



**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

MONDAY 5TH MARCH 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 - 6)

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Chief Executive

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5th March 2012

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## Bromsgrove District Council Planning Committee

### Committee Updates 5th March 2012

11/1003/SG	<p>Members are advised that the proposal involves the sub-division of the building into 2 separate units rather than 3 as stated in the Officer's report.</p> <p>Tesco Express would occupy a split level premises (retail at ground floor, storage at first floor) and the existing business would remain within the building. It is recommended that the following condition is imposed on any planning permission granted in order to restrict the further sub-division of the building:</p> <p><i>The building on the site shall accommodate no more than two separate units. No further subdivision creating additional units shall take place without the prior written consent of the Local Planning Authority.</i></p> <p><i>Reason: To limit the use of the site in the interests of proper planning in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004 and the advice contained within PPS1: Delivering Sustainable Development.</i></p> <p>Letter received 29/02/12 from GL Hearn Planning Consultants on behalf of the applicant. The following points are raised:</p> <p>It is important to reiterate the Planning Officer insofar that the principle of the development is acceptable.</p> <p>Furthermore, that competition and its impacts are not material planning considerations. In this regard PPS1 dictates that in order to promote sustainable economic development, planning authorities should "<i>provide for improved productivity, choice and competition.</i>"</p> <p>Finally, that the site benefits from an 'open' A1 planning permission insofar that permission is not required to sub-divide the premises to form two or more retail units. Furthermore, and as stated within the Committee Report, no planning conditions currently exist relating to when the existing (or proposed) occupiers may trade and/or deliver to the site.</p> <p>In taking each material consideration from the Committee Report in turn the applicant wishes to reiterate the following points:</p>
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### Proposal

The applicant wishes to make it explicitly clear that the development seeks to sub-divide the existing premises to form 2 no. retail units, not 3no. as stated upon Page 9 of the Committee Report. To this effect the applicant is prepared to accept a condition to confirm that further sub-division (i.e. to provide a third retail unit) would not be permitted at this site.

### Design

The Officer states and that applicant agrees that "... *the extension would be sympathetic to the form and character of the building.*"

The extension measures the height of the existing building. Although it can sometimes be advantageous to set the roof down from the prevailing ridge height (to reinforce a degree of subservience), it is suggested that the roof design of the extension should remain as full height as this would appear more appropriate for a commercial building of this nature. Furthermore, the building is located within a corner plot wherein there would be no risk of a potential terracing effect.

### Highways

The County Highway Officer raises no objection to the proposal and states at page 11 of the Committee Report that the "... *increase in provision of car and cycle parking would be appropriate for the proposal in respect to the floor space to be created by the development.*"

The applicant would wish to add that deliveries are to be taken from the site itself - as per an existing planning condition relating to the original planning application permitting the existing building (B/2006/0190). In this respect the car park and delivery times will be arranged to avoid peak times - as per the advice contained within the Committee Report.

### Amenity

The applicant wishes to reiterate the Officer's comment at page 11 of the Committee Report insofar that the impact upon residential amenity would be no greater than which currently exists.

It should also be noted that details surrounding the plant equipment associated with the proposed Tesco Express unit will be subject to a

	<p>separate planning application. This application, once finalised will be supported by a robust noise survey that will commit to noise mitigation measures where necessary.</p> <p><u>Other Issues</u></p> <p>The applicant agrees with the Planning Officer insofar that the job creation associated with the additional retail unit cannot be ignored - particularly when considered against the current economic climate.</p> <p>The jobs associated with the Tesco Express will comprise a mix of full and part-time positions, thus offering flexible working. These jobs will be available to local people and Tesco have a policy of recruiting from the local area. Tesco also commit to staff training and personal development programmes to ensure employees are fulfilled in the jobs and have defined career paths.</p> <p>Finally, the appellant wishes to reiterate the comment made by the Planning Officer insofar that "<i>... by virtue of the site having an extant A1 use with no restrictions to opening hours; I am mindful that the proposal does not constitute a change of use.</i>"</p> <p><u>Conclusions</u></p> <p>In light of the comments above and the observations taken from the Planning Officers report to the Members of the Committee (including the proposed conditions), it is GL Hearn's and the Council Officers view that there are no supportable planning reasons to override the recommendations for approval. As such, Members are encouraged to grant planning permission.</p>
<p>11/1031/SG &amp; 11/1032/SG (LBC)</p>	<p>Comments received from Cofton Hackett Parish Council 28/02/12:</p> <p>Cofton Hackett Parish Council has considered the two associated applications and would recommend refusal of both on the following grounds:</p> <ul style="list-style-type: none"> <li>• The raising of the roof by 1.7m would alter the proportions of this Grade 11 Worcestershire barn to an unacceptable level.</li> <li>• Raising the roof level would also interfere with adjacent well established Beech trees, requiring some boughs to almost certainly be lopped.</li> <li>• The fitting of Velux type windows to the North East side would reduce the levels of privacy for the local residents.</li> <li>• The proposed dormer windows on the South West side are not in keeping with the style of the building.</li> </ul>

Members are advised that a structural report and a protected species survey have now been received in support of the application.

For the information of Members, the structural report concludes as follows:

*'It is evident that the foundations appear to have performed well during the life of the building. However in view of the limited width and depth of the foundations it is recommended that the loadbearing walls of the building (internal and external) need to be carefully underpinned in mass concrete in order to increase foundation width to 450mm width and 750mm minimum depth and to safeguard the future structural integrity of the building. The defective masonry above the window opening on the SE gable should be sensitively repaired by removing and rebuilding the brickwork with bed joint reinforcement introduced to safeguard against the arch lintel dropping in the future. Since localised masonry repairs are required and the foundations are to be underpinned it is considered that the masonry walls could be lifted slightly without adversely affecting the structural integrity or appearance of the building providing this is undertaken carefully and sensitively.'*

In relation to this matter, your Officer would comment that the recommended underpinning works and rebuilding of the brickwork on the south east elevation identified in the structural report, together with the new building required to raise the height of the building and create dormer windows, would clearly constitute major works contrary to Policy C27 of the BDLP.

Members should also note the findings of the protected species survey. It has been identified that nesting blackbird have used the shed in the recent past and may do so again this year. Members should be aware that all birds, their nest and eggs are protected by the Wildlife & Countryside Act 1981. Thus, if Members are minded to approve the application it is recommended that the following advice from the survey should be placed as an advisory note on the decision notice:

*'Any building work affecting the shed should take into consideration the bird breeding season, 1st March to 31st August. If work is proposed on the shed during this period then it will need to be confirmed that no breeding birds are present.'*

It is also recommended that the following condition is imposed on any planning permission granted:

*'The development shall be carried out in accordance with the recommendations set out at Section 7 of the approved Protected Species Survey conducted by Conservation Constructions (received 05.03.12) unless otherwise agreed in writing with the local planning authority. Details of any bird boxes, including their proposed location on the building, shall be submitted to and approved in writing by the local*

	<p><i>planning authority before any work on the site commences. The approved bird boxes shall be installed before the building hereby approved is first occupied.'</i></p> <p>For the information of Members, the survey makes the following recommendations:</p> <ul style="list-style-type: none"> <li>• Landscape planting associated with the development should include native species of local provenance</li> <li>• External lighting should avoid illuminating the adjacent trees</li> <li>• If any work on the shed prevents the blackbirds gaining access to the buildings, two open fronted boxes should be erected on the outside of the barn, close to the eaves of the building.</li> </ul> <p>In light of this new information, refusal reasons 3 and 4 have been removed from the officer's recommendation, and refusal reason 2 has been modified to read:</p> <p><i>'The form, bulk and design of the proposed conversion would detrimentally erode the simple form and utilitarian character and appearance of the building, and the proposal would involve major new building works contrary to Policy DS2 and C27 of the Bromsgrove District Local Plan; the Council's Supplementary Planning Guidance Note 4 'The Conversion of Rural Buildings' and Policy D.16 of the Worcestershire County Structure Plan.'</i></p> <p>The description of the development has also been modified to read as follows:</p> <p><i>Conversion of barn into living accommodation ancillary to Cornerstone (as augmented by information received 05.03.12)</i></p>
12/0048/MT	<p>It has been acknowledged that the publicity period for the application does not expire until 9 March 2012.</p> <p>On this basis, the recommendation has been revised to:</p> <p><b>RECOMMENDATION:</b></p> <ol style="list-style-type: none"> <li>a. Minded to <b>REFUSE</b>.</li> <li>b. That <b>DELEGATED POWERS</b> be granted to the Head of Planning and Regeneration to determine the application following the expiration of the publicity period on <b>9th March 2012</b>.</li> <li>c. In the event that further representations are received, <b>DELEGATED POWERS</b> be granted to the Head of Planning and Regeneration in consultation with the Chair of Planning Committee to assess whether new material considerations have been raised and to issue a decision after the expiry of the statutory publicity period accordingly.</li> </ol>

	<p>Drainage Engineer:</p> <p>No objection is raised subject to the imposition of conditions to secure appropriate storm and foul drainage provisions.</p>
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