

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 4TH FEBRUARY 2019, AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P.L. Thomas (Vice-Chairman), C. Allen-Jones, S. J. Baxter, M. Glass, S. R. Peters, C. J. Spencer, M. Thompson, L. J. Turner and P. J. Whittaker

Officers: Mrs. T. Lovejoy, Mr. D. M. Birch, Mr. S. Edden, Mr. S. Jones, Mr. P. Lester and Mrs. P. Ross

60/18

APOLOGIES

Apologies for absence were received from Councillors M. T. Buxton, C. A. Hotham, M.A. Sherrey and S.P. Shannon, with Councillor L. J. Turner present as substitute for Councillor C. A. Hotham, Councillor M. Glass present as substitute for Councillor M. A. Sherrey and Councillor M. Thompson present as substitute for Councillor S. P. Shannon.

61/18

DECLARATIONS OF INTEREST

Councillor S. J. Baxter, declared an Other Disclosable Interest in Agenda Item 7 (Application 18/01226/FUL – Thornborough Farm, Redhill Road, Kings Norton, Birmingham, Worcestershire, B38 9EH), in that she knew the Applicant. Councillor Baxter withdrew from the meeting prior to the consideration of the Application and took no part in its discussion nor voted on the matter.

With the agreement of the Chairman there was a brief adjournment of the meeting whilst clarification was sought in respect of Agenda Items 5 and 7 (Planning Applications 17/01290/OUT – Land To Rear of 1-6 Smedley Croke Place, Redditch Road, Hopwood, Worcestershire and 18/01226/FUL – Thornborough Farm, Redhill Road, Kings Norton, Birmingham, Worcestershire, B38 9EH); as it was questioned whether Councillor L. J. Turner (present as substitute for Councillor C. A. Hotham), was eligible to participate in the Committee's consideration of these Applications as Councillor Hotham had also sent in a ward councillor speech for both applications.

With the agreement of the Chairman, the Council's Legal Adviser confirmed that he was not and that he should withdraw to the public gallery prior to the consideration of these Applications and should take no part in the discussions nor voting on the matters.

62/18

MINUTES

The minutes of the meeting of the Planning Committee held on 7th January 2019 were received.

RESOLVED that the minutes of the meeting of the Planning Committee held on 7th January 2019, be approved as a correct record.

63/18

17/01290/OUT - OUTLINE APPLICATION (MATTERS OF ACCESS AND SCALE TO BE CONSIDERED) FOR THE DEVELOPMENT OF UP TO 10 TWO STOREY DWELLINGS AND ALTERATIONS OF EXISTING ACCESS - LAND TO REAR OF 1-6 SMEDLEY CROOKE PLACE, REDDITCH ROAD, HOPWOOD, WORCESTERSHIRE - MR. D. RICKETT

With the agreement of the Chairman, the Council's Legal Adviser read out a statement from Councillor C. A. Hotham, Ward Member, who had been unable to attend the meeting.

The Committee then considered the Application, which Officers had recommended for refusal. Having considered the Officers report and the representation made, Members were of the view that the proposal would impact on the openness of the Green Belt. Having carried out a Site Visit Members were in agreement that the proposed access arrangements, as highlighted in the comments received from the Highways Authority, were substandard and would be detrimental to highway safety.

RESOLVED that Planning Permission be refused for the reasons set out on page 17 of the main agenda report.

64/18

18/01209/FUL - PROPOSED RESIDENTIAL ACCOMMODATION WITH CARE (CLASS C2) COMPRISING 67 APARTMENTS WITH COMMUNAL FACILITIES, LANDSCAPING AND PARKING - FORMER FIRE STATION AND LIBRARY BUILDING, WINDSOR STREET, BROMSGROVE, WORCESTERSHIRE, B60 2BJ - MR. A. TAYLOR

This matter was withdrawn from the Agenda by Officers and was not discussed.

65/18

18/01226/FUL - USE OF EXISTING BUILDING, INCORPORATING CARAVAN TO FORM PART OF BUILDING, AS REST/LIVESTOCK HUSBANDRY AND STORAGE FACILITY, INCLUDING OFFICE, IN ASSOCIATION WITH EXISTING AGRICULTURAL AND EQUINE ACTIVITIES - THORNBOROUGH FARM, REDHILL ROAD, KINGS NORTON, BIRMINGHAM, WORCESTERSHIRE, B38 9EH - MR K MOORE

Officers reported that two late representations had been received, one objecting to the Application and one in support of the Application; both of which reiterated the comments already received.

Officers further reported that the Application was seeking retrospective permission for the retention and use of a detached single storey building for as rest, livestock husbandry and storage facility, including an office. The building was sited on a tennis court formerly part of the curtilage of the adjoining property.

Officers clarified that the Application had been brought to the Planning Committee for consideration at the request of Councillor C. A. Hotham, Ward Member.

At the invitation of the Chairman, Mr. R. Smith (speaking on behalf of Mr. R. Sambhi), addressed the Committee objecting to the Application.

With the agreement of the Chairman, the Council's Legal Adviser read out a statement from Councillor C. A. Hotham, Ward Member, who had been unable to attend the meeting.

The Committee then considered the Application, which Officers had recommended for approval.

Officers further clarified that no enforcement notices had been issued. A planning enforcement investigation into an alleged unauthorised dwelling was conducted and that no evidence was found which corroborated those claims.

Members were informed that the Council had commissioned a report from its agricultural consultant, who having reviewed the Application had raised no objection to the proposal.

Members sought clarification from Officers as to the terms of the suitable and satisfactory legal mechanism. Officers explained that a suitable and satisfactory legal mechanism to ensure that the building was not capable of being sold separately from the land, would not prevent or preclude the Applicant from submitting further planning applications. Each application was considered on its own merits.

With the agreement of the Chairman, the Council's Legal Adviser further informed the Committee that the National Planning Policy Framework (NPPF) – Policy Tests stated that planning obligations (s106 agreements) should only be used where it was not possible to address unacceptable impacts through a planning condition.

In response to a query from Members, Officers commented that they were unsure as to where the lambing shed was located on the site plan.

Members gave further consideration to the proposed Application and whilst they agreed that there was nothing wrong with seeking retrospective planning permission; the Committee were of the view that the development was not solely for agricultural use, had a greater impact upon openness than the hardstanding which preceded it, and was therefore inappropriate development in the Green Belt. Furthermore the

building was not designed for its proposed purpose and there were no overriding reasons which would outweigh the harm to the Green Belt by reason of inappropriateness.

Members were therefore minded to refuse the Application.

RESOLVED that Planning Permission be refused for the following reason:

The development was not used solely for agricultural purposes, and was also proposed to serve an equestrian enterprise which was an outdoor recreational use, but was not designed for either purpose. Albeit constructed on previously developed land, comprising a hard surfaced tennis court, previously severed from the former curtilage of an adjacent dwellinghouse, the application must satisfy the caveats that it preserves the openness of the Green Belt, and would not have a greater impact on the openness of the Green Belt than the existing development. The resultant development comprised of a building (incorporating a caravan) and evidently had a significantly greater material impact upon the openness of the Green Belt than the existing hardstanding, and consequently comprises inappropriate development.

Neither the building or incorporated caravan were designed to meet the functional requirements of the agricultural or equestrian enterprise for which retrospective permission was sought. The development exceeds what was reasonably required for an operation of this scale and were commensurate with that of domestic accommodation.

The National Planning Policy Framework states that inappropriate development was, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Committee considered that no very special circumstances exist because the reasons advanced in support of the proposal did not outweigh the harm to the Green Belt by reason of inappropriateness arising from the failure of the proposal to preserve its openness or the other harm identified.

Accordingly, the development was contrary to Policies BDP4, BDP15 and BDP19 of the Bromsgrove District Plan and Paragraphs 134(c) 143, 144, 145, 146 of the National Planning Policy Framework.

66/18

18/01393/FUL - TWO STOREY SIDE EXTENSION, GARAGE AND AMENDED DRIVE ACCESS - 1 HIGHFIELDS, BROMSGROVE, WORCESTERSHIRE, B61 7BZ - MR S & MRS Z KITCHING

Officers clarified that the Application had been brought to the Planning Committee for consideration at the request of Councillor L. C. R. Mallett, Ward Member.

At the invitation of the Chairman Mrs. Z. Kitching, the Applicant and Mr. A. Urka addressed the Committee in support of the Application.

The Committee then considered the Application, which had been recommended for refusal by Officers. Having considered the Application and the representations made, Members commented that having conducted a site visit they were of the opinion that the choice of materials to be used for the external walls, roof and detached single garage would represent an incongruous feature in the street scene harming the visual amenities of the area.

Members also considered that the set-back distance to be small and that this combined with the ridge height of the proposed two storey side extension would represent an overly large and discordant addition to the dwelling.

Councillor M. Thompson proposed an alternative recommendation that Planning Permission be granted.

On being put to the vote, the Committee did not vote for the alternative recommendation and the Chairman went back to the original recommendation.

Having had regard to all of the information provided relating to this Application, Members were in agreement with Officers in that the proposed extension would represent an overly large and discordant addition to the dwelling; and that the choice of materials to be used on the proposed two storey extension and detached garage would represent an incongruous feature in the street scene.

RESOLVED that Planning Permission be refused for the reasons set out on page 58 of the main agenda report.

The meeting closed at 7.15 p.m.

Chairman