



**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

**MONDAY 11TH OCTOBER 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

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11th October 2010

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# Agenda Item 4

## Bromsgrove District Council Planning Committee

### Committee Updates 11 October 2010

Application Ref No	Update
10/0629/MT	<p>Comments received from Economic Development Officer 04/10/10:</p> <p><i>'Whiting Landscapes has been based in Wildmoor Lane for 25 years. They currently employ 70 local people.</i></p> <p><i>The company is financially sound and, despite the recession, still receives a good level of enquiries which can be converted to sales and local work.</i></p> <p><i>They believe now is the time to expand to meet the new demands that will develop as the UK emerges from recession. For that reason they are planning for an increase in turnover of 20% which will necessitate another 17-18 new jobs.</i></p> <p><i>However, the nature of the business is changing and these plans are dependent on them being able to grow more trees in containers for which the demand is growing and for which their competitors are gearing up. It is essential that the company is able to maintain their market share of this sector to maintain sales volume and local employment potential.</i></p> <p><i>It is for these reasons that Whiting Landscapes have made their application which Economic Development fully supports.'</i></p> <p>The comments of the EDO are noted but Members are reminded that the proposal represents an inappropriate form of development in the Green Belt. Such development should only be approved under very special circumstances. The onus is on the applicant to demonstrate such circumstances.</p>
10/0652/MT	<p>Comments received from Councillor McDonald on 04/10/10:</p> <p><i>'I would ask members to consider only accepting this request if the building is immediately demolished or work is to begin shortly. The reasons for this are as follows.</i></p>

	<ul style="list-style-type: none"> <li>• <i>At present it is a blot on the landscape.</i></li> <li>• <i>The burnout building is the first thing that welcomes you when you enter Rubery.</i></li> <li>• <i>The property is infested with rats.</i></li> <li>• <i>The police on a number of occasions have had to respond to vagrants sleeping rough in the property.</i></li> <li>• <i>The property is in a dangerous state and the Council's Environmental Officer is frequently being called out.</i></li> </ul> <p><i>The building is not hid away but is located in a prominent position on the High Street (New Road), Rubery.</i></p> <p><i>Moreover, it is the first building people see when they enter Rubery and is having an effect on neighbouring businesses and the local economy as it gives the impression of a deprived and run down area. The building has been in this state for some years now with no attempt by the owners to rectify the situation. To allow their request would just be condoning the further deterioration of the building and the local economy.'</i></p>
10/0745/MT	<p>1 additional email received: concerns raised over the narrow width of Brook Road and the disruption that will be caused during the construction of the proposed dwelling.</p> <p>Amended Site Plan received showing the proposed dwelling re-sited 500mm towards the north boundary.</p> <p>The description of the development is therefore amended to 'Proposed House (as amended by plan received 22/09/10)'.</p> <p>Comments received from the Highways Authority 04/10/10: No objection raised subject to the imposition of the following conditions:</p> <ul style="list-style-type: none"> <li>• Before any other works hereby approved on the application site are commenced, the new entrance shall be set back 2 metres from the nearside edge of the adjoining carriageway. On each side of the set back entrance splays shall be formed at an angle of 45 degrees with the highway boundary and the whole of the splayed areas shall be graded and cleared so that no part thereof exceeds a height of 0.6m above the relative level of the adjoining carriageway.</li> </ul> <p>Reason: In the interests of highway safety in accordance with</p>

	<p>Policy T.1 of the Worcestershire County Structure Plan 2001, Policy TR11 of the Bromsgrove District Local Plan 2004 and the advice contained within PPG13: Transport.</p> <ul style="list-style-type: none"> <li>• Prior to the first occupation of the dwelling hereby approved secure parking for 2 cycles to comply with the Council's standards shall be provided within the curtilage of each dwelling and these facilities shall thereafter be retained for the parking of cycles only.</li> </ul> <p>Reason: To comply with the Council's parking standards in accordance with Policy T.4 of the Worcestershire County Structure Plan 2001 and Policy TR11 of the Bromsgrove District Local Plan 2004 and the advice contained within PPG13: Transport.</p>
10/0782/RL	<p>Alter description to: (as augmented by plan and documents received 31.08.10)</p> <p>Relevant policies section Add: WCSP SD.2 Others SPG1</p> <p>Additional information submitted by applicant received 31/08/10:</p> <p><b>Daily</b> 2 staff arrive at 8am as 2 staff leave 1 domestic assistant (non car driver) arrives at 9.30am and leaves at 1.30pm 1 staff leaves at 4pm 1 staff leaves at 5.30pm 2 staff leave at 8pm 2 staff arrive at 8pm</p> <p><b>Movement of cars</b> 8am – 2 cars arriving and 2 cars leaving 4pm – 1 car arriving 5.30pm – 1 car leaving 8pm – 2 cars arriving and 2 cars leaving</p> <p>The work patterns have been arranged so as not to coincide with any school opening or closing times. The work patterns have also been reduced for a Saturday and even further for a Sunday, to minimise any disruption to the local community</p> <p>As a footnote to this, Families First would like to add that our landlord (Mr Paul Thomas) will include a clause into the business lease, that if</p>

	<p>Families First were to vacate the premises, that Families First would return 8n Gibb Lane to a residential dwelling and we would be happy for that to be a stipulation of any planning consent.</p> <p>A schedule of shift patterns has also been submitted (to include the following staff): Registered Manager Social work assistant Domestic assistant House manager Night waking officer Social work assistant</p> <p>Additional letters received:</p> <p>2 additional letters received <b>objecting</b> on the following grounds:</p> <ul style="list-style-type: none"><li>• The planning for 8 vehicles in parking spaces at the rear of the property would greatly reduce the size of the garden – is the garden wide enough for 8 cars with access and still provide safety for children to be outside and play</li><li>• The rear parking aspect would require additional security lighting and be in constant use night/day disturbing residents</li><li>• The development is unsuitable for the location</li></ul> <p>2 additional letters received <b>supporting</b> the scheme:</p> <ul style="list-style-type: none"><li>• The centre will be well managed and will cause no impact on the local community</li><li>• It will provide a much needed resource</li></ul> <p>For clarity, Catshill and North Marlbrook Parish Council have commented as follows:</p> <ul style="list-style-type: none"><li>• Insufficient information on the amended plans as to where the parking spaces are to be sited and how they are to accessed.</li><li>• If the parking is on the garden area then there is concern at the reduction of recreational space for residents and their children</li></ul> <p>EHO (Noise/Air Quality) – views received 01.10.10:</p> <ul style="list-style-type: none"><li>• No objection</li><li>• I have no grounds to believe the proposals are likely to result in significant impacts in terms of noise or air pollution.</li><li>• The potential additional number of daily vehicle movements will be relatively small when compared with the total daily traffic flow on Gibb Lane.</li></ul> <p>EHO (Commercial Regulation) – views received 05.10.10:</p> <ul style="list-style-type: none"><li>• No objection</li></ul>
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	<p>In light of the views of the Parish Council and the EHO, your Officer and considered these comments and no longer raises objection on noise, air quality or odour issues. However, the lack of private (communal) amenity space to the rear of the premises due to the amount of parking, egress and circulation space has led your Officer to raise concern over this issue. The importance of private amenity space is reinforced by the aims and objectives of the Residential Assessment Centre.</p> <p>On this basis the reason for refusal is altered to:</p> <p><b>RECOMMENDATION:</b> that permission be <b>REFUSED</b></p> <p>(a) The proposed change of use and new parking provision in the rear garden would have a detrimental affect on the amenities of the occupiers of the neighbouring properties with regard to increased general disturbance, contrary to Policy SD.2 of the WCSP, Policies S19 and DS13 of the BDLP and the general provisions of PPS1</p> <p>(b) The lack of communal amenity space to the rear of the site would result in a development that would be inappropriate to the form and character of other plots in the vicinity and would lead to an unacceptable lack of amenity space for the new occupiers of the Residential Assessment Centre, contrary to Policy SD.2 of the WCSP, Policy S19 and DS13 of the BDLP and the general provisions of PPS1 and SPG1.</p>
10/0488/DK	<p>Tree Officer views received: 07.10 as follows:</p> <p>The changes in levels will cause the loss of some trees within the area to be regraded. The drainage channels could also cause long time decline and loss. The access to the site will also cause damage to trees and there are no details provided as to how the operations can be carried out to avoid such damage.</p> <p>1 Additional email received 10.10 <b>objecting</b> on the following grounds:</p> <p>There have been serious issues with the site in the past from the perspective of crime. The site has been allowed to fall into considerable decay. Livestock have been endangered due to ragwort. There is an existing unmanaged pond. The trees and wildlife will be affected. The application should be refused.</p> <p>Lickey and Blackwell Parish Council views received: 22.09.</p> <p>Objection. The profiling of the site will have flooding implications for</p>

	<p>neighbouring properties. We would urge that the biodiversity of the site be looked at. We, also, want the transportation of materials to and from the site to be looked at as Greenhill is a steep and narrow lane. We are also surprised that this is not part of a wider application so that the landscaping is seen in the context of the future development plans for Wadderton.</p>
10/0810 DK	<p>20 additional comments received summarized as follows:</p> <ul style="list-style-type: none"> <li>• The proposal is industrial in appearance and its siting would harm the Green Belt and a landscape protection area and local wildlife.</li> <li>• There would be noise pollution arising.</li> <li>• The application site is not a farm but a domestic residence and the scale of the proposal is commercial rather than domestic.</li> <li>• There are health implications arising from the siting of wind turbines including sleep deprivation and tinnitus. The proposal would be too close to residential properties.</li> <li>• The noise survey presented by Windeco is not adequate. There is no consideration of the implications arising from the wind speed and direction.</li> <li>• The benefits in terms of energy saving are not significant.</li> <li>• The proposal would have negative implications for horse breeding.</li> <li>• The proposal would be completely out of scale with a suburban back garden and a precedent would be set.</li> </ul> <p>Joint Radio Company (JRC) Response received 28.09.</p> <p>Objection on behalf of EON Central Networks, National Gas Network and itself.</p> <p>EHO (Noise) – views received 08.10.10. Due to insufficient information, the application should be refused. At the very least, the noise report should have referred to Sound Power Levels of the equipment at different wind speeds. More information is also required on the background noise readings and weather conditions during monitoring.</p> <p>WH – views received 07.10.10. No objection.</p> <p>The applicant has presented new photos of the proposal finished in a juniper green colour and has requested that this be presented to Members. This does not change the recommendation on the planning application.</p>

10/0727 DK	<p>Tree Officer views received 07.10 as follows:  The landscaping proposed is insufficient to mitigate the landscape visual and environmental impact of a proposed development of this scale. There is ample opportunity on the site for additional tree planting and landscaping. This can be covered by condition.</p> <p><b><i>Longbridge Infrasrtucture Tariff (LIT) Requirement</i></b></p> <p>In the context of the above requirement, the applicant has presented a case to the effect that the proposal is not eligible in terms of contributions in accordance with the LIT which forms part of the adopted Longbridge Area Action Plan. The applicant has presented a legal opinion (Received 08.10) summarized as follows:</p> <ul style="list-style-type: none"> <li>• The applicant has now submitted a reserved matters application as required by Condition 2 of the outline permission. The submission provides for details of appearance, layout, scale and landscaping. The principle of the development has been accepted with the outline application.</li> <li>• LPA is seeking a planning obligation in respect of a reserved matters application which it agrees is acceptable in planning terms</li> </ul> <p>The Council has obtained independent legal advice on this position. It is possible to request a planning obligation on a reserved matters application. Paragraph B42 of Circular 05/2005 states:</p> <p><b>B42.</b> The Town and Country Planning (General Development Procedure) (Amendment)(England) Order 2002 (Statutory Instrument 2002 no. 828), which came into effect on 1 July 2002, requires details of planning obligations to be recorded in both Parts I and II of the local planning authority's planning register:</p> <ul style="list-style-type: none"> <li>• Part I must include details of any planning obligation (including unilateral undertakings) entered into or proposed in respect of an application for planning permission <b><u>or application for the approval of reserved matters</u></b>, and of any other relevant planning obligation or agreement in respect of the land which is the subject of the application.</li> <li>• Part II must include details of any planning obligation (including unilateral undertakings) entered into in connection with a planning decision by a local planning authority or the Secretary of State, and of any other planning obligation or agreement taken into account when making the decision, together with particulars of any modification or</li> </ul>
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	<p>discharge of any such obligation or agreement.</p> <p>This section which governs the remit and purpose of a section 106 agreement does not discriminate between outline and reserved matters. However, the part outline in para B42 in Circular 05/2005 indicates a type of obligation is acceptable at the reserved matters stage. It would be folly in my view if there was a change of policy following the outline application and could not be picked up at the reserved matters stage.</p> <p>In ten interests of clarity, paragraph 54 of the report refers to independent legal advice.</p>
10/0654	<p>EHO (Noise) – views received 20.09.10.</p> <p>The road traffic noise levels at the proposed mobile home may fall into noise exposure category C (PPG24). In such circumstances we would normally recommend refusal for this type of structure, as it would not be possible to achieve adequate levels of sound insulation.</p> <p>An acoustic survey would be required to give a definitive answer on which noise exposure category the location falls within.</p>