



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 6TH DECEMBER 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 - 8)

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

6th December 2010

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**Bromsgrove District Council
Planning Committee**

**Committee Updates
6 December 2010**

**Regional Spatial Strategy
Update**

The Secretary of State for Communities and Local Government announced on 6 June 2010 that the RSS were being revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and will thus no longer form part of the development plan.

This revocation was declared unlawful by the High court on 10 November 2010 and as such the RSS continues to be part of the development plan and is a material consideration in determining planning applications.

Until further notice all applications will be considered against policies in the RSS.

Application Ref No	Update
10/0886/MT	Comments received from West Mercia Police 29.11.10: No objection
10/0957	<p>Amended plans have been requested and received from the applicant on 06.12.2010. These amendments have been added to the presentation and the changes include the addition of fenestration to the front and rear of the proposed extension.</p> <p>Additional statement received from applicant 06.12.2010 as follows:</p> <p>The property is owned and occupied by Mr Stephen King. Mr King has now become profoundly disabled in both the physical and mental terms and this building in which he lives an independent lifestyle is no longer fit for purpose and is in need of substantial redesign and adaptation to make it useable and functional to suit his needs.</p> <p>Mr King at the moment is in the care of the local authority which is not only causing a financial burden on the Health Service that would be negated if he was living back in his own property but is also mentally destabilising to Mr King as he needs his independence and own personal surroundings and circumstances to be able to cope with his problems and ensure a sustained period of rehabilitation.</p>

	<p>The proposal a very bespoke design suited to the needs of one person in particular thus providing him with a more independent and better quality of life than he is currently experiencing and upon him returning to his own residence will also lift a burden on the local authority to provide him with live in care, which in turn will open up a much needed place that can be allotted to someone else who is in need.</p> <p>The proposal will provide a second storey with facilities for live in / day care nursing staff and has tried in every way to utilise the available space as shown in the revised layout of the existing living space which blends into the new living space, making this a useable living space and a functional working space.</p> <p>Members should note the amendments to the proposed elevations. I consider that the issue of the personal circumstances of Mr King have been addressed in the report and the above statement does not provide any additional information.</p>
10/0970/SG	<p>Comments received from Drainage Engineer 29.11.10;</p> <p><i>With reference to your memorandum of 23.11.10, subject to inclusion of the following in your report, I have no objections:</i></p> <p>Condition</p> <p><i>The disposal of storm water shall be by a means approved by the LPA. The approved system shall be operational before building works commence. There is no Public Surface Water Sewer available and no surface water will be allowed to discharge to the foul water sewer.</i></p> <p><i>Additional soakaways are required for the proposed house extensions. These need to be so positioned so as not to affect the adjacent property. Similarly the access and drive should be dealt with in the same manor with no excess water being able to run onto the highway. NOTE: Ground is clay thus soakaways need to be linked through the land drains.</i></p> <p><i>No flood risk assessment.</i></p> <p>Comment</p> <p><i>The disposal of foul sewage shall be to the existing private drain/sewer that connects through no.'s 7A and 7B, etc, and eventually to Plymouth Road.</i></p> <p>Whilst I note the views of the Drainage Officer with regards to the need</p>

for additional soakaways for the disposal of storm water; I am mindful of the fact that the proposed extensions and new entrance would be constructed on existing areas of hardstanding consisting of tarmac and concrete paving. As a result, there would be no loss of permeable surface area within the site. On this basis, I am satisfied that the proposed development would not have a detrimental impact on the disposal of storm water at the site and surrounding area. The inclusion of the drainage condition is therefore considered to be unjust.

Comments received from Worcestershire Wildlife Trust 29.11.10:

The evidence from the next door property appears to show some foraging holes but I'd suspect birds or squirrels made most of them. There are one or two pictures that could be of 'snuffle' or feeding scrapes made by badgers but I'd be pretty sceptical. The holes under the fence are nowhere near big enough for badgers and there is insufficient damage across the grounds to suggest a nearby sett. Accordingly I do not believe that you need to request a full survey, but you might be well advised to add an informative note to any permission you may be otherwise minded to grant to remind the applicant of their responsibilities with respect to protected species.

In light of these comments, it was considered highly unlikely that a badger sett would be within 30 metres of the proposed developments and so a full badger survey was not required. An informative will be added on the decision notice if permission is granted, to this effect:

The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06/2005.

Comments received from Conservation Officer 02.12.10:

No conservation objection to the application.

Comments received from the Tree Officer 03.12.10:

No objection subject to condition C13:

The existing trees/hedges/shrubs on the application site shall be retained and shall not be felled, lopped or topped, or otherwise removed without the previous specific written consent of the local planning authority. Any trees/hedges/shrubs removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced with trees/hedges/shrubs of such size and species as may be agreed in writing with the local planning authority.

	<p><i>Reason: In order to protect the trees which form an important part of the amenity of the site in accordance with policy DS13 and C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.</i></p> <p>Taking into consideration the proximity of the boundary hedge and the proposed two storey side extension, this condition will be included on the decision notice if permission is granted.</p> <p>Comments received from the Environmental Health Manager 03.12.10: <i>No objection.</i></p> <p>2 neighbour objections received 18.11.10 and 25.11.10: Views provided</p> <ul style="list-style-type: none"> • Increase in the building size by 37% will have detrimental effect on surface water and drainage • Water table is likely to worsen with tendency of flooding of 2a and 2b Plymouth Road • Over development of the site • Light pollution due to the excessive number of windows • Existing badger population in the area will be threatened • Remodelling process will undoubtedly cause excessive dust comprising those sufferers of cardio/respiratory conditions <p>I note that the issues raised by the neighbours have previously been addressed and considered in the report; thus there is no need to reiterate this.</p>
10/0973/MT	<p>Councillor Taylor has requested that this application be considered by the Committee, rather than being determined under delegated powers.</p> <p>Drainage Engineer comments received 24.11.10:</p> <p>With reference to your memorandum of 23.11.10, subject to inclusion of the following in your report, I have no objections:</p> <p><u>Condition</u></p> <p>The disposal of storm water shall be by a means approved by the LPA. The approved system shall be operational before building works commence. There is no Public Surface Water Sewer available and no surface water will be allowed to discharge to the foul water sewer.</p> <p>Soakaways linked with a land drainage system will be required to</p>

serve both structures and hard standing areas such as drives and car parking. Systems need to be fairly extensive due to the clay nature of the sub soil. Their positioning should be so as not to affect adjacent property.

No flood risk assessment necessary.

Comment

The disposal of foul sewage shall be to the mains located within the highway. This can be achieved by making use of the existing drain connection serving No. 6. Any new independent connection will require both a road opening notice from the County as Highway Authority and the water authority's permission for the actual preformed junction to the mains.

Tree Officer comments received 03/12/10:

'The site is covered by an Area Tree Preservation Order no 26 of 2003. Consent to fell a number of trees was granted in October 2009 subject to replacement tree planting within 12 months. This felling has now been carried out and so the replacement planting is due. The proposed development does not appear to impact upon the either the remaining protected trees or those replacements to be planted as part of the existing TPO consent and so should not result in loss of trees or have undue impact on neighbouring amenity provided that suitable conditions are imposed to protect both the existing and any newly planted trees and to ensure that the required replacement planting is carried out prior to any occupation. I therefore have no objection subject to the following conditions:

- 1. Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the trees or hedgerows which are shown retained on the approved plans both on and adjacent to the application site or any replacement trees planted pursuant to the approved TPO consent dated 26th October 2009 ,shall be protected with fencing around their Root Protection Areas. This fencing shall be constructed and positioned as detailed in Figure 2 and Section 5.2.2 of British Standard BS5837:2005 and shall be maintained as erected until all development has been completed.*
- 2. No works of any kind shall be permitted within or through the Root Protection Areas of trees or hedges on and adjacent to the application site without the prior specific written permission of*

	<p><i>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.</i></p> <ol style="list-style-type: none"> <i>3. Where any works are proposed or required within the Root Protection Area of any trees or hedges 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.</i> <i>4. 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.</i> <i>5. Prior to the commencement of any works on site and notwithstanding the the approved consent under TPO (26) 2003 dated 26th October 2009, a detailed scheme of tree planting shall be provided with full and clear details of size, species and position to the approval of the Local Planning Authority.</i> <i>6. Prior to the development being occupied or operational, the approved tree planting scheme shall be completed to the satisfaction of the Local Planning Authority.</i> <p>EHM comments received 03/12/10:</p> <p><i>'I have reviewed the submitted application and undertaken a review of potential contaminated land, landfill and historical mapping extracts held by this Department. I can confirm that I have no objection to the proposal.'</i></p>
<p>10/1016/DMB 10/1037/DMB 10/1043/DMB 10/1044/DMB</p>	<p>Amended plans received 26.11.10 indicated amendments to Pod 4 (41/43 Foxwalks Avenue and 23/25 Alderley Road), together with amended Design and Access Statement.</p> <p>Amend description to: (as amended by plans and Design and Access Statement received 26.11.10)</p> <p>For clarity, the sites include 60 no. dwellings of which BDHT owns and manage 49.</p> <p>In addition to the 49 no. BDHT properties, 9 no. of the owner occupiers</p>

	<p>will also receive insulation as they are within the same block as a BDHT dwelling. The remaining two owner occupiers will be attached to the Pod (5) but they will not have any insulation works carried out.</p> <p>The proposals therefore include the external wall insulation and cladding to 58 no. dwellings within the site boundaries shown and the construction of 10 no. new stair enclosures as numbered on the submitted site plan.</p>
10/0632/MT	<p>Information Report</p> <p>Comments received from Natural England 30.11.10:</p> <p>Protected Species <i>Natural England has received copies of the following reports from the applicant's ecological consultants (Middlemarch Environmental Ltd):</i></p> <ul style="list-style-type: none"> • <i>Dormouse Assessment Summary Document.</i> • <i>Dormouse Assessment - Nut Search.</i> <p>Based on the information provided in these reports, Natural England advises that we wish to withdraw our objection in relation to inadequate protected species information. The reasons for withdrawing our objection are as follows:</p> <p><i>The 'Summary Document' re-states the context for the ecological survey work carried out, emphasising the consideration given to semi natural habitats within 1km of the application site. In the absence of either nut search or nest tube survey, in Natural England's opinion this 'habitat assessment' approach would not meet the guidelines set out in the Dormouse Conservation Handbook. However in this instance, taking into account the woodland area's small size and the absence of connections with further suitable blocks of woodland, we believe the subsequent nut search demonstrates a reasonable approach. Given the absence of evidence of dormouse encountered during this search we are satisfied that adequate survey effort has now been demonstrated for this site.</i></p> <p>Next steps: <i>Taking into consideration the presence of badgers on site and the semi-rural nature of the locality we advise that suitable safeguards for ecological issues on site should be incorporated into any planning consent (if approved). A suitable planning condition securing adequate safeguards may be achieved through the preparation and implementation of a suitable Construction and Environmental Management Plan (CEMP). The Council should consider whether an 'ecological clerk of works' should feature in the CEMP approach.</i></p>

	<p>In light of these comments, the Head of Planning and Regeneration recommends that the Council no longer relies on refusal reason 4 and that no concerns on ecological grounds are raised.</p> <p>Draft Unilateral Undertaking (UU) received 2/12/10 to ensure that the benefits of the proposed affordable housing are retained for future occupiers in perpetuity.</p> <p>The SHM has requested that amendments are made to the draft UU to clarify that the affordable units will be let under the more recent Choice Based Lettings Scheme rather than the old points based Housing Waiting List.</p>
<p>Enforcement Shangri La KB</p>	<p>For clarity, based on the contents of paragraph 3.5 of your report, your officer is of the view that in these circumstances it is not expedient to pursue this matter any further.</p>