

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 1ST MARCH 2010

AT 2.00 P.M.

PRESENT: Councillors E. C. Tibby (Chairman), G. N. Denaro (Vice-Chairman) (not present during Minute Nos. 123/09 to 128/09), Miss D. H. Campbell JP (not present during Minute Nos. 123/09 to 128/09), R. J. Deeming (not present during Minute Nos. 121/09 to 128/09), Mrs. J. Dyer M.B.E., D. Hancox (substituting for B. Lewis F.CMI), Mrs. J. D. Luck, S. R. Peters (not present during Minute Nos. 123/09 to 128/09), C. J. Tidmarsh (not present during Minute Nos. 123/09 to 128/09) and C. J. K. Wilson

Observers: Councillors R. Hollingworth and D. L. Pardoe

Officers: Mrs. C. Felton, Mrs. D. Warren, Mr. D. M. Birch, Mr. A. Coel, Mr. M. Dunphy, Mr. J. Turner, Mr. P. Michael, Mr. N. Poole, Mr. C. Santoriello-Smith, Mr. S. Hawley (Worcestershire Highways), Ms. R. A. Cole and Mr. A. C. Stephens

112/09 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. J. M. Boswell, B. Lewis F.CMI, E. J. Murray and P. J. Whittaker.

113/09 **DECLARATIONS OF INTEREST**

The following declarations of interest were made:-

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Councillor R. J. Deeming	09/0959-CE	Personal. Knows the applicant.
Councillor Mrs. J. Dyer M.B.E.	09/0959-CE	Prejudicial. Knows the applicant and has attended charity functions at his home address. During consideration of the application, Councillor Mrs. Dyer M.B.E. left the room and took no part in the discussion or voting thereon.
Councillor D. Hancox	09/0959-CE	Personal. Knows the applicant and has attended one charity function at his home address in the past.
Councillor Mrs. J. D. Luck	09/0959-CE	Personal. Knows the applicant, and his family, having lived in the same village for several years.

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Councillor E. C. Tibby	09/0959-CE	Prejudicial. Knows the applicant and has attended charity functions at his home address. During consideration of the application, Councillor Tibby left the room and took no part in the discussion or voting thereon. The Chair was taken by the Vice-Chairman, Councillor G. N. Denaro.

114/09 **MINUTES**

The minutes of the meeting of the Planning Committee held on 1st February 2010 were submitted.

RESOLVED that the minutes be approved and adopted.

115/09 **10/0109-MT - DEMOLITION OF MARKET HALL - ST. JOHN STREET, BROMSGROVE - BROMSGROVE DISTRICT COUNCIL**

The Head of Planning and Environment Services summarised the proposed method of demolition, including details of the safety exclusion zone and each stage of the demolition process.

RESOLVED:

- (a) that no objection be raised in respect of the proposed method of demolition of the Market Hall building and the related proposals for the subsequent restoration of the site; and
- (b) that authority to issue the Notice of no objection to the proposals for demolition and restoration of the site be delegated to the Head of Planning and Environment Services upon the expiry of the publicity period on 3rd March 2010.

(NOTE: Under paragraph 17.7 of the Council's Procedure Rules, Councillors Mrs. J. D. Luck, S. R. Peters and C. J. K. Wilson requested that it be recorded that they had voted against the resolution).

116/09 **09/0670-DMB - 28 UNITS WITH 2, 3 AND 4 BED HOUSES - LAND AT BIRMINGHAM ROAD, ALVECHURCH - BROMSGROVE DISTRICT HOUSING TRUST**

The Head of Planning and Environment Services reported the receipt of an amended site plan and a revised Design and Access Statement, and amended the description of the development to reflect this. He also reported the receipt of three additional letters, two in support of the application and one opposed to the development.

At the invitation of the Chairman, Mr. D. Boardman addressed the Committee and spoke in opposition to the proposals, and Mr. M. Brown spoke in support.

Furthermore, Mr. J. Cypher addressed the Committee on behalf of Alvechurch Parish Council and the Chairman read out a prepared statement received from Councillor Mrs. J. M. L. A. Griffiths who had expressed a wish to speak at the Committee but was unable to attend the meeting.

Consideration was then given to the application which had been recommended for refusal by the Head of Planning and Environment Services. Members examined the various issues arising from the proposals, as detailed in the report, including:

- (a) whether the proposals amounted to inappropriate development within the Green Belt and whether there were any 'very special circumstances' which could outweigh the presumption against development in the Green Belt;
- (b) the design, in terms of the form, layout and density, of the development; and
- (c) the potential harmful impact upon future occupiers by virtue of road traffic noise due to the proximity of the M.42 motorway and related air quality in the immediate locality.

Members considered that the 'very special circumstances' submitted by the applicant were insufficient and, therefore, the proposed development should be refused on the basis that it amounted to inappropriate development in the Green Belt. Furthermore, it was felt that the impact of the development, as proposed, would have a detrimental effect on the amenities of the future occupants of the development, especially in the light of the unacceptable levels of noise arising from the close proximity of the M.42 motorway.

RESOLVED that permission be refused for the reasons set out on page 39 of the report.

117/09 **09/0989-DMB - CONSTRUCTION OF 72 NO. DWELLINGS WITH ASSOCIATED CAR PARKING, ACCESS INFRASTRUCTURE PROVISION AND LANDSCAPING - ALVECHURCH C OF E MIDDLE SCHOOL, TANYARD LANE, ALVECHURCH - PERSIMMON HOMES SOUTH MIDLANDS**

The Head of Planning and Environment Services reported the receipt of a Desk Study and Site Investigation Report from the Applicant's Agent, and amended the description of the development to reflect this. He also reported (i) that additional views had been received from the Applicant's Agent; (ii) the comments of the Contaminated Land Officer, the Strategic Planning Manager (Open Space) and the Worcestershire County Council's Schools Strategic Planning Officer, together with additional views from Alvechurch Parish Council; and (iii) the receipt of two further letters.

At the invitation of the Chairman, Mr. P. McHugh addressed the Committee and spoke in opposition to the proposals, and Mr. J. Cypher spoke on behalf of Alvechurch Parish Council. Mr. D. Stentiford, the Applicant's Agent, addressed the Committee and spoke in favour of the application.

Consideration was then given to the application, for which the updated recommendation was to delegate authority to the Head of Planning and Environment Services to grant the application following the satisfactory completion of an agreement under Section 106 of the Town and Country Planning Act 1990, as amended, in respect of financial contributions relating to several aspects of the proposed development. However, Members were made aware that, if such an agreement had not been completed by the expiry date on which a decision should have been made on the application; that is, 24th March 2010; the recommendation would be amended to delegate authority to the Head of Planning and Environment Services to refuse the application.

Members examined the issues relating to the proposed development, as detailed in the report, with specific reference to:

- (a) the fact that the site is located on previously developed land, and is within an established residential area designated for residential use;
- (b) the design, form, density and layout of the proposed development;
- (c) the financial contributions which would be required under an agreement under Section 106 of the Town and Country Planning Act 1990, as amended, relating to (i) play space provision; (ii) education provision; (iii) public transport enhancements and other highway improvements; and
- (d) the impact of the development on local amenities and the character of the local area.

As a result, Members considered that the development represented an opportunity to redevelop a previously developed site whilst, at the same time, offering on-site affordable housing units as part of the development.

RESOLVED:

- (a) that authority be delegated to the Head of Planning and Environment Services to approve the application upon the satisfactory completion of an agreement under Section 106 of the Town and Country Planning Act 1990, as amended, in respect of financial contributions relating to:
 - (i) play space provision;
 - (ii) education provision;
 - (iii) public transport enhancement, the provision of secure cycle parking at Alvechurch railway station and highway improvement works; and
 - (iv) the securing of 25 affordable housing units; or
- (b) that, in the event of an agreement under Section 106 of the Town and Country Planning Act 1990, as amended, not being completed to the satisfaction of the Council by 24th March 2010, authority to refuse the application be delegated to the Head of Planning and Environment Services.

118/09 **09/0920-SC - TWO STOREY EXTENSION WITH CAR PORT AND OAK FRAME CONSERVATORY - 1 POUND LANE, FRANKLEY - MR. D. GLOVER**

At the invitation of the Chairman, Mr. D. Glover addressed the Committee and spoke in favour of his application.

RESOLVED:

- (a) that, at the suggestion of Councillor S. R. Peters, consideration of the application be deferred to a future meeting of the Committee in order that -
 - (i) the 'fall-back' position in respect of permitted development rights issues may be clarified;
 - (ii) the significance of planning issues relating to structures which had previously existed on the site may be investigated;
 - (iii) the issues relating to the habitable floor space in respect of the proposed car-port element of the proposals, and the percentage increase in the floor space of the dwelling, may be clarified; and
- (b) that, in the meantime, arrangements be made for Members of the Committee to undertake an inspection of the site to which the application relates.

119/09 **09/0959-CE - DEMOLITION OF AGRICULTURAL BUILDINGS WHICH HAVE REACHED THE END OF THEIR USEFUL LIFE AND ERECTION OF A NEW MULTI-PURPOSE AGRICULTURAL BUILDING ON PART OF DEMOLISHED SITE - LITTLE RADFORD FARM, RADFORD ROAD, ALVECHURCH - MR. J. GARDINER**

The Head of Planning and Environment Services clarified issues in his report relating to this application in respect of the planning history and ownership of the site. He also reported the receipt of additional information in support of the application and the additional views of the Agricultural Consultant in response to this, together with an additional letter received from the Weatheroak Residents' Association.

At the request of the Vice-Chairman in the Chair, Mr. M. White addressed the Committee and spoke in favour of the proposals.

Consideration was then given to the application, the recommendation for which was to delegate authority to the Head of Planning and Environment Services to refuse the application upon the expiry of the consultation period on 1st March 2010.

However, on the matter being put to the vote, Members considered that there was a genuine agricultural need for the proposed building, that the design and form of the new building would be acceptable, that it replaced an existing structure and that the proposals were an appropriate form of development in the Green Belt.

RESOLVED that the Head of Planning and Environment Services be authorised to approve the application upon the expiry of the consultation period on 1st March 2010 subject to any reasonable conditions and notes considered necessary by the Head of Planning and Environment Services, to specifically include -

- (a) a condition relating to the removal of the structure the subject of this application if it ceases to be used for an agricultural use within ten years of completion; and
- (b) a condition to ensure the buildings scheduled for removal are demolished.

(NOTE: During the consideration of this item, Councillors Mrs. J. Dyer M.B.E and E. C. Tibby left the room, having declared a prejudicial interest in the application, and took no part in the consideration or voting thereon. The Vice-Chairman, Councillor G. N. Denaro, took the Chair for the duration of the consideration of this application.)

120/09 **09/0963-DK - ONE DETACHED FIVE BEDROOM HOUSE AND TWO DORMER BUNGALOWS - 57-59 TWATLING ROAD, BARNT GREEN - MR. M. JONES**

The Head of Planning and Environment Services reported the comments of the Tree Officer and Lickey and Blackwell Parish Council. He also stated that an additional letter had been received from the CPRE.

At the invitation of the Chairman, Mr. J. Quine addressed the Committee and spoke in opposition to the proposals, whilst Mr. M. Jones spoke in favour of his application.

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 57 to 60 of the report, together with a further appropriately-worded condition to specifically relate to the removal of permitted development rights for extensions and roof alterations to the dwellings the subject of this approval.

121/09 **09/0966-MT - PROPOSED CONVERSION OF BRITISH LEGION HALL INTO 10 NO. ONE-BED FLATS WITH CYCLE AND BIN STORE, AND REFURBISHMENT OF EXISTING DWELLING - 64 BIRMINGHAM ROAD, BROMSGROVE - MR. M. MENDELSON**

The Head of Planning and Environment Services explained that additional neighbour notification letters had been issued, with an expiry date for responses of 16th March 2010. He also reported the receipt of an additional two sets of amended plans. Furthermore, the Committee were informed of issues relating to access for the disabled into the development, and that the comments of the Tree Officer were still awaited.

At the invitation of the Chairman, Mr. J. Dolman addressed the Committee and spoke in favour of the application.

RESOLVED that the Head of Planning and Environment Services be authorised to approve the application upon the expiry of the consultation period on 16th March 2010 subject to:

- (a) the satisfactory views of the Tree Officer within the consultation period; and
- (b) the conditions and notes set out or referred to on pages 66 and 67 of the report;

together with two further appropriately-worded conditions and a note attached to the Decision Notice to specifically relate to:

Conditions

- (i) the retention of the two stone plaques to the front elevation;
- (ii) the retention of the existing brick wall and railings to the frontage facing Birmingham Road.

Note

The applicant is encouraged to contact Avoncroft Museum to discuss the salvage of the remaining stained glass windows and retention of these items at the museum for public display.

122/09 **09/1003-JT - ERECTION OF TWO WIND GENERATORS AND CREATION OF ASSOCIATED ACCESS TRACK - LAND AT KIDDERMINSTER ROAD / BERRY LANE, DODFORD, BROMSGROVE - MR. P. HIRONS**

The Head of Planning and Environment Services clarified issues relating to the consultation process undertaken in respect of this application and stated that further photographic evidence had been submitted by the applicant. He reported that additional comments had been received from Wychavon District Councillor Mrs. J. A. Pearce in respect of the impact the related construction traffic would have on the narrow lanes in the area around the application site, and he gave clarification on these issues raised. Finally, Members were informed that four further letters of objection had been received.

At the invitation of the Chairman, Mr. A. Carter addressed the Committee and spoke in opposition to the proposals, whilst Mrs. R. Best spoke in favour of the application. In addition, Mr. R. Harper spoke on behalf of Dodford-with-Grafton Parish Council.

Consideration was then given to the application which had been recommended for approval by the Head of Planning and Environment Services. However, Members considered that the consultation with local residents had not been wide enough and felt that the applicant could have done more to support his application in terms of clarifying issues relating to:

- (a) the siting (and possible siting alternatives) and the scale of the two wind generators the subject of the application; and
- (b) the potential noise arising from the development.

On the matter being put to the vote, Members felt that a decision on the application could not be made without this information, which would also allow time for additional, wider-reaching, consultation with residents of the locality.

RESOLVED that consideration of the application be deferred to a future meeting of the Committee in order that -

- (a) further publicity can be given to the application by way of a press notice in a suitable local newspaper and an extraordinary neighbour notification process to encompass identifiable neighbouring occupiers within a 500 metre radius of the proposed wind generator masts;
- (b) a request be made of the applicant to provide clarification of siting and scale issues, to include suitable photographic montage perspective illustrations, together with clarification of issues concerning noise levels arising from the development; and
- (c) a request be made of the applicant to investigate alternative sites for the proposed wind generator masts.

(NOTE: During consideration of this item, Councillors Miss D. H. Campbell JP, G. N. Denaro and S. R. Peters left the meeting before this decision was reached.)

123/09 **TREE PRESERVATION ORDER (NO. 19) 2000 - 27 FIERY HILL ROAD, BART GREEN (REF.: 09/0793-AB)**

Consideration was given to a report which outlined an application which had been received for works to be undertaken to four Corsican Pine Trees on land fronting 27 Fiery Hill Road, Bart Green, which were subject to protection under the Bromsgrove District Council Tree Preservation Order (No. 19) 2000.

RESOLVED: that permission be granted subject to the replanting of the Corsican Pine to be felled, as referred to in the report.

124/09 **TREE PRESERVATION ORDER (NO. 1) 2000 - OLD BARNESLEY HALL HOSPITAL SITE (NOW WOODLAND GRANGE), STOURBRIDGE ROAD, BROMSGROVE (REF.: 10/0027-AB)**

Consideration was given to a report which outlined an application which had been received for works to be undertaken to a number of trees on land at the former Barnesley Hall Hospital site (now the Woodland Grange estate), Stourbridge Road, Bromsgrove, which were subject to protection under the Bromsgrove District Council Tree Preservation Order (No. 1) 2000.

RESOLVED: that permission be granted subject to the replanting of the trees, as referred to in the report.

125/09 **APPEAL DECISIONS**

Consideration was given to a report which outlined the decisions of a number of planning appeals which had been received since the last meeting of the Committee.

RESOLVED that the report be noted.

126/09 **LOCAL GOVERNMENT ACT 1972**

RESOLVED that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Minute No.</u>	<u>Paragraphs</u>
127/09	2 and 6
128/09	2 and 6

127/09 **CONFIDENTIAL MINUTES**

The minutes of the meeting of the Planning Committee held in private session on 1st February 2010 were submitted.

RESOLVED that the minutes be approved as a correct record.

128/09 **ENFORCEMENT OF PLANNING CONTROL (REF.: 20100301-01)**

The Head of Planning and Environment Services stated that his report in respect of this item had been withdrawn. This was noted.

The meeting closed at 5.36 p.m.

Chairman