

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

**6<sup>TH</sup> JUNE 2016 AT 6.00 P.M.**

PRESENT: Councillors R. J. Deeming (Chairman), P.L. Thomas (Vice-Chairman), C. Allen-Jones, S. J. Baxter, C.A. Hotham, S. R. Peters, S. P. Shannon, C. J. Spencer and P. J. Whittaker

Officers: Mr. D. M. Birch, Miss. E. Farmer, Mr. S. Hawley (Worcestershire Highways Authority), Mr. A. Hussain, Mr. D. Kelly, Mrs. J. Smyth and Mrs. S. Willetts

1/16 **ELECTION OF CHAIRMAN FOR THE ENSUING MUNICIPAL YEAR**

**RESOLVED** that Councillor R. J. Deeming be elected Chairman of the Committee for the ensuing Municipal year.

2/16 **ELECTION OF VICE-CHAIRMAN FOR THE ENSUING MUNICIPAL YEAR**

**RESOLVED** that Councillor P.L. Thomas be elected Vice-Chairman of the Committee for the ensuing Municipal year.

3/16 **APOLOGIES**

Apologies for absence were received on behalf of Councillors M. T. Buxton and M. Glass. Councillor R.D. Smith was confirmed as Councillor Glass's substitute for the meeting.

4/16 **DECLARATIONS OF INTEREST**

Councillor P. L. Thomas declared an interest in Agenda Item 10 (Planning Application 2016/0470 – George Road, Bromsgrove Enterprise Park, Bromsgrove B60 3GT) in that, whilst he had no predetermined view on the matter, in the interests of transparency he would be withdrawing to the public gallery and had registered to speak on the matter as Ward Member.

Councillor Thomas withdrew from the Committee into the public gallery prior to consideration of the item and addressed the Committee as Ward Councillor under the public speaking rules and took no part in the discussion or voting on the matter.

5/16

**MINUTES**

The minutes of the meeting of the Planning committee held on 9<sup>th</sup> May 2016 were submitted.

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

6/16

**2016/0109 - ERECTION OF TWO DORMERS TO REAR - 116 NEW ROAD, RUBERY, WORCESTERSHIRE B45 9HY - MR SHEIKH MIAH**

Officers reported on comments submitted by Councillor C.M. McDonald, who had called in the Application for the Committee to consider, but had not been able to attend the meeting to address the Committee in her Ward Member capacity, as detailed in the published Update report, copies of which were provided to Committee Members and the public gallery prior to commencement of the meeting.

The Committee then considered the Application, which Officers had recommended for approval. Whilst supporting the Application, Members considered it appropriate to ensure that the proposed use of the roof space for storage and a staff welfare area during opening times be only used for this purpose and requested that that an additional Condition to this effect be imposed.

**RESOLVED** that

1) authority be delegated to the Head of Planning and Regeneration Services to determine the planning application following the expiry of the publicity period on the 9<sup>th</sup> June 2016, subject to the Conditions set out on page 7 of the Agenda report and the following additional Condition:

“4) The second floor of the premises shall not be used for any purpose set out in Class A3 of the Town and Country Planning (Uses Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 2015 or be used as additional restaurant seating ancillary to the established A3 use of the remainder of the building.

Reason: To protect the amenities of adjacent occupiers.

and

2) in the event that further representations are received, authority 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 relevant to

the planning application, and to issue a Decision after the expiry of the statutory public period accordingly.

7/16

**2016/0115 - CHANGE OF USE OF POULTRY SHEDS INTO STORAGE USE (B8) - AVARO (MIDLANDS) LTD**

Officers reported on an amended Site Plan received from the applicant in relation to parking provision and vehicle access, together with the Highways Authority's responses to the amended plan, as detailed in the published Update report, copies of which were provided to Committee Members and the public gallery prior to commencement of the meeting.

The Committee then considered the application, which Officers had recommended for refusal. Having duly noted the amended Site Plan and the Highway Authority response, Members were of the view that the proposal would be detrimental to and inappropriate development in the Green Belt. Members were particularly concerned in regard to the movement of lorries and HGV type vehicles and the significant impact such movements would have on the amenities of the existing dwelling house which would be in close proximity to the proposed access point. The potential impact on future residents of a housing development permitted under extant application 2014/0038 was also highlighted.

**RESOLVED** that Planning Permission be refused for the reasons set out on pages 14 and 15 of the main agenda report and the following additional reason for refusal:

- 3) The proposed development would have a detrimental impact on the residential amenity of the existing farmhouse (known as Rose Cottage) as a result of the proximity of vehicle movements arising from the proposed change of use. Thereby, the proposal would be contrary to policies E9 and DS13 of the Bromsgrove District Local Plan 2004.

8/16

**2016/0451 - REAR EXTENSION AND RAISING OF ROOF TO FACILITATE ACCOMMODATION WITHIN THE ROOF SPACE - THREE OAKS, BILLESLEY LANE, PORTWAY, BIRMINGHAM, WORCESTERSHIRE B48 7HG - MR PARMER**

Officers reported on a consultation response from Worcestershire Regulatory Services (WRS) in terms of the site's location to a former landfill site and a request for an informative to be attached to any permission that the Committee might wish to approve, together with an additional letter of support received from a neighbouring property, all as detailed in the published Update report, copies of which were provided to Committee members and the public gallery prior to commencement of the meeting. It was further clarified that Beoley Parish Council had raised no objections to the application.

At the invitation of the Chairman, Mr. M. Parmer, the Applicant, addressed the Committee. Councillor J.M.L.A, Griffiths, in whose Ward the application site was located, also addressed the Committee.

The Committee then considered the application, which Officers had recommended for refusal. Further to receiving additional clarification from Officers in relation to existing and proposed ridge heights and the difference in cubic metres between the proposal and a proposed single storey extension that already had prior approval under permitted development rights, Members were of the view that, the design, utilising the roof space and retaining the bungalow concept, had been well thought out and would unify the building. It was also considered that, the impact of the proposal on the green belt would be no greater than that of the Applicant's fall-back position. For these reasons, on balance, Members felt that they amounted to very special circumstances.

Having had regard to all of the information provided relating to this application, Members were minded to approve the application, subject to relevant Conditions and Informatives, to be provided by Officers, to include the Applicant entering into a Section 106 Agreement in regard to removal of permitted development rights and the relinquishment of extant prior approval notification 14/0997 and Certificate of Lawfulness reference 14/1024.

**RESOLVED** that

- 1) authority be delegated to the Head of Planning and Regeneration Services to determine the Planning Application following receipt of a suitable and satisfactory Section 106 Agreement in relation to the prior approved works allowed under the Applicant's permitted development rights; and
- 2) The following Conditions and Informatives:

**Conditions**

- 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 permitted shall be carried out in accordance with the approved plans and drawings listed in this Notice –

30475 06 Proposed Plans and Elevations  
30475 05 Proposed Site and Location Plan

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.

#### Informatives

- 1) This permission is subject to an agreed unilateral undertaking, removing permitted development rights, relinquishing the extant Prior Notification for a Larger Home Extension ref. 14/0997 and Certificate of Lawfulness for a Proposed Class E Outbuilding ref. 14/1024. In addition, the agreement will restrict the 'infill' of the proposed canopy as illustrated on drawing no. 30475.
- 2) The above site has been reviewed for any potential contamination issues. The proposed development is sited within 250m of a registered landfill or significant area of unknown filled ground which potentially could produce landfill gas. The applicant is advised to consider incorporating matching landfill gas protection measures within the foundations of the proposed extension(s), so as not to compromise any existing gas protection measures which may have been installed in the existing building. If the existing building has no protection measures currently, there is no need to install gas protection measures within the proposed extension.

Reason: To ensure that the risks to buildings and their occupants from landfill sites are adequately addressed.

9/16

**2016/0470 - ERECTION OF CARPET AND FLOORING STORAGE BUILDING - COMMERCIAL UNIT AT GEORGE ROAD, BROMSGROVE TECHNOLOGY PARK, BROMSGROVE B60 3GT - COMMERCIAL BUILDINGS BROMSGROVE LIMITED**

Officers reported on five further detailed neighbour responses received in relation to the Application and Consultee responses from North Worcestershire Water Management and Worcestershire Highways Authority, all as detailed in the published Update report, copies of which were provided to Committee Members and the public gallery prior to commencement of the meeting. Members were reminded that the application was a resubmission of a previously refused application, the

Applicant having taken on board the Committee's concerns to improve the Block A building's relationship and proximity to residential dwellings.

At the invitation of the Chairman, Mr. M. Jackson, a resident of Bridge Road, addressed the Committee objecting to the Application. Mr. S. Day, the Applicant, also addressed the Committee. Councillor P. L. Thomas, in whose Ward the application site was located, also addressed the Committee.

The Committee then considered the Application, which Officers had recommended for approval. Members were generally supportive of the amended proposal although some concerns were raised in regard to the proposed opening hours, including the warehouse opening hours of 6am and potential noise disturbance for residents from vehicle movements / forklift usage and a Trade Counter on Sundays. In regard to this, votes were taken on two separate proposed amendments to the opening hours, which were lost. Members also requested that Condition 6 (relating to the Landscaping scheme to be submitted) be tightened up to specify screen planting to be determined by Officers be included as part of the scheme.

**RESOLVED** that

- 1) authority be delegated to the Head of Planning and Regeneration Services to determine the Planning Application following the expiry of the publicity period on 9<sup>th</sup> June 2016, subject to the Conditions and Informatives set out on pages 31 to 34 of the main Agenda report with Condition 6 amended to include screen planting to be determined by Officers: and
- 2) in the event that further representations are received, authority be delegated to the Head of Planning and Regeneration Services, in consultation with the Chairman of the Planning Committee, to assess whether any new material considerations have been raised relevant to the Planning Application, and to issue a decision after the expiry of the statutory publicity period accordingly.

The meeting closed at 7.38 p.m.

Chairman