

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

**MONDAY, 5TH JULY 2021, AT 6.00 P.M.**

PRESENT: Councillors A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, A. B. L. English, H. J. Jones, J. E. King, P. M. McDonald, M. A. Sherrey (during Minute No's 1/21 to 12/21), C. J. Spencer (substitute for Councillor S. G. Hession), P.L. Thomas and P. J. Whittaker

Officers: Mr. D. M. Birch, Mr. G. Boyes, Mr. S Edden, Mr. S. Jones, Miss. C. Wood, Ms. S. Williams and Mrs. P. Ross

1/21

**ELECTION OF CHAIRMAN FOR THE ENSUING MUNICIPAL YEAR**

**RESOLVED** that Councillor H. Jones be elected Chairman of the Committee for the ensuing municipal year.

The Chairman opened the meeting and advised all those present that arrangements had been made to ensure that the meeting was held in accordance with social distancing requirements and Government guidance in respect of holding meetings at a physical location.

With the agreement of the Chairman the running order of the agenda was altered, to enable officers to present their individual reports in order to maintain social distancing measures.

2/21

**ELECTION OF VICE-CHAIRMAN FOR THE ENSUING MUNICIPAL YEAR**

**RESOLVED** that Councillor P. J. Whittaker be elected Vice-Chairman of the Committee for the ensuing municipal year.

3/21

**TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

An apology for absence was received from Councillor S. G. Hession with Councillor C. Spencer in attendance as the substitute Member.

4/21

**DECLARATIONS OF INTEREST**

Having been advised by the Council's Legal Advisor and prior to the Committee's consideration of Agenda Item 11 (Planning Application 21/00312/FUL – 32 Lickey Square, Lickey, Birmingham, Worcestershire,

B45 8HB. Councillor King, who had submitted comments as Ward Councillor, as summarised on page 197 of the main agenda report, left the meeting room prior to the consideration of this item.

Councillor M.A. Sherrey declared a pecuniary interest prior to the Committee's consideration of Agenda Item 13 (Planning Application 20/00443/FUL – Four Stones Restaurant, Adams Hill, Clent, Stourbridge, Worcestershire, DY9 9PS, in that she resided very near to the restaurant. Councillor Sherrey left the meeting room prior to the consideration of this item.

5/21

### **MINUTES**

The minutes of the Planning Committee meetings held on 16<sup>th</sup> March, 22<sup>nd</sup> March, 12<sup>th</sup> April and 27<sup>th</sup> April 2021, were received.

That the minutes of the 16<sup>th</sup> March 2021, be amended at Minute No. 96/20 – Declarations of Interest, as follows:-

“Councillor A. B. L. English asked for it to be noted that in her role as a District Councillor she knew Mr. A. Bailes”.

**RESOLVED** that, subject to the amendment as detailed in the preamble, that the minutes of the Planning Committee meetings held on 16<sup>th</sup> March, 22<sup>nd</sup> March, 12<sup>th</sup> April and 27<sup>th</sup> April, be approved as correct records.

6/21

### **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING**

There were no Committee Updates.

7/21

### **TREE PRESERVATION ORDER (2) 2021 - TREES ON LAND AT 1A COLLEGE ROAD, BROMSGROVE, B60 2NE**

The Committee considered a report which detailed proposals to confirm, with modification, Tree Preservation Order (No.2) 2021, relating to trees on land at 1A College Road, Bromsgrove, Worcestershire, B60 2NE.

The Senior Arboricultural Officer provided a detailed presentation, and in doing so drew Members' attention to the recommendation, as detailed on page 35 of the main agenda report.

Officers further informed the Committee that the provisional order was raised on 29<sup>th</sup> January 2021, as detailed in Appendix 1, in response to planning application 19/00894/PREAP. The layout submitted for this application would have required the loss of trees T2 Magnolia and T3 Golden Foliage Chamaecyparis Conifer of the provisional order.

Since the raising of the order this preapplication had progressed to become Planning Application 20/01574/OUT. The site layout plan of the

existing and proposed layout of this application were detailed at Appendix 3., which still required the loss of T2 Magnolia, but allowed for the retention of T3 Golden Foliage Chamaecyparis Conifer.

Officers drew Members' attention to the objection received from A. Marlow Consulting Limited Arboricultural report, as detailed at Appendix 4, and his comments in relation to the points raised, as detailed on pages 36 and 37 of the main agenda report.

Councillor S. P. Douglas raised her concerns, having visited the site. Councillor Douglas commented that she had looked up magnolias and the definition was tree/shrub and in her opinion this tall magnolia was a tree, as it was growing from a trunk.

Councillor Douglas proposed that Members considered the original TPO whereby the magnolia was protected.

Officers responded to questions with regards to the difference in the longevity scoring, as detailed in the officers TEMPO, Appendix 5 to the report, and the TEMPO submitted on behalf of Marlow Consulting Limited, as detailed on pages 80 and 81 of the main agenda report,

Officers stated that there was an element of subjectivity and that opinions would vary. He had based his evidence on the age, condition and constraints for future development of the trees.

In response to Councillor P. J. Whittaker, officers highlighted that pre-planning application 19/00894/PREAPP would have required the loss of trees T2 – Magnolia and T3 - Golden Foliage Chamaecyparis Conifer. Outline planning application 20/01574/OUT, still required the loss of the T2 - Magnolia, but allowed for the retention of T3 - Golden Cypress.

Officers further highlighted that planning permission had been granted for planning application 20/01574/OUT, with the removal of T2 – Magnolia, and that planning permission would override a TPO.

Councillor Douglas further commented that she was not aware that planning permission had been granted, however, she would still like to see the Magnolia protected by a TPO.

An alternative recommendation was proposed and seconded that provisional Tree Preservation Order (2) 2021 on Land at 1a College Road, B60 2NE was not confirmed with modification.

On being put to the vote, the alternative recommendation was lost.

**RESOLVED** that provisional Tree Preservation Order (2) 2021 on Land at 1a College Road, B60 2NE be confirmed with modification as detailed in the provisional order as raised and shown at Appendix 2 to the report.

8/21

**20/00643/FUL - FULL PLANNING PERMISSION FOR THE USE OF LAND FOR THE STATIONING OF 90 STATIC RESIDENTIAL PARK HOMES FOR THE OVER 55S, WITH ASSOCIATED PARKING, INTERNAL SERVICE ROADS, AND LANDSCAPING AND ACOUSTIC FENCE TO THE NORTH, EAST AND WEST BOUNDARIES - CORBETT BUSINESS PARK, SHAW LANE, STOKE PRIOR, BROMSGROVE, WORCESTERSHIRE, B60 4EA - MONGOOSE LIMITED**

This application was deferred and would be brought back to a future meeting of the Planning Committee.

9/21

**21/00090/FUL - PROPOSED EXTENSIONS TO DWELLING - 29 NEWFIELD ROAD, HAGLEY, STOURBRIDGE, WORCESTERSHIRE, DY9 0JR - MR. C. REES-COOKE**

Officers clarified that the Application had been brought to the Planning Committee for consideration at the request of Councillor S. Colella, Ward Councillor.

Officers presented the report and in doing so informed the Committee that, the detached three bedroomed property was situated to the northern side of Newfield Road, Hagley, adjoining No. 29's boundary to the west was the semi-detached 2 storey dwelling No. 27 Newfield Road and to the east, No. 31 Newfield Road.

The property had been extended in the past by means of a largely flat roofed garage extension and a later flat roofed lounge extension together with a loft conversion.

The existing floor plans and elevations, as detailed on pages 188 to 191 of the main agenda report; submitted with the application also showed a glazed conservatory to the rear, although this had been recently removed.

It was proposed, at ground floor level, on the site of a recently removed conservatory to extend the original rear wall of the property out to the rear by 4.54 metres to form a kitchen extension. In order to accommodate the extension, a small flat roofed extension, currently forming part of the existing kitchen area would be demolished.

The extension to the rear would extend out to the furthest part of the existing lounge area, itself, as extended under planning application B/8049/1980. Above this area it was proposed to create an additional bedroom.

Further, it was proposed to erect a first-floor extension to the side of the dwelling over the existing garage in order to create further bedroom accommodation. Within the existing first floor area which existed, bedroom 1 would remain, with the remainder of the space being converted to a dressing areas and ensuite bathroom.

Officers drew Members' attention to residential amenity and the objections received from No's 25, 27, 31 and 36 Newlands Road which had been summarised on pages 171 and 172 of the main agenda report.

Officers highlighted that, the presentation slides, as detailed on pages 194 and 915 of the main agenda report, provided diagrams to show the extent of extensions which could be added to the property both to the rear and to the side (as single storey extensions) without the occupier needing to apply for planning permission.

The Councils SPD advised that two storey extension proposals (excluding single storey extension proposals) be assessed against the 45 degree line guidance. The 45 degree line guidance derived from the Building Research Establishment (BRE) guidelines "Site Layout Planning for daylight and sunlight".

At the invitation of the Chairman, Mr. M. Muir, Mrs A. Scott addressed the Committee in objection to the Application. Mr. C. Rees-Cooke the Applicant and Ms. S. Lawrie his partner and Mr. A. Marston, Planning Agent also addressed the Committee.

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

Members commented that the area had different sized and shaped properties, and that the proposal would improve and enhance the street scene.

Officers responded to questions from Members with regards to the 45 degree line (guidance) and reiterated that as detailed in the report the proposal would not harm the residential or visual amenity.

**RESOLVED** that Planning Permission be granted subject to the Conditions as detailed on pages 176 and 177 of the main agenda report.

10/21

**21/00312/FUL - PROPOSED DETACHED DWELLING HOUSE USING, PREVIOUSLY APPROVED ACCESS DRIVEWAY - 32 LICKEY SQUARE, LICKEY, BIRMINGHAM, WORCESTERSHIRE, B45 8HB - MR. P. NORTON**

Officers clarified that the Application had been brought to the Planning Committee for consideration at the request of Councillor J. E. King, Ward Councillor.

Officers drew Members' attention to the Relevant Planning History, as detailed on page 200 of the main agenda report and in doing so, informed the Committee that, with regard to Planning Application 19/01388/FUL, this was post adoption of the Neighbourhood Plan and that significant weight had been given to it by the Planning Inspector. The presentation slide, as detailed on page 23 of the main agenda report, detailed the development allowed at appeal.

Members were further informed that under consideration of planning application 20/00759/REM (Reserved Matters for 5 dwellings) to the rear of 32 to 36 Lickey Square, the density of development on the site as a whole (5 rather than 3 which would occur if planning permission were to be granted under this application) was much higher, with gardens serving the dwellings being relatively modest in comparison. Here, the occupiers would benefit from a garden area measuring approximately 400m square metres in area, which would greatly exceed the Council's minimum requirement as set out in the High-Quality Design SPD which was 70 square metres and 10.5m garden length. Therefore, officers were of the view that the proposed dwelling would experience acceptable access to light and would not put remaining trees at undue risk of pruning in the future.

Officers highlighted that both Worcestershire County Highways and the Arboricultural Officer had raised no objections.

Officers further drew Members' attention to the Residential amenity considerations, as detailed on pages 203 and 204 of the main agenda report.

At the invitation of the Chairman, Dr. P. Ollis addressed the Committee in objection to the Application. Mr. D. Jones, Planning Agent addressed the Committee on behalf of the Applicant and Mr. S. Knock addressed the Committee, in objection to the Application, on behalf of Lickey and Blackwell Parish Council.

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

Officers responded to questions from Members with regards to the objections raised in respect of the separation distance and explained that the Council's High Quality Design Supplementary Planning Document (SPD) served as a guide to calculate the appropriate separation distance between habitable windows of properties that directly faced each other. It specified that a minimum separation distance of 21 metres was required where existing and proposed habitable rooms windows directly faced each other. Further details on separation distance were detailed under 'residential amenity considerations' on pages 203 and 204 of the main agenda report.

Members commented that the Appeal allowed 2 detached dwellings under Planning Application 19/01388/FUL.

Officers further responded to questions regarding the proposed rear orangery.

**RESOLVED** that Planning Permission be granted subject to the Conditions as detailed on pages 205 to 208 of the main agenda report.

At this point in the proceedings the Chairman announced that the meeting be adjourned in order for everyone to take a comfort break.

Accordingly, the meeting stood adjourned at 19:50pm and reconvened at 20:00pm.

11/21

**20/01502/FUL - INTERNAL WORKS TO FACILITATE A NEW MEZZANINE LEVEL IN THE STORAGE AND DISTRIBUTION BUILDING, APPROVED UNDER THE RESERVED MATTER, CONSENT 19/00619/REM - REDDITCH GATEWAY, LAND ADJACENT TO THE A4023, COVENTRY HIGHWAY, REDDITCH, WORCESTERSHIRE - MOMENTUM PROJECTS LIMITED**

Officers informed the Committee that following the approval of Planning Application references 19/01545/REM (Stratford-on-Avon District Council) and 19/00619/REM (Bromsgrove District Council), further approval was being sought for the provision of internal works to facilitate a new mezzanine level in the storage and distribution building.

The applicant was seeking permission for the installation of a free-standing heavy mezzanine platform and a lightweight mezzanine comprising a total of 23,678sqm. The applicant had advised that heavy mezzanine would be used for purposes directly associated with the approved Class B8 usage to improve the internal functioning of the business. The lightweight mezzanine would support the conveyors which would be used to move goods and products.

Members' attention was drawn to the Highways – Bromsgrove response, Highway Impact, as detailed on page 156 of the main agenda report and Traffic as detailed on page 162 of the main agenda report.

Officers further drew Members' attention to Condition 3, as detailed on page 163 of the main agenda report,

Officers explained that due to the recent Covid-19 pandemic, construction hours had been relaxed in order to allow for longer working hours. This had worked successfully over the last few months. The mezzanine was inside the building and would improve the internal function of the approved warehouse building. No other building works were proposed that would increase the floor area.

The application was made as a stand-alone full application so as not to affect the residual amount of floor area, not currently built out and permitted under the earlier outline and extant s73 permissions, which could be drawn upon in respect of the as yet undeveloped southern parcel, in due course.

**RESOLVED** that Planning permission be granted, subject to the Conditions as detailed on pages 163 and 164 of the main agenda report.

12/21

**21/00204/FUL - REDEVELOPMENT OF BUILDER'S YARD SITE TO PROVIDE 2 NO. SEMI-DETACHED DWELLINGS AND ASSOCIATED VEHICULAR ACCESS AND LANDSCAPING - LAND TO THE REAR OF REDHILL PLACE, HUNNINGTON, B62 0JR - MR. C. MYATT**

Officers clarified that the Application had been brought to the Planning Committee for consideration at the request of Councillor K. May, Ward Councillor.

Officers presented the report and explained that the application site was a rectangular piece of land accessed off Redhill Place, a cul-de-sac on the western side of Bromsgrove Road, in Hunnington.

The most recent use of the site was a builder's yard, and the lawfulness of this use had been confirmed by a certificate of lawfulness.

The current proposal was a full planning application for the redevelopment of the site in order to provide two semi-detached three-bedroom dwellings, with associated parking.

The site lay within the Green Belt and therefore the material planning considerations with this application were whether the proposal would constitute inappropriate development within the Green Belt, the impact on the openness of the Green Belt, the sustainability of the location of the site, residential amenity, as well as a number of technical matters.

Paragraph 145 of the NPPF states that the construction of new buildings in the Green Belt should be considered inappropriate, save for a number of exceptions. Most relevant to this proposal were exceptions 145(e) and 145(g), which respectively allowed for limited infilling in villages and for partial or complete redevelopment of previously developed land that would not have a greater impact on the openness of the Green Belt. Policy BDP4.4(f) and BDP4.4(g) of the Bromsgrove District Plan broadly reiterated these policies within the NPPF.

With regards to limited infilling within a village, the NPPF did not define the term "village". However, Policy BDP2 of the Bromsgrove District Plan (BDP), provided a settlement hierarchy which listed "large" and "small" settlements within the district. Hunnington, the location of the proposal site, was not listed as a settlement within this hierarchy and was not defined by a settlement boundary on the proposals map.

Although there was a cricket club and the former Bluebird Factory to the north of Hunnington, there was a distinct absence of services and facilities that you would reasonably expect to find within a village, namely; shops, pubs, schools or a village hall. Having regard to the particular characteristics of the local area it was therefore concluded that the proposal site did not form part of a village.

In terms of the walls, gates and blockwork storage bay on site, which were included within the certificate, a previous appeal decision in



relation to walls and gates confirmed that these types of structures should be considered a building, as Section 336 of the Town and Country Planning Act, 1990 defined “buildings” to include “any structure or erection”.

Further to the development being inappropriate by definition, the substantial combined footprint of the two dwellings, which would measure 127 square metres and the height of the two dwellings, which would measure 8.6 metres, would have a significant impact on the openness of the Green Belt. As openness was the most important attribute of the Green Belt, substantial harm was attached to this.

Officers further drew Members’ attention to the comments received from Worcestershire County Highways, with regard to ‘Highways and Sustainability of Location’, as detailed on pages 230 and 231 of the main agenda report; and ‘Planning Balance, as detailed on page 234 of the main agenda report.

At the invitation of the Chairman, Mr. O. Rider, Planning Agent addressed the Committee.

The Committee then considered the Application, which had been recommended for refusal by Officers.

Members commented that far more traffic would going into / out of the builder’s yard.

Officers responded to questions from Members with regard to “infill” and in doing so stated that with regards to “infill” that there was no definition of this within the NPPF and also referred to linear frontages, as detailed on page 228 of the main agenda report.

In response to further questions from Members, Officers clarified that Hunnington was not defined in the Bromsgrove District Plan as a settlement/village.

Members commented that several letters of local support had been received.

Some Members were familiar with the area and were not convinced that the site was unsustainable.

Whilst Members fully understood and appreciated that Officers were following planning guidance and legislation; they did however debate as to who would be affected by the harm to openness in the Green Belt and its unsustainable location.

Having considered the Officer’s report, the information provided by the public speaker, Members were of the view that the area was sustainable and that there were plenty of nearby facilities, which were also within walking and cycling distance.

Members commented that the design of the dwellings were appropriate and that they believed in the sustainability of the site and that there would not be any harm caused to the openness of the Green Belt.

Members were therefore minded to approve the application.

**RESOLVED** that Planning Permission be granted, subject to relevant Conditions and Informatives as appropriate.

13/21

**20/00443/FUL - GLAZED SUN ROOM (PART RETROSPECTIVE) - REMOVE SLOPED ROOF AND REPLACE WITH FLAT ALUMINIUM-FRAMED GLAZED ROOF, RETAINING THE REMAINING STRUCTURE AS EXISTING - FOUR STONES RESTAURANT, ADAMS HILL, CLENT, STOURBRIDGE, WORCESTERSHIRE DY9 9PS - MESSRS AS, BS AND BS BHANDAL**

Officers presented the report and highlighted that Planning Permission was granted under planning application 16/0403/FUL for 'Demolition of front sunroom and replace with new flat roof sunroom'.

The development had been implemented on site, but not in accordance with the approved drawing, as detailed on page 260 of the main agenda report. The replacement to the original sunroom/conservatory had included a dominant roof structure.

Retrospective permission was sought under planning application 17/00646/FUL to regularise the development. However, the proposal had raised issues associated with the site's location in the Green Belt and within the Clent Conservation Area and was subsequently refused. The applicant had appealed the decision, but the appeal was subsequently dismissed.

Following on from the dismissed appeal, the Council had taken enforcement action in respect to the unauthorised structure. The applicant made three appeals against the enforcement notice. The enforcement appeals were initially dismissed however, the appellant challenged the decisions in the High Court on a procedural matter. The High Court challenge was successful, and the Court had ordered the Planning Inspectorate to re-determine the enforcement appeals.

In the meantime, the applicant was also looking at alternative approaches to resolve the enforcement matter and this application was a scheme showing modifications to the sunroom to address the refusal reasons of planning application 17/00646/FUL. The modifications included the removal of the pitched roof, canopy and supports, and replacing with a lower flat roof.

Due to the unauthorised nature of the current development on site, a Legal Agreement was proposed for this scheme to ensure that the replacement works were carried out within a limited timeframe. Given

the enforcement issues on this site, it would be appropriate to ensure the works that formed part of this application were carried out promptly within a suitable timeframe from the date of this permission. Although it was noted that the Hearing date for the enforcement appeal was fixed for 24 August 2021 and the date of the decision of the enforcement appeal was likely to be within a couple of months of the date of the Hearing.

The applicant was agreeable to a Legal Agreement and such an Agreement was currently in the process of being drafted.

An unauthorised structure existed on site at present. The works proposed under this application would be an acceptable solution to resolving the unauthorised works on site. The modifications would be more in keeping with the building and as such would be acceptable in a Conservation Area setting, whilst the scale of the development would be reduced having minimal harm on the openness of the Green Belt. The modifications proposed for the sunroom were acceptable and would be in accordance with policies in the District Plan and the NPPF.

Officers provided a verbal update, in that there had been a minor change to Condition 3, in that the materials had been included on the proposed plan. Officers further clarified that should planning permission be granted, that the Applicant would have six months to complete the work in accordance with the Legal Agreement.

**RESOLVED** that Planning Permission be granted, subject to the minor change to Condition 3, as detailed in the preamble above; and Conditions 1 and 2, as detailed on pages 254 and 255 of the main agenda report.

The meeting closed at 8.50 p.m.

Chairman

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