



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 17TH MAY 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.

6. 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
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

17th May 2010

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**Bromsgrove District Council
Planning Committee**

**Committee Updates
17th May 2010**

| Application Ref No | Update |
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| 10/0115-JT | <p data-bbox="459 645 1244 678"><u>Guidance on dealing with 'extension of time' applications</u></p> <p data-bbox="459 712 1444 853">Members should not that the <i>Greater Flexibility for Planning Permissions</i> consultation (June 2009) referred to at page 19, paragraph 3 of the agenda has since been replaced by the <i>Greater flexibility for planning permissions: Guidance</i> (November 2009).</p> <p data-bbox="459 891 1444 996">The approach to considering applications set out in the subsequent paragraphs of the officer's report (page 19, 5 and 6) remains unchanged in the final Guidance document.</p> <p data-bbox="459 1034 1444 1176">However, paragraph 15 of the draft guidance (officer's report page 19, para. 4), which indicates that no change is allowed to any new permission granted other than the extension of time to commence development, no longer stands.</p> <p data-bbox="459 1214 1444 1283">Para. 30 of the adopted Guidance states that the same conditions need "not necessarily" be attached, and notes that:</p> <p data-bbox="459 1321 1444 1534"><i>"the primary legislation giving LPAs the power to impose such conditions as they see fit (s.70 of the TCPA 1990) is unchanged. Therefore, if appropriate, different conditions could be imposed or some conditions could be removed - for example in order to make the scheme acceptable in the light of new policies, or if some pre-commencement conditions have already been discharged."</i></p> <p data-bbox="459 1572 1444 1677">It is also noted that, in relation to the need for a new section 106 agreement planning obligation pursuant to the new permission, Para. 28 of the Guidance states that:</p> <p data-bbox="459 1715 1444 1892"><i>"It may be the case that the LPA or the applicant may seek changes to the obligation in order to make the proposal acceptable in changed circumstances. If a fresh obligation is necessary, this is possible, as long as the requirements set out in primary legislation and the guidance set out in Circular 05/2005 is followed."</i></p> |

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| | <p>This means that the nature and extent of the planning obligations previously secured (all in relation to highways and transport) may be altered. However, it is noted that the Worcestershire County Highways Officer has raised no objection subject to the same conditions and highway arrangements previously agreed.</p> <p>For the avoidance of doubt, none of the above changes the recommendation contained within the officer's report.</p> <p><u>Air Quality Management</u></p> <p>The proposed site plan is located outside of the designated A38 Redditch Road Air Quality Management Area. The Environmental Health Officer has advised that there is therefore no requirement for the applicant to submit an Air Quality Management assessment, or for the Council to assess the impact of the proposals on air quality.</p> <p><u>Contaminated land</u></p> <p>The Contaminated Land Officer has raised no objections to the proposals, subject to the imposition of similar conditions as for the approved scheme.</p> <p>Email received from applicant's agent 17.05.10: A revised draft version of the FRA has been sent directly to the EA. The EA has confirmed to the applicant's agent that the changes that have been made would now appear to meet the EA requirements. A copy of the FRA will be submitted to the Council for formal consultation with the EA.</p> |
| 10/0116 - DB | <p>Additional 58 letters received.</p> <p>Total: 542 letters objecting to the scheme 1 letter in support of the scheme Views as detailed in report</p> <p>The applicant's agents have been working on a Section 106 Agreement to address;</p> <ol style="list-style-type: none"> 1. Highway contribution of £10,000 in relation to improved traffic signals at the junction of Hanbury Road and the A38, 2. Transport contributions of £44,082 to enhance local bus services 3. Definition of the affordable housing provision to ensure provision in perpetuity and the local letting criteria. |

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| | <p>The Council is aware that matters 1 and 2 have been fully approved and agreed by Worcester County Council. However there is an outstanding matter that relates to the exact wording of the clauses associated with the affordable housing provision.</p> <p>In the absence of a fully completed document, refusal reason c) cannot be removed. However Members should be aware of the advanced position reached with respect to the finalisation of the S106.</p> |
| 10/0199-JT | <p><u>Retention of trees</u></p> <p>The Woodland Officer comments as follows:</p> <p><i>The development proposes the loss of a number of medium-sized trees within the interior of the development site. Although this loss is contrary to policy C17 of the BDLP, I consider this to be acceptable in this instance given the lack of wider visibility of these trees and the which has been proposed provided that a scheme of replacement tree planting includes sufficient numbers, size and species of trees to mitigate the environmental effect caused by the loss. I consider that there is sufficient space within the proposed development that such a scheme can adequately provided by virtue of a condition as detailed below.</i></p> <p><i>The development also proposes the loss of an area of trees and woodland adjacent to the frontage of Worcester Road. This woodland area provides a rare and valuable wildlife habitat to the area more so being linked onto the wildlife corridor of the adjacent Sugar Brook and public open space. The greening effect to the street scene and contribution to local area quality and sound reduction of this area is also considerable within an otherwise busy road. The submitted Ecological Survey has not addressed the impact of the development on this woodland. However, I consider that the proposal will effectively destroy the wildlife habitat value of this area and thus this element of the application is contrary to policies C17, C18, C10A, C12 & C16 of the BDLP. The area would also appear to offer roosting and foraging opportunities for bats and policy C11 also apply. For these reasons I would recommend either refusal of the application or a suitable condition excluding this area between the public footpath and Worcester Road from any development works pending further details of landscaping works and protection of the existing trees and woodland.</i></p> <p>In response to these concerns, the applicant has submitted a revised site plan (2514-23-Z) showing that these trees would be retained.</p> |

In the event that the application is approved, the Woodland Officer recommends the imposition of a series of conditions which are set out in the schedule below.

Residential amenity

The revised site plan drawing (2514-23-Z) also indicates that the boundary adjoining properties in Peter's Finger and nos.167-171 Worcester Road would be treated with a 2 m high acoustic fencing and gates, and the car parking previously proposed to the rear of these properties removed in favour of landscaping.

The occupiers of nos. 167 and 171 Worcester Road have written (on behalf of the residents of those properties, no.169 Worcester Road and Peter's Finger) to withdraw their objection to the proposals. Members will note that the petition referred to in the officer's report was on behalf of the occupiers of these properties. The withdrawal of the objection is subject to the submitted drawing being the approved site plan. It is stated that the drawing addresses all concerns raised by the objectors and other local residents who signed the petition, who have seen the drawing.

The residents state that the applicant has agreed to:

1. replace the complete length of perimeter fencing between the property of affected residents and the school site with an acoustic barrier;
2. consult with affected residents as to the nature of that barrier;
3. consult with affected residents as to the nature of the planting scheme and landscaping which will be used to screen the development;
4. replace the existing iron gates at the end of Peters Finger with close boarded gates and thus ensure greater privacy to its residents;
5. consult with affected residents in connection with a lighting scheme for the proposed development and ensure that light pollution is kept to an absolute minimum;
6. ensure that all street and car park lights throughout the proposed development are switched off at the end of each day, when the site is finally secured.

The residents would like to record their grateful thanks to Bromsgrove School and its architect for addressing their concerns so patiently and would like to wish their new development every success.

For the avoidance of doubt, the occupier of no.133 is independent of

the residents at nos.167-171 and the objection received from this person still stands. Officers understand that this is now the only outstanding objection.

Highways comments

The Worcestershire County Highways Officer's final comments have been received. No objections are raised subject to the imposition of conditions in relation to:

- access, turning area and parking arrangements;
- provision of 8 disabled parking spaces;
- submission of engineering details of the amended junction onto Worcester Road;
- restriction of vehicular construction access to Worcester Road;
- parking for site operatives and visitors;
- public rights of way;
- section 278 agreement; and
- design of street lighting.

The revised **RECOMMENDATION** is now: -

That permission be **GRANTED** subject to the following conditions:

- 1) C001 Standard time - three years
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans 2514-21, 23-Z, 24-E, 25-E, 26-E, 28-B, 32-F, 33-E and 34-D, and 2571-003-S, 004-Q, 005-L and 007E unless minor alterations are submitted to and approved in writing by the Local Planning Authority.

Reason: To define the permission and in order to secure the satisfactory appearance of the development in accordance with Policy CTC.1 of the Worcestershire County Structure Plan 2001 and Policy DS13 of the Bromsgrove District Local Plan.

- 3) C003 Materials to be submitted

Community use

- 4) Prior to the commencement of the hereby approved development, or within 6 months of commencement, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include

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| | <p>details of pricing policy, hours or use, access by non-school users/non-members, management responsibilities, security arrangements and a mechanism for review. The approved development shall not be used other than in accordance with the approved Scheme, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with PPG17 (Para. 15, point 4) and Policies S31 and S32 of the Bromsgrove District Local Plan.</p> <p>Drainage</p> <p>5) The disposal of storm water shall be by means approved by the Local Planning Authority. The approved system shall be operational before building works commence, other than those works required for the approved drainage system. Balancing will be required in accordance with the Environment Agency policy. There is no Public Surface Water Sewer and no surface water will be allowed to discharge to the foul water sewer.</p> <p>Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.</p> <p>6) The disposal of foul sewage shall be to the public foul sewer located in Worcester Road. If an existing connection is being used, then its condition needs to be proved, otherwise all new works are to be dealt with by the water authority and Worcestershire County Council.</p> <p>Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.</p> <p>Landscaping and tree protection</p> <p>7) Prior to the commencement of any works on site, a detailed landscaping scheme of tree and hedge planting & biodiversity enhancement, shall be provided to the approval of the Local Planning Authority. This scheme shall include the following:</p> <p>a) full details of all existing physical and landscape features</p> |
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| | <p>on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;</p> <p>b) full details of enhancement works to the boundary of the application site with nos.119-171 Worcester Road and Peter's Finger;</p> <p>c) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.</p> <p>Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.</p> <p>8) Prior to occupation of the development hereby permitted, the approved scheme of landscaping and planting shall be completed to the satisfaction of the Local Planning Authority.</p> <p>Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.</p> <p>9) No trees on the boundary of the application site with nos.119-171 Worcester Road and Peter's Finger shall be pruned, felled or uprooted without the specific prior written permission of the Local Planning Authority. Where the Local Planning Authority permits such works, suitable replacements as agreed in writing by the Local Planning Authority shall be planted</p> <p>Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.</p> <p>10) No works in connection with the development hereby approved shall be undertaken other than in accordance with the submitted tree protection drawing 10036/32681.</p> <p>Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and</p> |
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| | <p>RST.1 of the Worcestershire County Structure Plan 2001.</p> <p>11) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the developer shall erect protective fencing around the Root Protection Areas (RPA) of the trees shown retained on the approved plans on and adjacent to the application site. This fencing shall be constructed as illustrated by Figure 2, and at positions in accordance with, Section 5.2.2 of British Standard BS5837:2005 to the satisfaction of the Local Planning Authority (LPA). This fencing shall be maintained to the satisfaction of the LPA until all development, the subject of this permission, has been completed.</p> <p>Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.</p> <p>12) No works of any kind, including changes in ground levels, installation of utility services, passage, storage or use of machinery, shall be permitted within the Root Protection Areas of trees on and adjacent to the site without the prior specific written permission of the Local Planning Authority.</p> <p>Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.</p> <p>13) Where any works are proposed within the Root Protection Area of any trees on or adjacent to the application site, these shall only be carried out in accordance with an Arboricultural Method Statement submitted to and approved by the Local Planning Authority.</p> <p>Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.</p> <p>14) No materials, waste or wash water of any kind shall be stored, installed, burned or disposed of within the Root Protection Areas</p> |
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| | <p>of trees on and adjacent to the site without the prior specific written permission of the LPA.</p> <p>Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.</p> <p>15) No trees or hedges shown retained on the approved scheme shall be topped, lopped, felled or uprooted without the specific written permission of the Local Planning Authority.</p> <p>Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.</p> <p>16) Any retained or new planting trees, hedges or shrubs on the site as shown on the approved landscaping scheme which are removed, become dead, diseased or dangerous, shall be replaced to the satisfaction of the Local Planning Authority in the first available planting season.</p> <p>Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.</p> <p>17) Prior to any of the buildings here permitted being occupied, the applicant shall submit a schedule of regular works to ensure the maintenance of the trees and hedges in a sound ecological and environmental condition to the approval of the Local Planning Authority. The approved schedule of works shall be maintained for the life of the development and not ceased or varied unless otherwise approved in writing by the Local Planning Authority.</p> <p>Reason: In order to protect the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17, DS13, RAT3 and S19 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, CTC.5 and RST.1 of the Worcestershire County Structure Plan 2001.</p> <p>Lighting</p> |
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| | <p>18) All external lighting in the development hereby approved must comply at all times with the Guidance Notes for the Reduction of Obtrusive Light issued by the Institute of Lighting Engineers. The development shall not commence until a satisfactory detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. No lighting shall be used in the development other than in accordance with such details as are agreed.</p> <p>Reason: In order to protect the amenities of the area in accordance with Policy RST.1 of the Worcestershire Structure Plan and Policies DS13, RAT3 and S19 of the Bromsgrove District Local Plan.</p> <p>Highways</p> <p>19) The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.</p> <p>REASON: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway.</p> <p>20) 8 car parking spaces shall be provided on the site for the use by the disabled in a location to be agreed in writing by the Local Planning Authority. Such spaces shall be satisfactorily identified and reserved solely for that purpose and shall be made available prior to the developments occupation.</p> <p>REASON: To comply with parking standards and to provide parking for all users.</p> <p>21) Prior to the occupation of the development hereby permitted engineering details of the amended junction onto Worcester Road shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.</p> <p>REASON: To ensure the safe and free flow of traffic onto the Highway.</p> |
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22) Means of vehicular access for construction traffic to the development hereby approved shall be from Worcester Road only.

REASON: In the interest of Highway Safety.

23) The development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision be retained and kept available during the construction of the development.

REASON: To prevent indiscriminate parking in the interests of Highways safety.

24) The hereby approved development shall not be occupied until engineering details of the improvements to the Public Highway have been submitted to and approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

REASON: In the interest of Highway Safety.

Informatives

1) West Mercia Police advises that it is important that a suitable design of access control is included within the hereby approved proposals to prevent sneak-in thefts.

2) The applicants attention is drawn to the requirement that, in all cases where an agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief agreed with the Highway Authority and their design shall include any necessary amendments to the existing system. The design brief should be discussed with the Highway Authority prior to the commencement of the design.

3) A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act, 1990, provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.

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| | <p><u>Revised description of development</u></p> <p>The description of the development should now read:</p> <p>Proposed eight court sports hall, fitness suite, sports teaching pavilion, changing room extension, boarding accommodation, gatehouse, associated car parking and external works (as augmented by revised Site Plan 2514-23-Z received 13/05/2010).</p> |
| 10/0212-DK | <p>The following alterations have been made to the text of the Report.</p> <p><u>Proposal:</u> This proposal is for an extension of time for permission B/2007/0265 for the erection of two No. B1/B2/B8 units with ancillary car parking and servicing areas.</p> <p><u>Relevant Planning History</u></p> <p>B/2007/0265 Erection of two No. B1/B2/B8 units with ancillary car parking servicing areas. Granted 26.04.2007.</p> <p><u>Notes</u> - (2nd Paragraph)</p> <p>Correction Ref: B/2007/0265.</p> <p>1 Additional Condition:</p> <p>The permission hereby approved shall be carried out in strict accordance with the details approved for conditions 3, 4, 18, 21, 22, 23 and 36 attached to permission B/2007/0265 (Details Ref: DLD/HLF/7212/RB32, Received 18th July 2007 and Ref: DLD/DLD/7212/RB34, Received 06th August 2007)</p> |
| 10/0213-DK | <p>The following corrections are made:</p> <p>Assessment (last paragraph) Therefore, a three year consent is appropriate.</p> <p>Conditions: 1. C1 (Three years)</p> |
| 10/0284-CE | <p>Comments received from Worcestershire Highways 11.05.2010. No objection.</p> <p>Comments received from Beoley Parish Council. No objection. It is strongly believed that the proposal will solve a very dangerous</p> |

situation.

Comments received from Economic Development Officer 17.05.2010. Economic Development supports the application. The furniture showroom is a long standing rural business of the kind which needs our support to survive and compete with nearby urban competitors. It is essential for these small rural businesses to have adequate facilities to receive deliveries from large trucks. Otherwise they will not be eligible for the volume discounts which their competitors enjoy.

Additional information received from applicant's agent:

1. The description of the proposal in the planning statement should read "lorry and turning area only".
2. The hardstanding was laid down in January / February 2006.
3. The parking areas cannot be used flexibly to allow a turning area. The applicant cannot reduce the number of car sales pitches as it would affect the viability of the business.
4. Lorries could not turn in front of the showroom as the applicant requires this parking area for customers to the showroom. It would prove unpractical and too tight an area to turn a lorry.
5. It is noted that the 2005 permission was subject to a condition requiring the submission of details for a parking and turning areas. Since the original permission the delivery of bulky goods, such as furniture, has changed from large vans to articulated lorries. Consequently, there has been a change in delivery outside of the applicant's control. The applicant realised the existing curtilage was not large enough so, to comply with the condition on the planning permission, he submitted an application for the proposed turning and manoeuvring area.
6. It is considered that very special circumstances exist that outweigh the presumption against inappropriate development such as there being a change in the delivery of type of vehicles and the resulting viability of the businesses together with established commercial uses on the site. This is an existing commercial site and in the interests of the local economy and encouraging local businesses, the application should be granted subject to conditions.

Officer Comments

Having paid regard to the new information supplied by the applicant, it is accepted that the hardstanding on the application site has been substantially completed since January 2006.

Under Section 191B(1) of the Town and Country Planning Act 1990 the hardstanding is immune from enforcement action. As such, the application relates to the use of the hardstanding for the turning and

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| | <p>manoeuvring of lorries and whether the use alone would adversely affect the purposes of including land in the Green Belt, its openness and visual amenities.</p> <p>It is your Officer's opinion that the level of vehicular movements, which could reasonably be expected with the proposed use, will cause only minimal additional harm.</p> <p>The introduction of the proposed landscaping belt along the west boundary would help to mitigate against any impact.</p> <p>The use of the hardstanding could be controlled by way of a condition to ensure that it was not used for the parking of vehicles and/or the storage of other items/materials.</p> <p>The revised RECOMMENDATION is now: - That authority to determine the application be delegated to the Head of Planning and Regeneration following the expiry of the publicity period (18 May 2010).</p> <p>MINDED TO APPROVE</p> |
| 10/0317 - MT | <p>Item is removed from the Agenda at the request of the Head of Planning and Regeneration.</p> <p>Members are advised that the FRA has been received today (17 May 2010) and has subsequently been forwarded to the EA for comment. On this basis it is not possible to report the views of the EA to Members at this Committee.</p> <p>In addition it is not possible constitutionally to Delegate the decision to the Head of Planning and Regeneration and as such the item will need to be brought back to a future meeting of Planning Committee for final consideration.</p> |