

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 12TH SEPTEMBER 2011

AT 2.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), Mrs. S. J. Baxter, Mrs. J. M. Boswell, M. A. Bullivant, R. A. Clarke, R. J. Laight, P. M. McDonald (substituting for Mrs. C. M. McDonald), E. J. Murray, J. A. Ruck, C. B. Taylor, C. J. Tidmarsh and C. J. K. Wilson

Officers: Ms. T. Lovejoy, Mrs. H. L. Plant, Mr. D. Kelly, Mr. B. Sharp (Worcestershire Highways) and Mr. A. C. Stephens

55/11 **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Mrs. C. M. McDonald.

56/11 **DECLARATIONS OF INTEREST**

The following declarations of interest were made:-

<u>Member</u>	<u>Application(s)</u>	<u>Nature of Interest</u>
Councillor Mrs. J. M. Boswell	11/0698-SG and 11/0709-SG	Personal. Applicant is also a Conservative Group Member of the Council.
Councillor M. A. Bullivant	11/0631-DK	Personal. Member of the Cabinet involved in making the decision to install photovoltaic panels at the Depot.
Councillor M. A. Bullivant	11/0698-SG and 11/0709-SG	Personal. Applicant is also a Conservative Group Member of the Council.
Councillor R. A. Clarke	11/0698-SG and 11/0709-SG	Personal. Applicant is also a Conservative Group Member of the Council.
Councillor R. J. Deeming	11/0698-SG and 11/0709-SG	Personal. Applicant is also a Conservative Group Member of the Council.
Councillor R. J. Laight	11/0698-SG and 11/0709-SG	Personal. Applicant is also a Conservative Group Member of the Council.

<u>Member</u>	<u>Application(s)</u>	<u>Nature of Interest</u>
Councillor J. A. Ruck	11/0698-SG and 11/0709-SG	Personal. Applicant is also a Conservative Group Member of the Council.
Councillor C. B. Taylor	11/0631-DK	Personal. Member of the Cabinet involved in making the decision to install photovoltaic panels at the Depot.
Councillor C. B. Taylor	11/0698-SG and 11/0709-SG	Personal. Applicant is also a Conservative Group Member of the Council.
Councillor C. J. Tidmarsh	11/0698-SG and 11/0709-SG	Personal. Applicant is also a Conservative Group Member of the Council.
Councillor P. J. Whittaker	11.0507-DK	Personal. Knows the applicant.
Councillor P. J. Whittaker	11/0631-DK	Personal. Former Member of the Cabinet having previously been involved in making the decision to install photovoltaic panels at the Depot.
Councillor P. J. Whittaker	11/0698-SG and 11/0709-SG	Personal. Applicant is also a Conservative Group Member of the Council.

57/11 **MINUTES**

The minutes of the meeting of the Planning Committee held on 15th August 2011 were submitted.

Councillor P. M. McDonald questioned the response he had received in respect of Minute No. 54/11 and requested that this matter be discussed under Agenda Item No. 12 (Urgent Business).

RESOLVED that the minutes be approved as a correct record.

58/11 **10/1189-DK - REPLACEMENT OF AN EXISTING DWELLING WITH 2 NO. 5 BED DETACHED HOUSES - 7A PLYMOUTH ROAD, BARNT GREEN, B45 8JE - MR. J. SMART**

The Head of Planning and Regeneration Services referred to this item on the agenda and stated that the application would be deferred in order to obtain further information in respect of the protected trees adjoining the application site.

59/11 **11/0507-DK - DEMOLITION OF A DUTCH BARN; CHANGE OF USE OF OFFICES, LABORATORIES AND BULL PENS TO PROVIDE 12 FLATS; ALTERATIONS TO THE EXISTING ACCESS; AND OTHER ASSOCIATED**

WORKS - AVONCROFT CATTLE BREEDERS LTD., BUNTSFORD HILL, BROMSGROVE, B60 3AS - AVONCROFT CATTLE BREEDERS LTD.

The Head of Planning and Regeneration Services reported the views of the Environment Agency, and clarified access issues to the application site.

At the invitation of the Chairman, Mr. B. Giles and Mr. S. Carter addressed the Committee and spoke in opposition to the proposals, whilst Mrs. M. Rogers spoke in favour.

RESOLVED:

- (a) that authority be delegated to the Head of Planning and Regeneration Services to determine the application upon the completion of an agreement under Section 106 of the Town and Country Planning Act 1990, as amended, in respect of financial contributions relating to -
 - (i) education provision; and
 - (ii) arrangements for the management of the public open space;
- (b) that upon the completion of the agreement referred to in (a) above, permission be granted subject to any additional reasonable conditions and notes considered necessary by the Head of Planning and Regeneration Services.

60/11 **11/0610-DK - PROPOSED DEMOLITION OF EXISTING DWELLING AND ERECTION OF THREE NEW DWELLINGS (RESUBMISSION OF APPLICATION REF. 10/1011-DK) - 2 BERRY DRIVE, BARNT GREEN, B45 8XL - MR. N. ALSOP**

The Head of Planning and Regeneration Services reported the views of Natural England and Worcestershire Regulatory Services.

At the invitation of the Chairman, Mr. J. Watson addressed the Committee and spoke in opposition to the application, as did Mr. T. Flynn on behalf of Lickey and Blackwell Parish Council.

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

- (a) the number and siting of the dwellings was out of keeping with the character of the area; and
- (b) the development had a cramped appearance;

RESOLVED that permission be refused for the following reason:-

The proposed development, by virtue of its scale and position, would not reflect the character of the area contrary to policies S7 and DS13 of the Bromsgrove District Local Plan 2004 and the advice of Supplementary Planning Guidance Note 1 (the Council's Residential Design Guide).

61/11 **11/0631-DK - INSTALLATION OF SILICON PHOTOVOLTAIC CELLS - BROMSGROVE DISTRICT COUNCIL DEPOT, ASTON ROAD, BROMSGROVE, B60 3EX - REDDITCH BOROUGH COUNCIL AND BROMSGROVE DISTRICT COUNCIL**

The Head of Planning and Regeneration Services reported details relating to the Government's "Feed In Tariff" Scheme and the relative electricity generation and relative income.

RESOLVED that permission be granted subject to the conditions set out on page 31 of the report.

62/11 **11/0698-SG - DEMOLITION OF UNSAFE HALF BRICK GABLE WALL AND RECONSTRUCTION TO WHARF COTTAGE (LISTED BUILDING CONSENT) - WHARF COTTAGE, ALCESTER ROAD, TARDEBIGGE, BROMSGROVE, B60 1NF - MR. S. DUDLEY**

RESOLVED:

- (a) that, subject to the receipt of no further representations during the remainder of the consultation period, authority to approve Listed Building Consent be delegated to the Head of Planning and Regeneration Services upon the expiry of the consultation period on 16th September 2011; or
- (b) that, in the event of further representations being received before the expiry of the consultation period, authority to determine the application be delegated to the Head of Planning and Regeneration Services in consultation with the Chairman of the Planning Committee to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

63/11 **11/0709-SG - AMENDMENT TO APPLICATION 11/0266-SG TO INCLUDE DEMOLITION OF HALF BRICK GABLE WALL FOR RECONSTRUCTION TO WHARF COTTAGE - WHARF COTTAGE, ALCESTER ROAD, TARDEBIGGE, BROMSGROVE, B60 1NF - MR. S. DUDLEY**

The Head of Planning and Regeneration Services reported the views of British Waterways, Worcestershire Regulatory Services, the Drainage Engineer and Worcestershire Highways.

RESOLVED:

- (a) that, subject to the receipt of no further representations during the remainder of the consultation period, authority to grant planning permission be delegated to the Head of Planning and Regeneration Services upon the expiry of the consultation period on 16th September 2011; or
- (b) that, in the event of further representations being received before the expiry of the consultation period, authority to determine the application be delegated to the Head of Planning and Regeneration Services in consultation with the Chairman of the Planning Committee to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

64/11 **TREE PRESERVATION ORDER (NO. 3) 2011 - TREES ON LAND AT 53 AND 55 WELLINGTON ROAD, BROMSGROVE, B60 2AX**

Members gave consideration to a report relating to Bromsgrove District Council Tree Preservation Order (No. 3) 2011 which had been made in respect of trees on land at 53 and 55 Wellington Road, Bromsgrove.

RESOLVED that Bromsgrove District Council Tree Preservation Order (No. 3) 2011 be confirmed without modification.

65/11 **LOCAL GOVERNMENT ACT 1972**

RESOLVED that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of an item of business on the grounds that it involves the likely disclosure of 'exempt information' as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part being as set out below, and that it is in the public interest to do so:-

<u>Minute No.</u>	<u>Paragraph</u>
66/11	5

66/11 **PLANNING COMMITTEE MINUTE NO. 54/11 - MEETING HELD ON 15TH AUGUST 2011 - WITHDRAWAL OF PLANNING APPLICATIONS AFTER THE COMMITTEE HAS MADE A DECISION**

(The Chairman agreed to the consideration of this item of business as a matter of urgency in order to reply to a question raised earlier in the meeting relating to the minutes of the last meeting of the Committee.)

Councillor P. M. McDonald referred to Planning Committee Minute No. 54/11 and, in particular, the response to the question raised by Councillor Mrs. C. M. McDonald at the last meeting of the Committee in connection with the withdrawal of planning applications ref.: 11/0426 and 11/0444.

Councillor McDonald asserted that, as the Committee had made a decision on the applications before the request to withdraw them had been received, and that the Council itself was the applicant in both instances, there was no scope for the applications to be withdrawn. He stated that the Council, as a corporate body, would have been aware of the Committee's decision as soon as it was made.

The Head of Legal, Equalities and Democratic Services responded and stated that there was no Case Law or principle which could be referred to in this specific instance. However, she added that the applications were, in fact, submitted by a separate department of the Council who would not necessarily have been aware of the Committee's decision prior to withdrawing them; a detail which would not have been formally notified until the Decision Notice had been issued.

Councillor McDonald disputed this response in that it did not answer the initial question; that is, any Council department would be a part of the Council as a corporate body and that, if the Council makes a planning application to itself, and once a decision has been made, would that mean the decision had been conveyed to the Council at that precise moment? He added that this would mean there would be no 'window of opportunity' in which the application could have been withdrawn.

The Head of Legal, Equalities and Democratic Services reiterated that there was no legal precedent or specific legislation for such circumstances but that it was felt that, just because the Council was the applicant in this case, the decision would not have been formally conveyed immediately upon the vote being taken by the Committee. She added that, as an applicant, the Council would be treated in the same way as any other applicant for planning permission. Furthermore, the Head of Planning and Regeneration Services stated that any application which may have been withdrawn in this way would also invalidate the applicant's right of appeal.

In closing the discussion, the Chairman stated that further legal advice would be sought on this matter, details of which would be reported back to a future meeting of the Committee.

The meeting closed at 3.10 p.m.

Chairman