

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 5TH DECEMBER 2022, AT 6.03 P.M.

PRESENT: Councillors H. J. Jones (Chairman), A. D. Kriss (Vice-Chairman),
A. J. B. Beaumont, G. N. Denaro, A. B. L. English, J. E. King and
C. J. Spencer

Officers: Mr. R. Keyte, Mr. D. M. Birch, Mr. P. Lester,
Ms. J. Chambers, Mr. D. Kelly and Mrs. P. Ross

25/22

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

Apologies for absence were received from Councillors S. P. Douglas, M.
Glass, P. M. McDonald and M. A. Sherrey.

26/22

DECLARATIONS OF INTEREST

Councillor A. B. L. English declared in relation to Agenda Item No.8 -
(Planning Application – 22/01241/S73 - Attwell Farm Park, Seafield
Farm, Seafield Lane, Portway, Redditch, Worcestershire, B98 9DB), in
that she would be addressing the Committee for this item as Ward
Councillor under the Council's public speaking rules. Prior to the
consideration of this item Councillor A. B. L. English was asked to leave
the meeting room.

Councillor J. E. King declared in relation to Agenda Item No.5 -
(Planning Application – 22/00803/FUL – The Keepers, 6A St.
Catherine's Road, Blackwell, Worcestershire, B60 1BN), in that she
would be addressing the Committee for this item as Ward Councillor
under the Council's public speaking rules. Prior to the consideration of
this item Councillor J. E. King was asked to leave the meeting room.

Councillor A. J. B. Beaumont declared in relation to Agenda Item No.7 -
(Planning Application – 22/01137/S73 – The Barn, Woodman Lane,
Clent, Stourbridge, Worcestershire, DY9 9PX), in that he knew the
applicant. Councillor A. J. B. Beaumont left the meeting room prior to
the consideration of this item.

It was noted that all Members present at the meeting declared Other
Disclosable Interests in Agenda Item 7 (Planning Application
22/01137/S73 - The Barn, Woodman Lane, Clent, Stourbridge,

Worcestershire, DY9 9PX), in that they were all aware that the Applicant, Ms J. Willetts was the partner of a District Councillor.

27/22

MINUTES

The minutes of the Planning Committee meeting held on 10th October 2022 were received.

That the minutes be amended at Minute No. 20/22, in that Councillor A. B. L. English was asked to leave the meeting room prior to the Officer's report and presentation commencing, for Planning Application 22/00801/FUL – Seafeld Farm, Seafeld Lane, Portway, Redditch, Worcestershire, B98 9DB.

RESOLVED that, subject to the amendment as detailed in the preamble, that the minutes of the Planning Committee meeting held on 10th October 2022, be approved as a correct record.

28/22

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING (TO BE CIRCULATED PRIOR TO THE START OF THE MEETING)

The Chairman announced that a Committee Update had been circulated to all Planning Committee Members and asked all Members if they had received and read the Committee Update.

All Members agreed that they had received and read the Committee Update.

29/22

22/00803/FUL - AMENDMENTS TO PREVIOUSLY APPROVED DWELLING HOUSE (21/01086/FUL) INCLUDING AN ATTACHED GARAGE, A REAR ORANGERY, INTERNAL ALTERATIONS INCLUDING THE CREATION OF A 2ND FLOOR AND CHANGES TO THE FRONT AND REAR FENESTRATION - THE KEEPERS, 6A ST CATHERINE'S ROAD, BLACKWELL, WORCESTERSHIRE, B60 1BN - MR. A. KEAY

Officers drew Members' attention to the Committee Update, which referred to the appeal for this Application (APP/P1805/W/22/3290354) which was allowed on 7th November 2022; and that following the publication of the Planning Committee agenda on 25th November 2022, one further comment was received as follows:-

"This comment relates to the level of illumination from the central void windows of the dwelling in the front elevation and indicates that this has had a detrimental impact on the residents residing at 6 St. Catherine's Road".

Copies of the Committee Update were provided to Members and published on the Council's website prior to the commencement of the meeting.

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

Officers presented the report and presentation slides, as detailed on pages 15 to 26 of the main agenda report; and in doing so, highlighted that this was a retrospective planning application for amendments to the previously approved dwelling house (Planning Application 21/01086/FUL), and included an attached garage, a rear orangery, internal alterations, including the creation of a 2nd floor and changes to the front and rear fenestration.

The application related to a dwelling to the rear of 6 St. Catherine's Road, located on the eastern side of the road in the residential area of Blackwell. The plot of land historically formed part of the garden at number 6 but was subdivided some years ago. An existing access road runs along the northern boundary of number 6 to serve the application site. The site was bound to the north by the rear garden of number 8 and to the south by the rear gardens of numbers 4 and, in part, 4a. To the east was a field understood to be in the ownership of number 10, and to the west was the rear garden of number 6. An area Tree Preservation Order ((26) 2003) covered the site. Most of the plot was enclosed by a high concrete wall. The dwelling had now been completed and was occupied.

Officers drew Members' attention to the residential amenity issues, as detailed on page 11 of the main agenda report, and in doing so highlighted that; objections had been received in respect of overlooking, overbearing, loss of light, and outlook. It was noted that objections regarding the loss of amenity had been raised throughout the application. Ultimately, the applicant's approach to building the dwelling through retrospective planning applications had not assisted in reducing residents' concerns regarding this matter.

Officers further highlighted the background information, as detailed on pages 9 and 10 of the main agenda report; with particular reference to the disputed condition regarding the permitted development rights being removed and the comments made by the Planning Inspector in their assessment.

Following reassessment officers were now satisfied that the previous reason for refusal could not be substantiated. The dwelling as built was acceptable in character and appearance and was not out of scale when compared to other dwellings. The application should therefore be approved.

At the invitation of the Chairman, the Council's Legal Advisor read out a written speech on behalf of Mr. and Mrs. N. Suggett, in objection to the application. Councillor J. E. King, Ward Councillor, also addressed the Committee in objection to the application.

Members then considered the application, which officers had recommended that planning permission be granted.

Members referred to the comments received from the Planning Inspectorate, as detailed on page 10 of the main agenda report, in relation to character and appearance, the Inspector had indicated that

“The enlargement of the property, through the erection of extensions and outbuildings allowed by permitted development rights would not give rise to an overly large development in relation to the plot or harm the character and appearance of the area through loss of openness”.

Officers responded to a question from Members with regard to drainage and in doing so referred the Committee to Condition 3, as detailed on page 13 of the main agenda report.

In response to further questions from the Committee and in order to clarify queries with regard to the gable end, officers referred to the Dwelling Layout, Comparison Plans and both Approved Scheme presentation slides.

With regard to questions from Members about site visits, officers confirmed that they had visited the site with Enforcement officers, Worcestershire Regulatory Services; and that the evidence received from the agent on site levels was correct.

Members commented that whilst they sympathised with residents and the comments made by the Ward Councillor; they also had to be mindful of the comments received from the Planning Inspectorate.

Members were therefore minded to approve the application and on being put to the vote it was

RESOLVED that Planning Permission be granted, subject to the Conditions as detailed on pages 12 and 13 of the main agenda report.

30/22

22/01114/FUL - DEMOLITION OF A WAREHOUSE AND REPLACEMENT WITH AN AGRICULTURAL BUILDING FOR VERTICAL FARMING - UNITS 2B TO 2D, OAKLAND, SEAFIELD LANE, PORTWAY, WORCESTERSHIRE, B98 9DB - GREEN CLOVER DEVELOPMENTS LIMITED

Officers presented the report and presentation slides, as detailed on pages 37 to 45 of the main agenda report; and in doing so, informed the Committee that the application sought the demolition of a warehouse and replacement with an agricultural building for vertical farming.

The application site (Oakland International) was located on the east side of Seafield Lane approximately 650m north of the junction of Seafield Lane with the B4101 Beoley Lane leading onto the A435. The Oakland

site comprised of a number of categories of buildings ranging from modern purpose built storage and distribution buildings to the immediate north and south of the application site.

Members questioned officers in relation to whether the proposed building would have regeneration facilities. Officers explained that there were other cold store facilities available at the Oakland site but that the building subject to the application would have a controlled ambient temperature to ensure optimum growing conditions.

RESOLVED that Planning Permission be granted, subject to the Conditions as detailed on pages 33 to 35 of the main agenda report.

31/22

22/01137/S73 - REMOVAL OF CONDITION 3 (PERMITTED DEVELOPMENT RIGHTS) AND VARIATION OF CONDITION 6 (CONSERVATION ROOFLIGHTS) OF PLANNING APPROVAL 21/01248/FUL SINGLE STOREY SIDE EXTENSION - THE BARN, WOODMAN LANE, CLENT, STOURBRIDGE, WORCESTERSHIRE DY9 9PX - MS. J. WILLETTS

Prior to the consideration of this item, the meeting stood adjourned from 18:35 pm. to 18:37 p.m. whilst Councillor A. D. Kriss took a comfort break.

Officers presented the report and presentation slides, as detailed on pages 61 to 71 of the main agenda report; and in doing so, highlighted that this was an application for the removal of Condition 3, Permitted Development Rights and a variation of Condition 6, Conservation Rooflights of Planning Application 21/01248/FUL single storey side extension.

Officers provided additional slides (photographs) at the request of the Applicant.

Officers drew Members' attention to the Location Plan and Aerial View slide, as detailed on page 62 of the main agenda report.

Officers highlighted that the Barn was originally granted permission for conversion into a dwelling in 1975. At this stage, Permitted Development Rights were not removed.

After the initial conversion an application for a bedroom and bathroom extension was subsequently approved in 1981, but again this pre-dated the current guidance and therefore PD Rights remained intact. This was followed by approval in November 2021 under reference 21/01248/FUL for a single storey side extension, whereby it was considered that in order for the extension to be acceptable in planning terms, certain permitted development rights needed to be removed and that in accordance with Paragraph 54 of the NPPF, there was a clear reason to do so.

Whilst the applicant had suggested that the removal of permitted development rights was unreasonable, as detailed on page 49 of the main agenda report, the LPA considered that the site-specific circumstances in this case warranted the condition to be retained. The implementation of these permitted development rights, without careful control, could harm the visual amenity of the area. Furthermore, it could harm the openness of the Green Belt.

Officers drew Members' attention to the comments received from the Conservation Officer, as detailed on page 47 of the main agenda report.

At the invitation of the Chairman, Ms. J. Willetts, the Applicant, addressed the Committee.

Members then considered the application, which officers had recommended that planning permission be refused.

Members referred to the comments received from the Conservation Officer with regard to the rooflights and that top hung rooflights were more suitable to preserving the appearance of a converted agricultural building. Members commented that the barn was well set back from Woodman Lane and that no representations had been received from any nearby neighbours.

At the request of the Committee, officers referred to the Rooflight Images slide, as detailed on page 71 of the main agenda report.

Some Members further commented that they were in agreement with the Applicant, that the new rooflights should match the existing rooflights. Councillor A. D. Kriss further added that he had conducted a site visit and had noticed that you could see all the rooflights which were quite predominate, so he could see why different rooflights would look odd. He was aware that the barn was a Non-Designated Heritage Asset; but felt that it should be seen to be in keeping with the existing building. He would agree with the Conservation Officer if the building was a Grade II listed building.

In response to questions from Members with regard to voting on each Condition separately, Officers clarified that the application required Members to make one decision only.

Members further debated the removal of Condition 3, Permitted Development Rights. Officers further reiterated that by reinstating permitted development rights further work could be carried out. Officers reminded the Committee that, currently the Barn had reached its upper limit of proportionate additions in an overall percentage increase of 33.63% over and above the original, which was close to the 40% upper limit in the Green Belt.

Councillor G. N. Denaro proposed an Alternative Recommendation, seconded by Councillor A. D. Kriss, that planning permission be granted.

On being put to the vote it was

RESOLVED that planning permission be granted subject to the Conditions which must be complied with, to be set out in the Grant of Section 73 Planning Permission Decision Notice.

32/22

**22/01241/S73 - VARIATION OF CONDITION 8 PLANNING PERMISSION
19/01544/FUL - VARIATION OF OPENING HOURS TO VISITING
MEMBERS OF THE PUBLIC - ATTWELL FARM PARK, SEAFIELD
FARM, SEAFIELD LANE, PORTWAY, REDDITCH WORCESTERSHIRE -
MR. M. ATTWELL**

Officers presented the report and presentation slides, as detailed on pages 83 to 85 of the main agenda report; and in doing so informed Members that the application sought the variation of Condition 8 planning permission 19/01544/FUL – Variation of opening hours to visiting members of the public.

The application sought to amend condition 8 attached to 19/01544/FUL to the following:

- 9:00am and 5:00pm school term time
- 9:00am and 6:00pm weekends and school holidays
- Special occasions hours to suit the requirements of various seasonal events for example:

Halloween
Easter
Christmas
and other national events that may be applicable e.g.
Jubilee

An appropriate revision to Condition 8 was considered to be:

Visiting members of the public shall be limited to between:

9:00am and 5:00pm Monday – Friday on non-official school holidays authorised by the Local Education Authority in the Bromsgrove District Council area (currently Worcestershire County Council).

9:00am and 6:00pm Saturday and Sunday and official school holidays authorised by the Local Education Authority in the Bromsgrove District Council area (currently Worcestershire County Council) which officers felt were acceptable and proportionate.

Officers referred to the Planning Balance, as detailed on page 78, and material planning considerations, as detailed on pages 76 and 77 of the main agenda report.

Officers drew Members' attention to the comments received from Councillor A. B. L. English, Ward Councillor, as detailed on page 74 of the main agenda report.

At the invitation of the Chairman, Councillor A. B. L. English addressed the Committee in objection to the proposed hours.

Councillor A. D. Kriss questioned if the hours as suggested by Councillor A. B. L. English, as detailed on page 74 of the main agenda report, could be implemented?

Officers commented that it would be for Members to decide.

In response to a query with regard to Condition 10, as detailed on page 81 of the main agenda report, the officer, Highways, Worcestershire County Council; responded and informed the Committee that highways had requested the secure motorcycle parking spaces in order to ensure that there was secure facilities.

Members were in agreement that this was a small business which needed to be supported, therefore Members were minded to grant the application.

RESOLVED that planning permission be granted, subject to the Conditions as detailed on pages 79 to 81 of the main agenda report.

The meeting closed at 7.08 p.m.

Chairman