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Planning Committee
29th April 2024

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 29TH APRIL 2024, AT 6.00 P.M.

PRESENT: Councillors H. J. Jones (Chairman), M. Marshall (Vice-Chairman, in the Chair for Minute No. 66/23), A. Bailes, D. J. A. Forsythe, E. M. S. Gray, R. J. Hunter (substituting for Councillor J. Robinson), R. Lambert, B. McEldowney, J. D. Stanley and D. G. Stewart

Officers: Mr. D. M. Birch, Mr. A. Hussain, Ms. K. Hanchett, Worcestershire County Council, Highways, Ms. S Williams, Mr. D. Kelly and Mrs. P. Ross

Prior to the commencement of the meeting, the Chairman announced that she would be declaring an interest under Agenda Item Number 2 – Declarations of Interest, therefore the running order of the agenda was being changed as follows:-

Agenda Item Number 5 – 24/00110/FUL Former Altered Images, 80 Worcester Road, Bromsgrove, Worcestershire.

Agenda Item Number 4 – 23/00896/FUL Foxwalks Farm, Grafton Lane, Bromsgrove, Worcestershire, B61 7HB.

62/23

TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were received from Councillors S. M. Evans and J. Robinson, with Councillor R. J. Hunter in attendance as the substitute Member for Councillor J. Robinson.

63/23

DECLARATIONS OF INTEREST

Councillor H.J. Jones declared an Other Disclosable Interest, in relation to Agenda Item Number 4 (Minute No 66/23) – 23/00896/FUL – Foxwalks Farm, Grafton Lane, Bromsgrove, Worcestershire, B61 7HB. Stating that she was well acquainted with some of the members in the public gallery who were in attendance (for this item). Councillor H. J. Jones also mentioned that a family member was employed at a venue.

Councillor H. J. Jones left the meeting room for the duration of the item and took no part in the Committee's consideration nor voting on this matter.

64/23

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING

The Chairman announced that there was a Committee Update which had been circulated to Members prior to the meeting commencing, with a paper copy also made available to Members at the meeting.

Members indicated that they had had sufficient time to read the contents of the Committee Update and were happy to proceed.

65/23

24/00110/FUL - DEMOLITION OF THE EXISTING BUILDING AND ERECTION OF A NEW TEACHING FACILITY FOR BROMSGROVE SCHOOL TOGETHER WITH ASSOCIATED CAR PARKING, LANDSCAPING, DRAINAGE AND ACCESS. FORMER ALTERED IMAGES, 80 WORCESTER ROAD, BROMSGROVE, WORCESTERSHIRE, B61 7AG. BROMSGROVE SCHOOL

Officers drew Members' attention to page 8 of the Committee Update, which detailed the finalised puffin crossing maintenance contribution of £20,900.00. This figure was based on a 20-year maintenance period. The Committee Update was published on the Council's website and distributed to all Planning Committee Members prior to the meeting commencing.

Officers presented the report and in doing so highlighted that the application was for the demolition of the existing building and the erection of a new teaching facility for Bromsgrove School together with associated car parking, landscaping, drainage, and access, at the former Altered Images site on the Worcester Road.

Officers drew Members' attention to the presentation slides, as detailed on pages 86 to 97 of the main agenda pack.

The applicant was proposing to demolish the existing building and construct a 2.5 storey building to provide sixteen classrooms with associated ancillary rooms intended predominantly for sixth form students. The wing at the rear would serve functions such as career/university advice, and student break out space for group work.

The proposed teaching facility for Bromsgrove School would support the main senior school campus at Worcester Road. The school was planning to increase boarding accommodation on the main school campus by altering some existing teaching accommodation. Therefore, replacement teaching facilities were required.

The building had been designed to be in keeping with the Bromsgrove School campus and would be finished in red brick, with stone detailing beneath a pitched slate roof together with landscaped grounds including tree planting on the frontage to further enhance Worcester Road.

In terms of access, it was proposed to relocate the existing vehicular access and construct a new puffin crossing to safely link the existing school campus on the south-east side of Worcester Road to the site.

BDP17.1 of the District Plan referred to the Town Centre Zone as an area where significant change and conservation was needed to promote future development. All new development was required to be appropriate, in terms of scale, quantity and use, to the character and function of the Town Centre.

The former gym facilities had been closed for some time following on from a decline in gym membership and other gym facilities operating within the Town. The demolition of the building would enable the opportunity to provide a building that would add a visual enhancement to the Town including the provision of additional landscaping to soften the appearance of this part of Worcester Road.

Paragraph 131 of the NPPF (2023) stated that the creation of high quality, beautiful and sustainable buildings and places was fundamental to what the planning and development process should achieve. Good design was a key aspect of sustainable development, creating better places in which to live and work and helped make development acceptable to communities.

Officers further stated that it was considered that the scheme would not conflict with the existing retail core of the Town Centre and would support the wider enhancement of the Town Centre. The proposal would complement the linear nature of the Town Centre providing an accessible, attractive, active frontage, sympathetic to the local character of the area along Worcester Road. In addition, the provision of additional formal tree planting would be an enhancement and improve the visual appearance of this area of the town. As such the proposal would be in accordance with Policy BDP17 of the District Plan, and the NPPF.

There were no objections from the Conservation Officer. The site did not fall within the Town Centre Conservation Area; however, it was near Thomas Cookes House and 87 & 87A Worcester Road, all Grade II listed. Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 required special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possessed.

Officers referred to Highways Matters, specifically the new puffin crossing, new access, and the associated Traffic Regulation Order, as detailed on pages 74 and 75 of the main agenda pack.

The Committee then considered the Application which officers had recommended that Planning Permission be granted.

In response to questions from a Committee Members, Officers clarified that Bromsgrove School would be responsible for the maintenance of

trees within the site, and that solar panels would be installed, as shown on the 'Bird's eye view of building' slide on page 97 of the main agenda pack.

With regards to a question raised about Condition 3 – details of the form, colour, and finish of the materials; officers stated that they had a good background of working with Bromsgrove School. Bromsgrove School had a good reputation for providing attractive buildings with a good quality material finish. Any potential breaches of conditions would be looked into on a case by case basis.

Officers further clarified that EV chargers came under Building Regulations and was not a planning consideration.

Members raised the following query, which was should there be a Condition to include the provision of (two) motorcycle parking provision and a Travel Plan, as referenced within Worcestershire County Council (WCC), Streetscapes Design Guide?

The Worcestershire County Council (WCC) Highways officer apologised and stated that there should have been a Condition for (two) motorcycle parking provision; and that Bromsgrove School did have a School Travel Plan and that Highway officers would work with the school to ensure that their existing School Travel Plan was updated.

The Chairman took the opportunity to confirm that Committee Members were happy with the inclusion of the additional Conditions, as detailed in the preamble above. Members confirmed that they were.

On being put to the vote, it was

RESOLVED that

- a) delegated powers be granted to the Head of Planning, Regeneration and Leisure to determine the application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:
 - i) A financial contribution of £4,500 for Traffic Regulation Order for puffin crossing.
 - ii) A financial contribution of £20,900.00 for puffin crossing maintenance.
 - iii) A planning obligation monitoring fee.
- b) delegated powers be granted to the Head of Planning, Regeneration and Leisure to agree the final scope and detailed wording and numbering of Conditions as detailed on pages 78 to 83 of the main agenda pack; and
- c) two additional Conditions, as agreed by Planning Committee Members, as follows:

- i) the provision of (two) motorcycle parking spaces, and
- ii) that the existing School Travel Plan be updated.

66/23

23/00896/FUL - PROPOSED SOLAR FARM DEVELOPMENT COMPRISING SOLAR ARRAYS, EQUIPMENT HOUSING, SUB-STATION, FENCING, CCTV, ANCILLARY EQUIPMENT, LANDSCAPE AND BIODIVERSITY ENHANCEMENTS. FOXWALKS FARM, GRAFTON LANE, BROMSGROVE, WORCESTERSHIRE, B61 7HB. MRS. M. WEBSTER

At this stage in the meeting the Chairman left the meeting room, with the Vice-Chairman taking the Chair.

Officers drew Members' attention to pages 3 to 8 of the Committee Update, which detailed two additional representations received from Foxwalks Solar Farm Bromsgrove Opposition Group and the officers' responses.

The Committee Update also included an additional condition from Worcestershire County Council (WCC) Highways and National Highways, as detailed on page 7.

The Committee Update was published on the Council's website and sent to Planning Committee Members prior to meeting commencing.

Officers introduced the report and in doing so informed the Committee that the application was for the proposed solar farm development, comprising solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, landscape, and biodiversity enhancements.

Officers drew Members' attention to the presentation slides, as detailed on pages 54 to 65 of the main agenda pack.

Officers further drew Members' attention to the Public Rights of Way (PROW) Mitigation Plan slide, as detailed on page 58 of the main agenda pack. Further comments from Worcestershire County Council PROW were detailed on pages 16 and 17 of the main agenda pack.

The following formed part of the comments received from Worcestershire Archive and Archaeological Service, as detailed on pages 12 and 13 of the main agenda pack:-

"The proposed area of the solar farm (excluding the proposed construction compound area) is likely to have been farmland throughout the historic periods. The Heritage Desk Based Assessment submitted with application contends that the potential for below ground archaeology of prehistoric and/or Roman date is limited/low, which is considered a fair assessment given the known archaeological resource within the search area. The Geophysical Survey submitted with application detected a number of magnetic anomalies interpreted as

evidence of medieval or later ridge and furrow, ponds, field boundaries, farm tracks and a 19th century outfarm. A pair of square shaped anomalies in the southern portion of Area 5 had uncertain interpretation, as did a fragmented linear anomaly within the east of Area 6. I agree that the known and potential buried archaeological resource of this part of the site (excluding the proposed construction compound area) is not anticipated to preclude development of the nature and scale proposed, but would advise that, given, the largely unknown potential for prehistoric/Roman archaeology, that a condition for further archaeological investigation be added to any grant of consent”.

Officers referred to ‘Principle – Green Belt,’ and when considering any planning application, substantial weight was given to any harm to the Green Belt. Very special circumstances would not exist unless the potential harm to the Green Belt by reason of inappropriateness or any other harm resulting from the proposal, was clearly outweighed by other considerations as detailed on pages 32 and 33 of the main agenda pack. Officers also referred to ‘Green Belt – Planning Balance’ as detailed on pages 35 and 36 of the main agenda pack, in that:

“It is accepted that the proposal would result in harm to the Green Belt from by reason of inappropriateness and loss of openness, which is given substantial weight. The harm to the Green Belt would have both spatial and visual aspects although the visual harm would be partly mitigated as a result of the proposed woodland and hedgerow planting. This mitigation would also result in a reduction of the harm identified to landscape character. The applicant has provided a satisfactory rationale for the selection of the proposed location and the critical requirement for a grid connection carries substantial weight in favour of the proposal at this location. The policy support within the BDP, Framework and National Policy Statements in respect of the imperative to deliver a substantially greater proportion of electricity from renewable sources to combat climate change and build resilience in the national energy supply also weighs heavily in favour of the proposal. It is concluded that the substantial harm to the Green Belt would be clearly outweighed by the other considerations and therefore the very special circumstances necessary to justify the proposal exist”.

Officers further referred to Heritage Assets and any harm identified, as detailed on pages 36 to 39 of the main agenda pack; and the Historic Environment representation received from Foxwalks Solar Farm Bromsgrove Opposition Group, as detailed on pages 4 and 5 of the Committee Update. Officers informed Members in detail in the Committee Update of the further response of the Conservation Officer in relation to the consideration of the impact on the specific heritage assets identified in Foxwalks Solar Farm Bromsgrove Opposition Group representations.

The representation from Foxwalks Solar Farm Bromsgrove Opposition Group had also raised the Grafton Manor Lake dam and the general suitability of Grafton Lane for construction traffic.

Officers had provided a response on page 7 of the Committee Update citing the response of North Worcestershire Water Management in relation to the dam and the matters of responsibility for the stability of the structure.

Officers reiterated the additional Condition, as detailed on page 7 of the Committee Update, as follows:-

“The Development hereby approved shall not commence until a pre-construction highway condition survey has been undertaken to the satisfaction and approval of the Local Highway Authority. The extent of the survey shall be agreed and approved in writing. A copy of the survey shall be issued to the Local Highway Authority, as an approved record. Upon completion of the development construction phase, a follow-up condition survey shall be undertaken to the satisfaction of the Local Highway Authority”.

At the Invitation of the Chairman, Mr. C. Bishop on behalf of Foxwalks Solar Farm Bromsgrove Opposition Group addressed the Committee in objection to the Application. Ms. M. Webster, the Applicant and Mr. C. Weston, in support of the Application addressed the Committee; and Councillor K. Taylor, Ward Councillor also addressed the Committee, and having done so left the meeting room.

The Committee then considered the Application which officers had recommended that Planning Permission be granted.

Members raised a number of questions and concerns, as follows: -

- Sensitive issue of the application site being in the Green Belt and Very Special Circumstances existing.
- Connection to the National Grid.
- Objections received, only a summary of the objections within in the officer's report.
- M5 bridge weight limit.
- Concerns with regard to Grafton Manor Lake dam.
- Definition of 'small scale' renewable energy projects.
- 40 years being regarded as temporary.
- The proposal's visual impact on nearby residents and lack of landscaping.

Officers responded and in doing so explained that:

Green Belt matters had been addressed in the report and the Committee Update.

In respect of the connection to the National Grid, connections to the grid were the responsibility of National Grid Electricity Distribution and officers confirmed that a suitable grid connection had been secured.

Details of the objections received to the application were made available on the Council's website via the Planning Views and Comments section using the Public Access link.

The weight limit of the M5 overbridge was 32 tonnes and National Highways had recommended a Construction Traffic Management Plan (CTMP) Condition, including a requirement for new signs with the existing 32 tonne limit and stating only one vehicle on the bridge to ensure that it would not exceed the limit.

The Committee Update provided further comments from North Worcestershire Water Management in relation to the concerns raised about the dam structure. As detailed in the preamble above, the Committee Update also included an additional condition from Highways and National Highways, as detailed on page 7 of the Committee Update.

Under the Planning Act 2008, as amended by the Localism Act 2011, major energy projects were considered 'nationally significant infrastructure projects' (NSIPs) and required 'development consent' from the Secretary of State. The threshold above which solar farms were considered NSIPs and required development consent was set out in Part 3 of the Planning Act 2008: solar farms that have a generating capacity over 50MW were considered NSIPs. The proposal falls below this threshold.

As highlighted in the Committee Update, the matter of the temporary / permanent installation was described on pages 20 and 25 of the main agenda pack. The official description was that the proposed solar farm would have a life span of 40 years and would then be decommissioned and removed from the site. It was not possible to determine, at this stage, what the precise soil conditions would be at that date of decommissioning.

Officers clarified that residents did not have a private right to a view, which was separate from the consideration of residential amenity. However, with Members having referred to Condition 10, as detailed on page 48 of the main agenda pack; officers further clarified that Condition 10 could allow for specific details of density and larger tree standards to be included, at the discretion of Members.

The Vice-Chairman took the opportunity to remind the Committee of the additional Condition from Highways and National Highways, as detailed on page 7 of the Committee Update; and the inclusion in Condition 10 of the size of the trees to be provided in the landscaping and tree planting scheme.

On being out to the Vote, it was

RESOLVED that Planning Permission be granted, subject to Conditions 1 to 20, as detailed on pages 46 to 51 of the main agenda pack;

- a) the inclusion of an additional Condition from Highways and National Highways, as detailed on page 7 of the Committee Update; and
- b) Condition 10 to include the size of the trees to be provided in the landscaping and tree planting scheme, as agreed by Members and detailed in the preamble above.

The meeting closed at 7.08 p.m.

Chairman

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