

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

**TUESDAY 6TH AUGUST 2024, AT 6.00 P.M.**

PRESENT: Councillors H. J. Jones (Chairman), M. Marshall (Vice-Chairman), A. Bailes, S. J. Baxter, S. M. Evans (substituting for Councillor J. Robinson), D. J. A. Forsythe, E. M. S. Gray, B. McEldowney, S. R. Peters and J. D. Stanley

Officers: Mr. D. M. Birch, Mr. A. Hussain, Ms. E. Darby, Ms. J. Chambers, Mr. D. Kelly, Mr. S. Agimal, Worcestershire County Council Highways and Mrs. P. Ross

26/24 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

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

27/24 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

28/24 **MINUTES**

The minutes of the Planning Committee meeting held on 9<sup>th</sup> July 2024, were received.

Councillor A. Bailes requested the following amendment to Minute Number 25/24:-

'WCC Highways would ensure that the Conditions were adhered to and fully complied with;'

**RESOLVED** that, subject to the amendment, as detailed in the preamble above that the minutes of the Planning Committee meeting held on 9<sup>th</sup> July 2024, be approved as correct record.

29/24 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING**

The Chairman announced that a Committee Update was 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.

30/24

**23/00922/FUL - DEMOLITION OF FUNCTION ROOM AND ERECTION OF 23 APARTMENTS WITH ASSOCIATED PARKING PROVISION AND LANDSCAPING. RUBERY SOCIAL CLUB, 141 NEW ROAD, RUBERY, WORCESTERSHIRE, B45 9JW. MR. D. OWEN**

Officers drew Members' attention to the Committee Update, which detailed the updated consultee responses from: -

- Worcestershire Highways
- North Worcestershire Water Management
- Waste Management
- Community Safety;

and the revised Recommendation, highlighting that the published report had referred to the application as 'outline' and that the application was a 'full' planning application, as detailed on pages 3 and 4 of the Committee Update. A copy of the Committee Update was provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and in doing so highlighted that the application was for the demolition of a function room and the erection of 23 apartments with associated parking provision and landscaping.

Officers presented the presentation slides, as detailed on pages 32 to 40 of the main agenda pack.

Each residential unit would be dual aspect (east/west). With this orientation each apartment would benefit from sunlight in addition to daylight at different times of day. It would result in a satisfactory outlook for future residents and overlooking of outdoor areas from both the front and rear elevations to aid surveillance and security.

The report highlighted that Worcestershire Regulatory Services (WRS) – Noise, having received the revised noise impact assessment (Walnut Acoustics Document Ref: WA/0520/NA-355 rev1); had commented that it appeared satisfactory and predicted that acceptable internal noise levels should be achieved by the installation of glazing products that met the recommended specifications, as detailed at Table 14 of the assessment.

Full planning permission was being sought for the demolition of the existing function room located to the rear of Rubery Social Club and the construction of a 3-4 storey high block of 23 no. 1-bed units, plus accommodation in the roof space. Amended plans had been submitted to address identified deficiencies on the proposed bin store

arrangements, with a separate bin store close to the existing entrance drive (positioned to the rear of the Social Club building).

The site was level ground and set within the Local Centre shopping area. It was bounded to the north by the A38 and Callow Brook and to the west by a residential garden, the photographs showed the trees in the gardens of neighbouring properties. An existing sycamore tree located close to the site entrance would be retained.

It was noted that there were no public speakers registered to speak.

Members then considered the application which officers had recommended be granted.

Councillor E. M. S. Gray stated that the application site was within her ward area, so she was very familiar with the building and layout, she had not received any complaints or concerns from residents. However, she asked if officers had considered the level of noise from the road for residents occupying the proposed dwellings; and entry for the fire and rescue service.

In response officers explained that access for the fire and rescue services would be considered as part of building regulations, it was not a planning consideration. With regards to potential noise, officers drew Members' attention to the comments received from WRS – Noise, as detailed on pages 21 and 22 of the main agenda pack.

In response to questions from the Committee on the previous application which was approved for the development of up to 20 apartments on the site, officers clarified that the previous application was for outline planning permission. Members' attention was drawn to the 'Principle of the development' which detailed the extant planning permission 20/00198/OUT for the development of up to 20 apartments on the site, and the loss of the function room, as detailed on pages 24 and 25 of the main agenda pack.

Following further questions on the provision of affordable housing and the applicant's financial viability appraisal and the Council's Viability Appraisal Consultant's comments, officers explained that as detailed in the report (pages 27 and 28 of the main agenda pack), that the s106 Obligation attached to the outline planning permission 20/00198/OUT had included an allowance for vacant building credit. In this policy context, Housing Services had calculated a requirement for 3 no. affordable units, including 1no. First Homes. The applicant had had extensive discussions with local Registered Providers of affordable housing, and none had expressed a willingness to take up such units, explaining that this was due to the units being part of a single block of market apartments which was considered to lead to difficulties regarding future management arrangements. This had therefore resulted in the applicant requesting consideration of a financial contribution in lieu of on-site affordable housing provision. Housing Strategy had calculated

this at £114,000.00. This matter was considered further, as detailed in the report. Following the applicant submitting a viability appraisal the applicant had confirmed their agreement to the s106 contributions, totalling £69,324.08, as detailed on page 28 of the main agenda pack.

The Council's Viability Appraisal Consultant had concluded that the benchmark value of the site and also some of the costs that were overstated in the submitted viability appraisal. Taking this into account together with the £69,324.08 contributions the applicant had agreed to make, the Council's Viability Appraisal Consultant had identified a potential shortfall of approximately £11,000 when assessing the viability of the scheme. However, they also advised that this was marginal and could likely be made up during the course of the build.

As a result of the viability assessment and its review, officers had accepted that there was insufficient value in the scheme to allow the requested affordable housing contribution of £114,000 and other requested contributions in full. The applicant had confirmed their commitment to honour the agreed contributions totalling £69,324.08.

Worcestershire County Council (WCC) Highways contribution originally suggested at £1,587.00 towards community transport was not being recommended. This contribution was based on the assumption of the age of the potential residents, which was an unknown quantity.

Councillor A. Bailes suggested that an additional Condition be included that proposed residents received a 'Residential Welcome Pack' from the developer, which Members were in agreement with.

The Council's Legal Advisor further explained that any proposed amendments to the s106 contributions would be brought back for consideration by Planning Committee Members.

On being put to the vote it was

**RESOLVED** that planning permission be granted, subject to

- a) delegated powers be granted to the Head of Planning, Regeneration and Leisure Services to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to a financial contribution of up to £69,324 to be allocated as follows: -
  - I. Integrated Care Board for a contribution of up to £9600 additional primary healthcare services;
  - II. Worcestershire Acute Hospitals Trust for a sum of up to £2,791.08;
  - III. Leisure Service - Open space/play/sports facilities contribution towards St Chad's Park and/or Callowbrook Park based on the sum of up to £55,346 (£48.97 per sqm);

- IV. Monitoring fee (estimated at £2,173.83);
  - V. Waste and recycling (bins) – £3200:00;
- b) that delegated powers be granted to the Head of Planning, Regeneration and Leisure to agree the final scope and detailed wording and numbering of conditions; and
- c) that the developer provides a ‘Residential Welcome Pack,’ as detailed in the preamble above.

31/24

**24/00150/REM - RESERVED MATTERS APPLICATION (LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) TO OUTLINE PLANNING PERMISSION 16/1132 (GRANTED ON APPEAL APP/P1805/W/20/3245111) FOR THE ERECTION OF A RETAIL UNIT AND ASSOCIATED INFRASTRUCTURE WITHIN SITE A, LAND AT WHITFORD ROAD, BROMSGROVE. HINTON PROPERTIES (MIDLANDS) LIMITED**

Officers drew Members’ attention to the Committee Update, which highlighted that the Application had been brought to the Planning Committee for consideration at the request of Councillor D. Hopkins, Ward Councillor. Councillor Hopkins comments were also included in the Committee Update.

The Committee Update further detailed comments from Worcestershire Regulatory Services (WRS) – Noise, which included the following statement: -

‘Therefore, I have no objection to the application in terms of noise but would recommend that deliveries are restricted, by condition, to the daytime only 07:00 – 23:00hrs’.

A copy of the Committee Update was provided to Members and published on the Council’s website prior to the commencement of the meeting.

Officers presented the report and in doing so highlighted that the Reserved Matters application (Layout, Scale, Appearance and Landscaping) to outline planning permission 16/1132 (granted on appeal APP/P1805/W/20/3245111) was for the erection of a retail unit and associated infrastructure within Site A, Land at Whitford Road, Bromsgrove.

Officers further presented the presentation slides, as detailed on pages 52 to 61 of the main agenda pack.

The site formed part of the Bromsgrove Town Expansion Site BROM3 allocated for development in the District Plan. It formed part of a larger site (Site A) with outline planning permission granted by the Planning Inspectorate.

Following the grant of outline planning permission and the approval of Access by the Planning Inspector, this application sought consent for the remaining 4 Reserved Matters: Appearance, Landscaping, Layout and Scale, as detailed on page 47 of the main agenda pack; for the erection of a retail unit and associated infrastructure.

Glazing was proposed to both the front elevation and part of the side elevation towards Whitford Road. An internal refuse storage area was also included within the retail unit. The building was shown to be located behind the proposed parking area. 10 car parking spaces were proposed (including 1 no. disabled bay); and cycle parking.

Residential dwellings would be located adjacent to the boundaries of the retail site. Consideration must be given to the impact of the development on residential amenity. A shadow study was submitted with the application, showing that the impact from any overshadowing would be transient and was therefore considered acceptable, as detailed on pages 57 and 58 of the main agenda pack.

Officers highlighted that the Planning Inspector had considered and allowed the Reserved Matter of Access. This included consideration of traffic movement and highway safety together with a proposed mitigation package and approved 2 vehicular access points into Site A from Whitford Road. Separate vehicle and pedestrian access points would be taken from the internal roadway serving Site A. As stated in the report, 'For clarity, the matter of external Access has already been determined and approved, thus does not fall to be considered as part of the current application.'

At the invitation of the Chairman, Mr. J. Griffin, the Applicant's Planning Agent and Councillor D. Hopkins, Ward Councillor, addressed the Committee.

Members then considered the Reserved Matters application which officers had recommended be granted.

Some Members queried the applicant's proposed delivery hours of 07:00 to 21:00 hours Monday to Saturday and 08:00 to 18:00 hours Sunday and Bank Holidays, as these proposed hours were different to the hours suggested by WRS – Noise, that deliveries be restricted to the daytime only 07:00 to 23:00 hours, as detailed in the Committee Update. Members were concerned that deliveries up to 23:00 hours would be noisy and disruptive to children sleeping in nearby residential properties, with noise from refrigeration units and delivery vehicles and reversing alarms on vehicles.

Officers explained that the location of bedrooms would have been considered by WRS officers. The hours as suggested by WRS – Noise reflected the stores proposed opening hours. However, the applicant's planning agent was present at the meeting and officers would be happy

to feedback Members concerns to the applicant and that Members had requested that deliveries be restricted between 08:00 and 21:00 hours.

Members reiterated that they were taking the concerns raised by residents and Councillor D. Hopkins, Ward Councillor into consideration with regards to potential noise disruption to nearby residents.

Officers further responded to questions from the Committee having some concerns about the height of the proposed acoustic fencing, in that delivery vehicles and delivery vehicles with refrigeration units being far higher than 1.8m and 2.2 metres high.

Officers drew Members' attention to page 48 of the main agenda pack and the information submitted in the Acoustic report; which proposed an acoustic fence of between 1.8m and 2.2m high along to western boundary to protect residential amenity from noise arising from the use of the site and the location of the delivery area close to the boundary. Members therefore suggested that delivery drivers be requested to switch off any refrigeration units when making deliveries.

Some Members raised concerns with regards to residents being disrupted during the construction phase and queried if a Construction Environmental Management Plan (CEMP) had been submitted.

Officers explained that a CEMP was agreed with the outline planning application and that a CEMP would be submitted for this Reserved Matters application and that would address any concerns.

Members further stated that they were empathic and sympathetic to the upheaval caused to residents during the construction of such a large development, which was approved at appeal, therefore taking the decision away from Planning Committee Members. However, Members were still mindful of the amount of disruption and disturbance to residents as raised by residents, and the Ward Councillor. These concerns needed to be addressed and Members needed to ensure the best outcomes for residents during any further construction. Therefore, it was paramount that CEMP's was adhered to.

With regards to further questions from Members on the two proposed access points, officers drew Members' attention to the Site Layout presentation slide, as detailed on page 54 of the main agenda pack. which showed the pedestrian access and vehicular access.

Having received the satisfactory final views of Worcestershire Regulatory Services (WRS), as detailed on page 4 of the Committee update, on being put to the vote, it was

**RESOLVED** that

- a) delegated powers be granted to the Head of Planning, Regeneration and Leisure Services to determine the planning

application following the receipt of a suitable and satisfactory legal mechanism in relation to a financial contribution with regard to a Traffic Regulation Order;

b) delegated powers be granted to the Head of Planning, Regeneration and Leisure Services to agree the final scope and detailed wording and numbering of conditions as set out below: -

- List of approved plans
- Materials
- Noise attenuation measures (if deemed appropriate)
- Hours of use
- Delivery hours, officers to liaise with the applicant on reducing the delivery hours to 08:00 to 21:00 hours, as requested by Planning Committee Members and as detailed in the preamble above.
- Landscape implementation and maintenance
- Cycle parking
- Travel Plan
- Provision of parking/ manoeuvring areas, and
- Visibility splays

32/24

**24/00342/FUL - PART-RETROSPECTIVE CHANGE OF USE OF LAND FOR THE CREATION OF 2NO. GYPSY/TRAVELLER PITCHES, COMPRISING THE SITING OF 1 MOBILE HOME,1 TOURING CARAVAN AND 1 DAYROOM PER PITCH, ALONGSIDE THE FORMATION OF AN ACCESS ROAD AND ASSOCIATED LANDSCAPING. LAND AT JUNCTION OF BLACKWELL ROAD/ALCESTER ROAD, BURCOT, BROMSGROVE. MR. LOVERIDGE**

Officers drew Members' attention to the Committee Update, which detailed that the Council's Tree Officer had served a provisional Tree Preservation Order (TPO) (15) 2024 on two oak trees along the boundary of the site with Blackwell Road; and that due to this Refusal reason No. 6 had been updated, as detailed on pages 4 and 5 of the Committee Update.

A copy of the Committee Update was provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers further drew Members' attention to the Recommendation and reasons for refusal.

The application sought permission for the use of the site to facilitate a gypsy lifestyle. The application was part-retrospective for the change of use of land to create 2 Gypsy/Traveller pitches, each comprising of the siting of 1 mobile home,1 touring caravan and 1 dayroom per pitch, alongside the formation of an access road and associated landscaping.



Officers presented the report and presentation slides, as detailed on pages 112 to 119 of the main agenda pack.

Officers stated that some Members may already be aware that certain works had been undertaken at the site without the benefit of planning permission. This application sought to regularise that work hence the application being described as part-retrospective. The exact layout onsite currently may differ from the proposal, however, for the avoidance of doubt permission was being sought for the development as shown on the proposed drawings, as detailed on the presentation slides.

The definition of gypsies and travellers was set out in Annex 1 (Glossary) to the Planning policy for traveller sites 2015 (PPTS) and as detailed on pages 67 and 68 of the main agenda pack.

The site lay in the Green Belt. Policy E of the PPTS stated that traveller sites, whether temporary or permanent, in the Green Belt were inappropriate development. Paragraph 152 of the NPPF stated that inappropriate development was, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The prominent location and public visibility of the site and the proposed development would have a significant negative impact on the openness of the Green Belt.

Overall, the development would harm the Green Belt through inappropriateness, there would be spatial and visual harm to the openness of the Green Belt and harm to the purposes of including land within the Green Belt. Paragraph 153 of the NPPF goes on to state that substantial weight should be given to any harm to the Green Belt.

Members were further informed that as of 1st April 2024, the Council could demonstrate a 2.59 year's supply of Traveller pitches. The Bromsgrove Local Plan was being developed and sites would be proposed for allocation to meet the identified shortfall in traveller pitches in due course as the plan progressed.

The Council held a Call for Sites exercise in 2019-2023, seeking suggestions of sites for all forms of development, including traveller sites. The application site was part of a much larger 5ha site proposed for residential development, with no reference made to the potential for traveller accommodation.

Policy H of the PPTS stated that if a local authority could not demonstrate an up to date 5- year supply of deliverable sites, this should be a significant material consideration when considering the grant of temporary planning permission. However, one of the exceptions to this was where the site was located on land designated as Green Belt.

The proposed development site was a large, open field at the edge of Burcot, a primarily residential village. Across the road (Alcester Road),

traditional red-brick houses with gardens and driveways defined the existing built environment. Currently undeveloped, this field acted as a clear boundary between the village and the open countryside beyond.

Policy BDP11 of the BDP at 11.2, sought to ensure that sites should be in sustainable locations that provided good access to essential local facilities e.g. health and education. In addition, sites should accord with the sustainable development principles set out in BDP1.

While the proposed development was within a reasonable walking distance (approximately 200 meters) of bus stops, the lack of safe pedestrian crossings across the busy B-classified Alcester Road posed a significant pedestrian safety concern. No dropped kerbs or designated crossings existed, compromising pedestrian access to public transport and essential services.

Worcestershire County Highways had raised objections to the visibility splays provided and pedestrian safety.

The applicant had further advanced, in the event that the material considerations put forward within the application as a whole were not considered to outweigh any identified harm or conflict with the Development Plan, then it was requested that a temporary permission of at least 5 years be granted, such that the best interests of any children were taken into account and that the applicant and his family do not need to resort to a roadside existence whilst they sought an alternative site that was suitable for their needs and accords with the Local Development Plan.

Officers explained that by refusing this application the family lives and the best interests of the children involved would be affected, as the refusal of this application could lead to the applicants resorting to roadside camping and travelling. However, this interference and harm must be weighed against the wider planning considerations and public interest, as these factors were not determinative on their own.

In this case, having regard to all the information available to officers, it was considered that the harm that the proposal would cause to the Green Belt, and any other harm including harm to openness, purposes of Green Belt, character and appearance of area, pedestrian safety, highways matters and potential harm to the Oak Trees; would not be clearly outweighed by the unmet need, lack of supply of sites or the circumstances put forward in this case in terms of the best interests of the children and the personal circumstances of the family.

On balance, it was considered that the harm by reason of inappropriateness in the Green Belt, and the harm caused to the openness of the Green Belt, was not clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify the development. Officers therefore recommended that planning permission be refused.

At the invitation of the Chairman, Mr. S. Holloway, Planning Consultant on behalf of Burcot Village Residents, addressed the Committee in objection to the application. Councillor B. Kumar, Ward Councillor, also addressed the Committee.

Members then considered the application which officers had recommended be refused.

Members stated that the officers report was very comprehensive and that they fully supported the officers reasons for refusal. It was interesting to read the Appendix to the report, as detailed on pages 79 to 110 of the main agenda pack; which referenced recent Case Law v Secretary of State for Levelling Up, Housing and Communities and Basildon District Council, Approved Judgement 25 March 2024.

Officers responded to a particular question on the existing access and the proposed access and the removal of further hedgerow, and in doing so drew Members' attention to the Proposed Site Plan presentation slide, as detailed on page 115 of the main agenda pack.

Members sought clarification as to how many mobile homes, touring caravans and dayrooms were proposed on the site. Officers clarified that as detailed on page 67 on the main agenda pack; the application sought the siting of 1 mobile home, 1 touring caravan and 1 dayroom per pitch, there would be two separate pitches.

Councillor E. M. S. Gray asked for it to be noted that children's rights were very important to all of us and that some of those rights involved thinking about what was best for children and the environment they were in. Pedestrian safety concerns had been raised. Therefore, she had concerns with regards to the potentially unsafe access and would question the suitability of the site for children to live, with a lack of pavements and no easy accessibility to a local school.

On being put to the vote, it was

**RESOLVED** that planning permission be refused for the following reasons: -

1. The proposed development would be inappropriate development in the Green Belt which would be harmful by definition. In addition, harm would arise through the impact on the openness of the Green Belt and conflict with purposes of including land within the Green Belt. Other harm had been identified to the character of the area, highways safety and trees. Circumstances had been advanced including the best interests of children, unmet need for gypsy traveller sites and offer of a 5-year temporary permission, however these were not considered to amount to the very special circumstances required to

clearly outweigh the harm to the Green Belt. The proposal was therefore contrary to Policy BDP4 of the Bromsgrove District Plan, Planning Policy for Traveller Sites 2015 and the National Planning Policy Framework;

2. The currently undeveloped field served as a clear distinction between the village and the open countryside. However, the proposed development, which included two dayrooms, two touring caravans, two mobile homes, and hardstanding areas, would sprawl development into the countryside. The site was prominent in public views and although screening planting was proposed the vehicular access would result in a significant breach of the existing hedgerow. This detrimental impact on the character and appearance of the area contravened Policy BDP19 of the Bromsgrove District Plan and BD2 and NE1 of the Lickey and Blackwell and Cofton Hackett Neighbourhood Plan;
3. The proposed development would not provide adequate and safe pedestrian to access the site from Burcot. Bus stops were located approx. 200m from the proposed development and were located within acceptable walking distance. However, the route to reach these bus stops would require crossing Alcester Road a 'B' classification road, no dropped crossings were located to aid pedestrians across this road therefore pedestrian safety would be compromised. The application failed to accord with the adopted policy and the consequences of this would result in an unacceptable impact on the highway network, which was contrary to paragraph 114, 115 and 116 of the 2023 NPPF;
4. The applicant had failed to provide a dimensioned site plan for highways to review. The site plan omitted: vehicular access radius dimensions, set back distance of proposed gates, width of the internal road, parking space dimensions, turning head dimensions and also location of any proposed lighting, drainage details, proposed finish of the track and boundary treatment / fencing. The Swept Path Analysis on plan 2301066-TK03 for a private car towing a caravan did not demonstrate the ability of such a vehicle to enter and exit the site in forward gear using the provided turning head. It was therefore considered that insufficient information had been provided to take a view on whether the proposal would result in an unacceptable impact on the highway network, which was contrary to paragraph 114, 115 and 116 of the 2023 NPPF;
5. Insufficient visibility splays had been provided onsite having regards to the speed surveys submitted. Furthermore, the Swept Path Analysis for a Private Car

Towing a Caravan shown on plan 2301066-TK03 showed the vehicles encroaching into the opposite lane when entering the site, this was deemed to be unacceptable since there would be an increase in the potential for road user conflicts. The application therefore failed to accord with the adopted policy and the consequences of this would result in an unacceptable impact on the highway network, which was contrary to paragraph 114, 115 and 116 of the 2023 NPPF; and

#### Revised Recommendation

6. The proposal highlighted an intention to install 2 x Day Rooms both of which fell within the BS5837:2012 Root Protection Area (RPA) of two Oak trees provisionally protected under TPO (15) 2024 within the hedge on the boundary of Blackwell Road. These facilities would need to be provided with utility services. Both the construction of the Day Rooms and installation of the utility services may require groundwork which would have a high likelihood to cause root damage to the trees in the hedgerow. Insufficient information had been submitted to determine the impact of any utility services on these trees contrary to Policy BDP19 and BDP21 of the Bromsgrove District Plan.

33/24

**24/00263/REM - ARTICLE 4(1) - REMOVAL OF PERMITTED DEVELOPMENT RIGHTS TO DEMOLISH (PART 11) CONFIRMATION. FORMER SEVERN TRENT BUILDING, ALCESTER ROAD, BURCOT, BROMSGROVE.**

Members were asked to consider a report which detailed Article 4(1) – Removal of Permitted Development Rights to Demolish (Part11) and to consider confirming without modification.

Officers presented the report and presentation slides, as detailed on pages 132 to 135 main agenda pack.

Members were informed that report proposed the long-term protection of a building, namely the former Severn Trent Building, Alcester Road, Burcot, Bromsgrove, which was considered to be a heritage asset that made a positive benefit to public amenity. The purpose of the Article 4 Direction was to restrict permitted development rights in relation to demolition and to achieve its retention in the longer term.

Article 4 Directions were a means of removing Permitted Development Rights in order for the Local Planning Authority to regain some control over premises. The particular rights being removed should be specified and their removal should be justified in planning terms. It should be done in the public interest. When it was considered expedient to do so, an Article 4 Direction was made which could come into effect immediately and would remain in force for a period of six months. During this time,

there was a consultation period whereby interested parties could make representations against or in favour of the Direction. If a decision were not made at the end of the six-month period, the Direction would lapse and would cease to have effect.

Following the consultation period, a decision must be made to either confirm (i.e. make permanent) the Direction or not. If the decision was not to confirm, then the Direction lapsed at the point the decision was made or 6 months from the making of the Direction, whichever was sooner.

Officers explained that as detailed in the report, that on 12th March 2024, an application for the prior approval of the demolition of the building was received under the provisions Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It was noted that the building was *on the draft local list* and a heritage asset of merit and thus that planning policy, if it were applied, would seek the retention and reuse of the building. Such matters could not be taken into account in the determination of a prior approval application and, as such, the building was considered to be at risk.

Therefore, on 3<sup>rd</sup> April 2024, a Direction was made to remove the permitted development rights in relation to the demolition of the building, this took effect immediately and the application for prior approval was refused on 4<sup>th</sup> April 2024 and the applicant was notified accordingly.

Publicity of the Direction was carried out in accordance with the requirements of Schedule 3 (1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 and a consultation period for representations was carried out and ended on 28<sup>th</sup> April 2024. The Secretary of State was notified in relation to the Article 4 Direction.

Officers drew Members' attention to the comments received from the Council's Conservation Officer and Worcestershire County Council's Historic Environmental Advisor, as detailed on pages 122 and 123 of the main agenda pack.

Members agreed that the building was an interesting building and of local interest. It was a shame that the building had fallen into disrepair, but it was worth preserving as part of the District's heritage.

On being put to the vote, it was

**RESOLVED** that the Article 4(1) Direction and attached plan, as detailed at Appendix 1 to the report, be confirmed without modification.

The Chairman took the opportunity to remind the Committee that the report was for noting only.

The Development Management Manager explained that the Planning Performance Information was for Quarter 1 – 1<sup>st</sup> April to 30<sup>th</sup> June 2024; and that he was happy to take any questions on the information provided.

The Development Management Manager further stated that the figures were still healthy and that he did not have any concerns with regards to the speed of decisions or decision making. As requested by Planning Committee Members, the information also included whether applications had been determined by officers under delegated powers or by the Planning Committee.

Members expressed their thanks and commented that the report was incredibly positive and useful.

**RESOLVED** that the Planning Performance Information report, Quarter 1 – 1<sup>st</sup> April to 30<sup>th</sup> June 2024, be noted.

The meeting closed at 7.35 p.m.

Chairman