



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 7TH MARCH 2011
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 - 4)

K. DICKS
Chief Executive

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7th March 2011

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Agenda Item 4

Bromsgrove District Council Planning Committee

Committee Updates 7th March 2011

Application Ref No	Update
10/0920-DMB	<p data-bbox="472 495 1426 524">Additional information submitted by applicant via email 18.02.2011:</p> <ul data-bbox="520 566 1485 1995" style="list-style-type: none"><li data-bbox="520 566 1485 927">• The provisions of Section 106 of the 1990 Act provide that any person with an interest in land may enter into obligations pursuant to a Section 106 Agreement to:<ol data-bbox="616 678 1485 927" style="list-style-type: none"><li data-bbox="616 678 1485 748">1. “restrict the development or use of land in any specific way;<li data-bbox="616 748 1485 817">2. requiring specified operations or activities to be carried out in, on, under or over the land;<li data-bbox="616 817 1485 857">3. requiring the land to be used in any specified way; or<li data-bbox="616 857 1485 927">4. requiring a sum or sums to be paid to the authority on a specified date or dates or periodically.”<li data-bbox="520 936 1485 1368">• The broad scope of these statutory provisions have recently been further regulated by the Community Infrastructure Levy Regulations 2010. These regulations introduce a new requirement at Regulation 122 which provides that:<ol data-bbox="616 1081 1485 1368" style="list-style-type: none"><li data-bbox="616 1081 1485 1189">1. A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:-<li data-bbox="616 1189 1485 1258">2. necessary to make the development acceptable in planning terms;<li data-bbox="616 1258 1485 1299">3. directly related to the development; and<li data-bbox="616 1299 1485 1368">4. fairly and reasonably related in scale and kind to the development.”<li data-bbox="520 1377 1485 1592">• Regulation 122 of the 2010 Regulations imposes a clear statutory limitation on the scope of Section 106 obligations, required by local planning authorities in securing planning permission for development schemes. In this context, the Government has indicated that these provisions are intended to “scale back the way planning obligations operate”.<li data-bbox="520 1601 1485 1995">• From 6 April 2010 it has been unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, that is capable of being charged the levy, whether there is a local levy in operation or not, if the obligation does not meet all of the following tests:<ol data-bbox="616 1816 1485 1995" style="list-style-type: none"><li data-bbox="616 1816 1485 1886">1. necessary to make the development acceptable in planning terms<li data-bbox="616 1886 1485 1926">2. directly related to development; and<li data-bbox="616 1926 1485 1995">3. fairly and reasonably related in scale and kind to the development.”

	<ul style="list-style-type: none"> The practical implications of these arrangements are that it is now entirely unlawful for a local planning authority to countenance Section 106 obligations which are not directly related to the development scheme. As such, it is clear that any obligation that is derived from a formula-based policy is likely to fail this statutory test, unless it can be clearly demonstrated that the identified contribution will secure necessary facilities that are directly related in scale and kind to the development proposal. <p>Additional information submitted by applicant via email 25.02.2011:</p> <ul style="list-style-type: none"> For clarity, the drainage technical note has produced a format error. It would appear that one of the pages slipped which has resulted in the plan on page 1 of the version sent previously appearing to show the site sitting in the floodplain. The site is not in the floodplain and an amended version correcting this error has been submitted (see presentation). <p>Amend application description to: (as augmented by drainage report received 25.02.2011)</p> <p>Members are referred to the recent appeal decision at Land at Brook Crescent, Hagley (APP/P1805/A/10/2136206) (application reference 10/0378) (as detailed on page 207 of the Agenda).</p> <ul style="list-style-type: none"> Specific reference is directed to the weight the Inspector placed on the principle in favour of development, the absence of a five year supply of housing and the ability of the proposal to meet some of the urgent housing need of the District. Paragraph 71 of PPS3 states that where Local Planning Authorities cannot demonstrate an up to date 5 years' supply of deliverable sites, planning applications for housing should be favourably considered. The District has 2.19 years of supply and the Inspector attached significant weight to this shortfall. <p>Information received from "Supporters of Keep Wythall Village Green" received 28.02.11:</p> <ul style="list-style-type: none"> Reference given to the Flood and Water Management Act 2010 (FWM). The FWM came into effect in April 2010. The initial implementation date is scheduled for 1 July 2011. The FWM introduces a change in relation to the adoption of sewers and lateral drains and greater use of Sustainable Drainage Systems
10/1098-DK	<p>Additional Consultation Response from NE received: 01.032011. as follows:</p> <p>Natural England objects to the proposed development as it contains insufficient information to:</p>

	<p>a) satisfy us that there would be no adverse effects on features of interest of the Burcot Lane Cutting SSSI, and</p> <p>b) demonstrate whether or not the development would have an adverse effect on legally protected species.</p> <p>The construction of the Forest School and fishing lakes could provide an opportunity to educate visitors about the SSSI and geology in general.</p> <p>We recommend the production of a Conservation Management Plan to cover the protection, enhancement and long term management of all of the conservation interests on the site.</p> <p>However, the applicant needs to demonstrate that:</p> <p>(i) re-profiling will not impact the SSSI, either directly through land take or the modification of the cutting or indirectly through the dumping, spreading, discharge or storage of materials, all of which are operations likely to damage the SSSI.</p> <p>There is a reasonable likelihood of legally protected species being present and adversely affected by the development. Our concerns relate specifically to the likely impact upon great crested newt, badger and water vole. In accordance with the advice of Circular 06/2005, surveys cannot be conditioned.</p>
10/1179-SG	<p>Amended block plan received 28.02.2011.</p> <p>Proposed development description amended to: Removal of condition 3 in relation to planning application No. B/2001/0835 (as amended by plan received 28.02.2011)</p>
10/1216-DK	<p>Additional consultation response received from WH 23.02.2011 as follows:</p> <p>Recommends that the permission be REFUSED for the following reasons:-</p> <p>The proposed change of use will increase the car parking demand for the site. The applicant has submitted a car parking plan indicating 11 car parking spaces which accords with Worcestershire County Councils adopted design guide, however it fails to account for the car parking requirements for the other users the Sherwood House courtyard resulting in there being no space parking provision for the other unit users. Whether it is directly from the application proposed as from the other units the increased car parking demand as a result of the change of use will displace vehicles into inappropriate locations which will adversely effect the operation of the car park and the free flow of traffic within the estate.</p>

	<p>Members raised questions in respect of the dimensions and depth of the proposed pool and disabled access and additional information has been supplied by the applicant 03.03 as follows:</p> <p>The length of the pool will be a maximum of 10.15m and a width of 6m (the insulated system we are looking at is brand new and comes in set block sizes so these will be maximums, it may come in slightly less). The depth will be varying with a shallow end of 0.8m so that children as young as 3 can stand safely on the floor and going down to 1.25m in the deep end. The pool will also have a hand rail around the edge of the pool for safety.</p> <p>The disabled access and due to the size of the unit they have will be via a lift rather than a slope. The site will also have the necessary slopes to access the building as well as a disabled toilet area.</p> <p>Tree Officer Response received: 17.02.2011 as follows:</p> <p>The application site has been the subject of a re-stocking notice from the Forestry Commission dated 30.09.2010 (File Ref: AIF 015/03/09/10).</p> <p>The applicant has presented additional plans showing proposed sections of the land. (Received 21.02.2011). It has been confirmed with the applicant (email 18.02.2011) that the profiling will be carried out by moving spoil around on the land from the proposed fishing lake.</p> <p>The applicant has submitted an additional supporting statement (Received 21.02.2011). This refers to the guidance of PPG2 (Green Belts), the function of which are to provide rural recreation opportunities. PPS7 (in terms of forestry) and agricultural development are referred to. The plan has been amended to address the concerns of NE. The majority of the site is Grade 3b agricultural and not Grade 1 as identified in the refusal reason.</p> <p>Whilst the benefits to recreation are noted, the scheme also involves a large amount of car parking which is inappropriate in the Green Belt. A large part of the site is Grade 1 agricultural and forestry and an access are proposed across this. The refusal reasons on page 69 of the report stand.</p>
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