



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 19TH APRIL 2010
AT 2.00 P.M.

THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

SUPPLEMENTARY DOCUMENTATION

The attached papers were specified as "to follow" on the Agenda previously distributed relating to the above mentioned meeting.

4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting) (Pages 1 - 14)

K. DICKS
Chief Executive

The Council House
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19th April 2010

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**Bromsgrove District Council
Planning Committee**

**Committee Updates
19 April 2010**

Application Ref No	Update
09/0996-JT	<p data-bbox="456 645 705 676"><u>Recommendation</u></p> <p data-bbox="456 712 1442 922">The officer's recommendation has been amended in light of the Highways comments below. It is now recommended that members delegate authority to the Head of Planning and Environment Services (Head of Planning and Regeneration) to APPROVE the application, subject to the imposition of satisfactory conditions. These conditions would include:</p> <ul data-bbox="507 967 1442 1258" style="list-style-type: none">• A restriction on internal alterations to ensure that further floorspace cannot be created without the consent of the Council.• The imposition of a suitable Travel Plan.• Materials.• A limitation on noise emissions from compressors.• Any other conditions considered necessary in the interests of ensuring a satisfactory development. <p data-bbox="456 1294 753 1326"><u>Highways comments</u></p> <p data-bbox="456 1370 1442 1473">The Worcestershire Highways officer has further commented that, subject to the grant of a certificate of lawful development, no objection is raised subject to the following condition:</p> <p data-bbox="456 1509 785 1576">HC53 Travel Plan Condition</p> <p data-bbox="456 1617 1442 1832">The development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing a travel plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator.</p> <p data-bbox="456 1868 1442 1930">REASON: To reduce vehicle movements and promote sustainable access</p>

Assuming lawfulness is demonstrated, the proposal effectively represents a 340msq increase in GFA. This will make no material difference to the car parking requirement and will not represent an increase in trip generation to the site to warrant alteration of the network or a refusal comment. No further lorry parking provision is necessary. This however is seen as an opportunity to improve sustainable means of access to the site through the development of a travel plan which will reduce dependency on car borne access for staff and increase the attractiveness of alternative forms of access, this is encouraged regardless of the decision made in determining this application.

It is emphasised that this recommendation is only appropriate if the certificate of lawful development is issued, otherwise the recommendation of 15th February 2010 should be taken to be the Highway Authority's recommendation.

Chamber of Commerce

The Herefordshire and Worcestershire Chamber of Commerce has written in support of the application. The following comments are made:

- The Chamber of Commerce has been working with the applicant for over ten years as it recognises the sizable economic contribution that the business makes to the local economy. This relates not just to the spend with local businesses and services but also the employment of approximately 152 full time job opportunities for local people. Should permission be granted, the site's employment capability will increase to 400 staff within 4 years. Members of the Chamber's Environmental Forum and regular supporters of our work in schools, Oakland are committed to making contributions to the wider community.
- Oakland's application demonstrates the business's need to increase critical mass efficiency from 57% to 76% to remain competitive at lower margins. Their current site cannot accommodate this growth in its current format.
- Oakland has extensively calculated the food miles and carbon footprint of the food delivered via their proposed Case Consolidation scheme and have demonstrated that there would be an overall decrease in Carbon Footprint and should their application be successful, a decrease in traffic numbers visiting their site can be expected.

	<ul style="list-style-type: none"> • If planning for expansion and change in the business does not go ahead, it not only stops growth, but will impact on the future viability of the existing business. The company may have to retract, business focus may transfer to Ireland and there would be job security concerns for 150 current staff. Contracts are being discussed now with decisions due to be given to clients at the beginning of April for contract launches in September, October and November. As a result any delay to decisions could have a major impact on the business. [Officer's note: the applicant has confirmed that the business has a growing presence in Ireland - a new warehousing and distribution platform was opened in Ashbourne, County Meath, in May 2009.] • Overall, the Chamber of Commerce believes that the Council should support this application.
09/1003-JT	<p><u>Recommendation</u></p> <p>Officers advise that the recommendation should change to REFUSAL for the following reasons:</p> <ol style="list-style-type: none"> 1) <i>The proposed development, by reason of its scale, location and visibility, would adversely affect the setting of nearby listed buildings and the historic landscape in which they are located. It is therefore considered that heritage assets in the local area would be compromised, and that the recognised benefits of the proposals do not outweigh the harm caused. In this respect, the proposal is contrary to Worcestershire Structure Plan Policy EN.2, Bromsgrove District Local Plan Policy S39, the guidance contained within PPS5 and PPS22, and the Draft Historic Environment Assessment for Bromsgrove.</i> 2) <i>Information submitted by the applicant indicate that noise levels at the adjacent caravan site attached to Woodcote Golf Driving Range would be 40-45 dB. A full noise assessment including background noise surveys and wind-speed monitoring is therefore required. In the absence of such information, it is considered that the applicant has failed to demonstrate that the effects on the caravan park would be acceptable. The proposal is therefore contrary to Worcestershire Structure Plan Policy EN.2, Bromsgrove District Local Plan Policy ES13A, the guidance contained within PPS22 and PP2, and the technical advice in ETSU-R-97 'Assessment and Rating of Noise from Wind Farms'.</i>

Conservation comments

The Conservation Officer has commented as follows:

- The application site is adjacent to Kidderminster Road which contains five Grade II listed buildings - Woodcote Manor House and Barn to SW, Woodcote Farmhouse and Stables to W, and Woodcote Lodge. There are also three listed buildings on Berry Lane which are within Wychavon district - The Durrance, barn to north and barn/carhouse to south.
- The proposed site of the two wind turbines is a considerable distance from the five listed buildings on Kidderminster Road, however because of the height of the structures there is a potential detrimental impact on the setting of these listed buildings. The relationship between the listed buildings and the wider landscape does contribute to their significance and special interest, and although some screening is present to act as a buffer between the buildings and the turbines, the longer views will be affected by this development.
- Policy HE10.1 of PPS5 which was published on 23rd March advises that:

"When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval"

- This is supported by the DCMS/EH Practice Guide, which states that:

"114. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration; by spatial associations; and, by our understanding of the historic relationship between places. For example, buildings that are in close proximity but not visible from each other may have a

historic or aesthetic connection that amplifies the experience of the significance of each. They would be considered to be within one another's setting.

115. Setting will, therefore, generally be more extensive than curtilage and its perceived extent may change as an asset and its surroundings evolve or as understanding of the asset improves"

- We have also recently received an interim draft of the Historic Environment Assessment for Bromsgrove which has highlighted the archaeological significance of this area - the draft report ranks this site as no.4 in terms of importance out of 35 identified historic character zones. This assessment is based on the information contained within the Worcestershire Historic Environment Records, and highlights the potential for surviving medieval archaeology on this site. Further clarification and comments have been requested from the county archaeological service on this issue. Comments should also be sought from the Conservation Team at Wychavon DC on the impact of this development on the setting of the three listed buildings within their boundary.
- English Heritage published a guidance note on Wind Energy and the Historic Environment in 2005 which outlines the key factors the local planning authority should consider when assessing developments within historic sites:
 - Visual dominance - a historic feature may be the most dominant feature on the landscape
 - Scale - number, density and disposition of turbines
 - Intervisibility - certain features may have been intended to be seen from other historic sites
 - Vistas and sightlines - prospects, panoramas and views which may be affected
 - Movement, sound or light effects - movement, noise and shadow flicker effects may be a significant issue
 - Unaltered settings - largely unaltered settings may be rare survivors and especially vulnerable to modern intrusions
- The last factor is particularly relevant to this case, as the relationship between the listed buildings and the surrounding fields is largely unaltered. The flat open landscape provides views of the listed building at several points, although partially obscured by trees and hedges. The proposed turbines by

nature of their height of 42m and diameter of 24m are going to be visible for some considerable distance, and I am concerned that they will be overtly obtrusive in distant views to and from the listed buildings. Several electricity pylons have been constructed further south, but the proposed wind turbines are considerably closer to the listed buildings and would therefore have a stronger impact on their setting.

- Obviously there is a balance to be sought between developments that help mitigate climate change and the protection of our historic built and natural environments. However in this case I feel the potential detrimental impact on the setting of five (and possibly eight) listed buildings in the vicinity is too great to outweigh the benefits of the scheme. I would therefore recommend refusal of this application.

The Conservation Officer at Wychavon DC advises that:

- within 2 miles of the site there are, in the Wychavon District, 2 sites of regional or local wildlife importance, 2 sites of archaeological significance and a listed building at Durrance Farm. Within 10 miles there are 3 Registered parks: Hartlebury, Westwood and Hanbury. There are also some locally listed parks and gardens.
- There would be little impact on any designations, with the exception of Durrance. It is likely that the proposed turbines would be visible from and within the setting of Durrance and this should be considered against of the significance of the heritage asset. A Visual Impact Assessment would be required to assess the impact.

The Worcestershire County Historic Environment Planning Officer comments that there are scheduled remains in the general vicinity, which are approximately 0.6 km to the west. A non designated deserted medieval village lies 0.5 km to the southwest, and there are no known archaeological remains with the development area. There is a concern that there maybe an issue relating to the setting of the scheduled monuments, and therefore English Heritage should be consulted.

Applicant's request

In light of the above, the applicant's agent requests that the application be deferred at Planning Committee to allow for time to consider the new information that has come to light. The Conservation Officer's

comments identify the location of the Listed Buildings and the Policy as set out in PSS5 but draw no real conclusions as to how the generators cause harm to the setting of the buildings that is so significant as to warrant refusal of an application found acceptable in all other respects. Nothing has changed since the recommendation for approval and in any event the generators are structures of a temporary nature.

The agent has also ascertained the height of the existing pylons near to the development, which is approximately 40 m. This is 10 m higher than the main structure of the generators at 30m and similar to the total height with the blade at its maximum of 42m. This sets the context more accurately than any photo montage given that the blades rotate around the vertical axis such that the view changes with wind direction.

Julie Kirkbride MP

Julie Kirkbride MP has written to emphasise concerns of her constituents, and strenuously opposes the application.

Woodcote Golf Driving Range

The owner of Woodcote Golf Driving Range has brought officers' attention that the premises is subject to a Caravan Club license for the siting of up to 5 touring caravans between March and October, with a maximum stay of 28 days.

As this facility is considered to be noise sensitive, it is considered that a full acoustic survey would be required to assess the impact on the proposal.

The owner has also written to address the points raised in the additional information submitted by the applicant following the previous planning committee. The points raised are summarised below:

- What, if any reasonable steps have been taken by the applicant as to location, scale and visual impact?
- The assessment of the Golf Range as being non-noise sensitive is questioned.
- What is the applicant's interpretation of an acute angle (with reference to the angle of the proposed turbines to the Golf Range).
- In response to the applicant's contention that the Golf Range is a "private facility and no public benefit is derived from it", the owner states that all customers are members of the general

public; that many children and their parents use the facility; that the turbines would make other golf ranges in the district comparatively more attractive; and that the applicant has no right to state that "perceived harm to the operation of the Golf Range would be outweighed by the benefits".

A letter has been received from a golf instructor working at the Driving Range. The points raised are summarised below:

- The rotation of the blades at a short distance (170 m) would be a complete distraction, not conducive to a suitable teaching environment or concentration. The noise would also be an unacceptable handicap.
- A golf driving range is noise sensitive and is an 'outdoor activity'.
- If permission would be granted, the instructor would probably have to cease teaching at Woodcote.

Further objections

14 further letters from existing objectors have been received in response to the additional consultation. The following new points have been raised:

- There is mounting evidence to suggest that wind turbines can have serious effects on people's health. Like all new developments it takes time before the full impact is known and cannot possibly be known in any Government guidelines produced at the outset. These health threats should be investigated thoroughly to protect local residents. Failing to do so would be irresponsible and negligent and leave the Council open to legal challenge for personal damages in the future. Whilst there are any doubts regarding potential health issues the application must be rejected - it is the only safe course open to Bromsgrove District Council.
- As the majority is designated Green Belt, then Bromsgrove is clearly not suitable for wind turbines as they are harmful and inappropriate to the Green Belt. There are no proven 'very special circumstances' and therefore this and all subsequent applications should be declined on this basis.
- The discrepancy between government technical guidance and subsequently experienced energy outputs (less than 20% of expectations) demonstrates vividly that the decision must be based on up-to-date facts, not 'make believe' projections from

the past. The Council should be absolutely sure of the supposed benefits before recommending it.

Officer's note: it is assumed that this point refers to the objector's previous reference to press reports on the efficiency of wind turbines. This issue is dealt with in the officer's report under the heading 'efficiency of turbines'.]

- The Bromsgrove Standard is not considered to be a suitable local newspaper to advertise the application as it is not circulated in the area. Furthermore the advertisement was included with seven other applications and in such small print that it was extremely difficult to read. This cannot be regarded as satisfactory publicity.
- The suggestion by the applicant that no alternative sites are available must be nonsense.
- With regard to the comments made by the application on the Woodcote Driving Range, practice requires as little distraction as possible and the siting of the turbines will be just that. The economic benefits to the applicant should not be more important to those of the driving range.
- Reference is made to a recent appeal decision at Benington, Herts (APP/J1915/A/09/2104406), which considered the installation of 3 wind turbines of up to 119 m height, a permanent meteorological mast, substation, access tracks and ancillary infrastructure. The appeal site fell partially in the Green Belt, and was dismissed on the basis that:
 - 1) the proposal would be inappropriate development in the Green Belt;
 - 2) there would be significant harm to several local Landscape Conservation Areas;
 - 3) there would be serious adverse effects on one residential property, from which the development would be dominant and overbearing;
 - 4) some users of nearby rights of way would be likely to have their enjoyment of the countryside diminished, which adds weight to the conclusion on visual impacts;
 - 5) the setting of nearby listed buildings would be harmed;
 - 6) there would be significant benefits as a result of renewable energy generated, but not to the extent to outweigh the issues raised above.

- The objector contends that the Inspector's decision supports the opinion that in this case there are no very special circumstances to justify development in the Green Belt.

Officer's note: Although there are similarities with the application proposals, this appeal decision is considered of only limited relevance by officers as it raises no issue of principle. In the appeal case significant harms of a variety of types were identified, along with significantly greater environmental benefits than those provided by the application proposals, owing to the larger scale of the turbines proposed (approximately 3 times taller than proposed at Woodcote Green). The balancing exercise in determining whether 'very special circumstances' exist was therefore different, as it will be in all proposals for development in the Green Belt.

Members are reminded that the application proposals should be determined on their own merits, with regard to the question of whether the arguments put forward by the applicant amount to the very special circumstances required to outweigh the harm to the Green Belt identified.

- Several technical electricity supply issues have been raised on local 'supply impedance' and the ability of the local network to absorb fluctuations, and 'islanding' (i.e. the frequency and voltage fluctuations which can occur if the mains supply is disconnected from the local area, but the wind turbines continue to supply power). Also raised is the question of whether the turbines would interfere with television reception.

Officer's note: The technical supply issues are not considered to be a planning issue, and would need to be resolved with the relevant infrastructure authorities assuming planning permission were to be granted. No evidence has been submitted indicating that television reception interference would occur. However, it is noted that the Joint Radio Company has raised no objection and states that no interference with the radio systems operated by infrastructure companies would occur.

- Shadow flicker associated with the turbines may cause epileptic attacks and migraine.
- Properties will be devalued.
- Peace and tranquillity would be gone.

- Noise from the turbines would be totally unacceptable, especially in winter as there are no leaves to mask the noise.
- The applicant would not be effected as his home is furthest away.
- The proposal is a profit making scheme at the expense of hardworking people. The only person that will benefit financially would be the applicant.
- Concerns that the development may spook horses using fields adjacent to the land.
- Requests that the application be refused pending the adoption of a Bromsgrove District renewable energy policy.
- The application would set a dangerous precedent for similar applications given the lucrative subsidy schemes the government has introduced.
- The turbines will affect the high frequency hearing of bats.
- Wind turbines may affect the migration of birds.
- If permission is granted, it should be linked to the Wychavon permission granted to the adjacent activity which is the intended consumer of the wind generated power.

Letter of support

One further letter of support has been received, raising the following points:

- As someone living in the Timberhonger area, the writer has no issues whatsoever with such turbines being in the District. We all expect there to be electricity available when we want it, and we should all be concerned about the use of our finite fossil fuel reserves.
- The situation is similar to airports and motorways - we all want to use them but don't want it built near to where we live. This is a true case of NIMBYism.
- The turbines have to go somewhere and there is no logical reason for them not to be in the proposed location.
- They are fascinating things to look at.

10/0128-CE	<p>Letter received from applicant 14.04.2010:</p> <ol style="list-style-type: none"> 1. Negotiations have taken place between the applicant, his architect and the case officer since August 1990 to consider adjustments to the application to satisfy the officer's concerns. 2. The proposed building is in all respects similar to the original farm type cart shed buildings of the 18th century, some of which are standing to this day. The proposal is therefore considered an asset to the area. 3. Assurances are given that the applicant will not try in the future to convert the building to residential use. 4. In relation to the planning history of Hazy Hill Farm, the applicant states that since the approval of a garage block and implement store in 1981, things have changed a little and farm vehicles have got much bigger. The garage and implement store later became obsolete coupled with the fact that a local farm took over the management of the fields and woods and did so until recently when the applicant took over the management <p>Officer's response to the above comments:</p> <ol style="list-style-type: none"> 1. It is presumed that the date referred to should read "August 2009". The applicant attended a meeting with his architect and the case officer in September 2009. The applicant was advised why the scheme proposed under application 09/0448 was not acceptable and possible modifications to the design were discussed. Although the architect later submitted an improved scheme for informal comments, the scheme currently proposed is the same as that proposed under 09/0448 (with the exception of the removal of one window). 2. No examples of such cart shed buildings have been submitted. For the reasons set out in the report, your Officer disagrees with the applicant's views on the design of the building 4. The list of machinery the applicant wishes to store comprises of small items. There is no reason why, if the stores approved under B8286 and B9547 were still in their original use, they could not meet at least some of the required storage requirements. The applicant is now suggesting that the management of the land was taken over by a farmer following the approval of B8286. This does not correspond with information previously submitted by the applicant.
10/0130-JT	Application WITHDRAWN via letter 13.04.10
10/0195-CE	<p>View received from the Drainage Engineer 08.04.2010 in response to amended plans. Further clarification required.</p> <p>Email received from agent 14.04.2010 confirming:</p>

- subject to consent from Severn Trent, the attenuated outflow for storm water will be drained into their network, and
- the drainage arrangement would be designed to ensure there is no new discharge onto the public highway.

The Drainage Engineer has verbally confirmed these details are acceptable (19.04.2010).

View received from Worcestershire Highways 09.04.2010 in response to amended plans: Conditions and notes recommended.

Further conditions:

16. HC8 (vehicle access construction)
17. HC11 (closure of existing access)
18. HC14 (driveway gradient)
19. HC25 (access, turning and parking)
20. HC51 (parking for site operatives)

Further notes:

6. HN1 (mud on highway)
7. HN4 (private apparatus within highway)
8. HN5 (alteration of highway to provide new or amended vehicle crossover)
9. HN9 (no drainage discharge to highway)
10. HN24 (temporary direction signs to housing developments)

Amendment to suggested note 1:

The applicant is advised that the landscaping scheme required under condition 11 should include replacement tree, shrub and hedgerow planting, appropriate screening of not less than 1.8 metres in height along the boundaries where the site adjoins existing private gardens and a screen along the boundary with 48 Alcester Road adjacent to the existing dwelling.

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