

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

**MONDAY, 6TH SEPTEMBER 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, E. J. Murray, D. L. Pardoe (substituting for Mrs. J. D. Luck), S. R. Peters, C. J. Tidmarsh and C. J. K. Wilson

Observers: Councillors P. M. McDonald, C. R. Scurrall and L. J. Turner

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

62/10 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R. J. Deeming, Mrs. J. Dyer M.B.E., B. Lewis F.CMI, Mrs. J. D. Luck and P. J. Whittaker.

63/10 **DECLARATIONS OF INTEREST**

Councillor E. J. Murray declared a prejudicial interest in application 10/0720-SC stating that his daughter owned an area of land adjacent to the application site. During consideration of the application, Councillor Murray left the room.

64/10 **MINUTES**

The minutes of the meeting of the Planning Committee held on 9th August 2010 were submitted.

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

65/10 **10/0378-JT - RESIDENTIAL DEVELOPMENT FOR 38 DWELLINGS - LAND AT BROOK CRESCENT, HAGLEY, DY9 0QE - BILLINGHAM AND KITE LTD.**

The Head of Planning and Regeneration Services reported the receipt of a further ten letters of objection.

At the invitation of the Chairman, Mr. P. Thatcher addressed the Committee and spoke against the proposals. Councillor C. R. Scurrall also addressed the Committee in his capacity as one of the Ward Members for the area in which

the application site was located, and Councillor S. R. Colella spoke in his capacity as Chairman of Hagley Parish Council.

**RESOLVED** that permission be refused for the reasons set out on pages 43 and 44 of the report.

66/10 **10/0496-MT - USE OF BUILDING FOR CAR VALETING - REAR OF 186-210 NEW ROAD, RUBERY, B45 9JA - MR. P. NDORO**

Further consideration was given to the application which had been deferred at the last meeting of the Committee in order to obtain further information about the building the subject of the application, noise levels and drainage issues.

**RESOLVED** that permission be granted subject to the conditions and notes set out or referred to on pages 47 and 48 of the report.

67/10 **10/0547-SC - PROPOSED DETACHED BUILDING FOR GARAGING, CAR-PORT AND WOODSTORE - FOXHILL HOUSE BARN, FOXHILL LANE, ALVECHURCH, B48 7BY - MR. C. WOODWISS**

The Head of Planning and Regeneration Services reported the receipt of additional comments from the applicant, and informed the Committee of her response to the comments.

At the invitation of the Chairman, Mr. C. Woodwiss addressed the Committee and spoke in support of his application.

**RESOLVED** that permission be refused for the reasons set out on pages 56 and 57 of the report.

68/10 **10/0549-JT - RETROSPECTIVE PLANNING APPLICATION FOR THE CHANGE OF USE OF APPROXIMATELY 2,400 SQ M TO USE CLASS B1(C) - THISTLE GROVE POULTRY FARM, QUENTRY LANE, BELL HEATH, BELBROUGHTON, DY9 9UU - MR. AND MRS. PORTMAN**

The Head of Planning and Regeneration Services reported the comments of Worcestershire Highways in respect of the Transport Assessment and Travel Plan which had been submitted with the application. She added that, as a result of these comments, the recommendation would be amended to include the provision for a monetary contribution under Section 106 of the Town and Country Planning Act 1990, as amended, towards public transport improvement works within the vicinity of the application site. The views of the applicant on the comments of Worcestershire Highways were also reported.

**RESOLVED:**

- (a) that authority be delegated to the Head of Planning and Regeneration 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 a financial contribution of £10,000 towards the provision of two bus stops on Quentry Lane, and subject to

the conditions and notes set out or referred to on pages 67 to 69 of the report; 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 14th September 2010, authority to refuse the application, for reasons relating to transportation and highway issues, be delegated to the Head of Planning and Regeneration Services.

69/10 **10/0578-DK - TWO NEW 30 BEDROOM NURSING HOME UNITS, ONE NEW 15 BEDROOM NURSING HOME UNIT - MOUNDSLEY HALL NURSING HOME, WALKERS HEATH ROAD, KINGS NORTON, B38 0BL - MOUNDSLEY HALL NURSING HOME LTD.**

The Head of Planning and Regeneration Services clarified the description of the application to read as "Two new 30 bedroom nursing home units, one new 15 bedroom nursing home unit," and reported the comments of the Tree Officer.

**RESOLVED** that permission be granted subject to the conditions and notes set out or referred to on pages 76 to 79 of the report.

70/10 **10/0619-JT - FULL PLANNING APPLICATION FOR THE ERECTION OF CLASS B1, B2 AND B8 BUSINESS UNITS WITH SERVICE YARDS, ACCESS ROADS, PARKING AREAS, LANDSCAPING AND BOUNDARY TREATMENTS AT PLOTS 3, 4, 6-10 - BROMSGROVE TECHNOLOGY PARK PLOTS 1-14, ISIDORE ROAD, ASTON FIELDS, BROMSGROVE, B60 3ET - MR. M. STAPLETON**

The Head of Planning and Regeneration Services reported the comments of the Environment Agency and outlined that, on the basis of these comments, a further condition would be necessary in the event of the application being approved.

At the invitation of the Chairman, Mr. G. Winter addressed the Committee and spoke in support of the application.

**RESOLVED** that permission be granted subject to the conditions and notes set out or referred to on pages 91 to 94 of the report, together with the following additional condition:-

13. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall

also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Reason: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

71/10 **10/0644-DK - REVISED PROPOSALS FOR THE ERECTION OF THREE NEW BUNGALOWS AND ALTERATIONS TO EXISTING HOUSE TO PROVIDE ACCESS (RESUBMISSION OF 10/0195-CE) - 46 ALCESTER ROAD, HOLLYWOOD, WYTHALL, B47 5NB - MR. N. WICKLEN**

The Head of Planning and Regeneration reported the receipt of two additional objections to the application. She also stated that, in respect of paragraph 2 ('Principle') and paragraph 3 ('Design Density Layout and Amenity') on page 98 of the report, (i) minimum densities for housing have been abolished; and (ii) 'garden land' has been removed from the definition of 'previously developed land' as set out in Annex B of PPS3.

At the invitation of the Chairman, Mrs. D. Morton addressed the Committee and spoke against the application. Councillor L. J. Turner also addressed the Committee in his capacity as one of the Ward Members for the area in which the application site was located, and Mr. R. Hall spoke in his capacity as Chairman of Wythall Parish Council's Planning Committee.

On the matter being put to the vote, Members considered that the proposals:-

- amounted to overdevelopment of the application site, resulting in a cramped form of development of inappropriate design;
- were unsuitable in terms of scale and character and did not assimilate with the local context;
- led to a loss of residential amenity due to non-compliance with SPG1; and
- had unacceptable highway implications in respect of access and egress.

**RESOLVED** that permission be refused, and that the precise wording of the reasons for refusal be delegated to the Head of Planning and Regeneration.

72/10 **10/0720-SC - CONSTRUCTION OF AN ALL-WEATHER EQUESTRIAN AREA (MENAGE) - FIELD 1530, HOCKLEY BROOK LANE, BELBROUGHTON, DY9 0AG - MR. D. RANDLE**

At the invitation of the Chairman, Mrs. L. Randle addressed the Committee and spoke in favour of the application.

**RESOLVED** that permission be granted subject to the conditions and notes set out or referred to on page 111 of the report.

73/10 **10/0782-RL - CHANGE OF USE FROM A RESIDENTIAL DWELLING TO A RESIDENTIAL ASSESSMENT CENTRE, TO PROVIDING OVERNIGHT ACCOMMODATION (RESUBMISSION OF 10/0455-RL) - 8 GIBB LANE, CATSHILL, BROMSGROVE, B61 0JP - MR. M. ASTBURY**

The Head of Planning and Regeneration Services reported that consideration of the application would be deferred in light of the receipt of amended plans and, as a result, an additional consultation exercise would have to be undertaken as a result.

74/10 **TREE PRESERVATION ORDER (NO. 1) 2010 - TREE ON LAND AT 53 WELLINGTON ROAD, BROMSGROVE**

Members gave consideration to a report relating to Bromsgrove District Council Tree Preservation Order (No. 1) 2010 which had been made in respect of a beech tree on land at 53 Wellington Road, Bromsgrove.

**RESOLVED** that Bromsgrove District Council Tree Preservation Order (No. 1) 2010 be confirmed without modification.

75/10 **TREE PRESERVATION ORDER (NO. 12) 2002 - APPLICATION 10/042 - 8 CEDAR DRIVE, BROMSGROVE, B60 2JP**

Consideration was given to a report which outlined an application to fell a cedar tree on land between 8 Cedar Drive and 33 Kenyon Close, Bromsgrove, which was subject to the District Council of Bromsgrove Tree Preservation Order (No. 12) 2002. Members were informed that the application to fell the tree was on the grounds that some of the roots had decayed which made the tree unstable.

**RESOLVED** that permission to fell the tree be granted subject to the planting of a replacement cedar tree.

76/10 **APPEAL DECISIONS**

Consideration was given to a report which outlined the decisions in three recent planning appeals.

**RESOLVED** that the report be noted.

77/10 **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 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>
78/10	2 and 6

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79/10	2 and 6

78/10 **ENFORCEMENT OF PLANNING CONTROL: 10/0289 - THE MOBILE HOME, ALCOTT FARM, ICKNIELD STREET, BEOLEY, B48 7EH**

Consideration was given to a report which related to a breach of planning control on land at Allcott Farm, Icknield Street, Beoley; namely, the unauthorised erection of a shed, garage and fence surrounding a mobile home on the land. However, Members were informed that enforcement action should be commensurate with the breach of planning control in question and, as only one complaint had been received in respect of this matter, it would be considered inappropriate to take action against a trivial or technical breach causing no harm to amenity or location of the site.

**RESOLVED** that no action be taken in respect of the breach of planning control on land at Alcott Farm, Icknield Street, Beoley.

79/10 **ENFORCEMENT OF PLANNING CONTROL: PI/2010/00233 - 87 HIGH STREET, BROMSGROVE, B61 8AQ**

Consideration was given to a report which detailed a breach of planning control at 87 High Street, Bromsgrove; namely, the unauthorised installation of two uPVC windows at the premises which is a Grade II Listed Building and also within the Bromsgrove Town Conservation Area.

**RESOLVED** that the Head of Planning and Regeneration Services, in consultation with the Head of Legal, Equalities and Democratic Services, be authorised to proceed with the most appropriate course of enforcement action to remedy the breach of planning control at 87 High Street, Bromsgrove.

The meeting closed at 4.05 p.m.

Chairman