

# **BROMSGROVE DISTRICT COUNCIL**

## **MEETING OF THE PLANNING COMMITTEE**

**MONDAY, 12TH JULY 2010**

**AT 2.00 P.M.**

PRESENT: Councillors E. C. Tibby (Chairman), G. N. Denaro (Vice-Chairman), Mrs. J. M. Boswell, Miss D. H. Campbell JP (not present during Minute Nos. 43/10 to 47/10), Mrs. J. Dyer M.B.E., B. Lewis F.C.M.I., Mrs. J. D. Luck (not present during Minute Nos. 43/10 (part) to 47/10), E. J. Murray, S. R. Peters, C. J. Tidmarsh, P. J. Whittaker and C. J. K. Wilson

Observers: Councillors D. L. Pardoe and C. R. Scurrall

Officers: Ms. R. Bamford, Ms. T. Lovejoy, Mr. D. M. Birch, Mrs. H. L. Plant, Mr. R. Goundry, Mr. J. Turner, Ms. J. Carstairs, Mr. A. Bucklitch, Mr. S. Hawley (Worcestershire Highways) and Mr. A. C. Stephens

### 35/10 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

### 36/10 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

### 37/10 **MINUTES**

The minutes of the meetings of the Planning Committee held on 14th June 2010 and 28th June 2010 were submitted.

**RESOLVED** that the minutes be approved as a correct record.

### 38/10 **08/0675-HLP - RETROSPECTIVE PLANNING APPLICATION FOR THE ERECTION OF LIGHTING ON GROUNDS OF MEADOWS FIRST AND PARK SIDE MIDDLE SCHOOL - MEADOWS FIRST SCHOOL, STOURBRIDGE ROAD, BROMSGROVE, B61 0AH - BAM CONSTRUCTION LTD.**

Members of the Committee were informed of the announcement by the Secretary of State for Communities and Local Government on 6th July 2010 that Regional Spatial Strategies had been revoked with immediate effect and no longer formed part of the development plan. As a result of this, no consideration of the West Midlands Regional Spatial Strategy policies referred

to in the report was required, but this had no effect on the recommendation of the Head of Planning and Regeneration Services relating to this application.

At the invitation of the Chairman, Mr. C. Platt addressed the Committee and spoke in opposition to the proposals, while Mr. D. Green spoke in favour of the scheme on behalf of the applicant. Councillor D. L. Pardoe also addressed the Committee in his capacity as one of the Ward Members for the area in which the application site was located.

Consideration was then given to the application which had been recommended for approval by the Head of Planning and Regeneration Services. On the matter being put to the vote, Members considered that the impact of the development had a adverse effect on the amenities of adjoining occupiers and local residents.

**RESOLVED** that permission be refused due to the harmful impact of the development upon residential amenity.

39/10 **10/0101-MT - CONVERSION OF INDUSTRIAL BUILDINGS TO RESIDENTIAL USE (9 UNITS COMPRISING 6 X 2 BED UNITS, 2 X 3 BED UNITS AND 1 X 4 BED UNIT) WITH ACCESS ROAD, CAR PARKING AND AMENITY SPACE - 2, AND PART OF 4 AND 6, HARTLE LANE, BELBROUGHTON, DY9 9TG - ROWANMOOR TRUSTEES LTD. (MR. P. MASON / MRS. C. MASON)**

The Head of Planning and Regeneration Services reported the comments of Belbroughton Parish Council in respect of the revised rear elevation design, which she considered were acceptable. The comments of Natural England were also reported.

**RESOLVED** that permission be granted subject to:

- (a) the conditions, with the exception of Condition No. 3, and notes set out or referred to on pages 54 to 57 of the report; and
- (b) the following additional condition, together with an amended Condition No. 3:
  3. Prior to the commencement of the development hereby approved, detailed drawings of the proposed new and replacement windows on the rear elevation of the scheme (as indicated on approved Drawing Number 1443.07F received 07.06.2010) at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect the setting of the Conservation Area in accordance with policy CTC.20 of the Worcestershire County Structure Plan 2001, policy S35A of the Bromsgrove District

Local Plan 2004 and the advice contained in PPS5: Planning for the Historic Environment.

24. Notwithstanding the Proposed Site Plan (Drawing No. 1443.02E), full details of the proposed garage building (elevations and floor plan) shall be submitted to and approved in writing by the Local Planning Authority before any work on the site commences. The building shall not exceed a height of 4 metres above ground level and no first floor accommodation shall be provided. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a well planned development and to protect the amenity of the adjoining occupier in accordance with policy CTC.1 of the Worcestershire County Structure Plan 2001, policies S7 and DS13 of the Bromsgrove District Local Plan 2004 and PPS1: Delivering Sustainable Development.

40/10 **10/0326-CE - PROPOSED DEMOLITION OF EXISTING DWELLING AND ERECTION OF TWO DETACHED DWELLINGS - 19 PLYMOUTH ROAD, BART GREEN, B45 8JF - MR. R. LEWIS**

Members of the Committee were informed of the announcement by the Secretary of State for Communities and Local Government on 6th July 2010 that Regional Spatial Strategies had been revoked with immediate effect and no longer formed part of the development plan. As a result of this, no consideration of the West Midlands Regional Spatial Strategy policies referred to in the report was required, but this had no effect on the recommendation of the Head of Planning and Regeneration Services relating to this application.

The Head of Planning and Regeneration Services clarified the address of the application site having been omitted from page 1 of the report.

At the invitation of the Chairman, Mrs. E. Mitchell and Mr. N. Hood addressed the Committee and spoke in opposition to the proposals. The Chairman read out a statement prepared by Councillor C. B. Taylor, the Ward Member for the area in which the application site was located, who was unable to be present at the meeting.

Consideration was then given to the application which had been recommended for approval by the Head of Planning and Regeneration Services. On the matter being put to the vote, Members considered that the proposals had a harmful effect on the character of the area which, if granted permission, may set a precedent for future developments and have an adverse impact upon residential amenity, as exacerbated by the differences in land levels.

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

- (a) the development has a harmful effect on the character of the area; and

- (b) the proposals could set a precedent and have an adverse impact upon residential amenity, as exacerbated by the differences in land levels.

41/10

**10/0334-DK - PROVISION OF 13 CLOSE CARE SUITES AND 16 ASSISTED LIVING UNITS TO FORM CONTINUING CARE RETIREMENT COMMUNITY (OUTLINE) - BURCOT GRANGE RESIDENTIAL HOME, GREENHILL, BURCOT, BROMSGROVE, B60 1BJ - MR. AND MRS. M. BALES**

Members of the Committee were informed of the announcement by the Secretary of State for Communities and Local Government on 6th July 2010 that Regional Spatial Strategies had been revoked with immediate effect and no longer formed part of the development plan. As a result of this, no consideration of the West Midlands Regional Spatial Strategy policies referred to in the report was required, but this had no effect on the recommendation of the Head of Planning and Regeneration Services relating to this application.

The Head of Planning and Regeneration Services reported the receipt of the following relating to this application:

- a Statement of Community Involvement, undertaken by the applicant, outlining the public consultation exercise on the proposals;
- two artistic impressions of the Assisted Living Units;
- two further letters of support from St. Catherine's Church, Blackwell, and Bromsgrove Age Concern;
- two emails of objection from Lickey and Blackwell Parish Council and Barnt Green Parish Council;
- a letter from DTA Transport Planning Consultants in respect of parking requirements;
- the comments of Worcestershire Highways;
- a Bat Mitigation Survey from the applicants;
- the comments of Natural England; and
- additional comments from the Tree Officer;

The Head of Planning and Regeneration Services informed the Committee that, in light of the comments and documentation received, refusal reasons nos. 2 and 4 were to be removed.

At the invitation of the Chairman, Dr. P. King addressed the Committee and spoke in opposition to the proposals, whilst Mr. P. Frampton spoke in favour on behalf of the applicant. The Chairman read out a statement prepared by Councillor C. B. Taylor, the Ward Member for the area in which the application site was located, who was unable to be present at the meeting.

Consideration was then given to the application which had been recommended for refusal by the Head of Planning and Regeneration Services. On the matter being put to the vote, Members considered that:

- the need for more and specialised accommodation for the elderly;
- the absence of alternative sites in the urban area to meet the need;

- the benefits of the established care home at Burcot Grange;
- the provision of accommodation providing alternative tenure arrangements;
- the impact upon the existing housing market; and
- the topography of the site -

constituted very special circumstances to outweigh the harm that would be caused to the openness of the Green Belt, and the purposes of including land within the Green Belt, and any other harm identified in refusal reason no. 1 referred to on page 95 of the report.

Furthermore, the Committee was also of the opinion that the limited overall loss of trees on the site as a result of the proposals, together with the strength of the existing screening to the application site boundary and the ability to require mature replacement trees by a condition which could be attached to planning permission addressed the harm identified in refusal reason no. 3 referred to on page 95 of the report.

Additionally, the proximity of the application site to Burcot and Blackwell, as well as the availability of sustainable forms of transport and access to alternative means of travel, outweighed the harm identified in refusal reason no. 3 referred to on page 95 of the report.

The Head of Planning and Regeneration Services stated that, in the event of the Committee being minded to approve the application, it would be necessary for it to be referred to the Government Office for the West Midlands, pursuant to the requirements of the Town and Country Planning (Green Belt) Direction 2005.

**RESOLVED:**

- (a) that the application be referred to the Government Office for the West Midlands under the 'departure' procedure; and
- (b) that, in the event that the application is not 'called-in' by the Government Office for the West Midlands, permission be granted subject to any reasonable conditions and notes as considered necessary by the Head of Planning and Regeneration Services.

42/10

**10/0337-DK - DEMOLITION OF EXISTING OUTBUILDINGS AND EXTENSIONS AND ERECTION OF EXTENSIONS TO PROVIDE NEW CARE BEDS, CARE SUITES AND A DEMENTIA UNIT - BURCOT GRANGE RESIDENTIAL HOME, GREENHILL, BURCOT, BROMSGROVE, B60 1BJ - MR. AND MRS. M. BALES**

Members of the Committee were informed of the announcement by the Secretary of State for Communities and Local Government on 6th July 2010 that Regional Spatial Strategies had been revoked with immediate effect and no longer formed part of the development plan. As a result of this, no consideration of the West Midlands Regional Spatial Strategy policies referred to in the report was required, but this had no affect on the recommendation of the Head of Planning and Regeneration Services relating to this application.

The Head of Planning and Regeneration Services reported the receipt of the following relating to this application:

- a Statement of Community Involvement, undertaken by the applicant, outlining the public consultation exercise on the proposals;
- two further letters of support from St. Catherine's Church, Blackwell, and Bromsgrove Age Concern;
- a letter from DTA Transport Planning Consultants in respect of parking requirements;
- the comments of Worcestershire Highways;
- a Bat Mitigation Survey from the applicants;
- the comments of Natural England; and
- additional comments from the Tree Officer;

The Head of Planning and Regeneration Services informed the Committee that, in light of the comments and documentation received, refusal reasons nos. 2 and 4 were to be removed.

At the invitation of the Chairman, Mr. P. Frampton addressed the Committee and spoke in favour on behalf of the applicant.

Consideration was then given to the application which had been recommended for refusal by the Head of Planning and Regeneration Services. On the matter being put to the vote, Members considered that:

- the need for more and specialised accommodation for the elderly;
- the absence of alternative sites in the urban area to meet the need;
- the benefits of the established care home at Burcot Grange;
- the provision of accommodation providing alternative tenure arrangements;
- the impact upon the existing housing market; and
- the topography of the site -

constituted very special circumstances to outweigh the harm that would be caused to the openness of the Green Belt, and the purposes of including land within the Green Belt, and any other harm identified in refusal reason no. 1 referred to on page 95 of the report.

Furthermore, the Committee was also of the opinion that the limited overall loss of trees on the site as a result of the proposals, together with the strength of the existing screening to the application site boundary and the ability to require mature replacement trees by a condition which could be attached to planning permission addressed the harm identified in refusal reason no. 3 referred to on page 95 of the report.

Additionally, the proximity of the application site to Burcot and Blackwell, as well as the availability of sustainable forms of transport and access to alternative means of travel, outweighed the harm identified in refusal reason no. 3 referred to on page 95 of the report.

The Head of Planning and Regeneration Services stated that, in the event of the Committee being minded to approve the application, it would be necessary for it to be referred to the Government Office for the West Midlands, pursuant to the requirements of the Town and Country Planning (Green Belt) Direction 2005.

**RESOLVED:**

- (a) that the application be referred to the Government Office for the West Midlands under the 'departure' procedure; and
- (b) that, in the event that the application is not 'called-in' by the Government Office for the West Midlands, permission be granted subject to any reasonable conditions and notes as considered necessary by the Head of Planning and Regeneration Services.

43/10 **10/0453-SC - CONVERSION OF EXISTING REDUNDANT FORMER WORKSHOP AND STORES TO A TWO-BEDROOMED STARTER HOME - LAND AT STATION DRIVE, HAGLEY, DY9 0NX - MR. B. STOCKFORD**

Members of the Committee were informed of the announcement by the Secretary of State for Communities and Local Government on 6th July 2010 that Regional Spatial Strategies had been revoked with immediate effect and no longer formed part of the development plan. As a result of this, no consideration of the West Midlands Regional Spatial Strategy policies referred to in the report was required, but this had no effect on the recommendation of the Head of Planning and Regeneration Services relating to this application.

The Head of Planning and Regeneration Services reported the receipt of an additional letter of objection, together with the comments of the Tree Officer and the Drainage Engineer.

At the invitation of the Chairman, Mr. B. Havinga addressed the Committee and spoke in opposition to the proposals, whilst Mr. B. Stockford spoke in favour. Furthermore, Dr. P. King spoke on behalf of Hagley Parish Council in opposition to the application and Councillor C. R. Scurrell also addressed the Committee in his capacity as one of the Ward Members for the area in which the application site was located.

**RESOLVED** that permission be granted subject to the conditions and notes set out or referred to on page 117 of the report.

44/10 **DESIGNATION OF HEWELL GRANGE CONSERVATION AREA**

The Conservation Officer gave a brief presentation in respect of the proposals relating to the designation of a Hewell Grange Conservation Area, and responded to a number of questions and comments from Members.

**RESOLVED** that the Hewell Grange Conservation Area Draft Character Appraisal document (June 2010) be noted.

45/10 **APPEAL DECISIONS**

Consideration was given to a report which outlined the Inspector's decision in a recent planning appeal.

**RESOLVED** that the report be noted.

46/10 **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 item of business on the grounds that it involves 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 being as set out below, and that it is in the public interest to do so:-

<u>Minute No.</u>	<u>Paragraphs</u>
47/10	2 and 6

47/10 **CLOSURE OF NON-EXPEDIENT ENFORCEMENT CASES**

The Committee considered a report in respect of a number of enforcement investigations which were either:

- (i) older cases only kept open due to inconsistencies in record keeping; and
- (ii) more recent cases relating to trivial or technical breaches of planning control.

**RESOLVED:**

- (a) that the report be noted;
- (b) that, with the exception of current or active cases which are still ongoing, all enforcement cases from before 2008 be closed;
- (c) that all enforcement indications referred to in Appendix 1 to the report be closed; and
- (d) that, where relevant, those persons involved with enforcement investigations; such as the complainant, the subject(s) of the complaint and, where relevant, the parish council; be notified of the closure of the cases referred to in (c) above.

The meeting closed at 5.00 p.m.

Chairman