOX**

The Head of Planning and Regeneration Services reported the comments of the Tree Officer and Worcestershire Highways. She also clarified that Councillor A. N. Blagg had requested the application be considered by the Committee, rather than be determined under delegated powers.

At the invitation of the Chairman, Mr. D. Fitzhugh addressed the Committee and spoke in opposition to the application.

Consideration was then given to the application which had been recommended for approval by the Head of Planning and Regeneration Services. On the matter being put to the vote, Members were of the opinion that the proposals would:-

- result in overdevelopment of the site;
- have an overbearing effect, exacerbated by changes in levels to adjacent properties; and
- have a detrimental impact on residential amenity due to loss of privacy and overlooking.

**RESOLVED** that permission be refused, and that the precise wording of the reasons for refusal be delegated to the Head of Planning and Regeneration.

101/10 **10/0935-DK - PROPOSED CENTRAL PRODUCTION KITCHEN - MOUNDSLEY HALL NURSING HOME, WALKERS HEATH ROAD, KINGS NORTON, BIRMINGHAM, B38 0BL - MOUNDSLEY HALL NURSING HOME LTD.**

The Head of Planning and Regeneration Services reported the comments of Wythall Parish Council, together with the receipt of additional supporting information from the applicant's agent.

At the invitation of the Chairman, Mr. M. Gimson addressed the Committee and spoke in support of the proposals.

Consideration was then given to the application which had been recommended for refusal by the Head of Planning and Regeneration Services. However, on the matter being put to the vote, Members considered that:

- there was a requirement for the nursing home to comply with environmental health food safety legislation;
- there is a need for the development;

- there would be economic benefits arising from the creation of additional jobs; and
- minimal and negligible harm would be caused to the openness of the Green Belt due to the relationship of the proposed new building with both the existing buildings, and the extant planning approval for additional new buildings -

constituted very special circumstances to outweigh the harm that would be caused to the openness of the Green Belt and the purposes of including land within the Green Belt, and any other harm.

**RESOLVED** that authority to approve the grant of permission be delegated to the Head of Planning and Regeneration upon the expiry of the consultation period on 4th November 2010, subject to any reasonable conditions and notes considered necessary by the Head of Planning and Regeneration Services.

102/10 **TREE PRESERVATION ORDER (NO. 5) 2010 - TREES ON LAND OFF ST. GODWALDS ROAD, ASTON FIELDS, BROMSGROVE**

Members of the Committee gave consideration to a report relating to Bromsgrove District Council Tree Preservation Order (No. 5) 2010 which had been made in respect of trees on land off St. Godwalds Road, Bromsgrove - the site of the former 'Wagon Works'.

**RESOLVED** that Bromsgrove District Council Tree Preservation Order (No. 5) 2010 be confirmed, and amended in accordance with the plans and schedule shown at Appendix F to the report.

103/10 **TREE PRESERVATION ORDER (NO. 6) 2010 - TREES ON LAND AT HEWELL PARK, HEWELL LANE, REDDITCH**

Consideration was given to a report relating to Bromsgrove District Council Tree Preservation Order (No. 6) 2010 which had been made in respect of trees on land at Hewell Park, Hewell Lane, Redditch.

**RESOLVED** that Bromsgrove District Council Tree Preservation Order (No. 5) 2010 be confirmed subject to the modification of Schedule 1 of the Order and the accompanying plans in respect of:-

- (a) the group of trees referred to as G1 (5 x poplar trees);
- (b) the group of trees referred to as G3 (5 x rowan trees);
- (c) the area of trees referred to as A2 (3 x maple trees and 1 x Swedish Whitebeam);
- (d) an amendment to the boundary of the area referred to as A1 (to include only the dark green shaded area on the plan); and
- (e) the inclusion of addition specific trees (T15 - T29) (initially within the area referred to as A1 in the original temporary Order).

104/10 **TREE PRESERVATION ORDER (NO. 2) 2008 - TREES ON LAND AT 2 CHURCH AVENUE, HOLY CROSS, CLENT**

Consideration was given to a report which outlined an application to fell four large horse chestnut trees on land at 2 Church Avenue, Holy Cross, Clent, which were subject to the District Council of Bromsgrove Tree Preservation Order (No. 2) 2008. Members were informed that the application to fell the trees was on the grounds that one of the trees was in a dangerous condition which, when felled, would leave the remaining trees unstable.

**RESOLVED** that permission to fell the trees be granted subject to the planting of two replacement chestnut trees.

105/10 **PUBLIC PATH DIVERSION ORDER 2010 (FOOTPATH NO. 604 BROMSGROVE) - PERRYFIELDS ROAD, BROMSGROVE**

Consideration was given to a report which outlined the current progress made in respect of the Public Path Diversion Order 2010 (Footpath No. 604 Bromsgrove), Perryfields Road, Bromsgrove. The Head of Legal, Equalities and Democratic Services reported that, although objections had been received to the Order when first drafted, these issues had been overcome by negotiation and minor amendments to the Order.

**RESOLVED** that the report be noted.

106/10 **APPEAL DECISIONS**

The Committee gave consideration to a report which outlined the decisions on three planning appeals which had been received since the last meeting of the Committee.

**RESOLVED** that the report be noted.

The meeting closed at 4.00 p.m.

Chairman