



**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

MONDAY 9TH JANUARY 2012  
AT 6.00 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 - 18)

K. DICKS  
Chief Executive

The Council House  
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B60 1AA

9th January 2012

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## Bromsgrove District Council Planning Committee

### Committee Updates 9th January 2012

11/0741-DMB	<p>Clarification on matters: Page 38 Reference to Catshill is in error. This should read "Barnt Green"</p> <p>Updated report on Badgers undertaken by Cotwolds Wildlife Surveys received 03.01.2012 following a report that Badgers were digging under the fence. The report states that a further visit to the site was made on 22 December 2011:</p> <ul style="list-style-type: none"><li>• The report identifies additional activity in the area and foraging on the western field of the site. It concludes there are no setts or latrines on the site and no through routes to other areas.</li><li>• There is nothing to stop Badgers foraging elsewhere and the evidence suggests they are covering a wide area.</li><li>• As such the development of the site should not affect the future survival of the Badgers.</li></ul> <p>WCC Landscape Officer - views received 21.12.2011:</p> <ul style="list-style-type: none"><li>• I generally agree with the findings of the Landscape and Visual Appraisal prepared by Robert Hughes. I think it would be difficult to justify refusal on landscape grounds.</li><li>• Conditions and negotiations during the detailed design stage should enable a layout that is sensitive to the setting of the Conservation Area and the Listed Barnt Green Inn.</li><li>• I think that the most important design criteria, in landscape terms, would be to achieve a heavily treed development, using large native species such as oak and ash wherever possible.</li><li>• This would fit best with the rather 'bosky' (containing or consisting of bushes or thickets) character of the Barnt Green area and the inherent landscape character.</li></ul> <p>35 additional representations objecting to the scheme received: 30.12.2011 07.01.2012 08.01.2012 09.01.2012:</p> <p>Objections raised as per Report</p> <p>Additional points raised:</p> <ul style="list-style-type: none"><li>• Effect on electricity demand</li><li>• Impact on Cricket Club needs greater consideration</li><li>• The development is completely inappropriate for the area on</li></ul>
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	<p>sporting, social, environmental and infrastructure grounds and the reports appear to be highly selective and lacking in balance and practicality.</p> <ul style="list-style-type: none"> <li>• There are Bluebells growing on part of the land to be developed. These are protected and should absolutely be preserved.</li> <li>• It would appear that the proposed 38 space car park would be constructed in the Green Belt Area, which again needs to be protected and preserved from any kind of development.</li> <li>• The report relies heavily on the Draft Core Strategy as justification for the acceptance that the land should be made available for development. I believe that this is incorrect and that no weight what so ever should be placed on an unadopted policy that is currently undergoing a further re-draft. Should you wish to mention the draft core strategy you are duty bound to consider the more than 2000 objections to the document and how this level of objection is likely to influence the final adopted draft.</li> </ul> <p>1 email received 03.01.2012:</p> <ul style="list-style-type: none"> <li>• Suggest that a portion of the site is set aside for allotment gardens. The only allotment provision in Barnt Green is a small private site off Blackwell road, this currently has a waiting list.</li> <li>• The building of more properties with relatively small gardens will only serve to increase demand.</li> <li>• If it is not, as I suspect, possible at this late stage to include provision on the site; please could some of the section 106 money be set aside to enable the purchase of a suitable local site. An allotment is 1/16 of an acre and allowing for paths and parking a 1.5 acre plot would provide the required number.</li> </ul> <p><b>Officer response to email received 03.01.2012 (following consultation with the Head of Leisure Services):</b></p> <ul style="list-style-type: none"> <li>• The issue of on-site allotment provision rests with the developer. However, such provision would effectively mean less on-site open space which would then force the developer to pay a greater financial contribution towards off-site open space provision to make up for the lack of on-site provision. I am not convinced the developer would be willing to do this.</li> <li>• The level of commuted sums arising from residential schemes in relation to open space is achieved through the use of the Council's Supplementary Planning Guidance Note 11 (SPG11) which uses a standard formula for the calculation of contributions. Importantly this document is used as a starting point for negotiation. SPG11 relates to the assessment of the need to make contributions towards the maintenance of on-site open space and commuted payments in lieu of on-site provision. Such monies are thus made available for the capital expenditure towards the quantitative and qualitative improvement of areas of open space which residents of the development could then make</li> </ul>
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	<p>use of. At the application stage, the figure is normally agreed in discussion with the applicant, taking into consideration a number of factors including the PPG17 audit which is an evidenced-based document identifying areas where the Council is able to prove there is a need.</p> <ul style="list-style-type: none"> <li>• The proposed £45,000 financial contribution relates directly to support off-site open space provision in the locality of the application site (Millenium Play Area and the Bittell Road Recreation Ground) to make up for the shortfall in on-site open space provision. An allotment use does not fit into the category of public open space and I am therefore of the view that such provision does not meet the tests set out in Circular 05/05 detailed above. The issue of allotment provision is further complicated by the lack of an identified site which further fails the Circular 05/05 test.</li> <li>• On this basis, although there may be some mileage in pursuing on-site provision, I am not convinced that securing financial contributions for an off-site allotment use can arise from the proposed development. The willingness to provide on-site allotment use rests with the developer, not the Council. Furthermore I have no planning policies that can insist on such on-site provision.</li> </ul> <p>Response received from applicant's agent 09.01.2012 in relation to allotment use:</p> <ul style="list-style-type: none"> <li>• The open space requirements have been assessed and the need for allotments has not been identified.</li> <li>• The need to achieve effective use of land means that the site does not lend itself to providing 1.5 acres of allotments, a use that could be appropriate in a countryside location.</li> <li>• A financial contribution to provide them off site would only be justified if they were needed as a result of the development and this does not appear to be the case here.</li> </ul> <p>Response received from applicant's agent 09.01.2012 in relation to new car-park:</p> <ul style="list-style-type: none"> <li>• With regard to the management of the car park, this can be delivered via a condition to require submission of details including management to be submitted and agreed with the council prior to commencement of development.</li> </ul> <p>1 representation received 06.01.12 (also copied to all Members):</p> <p><b>(a) Localism Act and Prematurity - Cala Homes Winchester (Blueprint) decision</b></p> <ul style="list-style-type: none"> <li>• Whilst the Report to Committee refers to the lack of a 5 year land supply within Bromsgrove District and PPS3 no reference is made to the Localism Act which became law on 15 November 2011 nor to other material considerations, namely recent appeal decisions made by the Secretary of State. Significant weight is now being given to local consultative procedures in relation to site</li> </ul>
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	<p>release and as evidenced in several appeal decisions made including Barton Farm, Winchester, Cala Homes (APP/L1765/A/10/2126522) and Sandbach, Cheshire East (APP/R0660/A/10/2141564).</p> <ul style="list-style-type: none"> <li>• Considerable weight is clearly now to be given to consultative processes underway rather than releasing sites without local consultation having been completed.</li> <li>• As stated by another Inspector 'The Coalition Government also attaches greater weight to public involvement in planning than has hitherto been the case. The strong weight of local objection to the appeal proposal should not be ignored'. This also applies in this case.</li> <li>• This site in Barnt Green for up to 88 dwellings in a settlement of less than 2,000 population is a significant scheme in context and the site is not allocated for development in the current Development Plan. Although a consultation process is underway in relation to the Core Strategy this consultation process has not been completed. There are a large number of objections by local residents and the document has not been assessed independently by an Inspector from the Planning Inspectorate. The Cala Homes Winchester decision (Blueprint) together with other recent decisions such as development in St.Austell 31 October 2011 and for 59 houses in Romsey, all show that where there is no formal local support for development and there is a consultative process taking place, that the outcome of this consultation should not be pre-empted but should be allowed to proceed to its conclusion before significant planning decisions are made.</li> <li>• These appeal decisions are a material consideration and Members should be made aware that these appeals should be considered as part of the decision making process to be weighed by the decision maker in coming to a conclusion. If these appeal decisions and the significance of the Localism Act are not brought to Members attention and given appropriate weight then there would be the potential for a challenge by third parties to any decision made by the LPA. Given the number of objections to the site in the Core Strategy 2(details are public on the Council website and that the consultation is at the second stage, not an early stage) both these facts point to <u>not allowing the premature release of this site</u>. Should the Council not give appropriate weight to these appeal decisions it is likely that there would be a challenge made by third parties. The site of up to 88 dwellings is a large site for a settlement the size of Barnt Green and due process should not be short-circuited as these appeal decisions demonstrate.</li> </ul> <p><b>(b) Setting of the Barnt Green Conservation Area and Listed Building, Barnt Green Inn</b></p> <ul style="list-style-type: none"> <li>• The proposed site abuts both a Conservation Area and the site of the public house which is a Listed building. Whilst the</li> </ul>
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	<p>Conservation Area and Listed building do not preclude development, it is the detailed design and location of that development which is central to the acceptability or otherwise of development. This always poses questions as to the extent of design, detail, location, height, materials etc. that are necessary before an informed decision can be made in the context of local heritage assets.</p> <ul style="list-style-type: none"> <li>• In response to comments on the Core Strategy Officers comment "CP16 Managing The Historic Environment refers to the importance of setting of heritage assets. The impact of development on the setting of the Barnt Green Inn and the Barnt Green Conservation Area would be a material consideration in the Council's determination of any future planning applications in accordance with policy HE6.1 of PPS5." A detailed application would enable these points to be properly considered. In this case the use of an outline application is not considered appropriate in that insufficient detail on the important matters of design, scale etc. are not fully addressed despite the sketch scheme submitted.</li> <li>• Further, the Town &amp; Country Planning (General Development Procedure) (Amendment) (England) Order 2006 requires under (3) Amendments relating to reserved matters at paragraph 2 subsection 4:  <i>"Where scale is a reserved matter the application for outline planning permission shall state the upper and lower limit for the height, width and length of each building included in the development proposed"</i>.</li> <li>• If this paragraph is adhered to and the tolerances for height, width and length <u>of each building</u> are provided the massing can be assessed. If these details form part of the application they are fixed (within a range) not just indicative. The Design and Access statement at 7.15 states that dwelling length and width is to be confirmed at reserved matters stage. In the absence of parameters of scale as required by the Town &amp; Country Planning (General Development Procedure) (Amendment) (England) Order 2006 the application is not correctly made and any decision made without such detail would also be open to challenge.</li> <li>• The question of density and impact on the character of Barnt Green is of fundamental concern. Whilst efficient use of land is still promoted, it is the impact of new development on the character of the area that must be considered, particularly given that the adjacent areas are designated as a Conservation Area. The fundamental reason for the designation of the Barnt Green Conservation Area relates to the erosion of its character by higher density development. The setting of the Conservation Area will be adversely affected by the density proposed. The key issue now is the character of the existing area. An increased density from 10/acre to 18/acre is an increase of approximately 50% in the new development and is not considered appropriate to the character of this area. The Conservation Officer expresses</li> </ul>
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	<p>concern about density and this must be addressed now, and cannot be left to reserved matters.</p> <ul style="list-style-type: none"> <li>• In conclusion, this application is clearly premature as local consultation in the Core Strategy Process has not been completed and been through a local inquiry. There is also significant local objection to both the Core strategy and this application.</li> <li>• Insufficient information on parameters of scale has been provided so the application is not duly made and so is fundamentally flawed.</li> <li>• The character of the area will be altered and the setting of the conservation area adversely affected by the increased density proposed.</li> <li>• The application should therefore be refused.</li> </ul> <p>The applicant's agent has responded to this representation 09.01.2012:</p> <p><b>(a) The Localism Act and Prematurity</b></p> <ul style="list-style-type: none"> <li>• Importantly there are very significant differences with this application to these being considered in the appeal decisions referred to. Specifically, 'other material considerations' that support the application. The allocation in the Draft Core Strategy 2 is not given particular weight. Indeed we note the Officer's report to Committee states (page 21 third paragraph): <ul style="list-style-type: none"> <li>○ <i>"Members must be clear however, that the inclusion of the site in the draft Core Strategy cannot be given anything other than minimal weight at the present time"</i></li> </ul> </li> <li>• The status of the site as 'unzoned land', the very great shortfall in the 5 year supply of land and the need to provide affordable housing are significant in the council's recommendation for approval.</li> <li>• Since the application was submitted the Localism Act has become law and local views are clearly important to decision making. Banner Homes have engaged with the community over the past year such that a scheme of lower density has emerged as a result. The Localism Act does not however supersede other policy and local views should not override the responsibilities of the council to bring forward sites for housing in the light of other legislation. The National Planning Policy Framework(NPPF) will in time supersede PPS3 with regard to housing land supply but this requirement is restated in the NPPF and restated in a more restrictive form that will require a 6 year land supply. Therefore even with the Localism Act in place there will still be a presumption in favour of granting permission if the requirement on the council to maintain a supply of land is not met.</li> <li>• The appeal decisions referred to relate to different circumstances, particularly the scale of development proposed as a proportion of the housing requirement is not comparable. Prematurity relates to predetermining the strategy of the plan and the scale is to be assessed having regard to overall requirement of the district, in this instance 88 houses out of a requirement of 4,000 ie 2%.</li> </ul>
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- To put it in immediate context of Barnt Green, the site proposes 88 houses of which 35 are to be affordable. Such dwellings may be occupied by people already resident in the area. There are 53 new market houses creating 127 people, using the population used by the council of 2974 (2001 census) this would be a 7% increase in population in Barnt Green.
- We are aware of other appeal decisions that take a different view and I attach a decision at Picket Piece, a settlement on the edge of Andover, Hampshire (APP/X3025/A/10/2140962). In this instance the shortfall in 5 year supply is the main issue and the Secretary of State finds as follows:
- “The Secretary of State agrees with the Inspector’s conclusions that compared against the 5 year requirement of 2,012 dwellings there is only 3.3 years provision, and even when compared against the Council’s preferred requirement of 1,685 dwellings it only amounts to some 3.9 years provision. The Secretary of State agrees with the Inspector’s conclusions that there is a strong justification for attempting to remedy the shortfall in the short to medium term rather than over the SEP period as a whole. The Secretary of State agrees with the Inspector’s conclusions that this proposal should be considered favourably. He has noted the Inspector’s view that the Ministerial Statement ‘Planning for Growth’ lends significant weight to this proposal, which would provide much needed housing in a sustainable location close to significant employment opportunities, and he agrees that the Ministerial Statement weighs in favour of the proposal.”

**(b) Setting of the Conservation Area**

- This issue is covered in the statements submitted to support the application. The Design and Access Statement is supported by an illustrative layout that includes a scale bar and from which measurements can be taken. This plan forms part of the fabric of the application.
- Paragraph 7.15 of the Design and Access Statement states a height limit by way of reference to number of storeys. For clarity, this can be interpreted as:
  - Ridge height for single storey units: approximately 7.0 metres
  - Ridge height for two storey units: maximum approximately 9.5 metres
  - Ridge height for three storey units which is provided by way of 2.5 storey flats: approximately 11.8 metres

Strategic Planning Manager response to the objection letter submitted at 15.55pm on 6<sup>th</sup> January 2012 by Wall, James, Chappell Solicitors on behalf of Ms Shaw of Cherry Hill, Road Barnt Green.

**Localism Act and Prematurity - Cala Homes Winchester (Blueprint) Decision.**

- The letter specifically references 2 appeal decisions, and also refers to an additional 2 decisions. It is suggested that if the content of these decisions and the requirements in the localism act for greater community involvement in planning are not considered and appropriate weight attached as part of the determination of this application then the Council would likely be challenged by third parties if permission for this scheme was granted. It must also be acknowledged that if the Council refuses this scheme on the basis of these appeal decisions it is also likely to be challenged by the applicant through the appeal process.
- The 2 appeals specifically referenced are decisions where the Secretary of State for Communities and Local Government has been the final decision maker, and in both instances he has refused planning permission on the basis of prematurity.
- The first decision is **land at Barton Farm, Andover Road, Winchester, Hampshire**
- This application was for 2,000 dwellings, a local centre including a new primary school, retail food store up to 2,000m<sup>2</sup>, community building, health centre, 60 bedroom nursing home, district energy centre, car parking and supporting/ancillary uses within Use Classes A1, A2, A3, A4, A5, D1, D2, B1(a), formal and informal recreation open space, car parking, park and ride facility for up to 200 cars, land for allotments, landscaping, drainage measures including four foul water pumping stations, new road infrastructure including the diversion of Andover Road North and formation of new Andover Road, formation of new public rights of way across the site and provision of on and off site infrastructure
- The scale of this development of obviously significantly larger than that proposed in Barnt Green, and represents a major expansion of Winchester. The overriding justification for the reason for refusal in this instance is that Winchester City Council, has embarked on a '*blueprint for Winchester*' this is a new consultation process which takes a fresh look at the LDF for District. This includes establishing new housing targets to replace previous targets contained with the Regional Spatial Strategy which is expected to be deleted in the near future. It is on this basis of new community consultation being undertaken, and the significant scale of development proposed that prematurity has been deemed to be suitable reason for refusal, should this scheme have been granted it would represent around 7 years worth of the Winchesters housing needs. The Barnt Green scheme represents approximately 1/3 of 1 years worth of housing supply based on the current targets. It should also be noted that the current housing supply in Winchester is not clear, and thought

	<p>to be between 4.2 years and 3.2 years depending on how it is worked out. The equivalent figure for Bromsgrove District is 1.33 years; obviously the lack of supply situation in Bromsgrove is much worse than that of Winchester.</p> <ul style="list-style-type: none"> <li>• It should also be noted that Cala homes are contesting this decision in the high court</li> <li>• The second decision is <b>land off Abbey Road and Middlewich Road, Sandbach, Cheshire.</b></li> <li>• This application is for 280 dwellings whilst this application is much more modest in scale prematurity is also the reason for refusal. In this instance the application is for 280 houses on a greenfield site, in an area where there is already significant permissions existing on previously developed land. The inspectors concerns were that allowing development here could pre-empt future decisions on revised settlement boundaries, before population growth and distribution has been settled in a satisfactory planning context. There is also an added concern that allowing permission on this greenfield site could prevent development coming forward on brownfield sites in the locality. Whilst there are similarities with the application before you it is by no means a direct comparison. It must be remembered that a previous local plan inspector recommended Barnt Green as a suitable location for additional growth, and suggested this site along with a new settlement boundary along Cherry Hill Road which would form a very defensible Green Belt Boundary.</li> <li>• 2 other appeals are also referred to in the letter although not by specific name, from searching the planning portal I have assumed they are.</li> <li>• <b>Land at Halterworth Lane and Highwood lane, Romsey</b> This is an application for 59 units on a site which lies outside the residential boundary. This site was refused for a number of reasons although the inspector states that the unsustainable nature of the site and its prematurity could be reason enough to refuse this application. In this instance the site is one of three very similar fields, which gave rise to concerns by the inspector that development here would make development on the others more likely, particularly as the developer was actively promoting a larger area of land than that covered by just the appeal site. It is for this reason that the inspector felt it was premature as one development may well lead to others, ultimately forming a much larger development which would not have been subjected to the site selection processes of a Core Strategy. In the case of the application site this is clearly not the case with clearly defined boundaries and Green Belt surrounding this site.</li> <li>• <b>Land at Treverbyn Road, St Austell, Cornwall</b></li> <li>• This is an application for residential development of up to 1,300 dwellings; up to 9,000 sq m of classes B1, B2 and B8 floorspace;</li> </ul>
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	<p>ancillary retail floorspace (classes A1, A2 and A5) and leisure (classes A3 and A4); 60 bed care home (class C2); primary school (class D1); strategic landscaping and public open space; community transport hub of up to 100 spaces and access connections; and associated engineering works, infrastructure, drainage and car parking.</p> <ul style="list-style-type: none"> <li>• The main reason for prematurity in this case is that this site is one of a number that could deliver the housing needs of the town. The inspector was concerned that granting planning permission now for a development of this scale would reduce the choices in future planning decisions and would deny the community the opportunity of determining its preferred choice for a new housing sites for St Austell. As with the first appeal decision above the scale of this scheme and its relationship to how Cornwall's Core Strategy is developed is not comparable with the application before you.</li> <li>• The issue of whether something is premature is not one which can be easily defined ministerial guidance on the issue is as follows</li> <li>• <i>In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact on only a small area would rarely come into this category. Where there is a phasing policy, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect.</i></li> <li>• <i>Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. For example:</i></li> <li>• <i>Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.</i></li> </ul>
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- There are many other appeal decisions which also are material considerations and which can also must be considered most notably ones in Bromsgrove. Perhaps the most important are the decisions at Brook Crescent in Hagley where the inspector allowed permission for 38 dwellings stating ***'I consider that the shortage of deliverable housing sites in Bromsgrove is an urgent and very serious problem. Indeed it could be described as approaching a crisis. It is a matter that greatly concerns me.'*** Similarly the inspector determining the appeal at Norton Lane Wythall whilst ultimately dismissing the scheme on Green Belt grounds also stated ***'there is an undisputed need for housing and the housing supply situation is in crisis'*** and ***I conclude that there is serious shortfall in housing land supply and a need for affordable housing and this matter carries considerable weight'***
- My view is that whilst the Localism act does introduced powers which should allow greater local involvement in planning decision making, it does not simply replace or override the existing policies with which we have to use to make decisions. There are also many ministerial statements advocating the needs for increased levels of housing development, and development in general in order to revitalise the economy. These statements are also capable of being material considerations, indeed many are referred to in the decisions put forward as part of this objection. While similarities can be drawn between elements of these decisions, and the application before the committee this evening. Due to the unique local situation with regards to the application site, it is impossible to draw a direct comparison, and therefore a conclusion from any one of these decisions which would lead to refusing planning permission based solely on the appeal decision and/or the introduction of the Localism Act.

With respect to the issue of the parameter plans:

- Members will note the application has been submitted in outline, with internal access, layout, scale, appearance and landscaping reserved for subsequent approval.
- For the reference of Members, outline applications have to clearly demonstrate that the proposals have been properly considered in the light of relevant policies and the site specific constraints and opportunities. Outline permission can be granted subject to a condition requiring the subsequent approval of one or more reserved matters. Paragraph 52 of Circular 01/2006 states that detailed consideration on the use and amount of development of an outline planning permission will be required. In this respect, the applicant is duty bound to submit indicative parameter plans to detail the extent of the proposed development for consideration by the Local Planning Authority.
- In line with the requirements, the applicant has submitted an indicative layout plan indicating a possible form for the development,

	<p>with an accompanying Design and Access Statement that details the underlying development principles to ensure a high quality scheme is delivered on the site.</p> <ul style="list-style-type: none"> <li>Your Officer is content that the application has been correctly made and is compliant with the parameters of scale as required by the Town &amp; Country Planning (General Development Procedure) (Amendment) (England) Order 2006.</li> </ul>
11/0864-SC	<p>20.12.2011 - Full planning application received in relation to the corner of Beverley Road and New Road site for "The erection of a food store (Class A1) with associated car parking, access and landscaping."</p> <p>23.12.2011 - Demolition Notice received by Building Control relating to 208-216 New Road, Rubery (including the fire damaged buildings). The Notice proposes demolition will commence 20<sup>th</sup> Feb and be completed 9<sup>th</sup> March 2012.</p>
11/0880-DK	<p>1 additional representation received: 03.01.2011.</p> <ul style="list-style-type: none"> <li>It is stated that the applicant is not in ownership of a strip of land adjoining Plymouth Road and has no right to access this.</li> </ul> <p>Response received from applicant: 05.01.2011:</p> <ul style="list-style-type: none"> <li>It is stated (by the applicant's solicitor) that the strip of land does not, in fact exist.</li> </ul> <p>Members should note that this is a legal matter between the parties and I do not consider that it affects the consideration of the planning application on its planning merits.</p>
11/0882-DMB	<p>Tree Officer - views received 22.12.2011:</p> <ul style="list-style-type: none"> <li>No objection subject to Conditions relating to:</li> <li>Tree protection measures</li> </ul> <p>WWT - views received 03.01.2012:</p> <ul style="list-style-type: none"> <li>No objection</li> </ul> <p>BW - views received 09.01.2012:</p> <ul style="list-style-type: none"> <li>No objection</li> <li>Further to our letter of 6 January we have spoken to the developer who has requested that we put aside our objection relating to possible additional safety works at Cofton Reservoir in relation to this application on the understanding that we will ask for the objection to be considered again in the context of the separate applications for the residential development itself, due to be considered by Bromsgrove's Planning Committee later in 2012</li> <li>Although we would ideally like the further studies to be carried out prior to any preliminary development on site, there is less justification to impose a pre-commencement condition or Section 106 obligation on this particular application.</li> <li>We hope to work with the developer going forward to ensure that the further quantitative risk assessment on the impact of dam</li> </ul>

	<p>breach is carried as soon as possible, as we still believe that the need for further safety works to Cofton Reservoir should be clarified at the earliest possible stage.</p> <p>Clarification on matters:</p> <ul style="list-style-type: none"> <li>• Page 57, second paragraph refers to the site being in an Employment Zone - the site is now allocated primarily for residential development in the adopted Area Action Plan.</li> </ul> <p>Conditions:</p> <ul style="list-style-type: none"> <li>• Condition 6 (page 64) should refer to the Construction Environmental <b>Management</b> Plan (CEMP) <b>September 2011</b></li> <li>• Condition 4 (page 65) refers to the requirement for a Validation Report to be approved, prior to the occupation of any buildings. There are of course no buildings within this application. We have no problem with the requirement to submit a Validation Report but the reference to “prior to the occupation of any buildings “ should be deleted.</li> <li>• Condition 7 (page 65) should state “Notwithstanding Condition <b>6</b> and the content of the Construction Environmental Management Plan” (it currently refers to condition 7).</li> <li>• Condition 12 (page 66) refers to the submitted Written Scheme of Investigation for Archaeology of June 2011 but then also requires a WSI to be submitted. The Condition should be amended to: “The development shall proceed only in accordance with programme of archaeological work as set out in the Written Scheme of Investigation produced in June 2011”</li> </ul> <p>The following additional Conditions relating to the infill operation are proposed. These have been agreed with the applicant’s agent:</p> <p><b>Commencement</b></p> <ol style="list-style-type: none"> <li>1. Within seven days of the commencement of the development hereby permitted, written notification of such commencement shall be sent to the Local Planning Authority.</li> </ol> <p><b>Reason:</b> To enable the Local Planning Authority to monitor the development</p> <p><b>Type and Quantity of Waste</b></p> <ol style="list-style-type: none"> <li>2. The total amount of material imported to the site shall not exceed 60,000 cubic metres.</li> </ol> <p><b>Reason:</b> To specify the area and to avoid doubt as to the scope of this planning permission.</p> <p><b>Land Levels</b></p> <ol style="list-style-type: none"> <li>3. The final ground levels following the completion of the site reprofiling shall be in accordance with the following details:</li> </ol>
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	<ul style="list-style-type: none"> <li>• Figure PJF066-P006-004 Rev A - Longbridge East Re-profiling contours sheet 1 of 2.</li> <li>• Figure PJF066-P006-005 Rev B - Longbridge East Re-profiling contours sheet 2 of 2.</li> <li>• Figure PJF066-P006-007 Rev A - Longbridge East Re-profiling application Cross Sections sheet 1 of 2.</li> <li>• Figure PJF066-P006-008 Rev A - Longbridge East Re-profiling application Cross Sections sheet 2 of 2.</li> </ul> <p><b>Reason:</b> To specify the finished ground levels in the interests of amenity and the environment</p> <p>4. During the course of reprofiling works at a minimum of three monthly intervals, provide in writing to, and upon request by, the Local Planning Authority, detailed information on the quantity of fill material brought on to the site.</p> <p>5. A copy of the terms of this permission, shall be displayed on site, and all documents hereby permitted and any documents subsequently approved in accordance with this permission (or amendments approved pursuant to this permission) shall be available at the site office and shall be made known to any person given responsibility for the management or control of operations on the site.</p> <p>6. A topographical survey of the site shall be carried out within six months of the site reprofiling works beginning and shall be provided to the Local Planning Authority within one month of the survey date. Thereafter the survey shall be updated every four months and provided to the Local Planning Authority. A final topographical survey of the site shall be carried out following completion of the site reprofiling and this shall be provided to the Local Planning Authority within one month of the final survey date.</p> <p>The survey shall be at a scale of no less than 1:1250 unless otherwise agreed in writing by the Local Planning Authority, with all levels related to Ordnance Datum.</p> <p>7. Materials imported to the site for filling shall not be subsequently removed from the site, unless otherwise agreed in writing by the Local Planning Authority.</p> <p><b>Reason 3-7:</b> To enable the Local Planning Authority to monitor the development hereby permitted in the interests of amenity</p> <p><b>Catchment Area</b></p> <p>8. Unless otherwise expressly approved in writing by the Local Planning Authority all fill materials to be deposited at the site shall</p>
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	<p>originate from Longbridge North and Longbridge West only as shown on Figure ES 7.1 of the Supporting Environmental Information Report September 2011.</p> <p><b>Reason 8:</b> To prevent the long distance travelling of imported materials</p>
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**11/0741 - Outline Application for residential development , open space, re-alignment of Fiery Hill Road, 38 space car park , access from Fiery Hill Road (with appearance, landscaping, layout and scale reserved) - Land at Fiery Hill Road, Barnt Green, B45 8JX - Banner Homes (Midlands) Limited.**

The Council's normal procedure for Public Speaking at Planning Committee is to allocate a maximum of 3 minutes for:

- all those wishing to oppose the application (*3 minutes in total*)
- all those wishing to speak in favour of the application (*3 minutes in total*)
- Parish Council Representative (if applicable)
- the Ward Councillor

As Chairman of the Committee, after consultation with the Portfolio Holder for Planning and discussion with officers, I have decided to exercise my discretion to increase the time allowed for public speaking in respect of this application only to **a maximum time of 15 minutes for each category of speakers referred to above.**

In coming to this decision I have taken the following issues into account:

- the land in question is “unzoned” in terms of Planning Policy and therefore is unique within the District of Bromsgrove;
- the controversial nature of the application and the number of separate responses received; and
- the fact there is not a residents’ group or organisation taking the lead or co-ordinating the responses.

I wish to stress that this is a highly unusual set of circumstances which has lead to me exercise my discretion to extend the time allowed for public speaking on this occasion.

Since the introduction of Public Speaking a number of years ago, extended time has been allowed on only a very small number of applications. I anticipate this will continue to be a very rare occurrence and will be wholly dependent upon the individual circumstance of each application.

Councillor Richard Deeming  
Chairman of Planning Committee

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