

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

**MONDAY, 28TH MARCH 2011**

**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, Mrs. J. Dyer M.B.E., B. Lewis F.CMI, Mrs. J. D. Luck (during minute nos. 157/10 to 162/10), E. J. Murray (during minute nos. 157/10 to 162/10), S. R. Peters, C. J. Tidmarsh, P. J. Whittaker and C. J. K. Wilson

Observers: Councillors Mrs. R. L. Dent and L. J. Turner

Officers: Ms. R. Bamford, Ms. T. Lovejoy, Mr. D. M. Birch, Mr. D. Kelly, Mr. S. Hawley (Worcestershire Highways) and Mr. A. C. Stephens

157/10 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

158/10 **DECLARATIONS OF INTEREST**

Councillor R. J. Deeming declared a personal interest in planning application reference 10/0931-DK (Land at Norton Lane, Wythall) and stated that he knew the applicant.

159/10 **MINUTES**

The minutes of the meeting of the Planning Committee held on 7th March 2011 were submitted.

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

160/10 **10/0931-DK - OUTLINE APPLICATION FOR APPROXIMATELY 50 CAR PARKING SPACES FOR WYTHALL RAILWAY STATION WITH ASSOCIATED PROVISION OF APPROXIMATELY 2.1 HECTARES OF OPEN SPACE WITH UP TO 65 MARKET AND AFFORDABLE DWELLINGS - LAND AT NORTON LANE, WYTHALL, B47 6HA - MR. A. PLANT / ST. FRANCIS GROUP**

The Head of Planning and Regeneration Services reported the views of Severn Trent Water and Sport England, and also stated that two additional comments had been received. She also stated that a draft Agreement under Section 106 of the Town and Country Planning Act 1990 had been prepared but had not yet been formally completed.

At the invitation of the Chairman, Mr. A. Plant addressed the Committee and spoke in support of the application.

**RESOLVED** that permission be refused for the reason set out on page 32 of the report.

161/10 **11/0054-TC - REMOVAL OR VARIATION OF CONDITION 2 FOR APPLICATION 09/0353 TO EXTEND OPENING HOURS FROM 7.00 A.M. TO 11.00 P.M. SEVEN DAYS A WEEK - 33 WORCESTER ROAD, BROMSGROVE, B61 7DN - MR. M. ALI**

The Head of Planning and Regeneration Services informed the Committee of a few examples of hot food takeaway premises' opening times in the locality close to the application site by way of reference to the proposed operating hours sought as part of the application.

At the invitation of the Chairman, Mr. M. Ali addressed the Committee and spoke in support of the application, whilst Councillor Mrs. R. L. Dent also addressed the Committee in her 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 31st March 2011.

162/10 **11/0111-TC - SIDE FIRST STOREY BEDROOM EXTENSION - 4 BROCKHILL LANE, BEOLEY, REDDITCH, B98 9BU - MR. D. JONES**

The Head of Planning and Regeneration Services reported that, in the light of SPG7 Extensions to Dwellings in the Green Belt and issues in respect of the floorspace of the proposed building, her recommendation quoted on pages 37 and 40 of the report had been amended to one of approval.

**RESOLVED** that permission be granted subject to the following conditions and notes:-

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the Approved Plans / Drawings listed in this notice:

Location Plan (1:1250) - received 09.02.2011

Block Plan (1:500) - received 09.02.2011

Existing elevations and floorplans (1:50) - received 09.02.2011

Proposed elevation and floorplans (1:50) - received 24.12.2010

Reason: For the avoidance of doubt and in the interests of proper planning.

3. All new external walls and roofs shall be finished in materials to match in colour, form and texture those on the existing building.

Reason: To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001.

#### Notes

This decision has been taken having regard to the policies within the West Midlands Regional Spatial Strategy, the Worcestershire County Structure Plan (WCSP) 2001 and the Bromsgrove District Local Plan (BDLP) 2004, and other material considerations as summarised below:-

|           |                        |
|-----------|------------------------|
| WMRSS     | QE3                    |
| WCSP      | CTC.1, D.38, D.39      |
| BDLP      | DS13, S11              |
| Draft CS2 | CP3, CP18, CP22, CS2   |
| Others    | PPS1, PPG2, SPG1, SPG7 |

It is the Council's view that the proposed development does not comply with the provisions of the development plan. However, specific circumstances exist that outweigh the harm caused and that, on balance, there are no justifiable reasons to refuse planning permission.

#### 163/10 **CONSTITUTIONAL AMENDMENTS TO SCHEME OF DELEGATION FOR PLANNING ENFORCEMENT AND DEVELOPMENT CONTROL**

Consideration was given to a report which sought the approval of the Council to several changes to the Scheme of Delegation insofar as it affected Development Control, Planning Enforcement and arrangements for the 'call-in' of applications to be considered with by the Planning Committee. However, it was explained that the Committee would only be able to comment on the amendments because the final decision in respect of the changes rested with the Council.

The Committee was informed that the amendments would align the Council's Scheme of Delegation with that of Redditch Borough Council and, thereby, assist in the process of shared services.

**RESOLVED** that it be recommended to Council that the amendments to the Scheme of Delegation, as set out in Appendices 1, 2 and 3 of the report, be approved.

(NOTE: During consideration of this item, Councillor E. J. Murray left the meeting before this decision was reached.)

164/10 **CONSTITUTIONAL AMENDMENT AND PROPOSED MEMBER PROTOCOL FOR INVOLVEMENT IN PRE-APPLICATION DISCUSSIONS FOR PROPOSED DEVELOPMENTS IN THE DISTRICT**

Consideration was given to a report which sought the approval of the Council to adopt a formal protocol relating to the engagement of Members in pre-application discussions, with a view to providing clarity and fairness to the process and, thereby, seek to make it accountable. Members were also informed that this would enable the Council to operate in accordance with current good practice.

However, it was explained that the Committee would only be able to comment on the amendments because the final decision in respect of the changes rested with the Council.

**RESOLVED** that it be recommended to Council that:-

- (a) the Member Protocol for Involvement in Pre-Application Discussions for Proposed Development, as set out in Appendix 1 to the report, be approved and implemented with effect from 1st October 2011;
- (b) any Member wishing to become involved in Pre-Application Discussions under the Member Protocol must complete appropriate training;
- (c) the implementation of the protocol be reviewed jointly by Members and officers after twelve months of implementation; and
- (d) authority be delegated to the Head of Legal, Equalities and Democratic Services to make the necessary amendments to the Council's Constitution in respect of the implementation of the Member Protocol for Involvement in Pre-Application Discussions for Proposed Development.

165/10 **ADOPTION OF THE PLANNING ENFORCEMENT POLICY**

Consideration was given to a report which sought the approval of the Council to adopt a Planning Enforcement Policy in order to provide a consistent and uniform approach as a result of the move towards shared services between the Council and Redditch Borough Council. The Committee was informed that such a policy would effectively be a customer charter for the planning enforcement service.

However, it was explained that the Committee would only be able to comment on the amendments because the final decision in respect of the changes rested with the Council.

In respect of the third item in section 7 of the proposed Planning Enforcement Policy (Council's Commitment to Complainants - "The confidentiality of those reporting incidents will be maintained"), Members expressed concern about how the policy would ensure the confidentiality of a complainant could be maintained, especially in the event of an appeal by anyone who had been served with an Enforcement Notice. However, the Head of Planning and

Regeneration Services confirmed that the addition of an appropriate proviso could be added to ensure confidentiality would not be compromised.

**RESOLVED** that the Council be recommended to adopt the Planning Enforcement Policy, subject to the deletion of the third item in section 7 of the proposed Enforcement Policy, attached at Appendix 1 to the report, and replacement with the following text:-

- The confidentiality of those reporting incidents will be maintained and no information will be disclosed to any other party without the written consent of the complainant.

166/10 **APPEAL DECISION**

Consideration was given to a report which outlined the result of a planning appeal, the details of which had been received since the last meeting of the Committee.

**RESOLVED** that the report be noted.

The meeting closed at 3.45 p.m.

Chairman