



**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

MONDAY 9TH AUGUST 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 (Pages 1 - 8)

K. DICKS  
Chief Executive

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

9th August 2010

This page is intentionally left blank

## Bromsgrove District Council Planning Committee

### Committee Updates 9th August 2010

06.07.2010 - The Secretary of State for Communities and Local Government has announced that Regional Spatial Strategies have been revoked with immediate effect and no longer form part of the development plan. Members should therefore give no consideration to the West Midlands Regional Spatial Strategy policies referred to in the Committee reports. Members are advised that the revocation of the Regional Spatial Strategy does not alter the recommendations made in relation to the applications included in this agenda.

Application Ref No	Update
10/0397-CE	<p>28.07.2010 - Additional information regarding the ventilation system and amended plans received. The amended plans show the flue pipe reduced in height to 0.9 metres above the flat roof (previously 1.3 metres). The ground floor plans has also been amended to show the retention of the side door. This will now serve an internal bin storage area.</p> <p>30.07.2010 - Further comments received from Environmental Health Manager:</p> <ul style="list-style-type: none"><li>• The noise levels from the proposed extract flue (26dB) would be minimal. However, consideration should be given to any reverberation and thus amplification of the fan onto the flat roof or into / onto the flue itself as this may increase the noise level. The fan must therefore be fitted appropriately to prevent reverberation and amplification of the noise from the fan arising.</li><li>• Street waste bins in the area should be reviewed as some pizza boxes do not fit into bins or there may be an insufficient number of bins.</li></ul> <p>The description of the approved development has been amended to:</p> <p>Change of use from retail shop A1 to takeaway food A5 and restaurant A3. Trading to take place between 5:00p.m. (As amended by plans and augmented by information received 28.07.2010.)</p> <p>The recommendation has been amended to:</p> <p><b>RECOMMENDATION:</b> that permission is <b>APPROVED</b></p>

	<p>Suggested condition 4 has been amended to:</p> <p>4. Notwithstanding the submitted information, the development hereby permitted shall not be commenced until a scheme for ventilation and the control and extraction of fumes, gases, odours and other effluvia from the site has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of the fittings and installation of the proposed fan required to prevent reverberation and amplification of noise. All elements of the approved system shall be installed, implemented and in full working order prior to the use commencing and shall thereafter be properly maintained. Such equipment must be used at all times when cooking activities are undertaken at the premises.</p> <p>Additional condition:</p> <p>6. Details of the storage and disposal of food preparation and cooking waste shall be submitted to and agreed in writing the Local Planning Authority before commencement of any trading from the premises of the use hereby permitted.</p> <p>REASON: To protect the amenity of nearby residential occupiers in accordance with Policy SD.2 of the Worcestershire Country Structure Plan 2001 and Policy DS13 of the Bromsgrove District Local Plan 2004.</p> <p>Additional note:</p> <p>The applicant is strongly advised to provide external waste bins on the area of the application site to the front of the building. The bins should be suitable for the disposal of containers (e.g. pizza boxes) used in the sale of food from the premises.</p> <p>4 further objections received. Additional issues raised:</p> <ul style="list-style-type: none"> <li>• There is an ongoing problem with rats in the area.</li> <li>• Harm to the amenities of residential properties as a result of smells, heat and noise (especially when windows are open from ventilation) and increased traffic, footfall and rubbish.</li> <li>• Impact on the value of adjoining properties.</li> <li>• Sufficient food outlets in area. Alternative business should be encouraged. A town centre site would be more suitable.</li> </ul>
10/0409-JT	The Tree Officer has no objections subject to the following conditions:

	<ul style="list-style-type: none"> <li>• No works of any kind shall be permitted within or through the Root Protection Areas of trees on and adjacent to the application site without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of mixing or fuel tanks.</li> </ul> <p>In order to protect the trees, hedges and landscape features which form an important part of the amenity of the site and adjacent properties in accordance with policies C12, C17 and DS13 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.</p> <ul style="list-style-type: none"> <li>• Where any works are proposed or required 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 or similar detailed schedule of works submitted to and approved by the Local Planning Authority.</li> </ul> <p>In order to protect the trees, hedges and landscaping features which form an important part of the amenity of the site and adjacent properties in accordance with policies C17 and DS13 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.</p> <ul style="list-style-type: none"> <li>• No trees or hedges on the application site, or the branches or roots of trees growing onto the site from adjacent land, shall be topped, lopped, felled or uprooted without the specific written permission of the Local Planning Authority.</li> </ul> <p>In order to protect the trees, hedges and landscaping features which form an important part of the amenity of the site and adjacent properties in accordance with policies C17 and DS13 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.</p> <ul style="list-style-type: none"> <li>• Prior to the commencement of any works on site, a detailed landscaping scheme of tree and hedge planting and wildlife habitat creation or enhancement, shall be provided to the approval of the Local Planning Authority.</li> </ul>
--	---

In order to protect the trees, hedges and landscaping features which form an important part of the amenity of the site and adjacent properties in accordance with policies C17 and DS13 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.

- Prior to the development being occupied or operational, the approved landscaping scheme shall be completed to the satisfaction of the Local Planning Authority.

In order to protect the trees, hedges and landscaping features which form an important part of the amenity of the site and adjacent properties in accordance with policies C17 and DS13 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.

- Should any trees or hedges which are shown to be retained or planted on the approved plans either die, become diseased or are removed, they shall be replaced or restored to the satisfaction of the Local Planning Authority.

In order to protect the trees, hedges and landscaping features which form an important part of the amenity of the site and adjacent properties in accordance with policies C17 and DS13 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.

Worcestershire Highways has no objections subject to the following conditions:

**HC25**

Access, turning and parking

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.

REASON: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway.

	<p><b>HC53 Travel Plan Condition</b></p> <p>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>REASON: To reduce vehicle movements and promote sustainable access</p>
10/0433-SC	<p>Please note that on the first page of the report, the application site is incorrectly indicated to be within land designated as 'Residential' by the adopted local plan. The application site is actually within land designated as 'Green Belt' and is referred to correctly as such throughout the rest of the report.</p>
10/0455-RL	<p>Additional plan received 02.08.2010 showing additional parking provision provided at the rear of 1 Gibb Lane. However as this plan does not show how the spaces would be accessed, laid out or controlled and are not included within the application site, this information is not considered to overcome the current reason for refusal.</p> <p>Following the site visit by planning committee, question raised as to whether there are any other similar establishments elsewhere in the District or wider area. Explained that there is another Assessment Centre in Malvern called Crown House but very little detail given as the centres are kept confidential.</p>
10/0496-MT	<p>1 letter of objection received via email. Page 2 of the letter was missing from the email. Concerns raised over increased traffic and the poor condition of the access and service road.</p>
10/0517-SG	<p>The Tree Officer has no objections subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• No trees or hedges on the application site, or roots of trees growing onto the site from adjacent land, shall be topped, lopped, felled or uprooted without the specific written permission of the Local Planning Authority.</li> </ul> <p>In order to protect the trees, hedges and landscaping features which form an important part of the amenity of the site and adjacent properties in accordance with policies C17 and DS13 of the Bromsgrove District Local Plan January 2004 and policies</p>

	<p>CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.</p> <ul style="list-style-type: none"> <li>Should any trees or hedges which are shown to be retained or planted on the approved plans either die, become diseased or are removed, they shall be replaced or restored to the satisfaction of the Local Planning Authority.</li> </ul> <p>In order to protect the trees, hedges and landscaping features which form an important part of the amenity of the site and adjacent properties in accordance with policies C17 and DS13 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.</p> <ul style="list-style-type: none"> <li>Where any new trees are planted within 3 metres of any pavement, kerb, installation or other low-rise structure or such a structure is put within 3 metres of the canopy edge of an existing tree, a vertical root barrier shall be installed of suitable depth, position and construction to deflect root growth and avoid future damage to that structure to the satisfaction of the Local Planning Authority.</li> </ul> <p>In order to ensure the long-term sustainability of the scheme in relation to the trees which form an important part of the amenity of the site and adjacent properties in accordance with policies C17 and DS13 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.</p> <p>Further update - The Environment Agency has not provided any comments.</p>
10/0573-MT	<p>1 additional objection letter received from the occupier of the adjoining property 'The Byre'. Concerns raised over the following:</p> <ul style="list-style-type: none"> <li>The proposed roof lights and French doors harming the rural character of the area.</li> <li>The roof lights in the west elevation of the building and their potential for overlooking, particularly when the windows are open. It is requested that the application is deferred in order for section drawings to be provided to demonstrate the overlooking potential of the windows.</li> <li>The proposal impacting on the amenity of the adjoining property.</li> <li>There is no mention on the application drawings of the existing window in the north elevation of the building being fixed shut to</li> </ul>

avoid overlooking.

- A fixed shut window would be in breach of Building Regulations.
- The window in the south elevation of the proposed dwelling would overlook the outbuilding to 'The Byre' through its roof lights.

In the same order as above, the comments of the Head of Planning and Regeneration in response to these concerns are as follows :

- Members are reminded that the French doors and 4 of the 5 roof lights benefit from extant planning permission ref. B/2007/0750. The applicant therefore has a fallback position in respect of these features.
- It is not considered necessary to request section drawings. It is evident from the submitted side elevation drawings that the pitch of the building's roof is too shallow for views to be gained of the garden to 'The Byre'. The windows in question would serve a bathroom and the landing to the staircase. The former requires privacy and the latter is not a habitable room. It is therefore considered unlikely that the future occupiers of the proposed dwelling would open these windows to gain outside views.
- It is not essential for the plans to be amended to secure the fixing shut of the window. This can be effectively secured by condition.
- Members should note that this matter will be the subject of a separate application for Building Regulations approval.
- The south elevation window may overlook the rooflight in the outbuilding to The Byre at a very oblique angle. Any views would be further obscured through the angle of the rooflight. It is not considered that any loss of privacy would result.

This page is intentionally left blank