

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 19TH FEBRUARY 2024, AT 6.00 P.M.

PRESENT: Councillors H. J. Jones (Chairman), M. Marshall (Vice-Chairman), A. Bailes, D. J. A. Forsythe, E. M. S. Gray, B. McEldowney, J. Robinson (For Minute Nos 50/23 to 52/23), J. D. Stanley, S. T. Nock and S. R. Peters

Officers: Mr. D. M. Birch, Mr. A. Hussain, Mr. G. Boyes, Mr. S. Edden, Mrs. S. Hazlewood and Mr. G. Day

46/23 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies were received from Councillors R. E. Lambert and S. J. Baxter with Councillors S. T. Nock and S. R. Peters in attendance as substitutes respectively.

Apologies were also received from Councillor D. G. Stewart.

47/23 **DECLARATIONS OF INTEREST**

Councillor J. Robinson declared a non-pecuniary interest in agenda item 7 (Minute No 52/23) - 23/01346/FUL, Oakland International Ltd, Seafeld Lane, Beoley, having had previous correspondence with the applicant. Councillor J. Robinson left the meeting room for the duration of the item and took no part in the Committee's consideration nor voting on this matter.

48/23 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON 11TH DECEMBER 2023**

The minutes of the Planning Committee meeting held on 11th December 2023, were received.

RESOLVED that the minutes of the Planning Committee meeting held on 11th December 2023, be approved as a correct record.

49/23 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING (TO BE CIRCULATED PRIOR TO THE START OF THE MEETING)**

The Chairman announced that there were no Committee Updates.

50/23

TPO (21) 2023 - TREES ON LAND AT 29A TWATLING ROAD, BARNT GREEN, WORCESTERSHIRE, B45 8HY

The Committee considered a report which detailed proposals to confirm, without modification, Tree Preservation Order (TPO) (21) 2023, relating to Trees on the land at 29A Twatling Road, Barnt Green, Worcestershire, B45 8HY.

The Senior Arboricultural Officer provided a detailed presentation, and in doing so drew Members' attention to the recommendation, as detailed on page 13 of the main agenda report.

The Officer further informed the Committee that the provisional order was raised on 19th October 2023, as detailed in Appendix 1 to the report, as a result of a mature Cedar tree being recently removed from the rear garden of the property. Concerns were raised that a number of other trees were at risk.

A T.E.M.P.O survey was carried out by The Senior Arboricultural Officer, who identified 10 trees on the property which met the criteria for a TPO, the findings were detailed in Appendix 2 on page 23 of the main agenda report.

The Officer referred to the letter received from Irwin Mitchell Trust Corporation, as detailed at Appendix 3 to the report. The objection sought to prevent TPOs being raised on two trees, T1 a mature Pine tree at the front of the property and T9 a mature Wellingtonia at the rear of the property. The objection stated that the removal of T1 and T9 were required to undertake building works, to assist with accessibility for a disabled child living at the site.

Officers stated that both trees were highly prominent and clearly visible from Twatling Road and were both of very high quality, in particular T9. Therefore, T1 and T9 both provided a high degree of visual amenity to the area.

At the invitation of the Chairman, Mrs Kelly Jones, Resident at 29A Twatling Road, addressed the Committee in objection to TPO (21) 2023.

Members then considered the TPO.

Officers responded to questions from the Committee with regards to the interaction between planning applications and TPOs and in doing so stated that the presence of a TPO would not, in itself, prevent a planning application being approved. Applications assess a number of factors including any TPOs, if on balance, planning permission were granted, it would override the TPO.

Members sought clarity regarding the information request that the property owners sought during their recent purchase, which detailed no TPOs on the site. Officers responded that an information request was a

regularly occurring administrative exercise which detailed whether there were any records of current TPOs present on the site, the exercise does not trigger a site visit or assessment of the site.

Members were sympathetic to the property owners who had previously carried out their “due diligence” to check for TPOs on the site, however, Members were concerned with the potential loss of the Trees on the site if the TPOs were not raised.

On being put to the vote, it was

RESOLVED that provisional Tree Preservation Order (21) 2023, relating to trees on the land at 29A Twatling Road, Barnt Green, Worcestershire, B45 8HY, be confirmed without modification and made permanent, as raised and shown at Appendix 1 to the report.

51/23

23/01121/FUL - DEVELOPMENT OF A NEW COMMUNITY PAVILION WITH ASSOCIATED PUBLIC REALM AND A 4 STOREY MIXED USE COMMERCIAL BUILDING, CONTAINING OFFICE SPACE AND FOOD AND BEVERAGE FACILITIES. PUBLIC REALM IMPROVEMENTS INCLUDE OUTDOOR PUBLIC SPACE AND THE UN-CULVERTING IN PART OF SPADESBOURNE BROOK. LAND AT ST JOHN STREET, BROMSGROVE, WORCESTERSHIRE. SHANE CARROLL

Officers presented the report, which highlighted that the application was for the development of a community pavilion with associated public realm works and a 4 storey mixed use commercial building.

Officers referred to the Site Location Plan, as detailed on page 64 of the main agenda report. Officers further detailed that the majority of the land was owned by Bromsgrove District Council and that appropriate notice had been given to Worcestershire County Council (WCC) and the landowner for St. John Street Car Park.

Officers drew Members’ attention to the proposed site plans as detailed on pages 68 of the main agenda report, in which development was sought for the erection of two buildings. A two-storey pavilion building was situated on the eastern part of the site and a four-storey mixed use/office block on the western side. Both buildings featured a bronze standing seam cladding finish, with the lowest floor of the larger 4 storey building constructed in blue brick.

Officers stated that the principal of development of the site was supported by policies within the Bromsgrove District Plan, and no objections had been received from statutory consultees relating to the detail of the proposal, therefore, Officers recommended the application for approval.

At the invitation of the Chairman, Mr. T. Kidsley, local resident and Mrs B. Smith, Agent for the scheme, addressed the Committee.

Officers clarified the following points in response to questions from Members.

- That the mixed-use office building would accommodate people over 4 floors and that the plant would be situated above on the roof.
- WCC, Highways were content with the amount of parking within the area and that their assessment had taken into account future developments and planned closures, therefore the parking was deemed adequate.
- There was a servicing arrangement proposed for delivery vehicles accessing the site. This was via a one way system which would include using a banksman. All delivery and service vehicles would be outside the operational hours of the building.
- There were no water voles found on the site, however, some were identified in the locality.
- Market testing had been undertaken to identify suitable tenants for the proposed building and it was identified that additional office space was required in the area.

Members expressed a concern regarding the copper cladding proposed for the development, including its visual suitability for the local area and how it would weather over time. Members enquired as to whether any additional Conditions could be added to safeguard future maintenance of the proposed finishing. It was detailed by Officers that it was not possible to include additional Conditions for this purpose, as it would not be possible to make such Conditions specific enough to be effective. Officers further clarified that any future maintenance of the building would be an operational matter and was not a planning consideration.

Members expressed some concern over the number of floors described in the application and the impact it had on the surrounding views. Officers clarified that the accommodation and office suites would be located over 4 floors with the plant being housed on the roof. Officers further assured Members that the Conservation Officer had been consulted with and had examined this concern and had raised no conservation objections to the scheme.

Members identified the need to continue the development of Bromsgrove centre and that the striking design of the development served to celebrate the diversity in the area. The building could further serve as a focal point and attract visitors to the town.

On being put to a vote it was: -

RESOLVED that planning permission be granted subject to Conditions as outlined on pages 57 to 61 of the main agenda report.

52/23

23/01346/FUL - ERECTION OF FIVE BUILDINGS FOR STORAGE AND DISTRIBUTION AND ASSOCIATED HARDSTANDING (RETROSPECTIVE). OAKLAND INTERNATIONAL LTD, SEAFIELD LANE, BEOLEY, REDDITCH, B98 9DB. GREEN CLOVER DEVELOPMENTS LTD

Councillor J. Robinson, having declared an interest, retired from the meeting room for the agenda item and took no part in the debate or decision thereof.

Officers presented the report, which highlighted that the application was a retrospective application for the erection of five storage and distribution buildings and associated hardstanding.

Officers referred to the Site Plans as detailed on pages 100 to 105 of the main agenda report. The site was situated in the Green Belt and was retrospective in nature with the development having been undertaken between 2019 and 2022.

The 5 buildings detailed in the application were identified by Officers and numbered 10 to 14 in the public reports pack. Four of the buildings (number 10 to 13) were situated together and were of approximately similar size, the 5th building (14) was situated separately and was smaller in stature, details of the building size and elevations were outlined on pages 107 to 110 of the main agenda report.

Officers referred to the objections and representations submitted in that:

- Beoley Parish Council strongly objected to the application.
- Worcestershire County Council (WCC), Highway Authority, had no objection subject to Conditions, as detailed on page 83 of the main agenda report.
- 15 representations were received from members of the public, 6 in objection and 9 in support.

The main issues to be considered were outlined on page 90 of the main agenda report.

Point (i) "Whether the proposal amounts to inappropriate development in the Green Belt", was uncontested by the applicant and therefore Para 152 of the National Planning Policy Framework (NPPF) states that "inappropriate development is by definition harmful to the greenbelt and should not be approved unless in very special circumstances (VSC)". Officers informed Members that they should give the matter of the inappropriate development substantial weight in their decision.

Several factors had been promoted by the applicant as comprising benefits which could clearly outweigh the harm to the Green Belt (and any other harm) to comprise the VSCs necessary to approve inappropriate development. These were outlined on pages 92 to 95 of the main agenda pack and expanded on within the applicant's business plan.

Officers detailed that as sufficient evidence had not been presented which supported that the business would fail if the application was to be refused, the factors mentioned should be afforded only a moderate weight. However, these benefits must be weighed against the harm to the Green Belt.

Officers concluded that for this application, it was considered that the benefits of the proposals did not clearly outweigh the harm to the Green Belt, and consequently, VSC did not apply. Therefore, the Officer's recommendation was for refusal.

At the invitation of the Chairman, Mr. S. Foley, the applicant's representative and Mr A. Rock, Beoley Parish Council's Representative, addressed the Committee.

Members then considered the application.

Officers clarified the following points after questions from Members.

- The application was brought before Members and not determined by Officers under delegated powers as it was a development with over 1000 m sq of floor space and therefore had to be determined by Committee.
- That there was no relevant relaxation to the planning regulations under temporary changes during the Covid-19 pandemic which would support the application.
- The Parish Council described the buildings as 'temporary' although these were not described as such within report. Alternative buildings and their location had not been advanced by Oakland.

Members raised a number of concerns regarding the data used to assess the application, including the viability of the site, the traffic data being over 8 years old and vehicle counts being recorded outside of regular working hours. Members expressed the opinion that WCC, Highways should have raised an objection to the application due to their own assessment of the site being unsustainable. The WCC, Highway's Officer replied that they did not raise an objection due to there being no new posts created as part of the application, therefore, the impact due to the development in terms of highways matters was minor, especially considering the reduction in employees on the site since 2022.

The Chairman then referred to the Recommendation, as detailed on page 97 of the main agenda pack, and on being put to the vote it was:

RESOLVED that planning permission be refused for the reason as detailed on page 97 of the main agenda pack.

The meeting closed at 7.35 p.m.

Chairman