



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE PLANNING COMMITTEE**

**MONDAY 7TH DECEMBER 2015**  
**AT 6.00 P.M.**

**THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE DISTRICT COUNCIL**

**MEMBERS:** Councillors R. J. Deeming (Chairman), P.L. Thomas (Vice-Chairman), C. Allen-Jones, S. J. Baxter, M. T. Buxton, M. Glass, C.A. Hotham, K.J. May, S. R. Peters, S. P. Shannon and P. J. Whittaker

Updates to the Reports of the Head of Planning and Regeneration Services will be available in the Council Chamber one hour prior to Meeting. You are advised to arrive in advance of the start of the Meeting to allow yourself sufficient time to read the updates.

Members of the Committee are requested to arrive at least fifteen minutes before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting.

### **AGENDA**

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 2nd November 2015 (Pages 1 - 6)

4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. Tree Preservation Order (No. 7) 2015 - Trees on land at 19-27 New Road, Bromsgrove (Pages 7 - 52)
6. 2015/0875 - Demolition of existing sports changing block and re-development to provide new pavilion, changing and associated facilities - Sports Changing Block, Church Street, Hagley, Worcestershire - Hagley Parish Council (Pages 53 - 58)
7. 2015/0919 - New Sports and Leisure Centre, including swimming pools, health and fitness suite, climbing wall, multi-use studio / function and community spaces, wet and dry changing, offices, associated building and car park, accessible parking, car park access, services and landscaping - The Dolphin Centre, School Drive, Bromsgrove, Worcestershire B60 1AY - Mr John Godwin (Pages 59 - 80)
8. 2015/0652 - Realignment of Fiery Hill Road - Fiery Hill Road, Barnt Green, Birmingham, Worcestershire B45 8LF - Mr Mark Gay for Cala Homes (Pages 81 - 90)
9. 2015/0687 - Residential development of 202 dwellings - Former Polymer Latex Site, Weston Hall Road, Stoke Prior, Worcestershire B60 4AL - Mr Richard Pitt (Pages 91 - 104)
10. 2015/0834 - Construction of a new Class A1 Food Retail Store with associated car parking, servicing and landscaping - 29 Birmingham Road, Bromsgrove, Worcestershire B61 0DR - Aldi Stores Ltd (Pages 105 - 112)
11. 2015/0611 - proposed residential development of two dwellings: demolition of 416A Birmingham Road and replacement with a two-storey dwelling and erection of an additional single-storey dwelling - 416A Birmingham Road, Catshill, Worcestershire B61 OHL - Mrs Diane Jinks (Pages 113 - 118)
12. 2015/0819 - Erection of 41 dwellings, landscaping and associated development infrastructure - land off East Works Drive, Cofton Hackett, Worcestershire - Mr Richard Hickman for St Modwen Developments (Pages 119 - 134)
13. 2015/0829 - Erection of two industrial / warehouse buildings with ancillary offices for use within Class B2 (General Industrial) and / or Class B8 (Storage and Distribution) alongside the construction of vehicular access, parking and servicing areas, earthworks, landscape and drainage works - Plot 10 Acanthus Road, Redditch, Worcestershire B98 9EX - Mr Matthew Small (Pages 135 - 150)
14. 2015/0836 - Demolition of existing buildings and erection of 49 Retirement Living Apartments (Category II type accommodation) including communal facilities, landscaping and car parking and 37 affordable apartments - Former Fire Station and Library building, Windsor Street, Bromsgrove, Worcestershire B60 2BJ - McCarthy and Stone Retirement Lifestyles Ltd (Pages 151 - 162)

15. 2015/0841 - Proposed detached garage - 8 Knowesley Close, Bromsgrove, Worcestershire B60 2RG - Mr C R Lambert (Pages 163 - 164)
16. 2015/0870 - New external ramp to Sacristy door - St Peters Roman Catholic Church, Rock Hill, Bromsgrove, Worcestershire B61 7LH - Parish of St. Peter, Bromsgrove (Pages 165 - 166)
17. 2015/0878 - Erection of factory extension with two-storey office block B1, B2 or B8 Use - 23 Aston Road, Bromsgrove, Worcestershire B60 3EX - Mr Kim Williams (Pages 167 - 170)
18. 2015/0922 - Erection of a single detached dwelling - 103 Wildmoor Lane, Catshill, Bromsgrove, Worcestershire B61 0PQ - Mr Lee Kirby (Pages 171 - 174)
19. 2015/0928 - Variation of Condition 3 of Permission 2011/0164 to extend opening times from 9 am to 9 pm Monday to Saturday including Bank Holidays - Rear of 186-210 New Road, Rubery, Worcestershire B45 9JA - Mr Ian Robinson (Pages 175 - 178)
20. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS  
Chief Executive

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

26th November 2015







## **INFORMATION FOR THE PUBLIC**

### **Access to Information**

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can attend all Council, Cabinet and Committee / Board meetings, except for any part of the meeting when the business would disclose confidential or "exempt" information.
- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees, etc., is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees / Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council's Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council's Constitution

at [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)



# BROMSGROVE DISTRICT COUNCIL

## PLANNING COMMITTEE

### Information for Members of the Public

The Planning Committee comprises 11 Councillors. Meetings are held once a month on Mondays at **6.00 p.m.** in the Council Chamber at The Council House, Burcot Lane, Bromsgrove.

The Chairman of the Committee, who is responsible for the conduct of the meeting, sits at the head of the table. The other Councillors sit around the inner-tables in their party groupings. To the immediate right of the Chairman are a combination of the Head of Planning and Regeneration Services, the Development Control Manager and the Acting Principal Planning Officer. To the left of the Chairman is the Solicitor who provides legal advice, and then the next on the left is the Committee Services Officer who takes the Minutes of the Meeting. The Officers are paid employees of the Council who attend the Meeting to advise the Committee. They can make recommendations, and give advice (both in terms of procedures which must be followed by the Committee, and on planning legislation / policy / guidance), but they are not permitted to take part in the decision making.

All items on the Agenda are (usually) for discussion in public. You have the right to request to inspect copies of previous Minutes, reports on this agenda, together with the background documents used in the preparation of these reports. An Update Report is available one hour before the start of the meeting, and extra copies of the Agenda and Reports, together with the Update Report, are left in the public gallery. The Chairman will normally take each item of the Agenda in turn although, in particular circumstances, these may be taken out of sequence.

The Agenda is divided into the following sections:-

- Procedural Items

Procedural matters usually take just a few minutes and include: apologies for absence, approval of the Minutes of the previous meeting(s) and, where necessary, election of a Chairman and / or Vice-Chairman. In addition, Councillors are asked to declare whether they have any disclosable pecuniary and / or other disclosable interests in any items to be discussed. If a Councillor declares a disclosable pecuniary interest, he/she will withdraw from the meeting during the discussion and voting on that item. However, it is up to the individual Councillor concerned to decide whether or not to declare any interest.

- Reports of the Head of Planning and Regeneration

(i) **Plans and Applications to Develop, or Change of Use** - Reports on all applications will include a response from consultees, a summary of

any observations received and a recommendation. Recent consultation responses will be reported at the meeting within the Update Report.

Each application will be considered in turn. When the Chairman considers that there has been sufficient discussion, a decision will be called for. Councillors may decide that, in order to make a fully informed decision, they need to visit the site. If this is the case, then a decision on the application will be deferred until the next meeting of the Committee. Alternatively, a decision may be deferred in order that more information can be presented / reported. If the Councillors consider that they can proceed to making a decision, they can either accept the recommendation(s) made in the report (suggesting any additional conditions and / or reasons for their decision), or they can propose an amendment, whereby Councillors may make their own recommendation. A decision will then be taken, usually by way of a show of hands, and the Chairman will announce the result of the vote. Officers are not permitted to vote on applications.

Note: **Delegation** - All items are presumed to be matters which the Planning Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply, an appropriate indication will be given at the meeting.

Any members of the public wishing to make late additional representations should do so in writing, or by contacting their Ward Councillor(s) well in advance of the Meeting. You can find out who your Ward Councillor(s) is/are at [www.writetothem.com](http://www.writetothem.com).

Members of the public should note that any application can be determined in any manner, notwithstanding any (or no) recommendation being made to the Planning Committee.

- (ii) **Development Control (Planning Enforcement) / Building Control** - These matters include such items as to whether or not enforcement action should be taken, applications to carry out work on trees that are the subject of a Tree Preservation Order, etc.. 'Public Speaking' policy does not apply to this type of report, and enforcement matters are normally dealt with as confidential items (see 'Confidential / Exempt Business' below).

- Reports of the Head of Legal and Democratic Services

These reports relate to, for example, planning appeal decisions and cases where authority is sought to commence legal proceedings for non-compliance with a variety of formal planning notices. They are generally mainly concerned with administrative and legal aspects of planning matters. 'Public Speaking' policy does not apply to this type of report, and legal issues are normally dealt with as confidential items (see 'Confidential / Exempt Business' below).

- Urgent Business

In exceptional circumstances, and at the discretion of the Chairman, certain items may be raised at the meeting which are not on the Agenda. The Agenda is published a week in advance of the meeting and an urgent

matter may require a decision. However, the Chairman must give a reason for accepting any "urgent business". 'Public Speaking' policy would not necessarily apply to this type of report.

- **Confidential / Exempt Business**

Certain items on the Agenda may be marked "confidential" or "exempt"; any papers relating to such items will not be available to the press and public. The Committee has the right to ask the press and public to leave the room while these reports are considered. Brief details of the matters to be discussed will be given, but the Committee has to give specific reasons for excluding the press and public.

### **Public Speaking**

Where members of the public have registered to speak on planning applications, the item will be dealt with in the following order (subject to the discretion of the Chairman):-

- Introduction of item by the Chairman;
- Officer's presentation;
- Representations by objector;
- Representations by applicant (or representative) or supporter;
- Parish Council speaker (if applicable) and / or Ward Councillor;
- Consideration of application by Councillors, including questions to officers.

All public speakers will be called to the designated area by the Chairman and will have a maximum of 3 minutes to address the Committee.

Feedback forms will be available within the Council Chamber for the duration of the meeting in order that members of the public may comment on the facilities for speaking at Planning Committee meetings.

### **NOTES**

Councillors who have not been appointed to the Planning Committee but who wish to attend and to make comments on any application on the attached agenda are required to inform the Chairman and the relevant Committee Services Officer before 12:00 noon on the day of the meeting. They will also be subject to three minute time limit.

Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officer(s) in order to avoid unnecessary debate on such detail at the meeting. Members of the Committee are requested to arrive at least one hour before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before

the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting. Councillors should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.

Councillors are respectfully reminded that applications deferred for more information should be kept to a minimum and only brought back to Committee for determination where the matter cannot be authorised to be determined by the Head of Planning and Regeneration Services.

In certain circumstances, items may be taken out of the order than that shown on the agenda and, therefore, no certain advice can be provided about the time at which any item may be considered. However, it is recommended that any person attending a meeting of the Committee, whether to speak or to just observe proceedings and listen to the debate, be present for the commencement of the meeting at 6.00 p.m.

#### LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - SECTION 100D

1. All applications for planning permission include, as background papers, the following documents:-
  - a. The application - the forms and any other written documents submitted by the applicant, the applicant's architect or agent, or both, whichever the case may be, together with any submitted plans, drawings or diagrams.
  - b. Letters of objection, observations, comments or other representations received about the proposals.
  - c. Any written notes by officers relating to the application and contained within the file relating to the particular application.
  - d. Invitations to the Council to comment or make observations on matters which are primarily the concern of another Authority, Statutory Body or Government Department.
2. In relation to any matters referred to in the reports, the following are regarded as the standard background papers:-

Policies contained within the County Structure Plan and Local Plan below, and Planning Policy Statements, specifically referred to as follows:-

WCSP	-	Worcester County Structure Plan 2001
BDLP	-	Bromsgrove District Local Plan 2004
DCS2	-	Draft Core Strategy 2
PPG's	-	Planning Policy Guidance Notes
PPS's	-	Planning Policy Statements

SPG - Supplementary Policy Guidance (Bromsgrove District)

3. Any other items listed, or referred to, in the report.

Note: For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, "background papers" in accordance with Section 100D will always include the Case Officer's written report and any letters or memoranda of representation received (including correspondence from Parish Councils, the Highway Authority, statutory consultees, other 'statutory undertakers' and all internal District Council Departments).

### **Further information**

If you require any further information on the Planning Committee, or wish to register to speak on any application for planning permission to be considered by the Committee, in the first instance, please contact Jan Smyth, Democratic Services Officer, at [jan.smyth@bromsgroveandredditch.gov.uk](mailto:jan.smyth@bromsgroveandredditch.gov.uk), or telephone (01527) 64252 Extn. 3266.





## **ABBREVIATIONS**

ADR	Area of Development Restraint
AGLV	Area of Great Landscape Value (Structure Plan)
CA	Conservation Area
DS	Development Site
EMP	Employment
GB	Green Belt
LB	Listed Building
LPA	Landscape Protection Area
OPS	Open Space
PSS	Primary Shopping Street
RES	Residential
RETAIL	Retail
SAM	Scheduled Ancient Monument
SSS	Secondary Shopping Street
SSSI	Site of Special Scientific Interest
SWS	Special Wildlife Site
TCZ	Town Centre Zone
TPO	Tree Preservation Order
VE	Village Envelope
WH	Worcestershire Highways
WCC(CA)	County Archaeology
WCC(EA)	County Education Authority
WCC(PROW)	Public Rights of Way
WCC(SS)	County Council Social Services
WCC(Landscape)	County Landscape Officer
BCO	Building Control Officer
CCO	Climate Change Officer
CLO	Contaminated Land Officer
CO	Conservation Officer
EDO	Economic Development Officer
ENG	Drainage Engineer
LS	Legal Services
SHM	Strategic Housing Manager
SPM	Strategic Planning Manager
TO	Tree Officer
WRS	Worcestershire Regulatory Services
AC	Agricultural Consultant
AMS	Ancient Monuments Society
AWM	Advantage West Midlands
BW	British Waterways
CAA	Civil Aviation Authority
CABE	Commission for Architecture and the Built Environment
CBA	Council for British Archaeology
CE	Centro
CN	Central Networks
CPRE	Campaign for the Protection of Rural England

## **ABBREVIATIONS (cont'd)**

CSO	Community Safety Officer
EA	Environment Agency
EH	English Heritage
FC	Forestry Commission
GHSoc	Garden History Society
GG	Georgian Group
HA	Highways Agency
H&WGT	Hereford and Worcester Garden Trust
HLS	Head of Leisure and Cultural Services
HSE	Health and Safety Executive
ICNIRP	International Commission on Non-Ionizing Radiation Protection
IWA	Inland Waterways Association
JRC	The Joint Radio Company Limited
NE	Natural England
NG	National Grid
NR	Network Rail
NT	National Trust
RA	Ramblers Association
SE	Sport England
SPAB	Society for the Protection of Ancient Buildings
STW	Severn Trent Water
TCo	Transco
TCS	Twentieth Century Society
UD	Urban Designer
VS	Victorian Society
WMC	West Mercia Police
WMP	West Midlands Police
WWT	Worcestershire Wildlife Trust

## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE PLANNING COMMITTEE

2ND NOVEMBER 2015 AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P.L. Thomas (Vice-Chairman), C. Allen-Jones, S. J. Baxter, M. T. Buxton, M. Glass, C.A. Hotham, K.J. May, S. R. Peters, S. P. Shannon and P. J. Whittaker

Officers: Mr D. Birch, Mr A. Fulford, Mrs H. Plant, Mr D. Kelly, Mrs S. Williams, Ms S. Price, Ms. E. Farmer, Mrs S. Sellers, Mrs C. Flanagan, Mr A. Novis (Worcestershire Highways Authority) and Ms R. Cole

45/15 **APOLOGIES**

No apologies were received.

46/15 **DECLARATIONS OF INTEREST**

The following declarations of interest were made:

Councillor C. A. Hotham declared that in relation to item 10 on the agenda (Planning Application 2015/0652 - Fiery Hill Road, Barnt Green) he had registered to speak against the application as Ward Member and had previously expressed objections to the application. Councillor Hotham therefore withdrew from the meeting prior to discussion of the item and took no part in discussion or voting on the matter.

Councillor P. L. Thomas declared an Other Disclosable Interest in Item 5 on the agenda (Planning Application 2015/0361 – Woodside Poultry Farm, Seafeld Lane, Portway) in that he was acquainted with Mr Dean Attwell of Oakland International, the Applicant, but not to the extent that it would affect consideration of the application.

Councillor P. L. Thomas further declared an Other Disclosable Interest in item 7 on the agenda (Planning Application 2015/0357 – St Kenelm's Lodge, St Kenelm's Road, Romsley in that he had met the Applicant Mr W. Frazer.

Councillor P. L. Thomas asked for it to be noted that in relation to item 12 on the agenda (Planning Application 2015/0808 – 40 Marlborough Avenue, Bromsgrove) he had called the matter in for the Committee to consider but was not pre-determined and would be participating in the debate.

Councillor S. J. Baxter asked for it to be noted in relation to item 9 on the agenda (Planning Application 2015/0639 – 192, Alcester Road, Hollywood)

she had called the matter in for the Committee to consider but was not pre-determined and would be participating in the debate. .

47/15 **MINUTES**

The minutes of the meeting of the Planning Committee held on 5th October 2015 were submitted.

**RESOLVED** that the minutes of the meeting be approved as a correct record.

48/15 **2015/0361 - DEMOLITION OF EXISTING BUILDINGS TO ENABLE REDEVELOPMENT AS A B8 STORAGE AND DISTRIBUTION FACILITY WITH ASSOCIATED LANDSCAPING WORKS - WOODSIDE POULTRY FARM, SEAFIELD LANE, PORTWAY, REDDITCH, WORCESTERSHIRE B98 9DD - MR DEAN ATWELL**

Members were reminded that this application had been deferred from the previous meeting of the Committee to enable further highways information to be obtained . Members had been provided with the full Transport Assessment and updated information (dated 16th October) submitted by the applicant. The Officers report had been updated and expanded to reflect all relevant circumstantial changes and additional submissions received since the previous meeting.

The Committee noted an update report on this application in regard to additional comments, received from Beoley Parish Council, an additional letter of objection and further correspondence from the applicant and their agents. The Committee noted the further comments of the Council's Highways Engineer following the receipt of the Trip Generation Technical Note from the applicant.

Members further noted the Officer response to the additional information received, all as detailed in the update report provided to Members of the Committee and the public gallery prior to the commencement of the meeting.

At the invitation of the Chairman, Mr J. Hoare, on behalf of the Applicant , and the Applicant Mr D. Attwell addressed the Committee. At the discretion of the Chairman each addressed the Committee for three minutes.

**RESOLVED** that planning permission be refused for the reasons set out on page 23 of the main agenda report.

(Councillor C.A. Allen-Jones took no part in the discussion or voting on this application due to his arrival after the start of the discussion.)

Following the conclusion of the above matter, the Chairman briefly adjourned the meeting to allow members of the public to vacate the public gallery.

49/15 **2014/1010 - REGULARISATION FOR CHANGE OF USE FROM AGRICULTURAL UNITS TO COMMERCIAL UNITS - TWIN OAKS, CURR LANE FARM, CURR LANE, UPPER BENTLEY, REDDITCH, WORCESTERSHIRE B97 5ST - CAFÉ QUOTE**

Officers referred to a Travel Plan submitted by the Applicants and to the response of the Highways Engineer to the Travel Plan.

At the invitation of the Chairman, Mrs E. Mitchell, the Applicants Agent addressed the Committee.

The Committee then considered the application. Having considered the Officers report, Members were also concerned at the extent of the use of the land for storage purposes and the impact on the openness of the Green Belt .

**RESOLVED** that planning permission be refused for the reason set out on page 32 of the main agenda report and the following additional reason for refusal:

Due to the extent of the associated external storage the change of use has materially caused harm to the openness of the Green Belt. The proposal therefore does not fall within any of the categories of appropriate development specified at Policy DS2 of the Bromsgrove District Local Plan 2004 (BDLP) or at paragraphs 89 and 90 of the National Planning Policy Framework 2012 (NPPF). Thus the proposal constitutes an inappropriate form of development in the Green Belt which harms the Green Belt by reason of inappropriateness and harm to openness. No very special circumstances have been put forward or exist that would clearly outweigh the identified harm to the Green Belt. This is contrary to Policy DS2 of the BDLP and paragraphs 79,80,87,88,89 and 90 of the NPPF.

50/15 **2015/0357 - REAR EXTENSION - ST. KENELMS LODGE, ST KENELMS ROAD, ROMSLEY, HALESOWEN, WORCESTERSHIRE B62 0NF - MR WILLIAM FRAZER**

At the invitation of the Chairman, Mrs J. Frazer, the Applicant addressed the Committee.

**RESOLVED** that planning permission be refused for the reasons set out on pages 36 and 37 of the main agenda report.

51/15 **2015/0598 - REMOVAL OF WORKSHOP AND ERECTION OF BUNGALOW - 452 BIRMINGHAM ROAD, CATSHILL, WORCESTERSHIRE B61 OHR - MR RICHARD DE SOUSA**

At the invitation of the Chairman, Mr Trueman, objecting, addressed the Committee. Mrs N. De Sousa, the Applicant also addressed the Committee. Councillor B. T. Cooper, in whose Ward the application site is located, also addressed the Committee.

Members then considered the Application, which was recommended for refusal by Officers. Having considered all of the information provided Members were of the view that the proposed development was acceptable in that it would make beneficial use of previously developed land, in view of the existing appearance of the site, and the potential further use of the site as a workshop within a residential area.

**RESOLVED** that planning permission be granted, subject to the following Conditions:

- 1) Usual construction conditions;
- 2) Removal of permitted development rights relating to extensions; and
- 3) Landscaping conditions to include the requirement for suitable fencing in the rear garden.

52/15

**2015/0639 - CONSTRUCTION OF NEW 418 SQM TAPE PRINT FACILITY, EXTENSION OF SERVICE YARD AREA, ACCESS TRACK TO ADJACENT FIELD AND DEMOLITION OF 534 SQM OF EXISTING REDUNDANT OUTBUILDINGS - 192 ALCESTER ROAD, HOLLYWOOD, BIRMINGHAM, WORCESTERSHIRE B47 5HH - MR JAMES KILBY**

Officers referred to the objections to the application received from Wythall Parish Council, as detailed in the update report provided for the Committee Members and the public gallery prior to the commencement of the meeting.

Officers also referred to the receipt of amended plans indicating a revised siting of the proposed building received on 2nd November 2015 and these were displayed as part of the officer presentation.

At the invitation of the Chairman, Ms S. Gough, a close neighbour to the site, addressed the Committee in objection. Mr J. Kilby, the Applicant also addressed the Committee.

Members were of the view that there should be an additional condition to ensure that the main door was kept shut except when it was required for access.

**RESOLVED** that Planning Permission be granted, subject to the Conditions and Informatives set out on pages 49 and 50 of the main agenda report and the following additional condition:

The main door to be kept closed except when required for access to the building.

53/15 **2015/0652 - REALIGNMENT OF FIERY HILL ROAD - FIERY HILL ROAD, BARNT GREEN, BIRMINGHAM, WORCESTERSHIRE B45 8LF - MR MARK GAY**

The Committee noted the additional information on relevant planning history contained in the update report. In addition the update report contained the comments of the Landscape and Tree Officer together with an additional condition and notes requested by Network Rail.

At the invitation of the Chairman Ms I. Curtis, Chairman of the Barnt Green Residents' Association addressed the Committee objecting to the application. Mr R. Bellamy, on behalf of the applicants also addressed the Committee. Mrs S. Whitehand from Barnt Green Parish Council also addressed the Committee. Councillor C. A. Hotham, in whose ward the application was located, also addressed the Committee.

Information was provided to the Committee by the speakers in relation to the traffic survey which had been undertaken in respect of the application. In particular there was concern regarding the timing of the survey and the average traffic speed recorded. The Highways Engineer was unable to comment in detail on the data at the Meeting.

**RESOLVED** that this matter be deferred to enable further discussions to take place with the Highway Authority and the Applicant with regard to the traffic survey undertaken.

54/15 **2015/0703 - CONSTRUCTION OF A NEW 50 BEDROOM DEMENTIA CARE HOME, WITH COMMUNAL FACILITIES, ANCILLARY AREAS, LANDSCAPING AND PARKING (APPROVAL OF RESERVE MATTERS) - THE UPLANDS/BURCOT GRANGE, 33 GREENHILL, BURCOT, BROMSGROVE, WORCESTERSHIRE B60 1BL - MR KENNETH MACKENZIE**

**RESOLVED** that approval of reserved matters be granted subject to the receipt of satisfactory views of the Landscape and Tree Officer.

55/15 **2015/0808 - REPLACEMENT DWELLING - 40 MARLBOROUGH AVENUE, BROMSGROVE, WORCESTERSHIRE, B60 2PD - MR MIKE LEWIS**

Officers reported on the receipt of six further letters of objection together with twelve letters of support. The Highways Engineer had no objection to the application.

At the invitation of the Chairman, Ms A. Pickup, a close neighbour to the application site, addressed the Committee in objection. Mr M. Lewis, the Applicant also addressed the Committee.

The Committee then considered the Application which Officers had recommended for approval. Having considered the report and the representations made Members were of the opinion that the proposal as

# Agenda Item 3

Planning Committee  
2nd November 2015

shown would be out of keeping with the street scene because of the bulk of the side elevation arising from the proposed balcony and the lack of a hipped roof.

**RESOLVED**: that Planning Permission be refused for the following reason:

The bulk and mass of the side wall elevation and the lack of a hipped roof would result in a configuration which is out of keeping with the existing street scene.

The meeting closed at 9.00 p.m.

Chairman



### PLANNING COMMITTEE

7<sup>th</sup> December 2015

#### TREE PRESERVATION ORDER (NO.7)2015 – Trees on land at 19-27 New Road Bromsgrove

Relevant Portfolio Holder	Kit Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning Services and Housing
Ward(s) Affected	Bromsgrove Central
Ward Councillor(s) Consulted	No
Non-Key Decision	

#### 1. SUMMARY OF PROPOSALS

- 1.1 The Committee is asked to consider the confirmation with modification of Tree Preservation Order (No.7) 2015 relating to trees on land at 19-27 New Road, Bromsgrove. The provisional order was raised on the 29<sup>th</sup> July 2015 in reaction to the potential risk of T1 Beech of the order being felled.

#### 2. RECOMMENDATIONS

- 2.1 It is recommended that Tree Preservation Order (No.7) 2015 relating to trees on land at 19-27 New Road, Bromsgrove is confirmed with modification.

#### 3. KEY ISSUES

##### Financial Implications

- 3.1 There are no financial implications relating to the confirmation of the TPO.

##### Legal Implications

- 3.3 Town and Country Planning (Trees) Regulations 1999 covers this procedure.

##### Service / Operational Implications

- 3.4 The TPO was provisionally made on the 29<sup>th</sup> July 2015 to protect trees of high amenity value from being potentially miss-managed or felled. Particular concerns were raised to a possible intention to the felling of tree T1 Beech in grounds to the front 25 New Road. The concerns were in relation to the potential influence the tree was having on the local wall, drains serving the property and the structure of a boundary wall on the adjoining property of 23 New Road. This tree and the others included within this order offer a high

## PLANNING COMMITTEE

7<sup>th</sup> December 2015

level of visual amenity to the area (copy of Tree Officer Report attached at **Appendix 1**).

The provisional TPO will remain in force until the 29<sup>th</sup> January 2015.  
Notification of the Order was given to all persons in the surrounding area and to all those who could be affected by the making of the TPO.

Objections have been received in respect of the TPO

### **Appendix 2 (attached)**

The objection comprises of the following:-

Email labelled (1) Received 28<sup>th</sup> August 2015 from Mr Rakesh Kotescha, Vice Chair –Rutland East Midlands Care Association / Director West Midlands Care Association.

Email labelled (2) and attached RJ Tree Services Ltd Report: received on the 7<sup>th</sup> September 2015 from Mr Rakesh Kotescha, Vice Chair –Rutland East Midlands Care Association / Director West Midlands Care Association.

Email labelled (3) containing drain expert comments and attached G,Harrison, Buildrite Leicester Ltd, Wall repair quotation: received on the 16<sup>th</sup> September 2015 from Mr Rakesh Kotescha, Vice Chair –Rutland East Midlands Care Association / Director West Midlands Care Association.

Email labelled (4) Received 25<sup>th</sup> September 2015 from Mr Rakesh Kotescha, Vice Chair –Rutland East Midlands Care Association / Director West Midlands Care Association.

3.5 Policy Implications- None

HR Implications- None

Council Objective 4- Environment, Priority C04 Planning

3.6 Climate Change / Carbon/ Biodiversity- The Proposal in relation to confirming the TPO can only be seen as a positive impact on the environment.

### **Customer / Equalities and Diversity Implications**

3.7 The customers have been provided with the relevant notification and the responses received are attached in the appendices. The customers will receive notification by post of the decision of the committee.

3.8 Equalities and Diversity implications- None

## **PLANNING COMMITTEE**

7<sup>th</sup> December 2015

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### **4. RISK MANAGEMENT**

- 4.1 There are no significant risks associated with the details included in this report.

### **5. APPENDICES**

List Appendices:

- Appendix 1 Tree Officers Report
- Appendix 2 List of Objections
- Appendix 3 Photographs of Site / Trees
- Appendix 4 Copy of Provisional Order
- Appendix 5 Copy of Plan & Schedule Proposed Modified Order.

### **6. BACKGROUND PAPERS**

None

### **7. KEY**

TPO - Tree Preservation Order

### **AUTHOR OF REPORT**

Name: Gavin Boyes  
Email: @bromsgroveandredditch.gov.uk  
Tel: (01527) 64252 ext 3094

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## MEMORANDUM

**TO:** Redditch & Bromsgrove Planning Department.

**FROM:** Gavin Boyes, Senior Tree Officer Redditch & Bromsgrove Council Tel: 01527 64252 Ext: 3094

**DATE:** 16<sup>th</sup> November 2015

**SUBJECT: Request to confirm at planning committee Bromsgrove District Tree Preservation Order (7) 2015 Trees on Land at 19-27 New Road Bromsgrove.**

---

The order was raised on 29<sup>th</sup> July 2015 in respect of a suspicion raised in relation to enquiries being made regarding the status of T1 Beech which gave an indication of a potential risk that this tree may be felled. On investigation of our records and inspection of the site / area it became clear that T1 Beech and a number of other valuable mature trees locally were not protected. There was also evidence of light disturbance damage to the original boundary wall to the front of 25 New Road (Wayside) which potentially is partly associated with T1. The level of damage to this wall is light in nature. There is also a level of damage / disturbance to a later built retaining wall on the right hand side of the entrance to 23 New Road. However I feel that the damage to this retaining wall is potentially in part due to poor construction especially poor keying in to any adjoining wall. I would also argue that it would be possible to achieve an engineered remedy to this problem by rebuilding the wall using suitably robust but sympathetic in terms of potential risk of causing damage to the tree methods of construction. Therefore I do not feel that the level of damage to either of the local wall infrastructure is a valid reason to fell T1 Beech.

At the time the order was raised there was no indication found on site or had been highlighted that there was a drainage issue or that T1 Beech was suspected of affecting the drains serving 25 New Road (Wayside). However this was subsequently raised as the major issue associated with the request to fell T1 Beech. It was my opinion that the evidence supplied was not conclusive in validating that the roots of the Beech were the cause or implicated in the drainage issues as there is also a Lawson's conifer in close proximity to the line of the affected drain. I was also of the opinion that if an excavation of the existing drainage line was required to resolve these issues a new route could just as reasonably and easily be adopted to install a new drainage line. This would allow the retention of this valuable tree and

would seem a cheaper option in having avoided the expense of having to remove the tree. I do not agree with the comments made in the RJ Tree Services Ltd tree report paragraph 4.3 supplied in support of the objection made by Mr Kotecha that the tree has a declining in its physiological health that could possibly limit its future life expectancy. I did note that there is some very light tip die back on approximately two or three branches on the Western side. But this looked historic in nature and could be due to a wide range of undeterminable reasons at the time of inspection. Beyond that I found T1 Beech to be in good growth and physiological condition with a suitably dense, full and well balanced canopy.

In the conclusion and recommendations of this report it highlighted an option to re-route the drainage line which would impact on T2 of the order the Golden Cypress. I too identified this as an option and as T2 is a generally lower stature tree in relation to the others in the order I have removed it from the proposed confirmed order in view of possibly accommodating a the draining re-routing option in future. I do not feel that T3 Silver Birch should be greatly if at all affected by the re-routing of the drain.

In conclusion I feel that the trees included within this order offer a high level of visual amenity value being clearly visible to a high number of local residents and users of a the busy New Road. They add greatly to the character of this established area of Bromsgrove. Also that there are remedial options available to address both the wall damage at 23 New Road and the drainage issues which would not require the loss or damage of the trees included within the order.

Therefore I would recommend that the order is confirmed as modified.

1

Appendix 2

Agenda Item 5

Gavin Boyes

**From:** wayside <waysideho@gmail.com>  
**Sent:** 28 August 2015 15:52  
**To:** Rasma Sultana  
**Cc:** Gavin Boyes  
**Subject:** TPO no7 2015

Dear Mrs Sultana

I am in receipt of the TPO order in relation to 25 New Road, Wayside Nursing Home and with respect to the Bromsgrove Borough Council Tree Preservation Order (No7) 2015.

I have concerns that the beech tree (T1 in the schedule) is the cause of damage to the brick boundary/retaining wall on the New Road frontage by way of direct stem and root action. The tree sites directly on top of the wall, which constrains the repairs necessary to make it safe. Damage has also occurred to the directly adjacent drains, which has resulted in the breaking & leaking directly in to the soil & the cellar/basement of Wayside Care Home for the Elderly. This is, I believe, a public health issue.

As such, I would respectfully request that the Tree Preservation Order (No 7) 2015 is not confirmed in its current format & that the beech tree (T1) is omitted from the schedule & plan. I have commissioned an arboricultural report for your consideration in due course.

I look forward to hearing from you shortly. Please confirm receipt of this email.

Kind Regards

Rakesh Kotecha

Vice Chair - Rutland East Midlands Care Association  
Director West Midlands Care Association

 07967 551 135 / 0116 2442050

 0116 2442177

 rakesh@hsmidlands.com

 13C Saffron Way

Leicester

LE2 6UB

Gavin Boyes

---

**From:** wayside <waysideho@gmail.com>  
**Sent:** 07 September 2015 16:27  
**To:** Gavin Boyes; Rasma Sultana  
**Cc:** 'timothy beardsley'; Rita De  
**Subject:** Wayside Care Limited  
**Attachments:** ARBOR\_REPORT-25NewRd\_Bromsgrove.pdf

Dear Gavin

I hope you are well?

As discussed earlier I look forward to seeing you tomorrow. I have also requested that our neighbour, Tim Beardsley, joins us if he is available to as he wrote to you which then instigated your call to me. I did write to yourself and your colleague, Mrs Sultana but received no response from either of you.

As per our conversation please find attached the report we have commissioned with regards to the TPO. I am more than happy to discuss this tomorrow. As you can see from the report there is an urgent health and safety issue with regards to the drains at Wayside, which cannot be resolved due to the TPO's which Bromsgrove Council are putting in place. The drains were initially effecting Wayside alone, however, now the drains issue is effecting the public and residents on New Road.

I look forward to seeing you tomorrow.

Kind Regards

Rakesh Kotecha

Vice Chair - Rutland East Midlands Care Association  
Director West Midlands Care Association

 07967 551 135 / 0116 2442050

 0116 2442177

 rakesh@hsmidlands.com

 13C Saffron Way

Leicester

LE2 6UP





Report relating to 3 trees subject to  
Bromsgrove District Council Tree Preservation Order No 7 2015

Wayside Care Home, 25 New Road, Bromsgrove, B60 2JQ

Produced for:  
Wayside Care Limited  
13C Saffron Way  
Leicester, LE2 6UP

Produced by Richard A Jones (MICFor, F Arbor A)  
on behalf of RJ Tree Services Ltd

Chartered Arboriculturist  
Institute of Chartered Foresters Registered Consultant

Date: August 2015    Reference: Wayside\_Bromsgrove/01

Ground Floor Unit, 3 Millers Yard  
Roman Way, Market Harborough, Leicestershire, LE16 7PW  
Tel: 01858 432938 Mob: 07765 792719 Email: richard@rjtreeservices.co.uk

**Arboricultural Consultancy & Advice**

[www.rjtreeservices.co.uk](http://www.rjtreeservices.co.uk)

Company Number: 9484682

# Agenda Item 5

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## 1. Introduction & Brief

- 1.1 Verbal instructions were received from Mr Rakesh Kotecha of Wayside Care Ltd (the client) to comment on the 3 trees in the grounds of 25 New Road, Bromsgrove and their suitability for inclusion in Tree Preservation Order (TPO) (no7) 2015.
- 1.2 I visited the site on Tuesday the 28 August 2015.

## 2. Qualifications & Indemnity

- 2.1 I am the sole Director at RJ Tree Services Ltd. I am a Chartered Arboriculturist and Institute of Chartered Foresters Registered Consultant. I hold the International Society of Arboriculture Tree Risk Assessment Qualification (TRAQ), a Higher National Diploma (HND) in Arboriculture, a National Certificate (NC) in Horticulture with an Arboricultural Option and a City and Guilds in Amenity Horticulture Phase 1. I have in excess of 25 years craft and managerial experience in the arboricultural and landscape management industries in the United Kingdom and the United States including six years as a local authority tree officer and 11 years as a consultant working for various public, commercial and domestic clients.
- 2.2 I am a Fellow of the Arboricultural Association (F Arbor A) and a Professional Member of the Institute of Chartered Foresters (MICFor). I am committed to professional development and regularly attend relevant seminars and courses.
- 2.3 RJ Tree Services Ltd holds professional indemnity and public liability insurance which is limited to £1000000. Please contact me should you require any more information relating to this matter.

## 3. The Tree Preservation Order

- 3.1 Tree Preservation Order (No7 )2015, Trees on land at 19-27 New Road, Bromsgrove was served by Bromsgrove District Council on the land owners, Wayside Property 2013 Ltd, on the 19 July 2015 (Bromsgrove District Council's ref: RS/TPO(7)2015). The TPO protects 9 individual trees including a beech, golden cypress and silver birch in the grounds of 25 New Road, Bromsgrove. The trees are shown in the TPO schedule and marked individually as T1, T2 and T3 respectively. An amended copy of the plan is shown in appendix 1.
- 3.2 There are other trees in nearby gardens that are subject to the same TPO, but which are not considered as part of this report.
- 3.3 Bromsgrove District Council's reason for making the TPO are that the *"trees provide special amenity value and the Tree Preservation Order is made in the interests of amenity"*.
- 3.4 A brief written objection to the confirmation of the TPO (no 7) in its current format was submitted by Mr Kotecha by email on the 28 August 2015 prior to the deadline for representations (01 September 2015) given by the council. No formal response has been provided by the council, although a read receipt email was received on the day it was sent. It is not apparent at this time, therefore, if Bromsgrove District Council intends to confirm the TPO (no7) in its current format or not. My Kotecha confirmed that so far he has not received an amended or confirmed TPO.

Report relating to 3 trees subject to  
Bromsgrove District Council Tree Preservation Order No 7 2015  
For: Wayside Care Ltd

## 4. The Site & the Trees

- 4.1 The site contains a large detached house that is converted into a care home for the elderly with outbuildings, gardens and parking area. The care home and gardens are raised above the New Road highway level by roughly 1m.
- 4.2 The mature copper beech tree (T1) is situated on the site frontage directly on top of a brick and stone wall (photograph 1). It is approximately 18m in height with a crown radius of 6-8m. The beech tree (T1) is grafted at the base with a substantial stem and large domed canopy. There are vigorous buttress roots at the base of the stem that are growing on top of and around the wall (photograph 2) on which it is growing.



Photograph 1



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Report relating to 3 trees subject to  
Bromsgrove District Council Tree Preservation Order No 7 2015  
For: Wayside Care Ltd



**Photograph 2**

- 4.3 Historical pruning wounds (photograph 3) and stubs are characteristically situated on the stem and branch framework of the beech tree (T1). There is evidence of some crown die back in the western aspect of the canopy directly over the garden of the neighbouring property. The crown is comparatively sparse in that the sky is clearly evident in several blocks when one views it from directly below (Photograph 4). This implies that there is a decline in the physiological health of T1 possibly limiting its future life expectancy somewhat.

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Report relating to 3 trees subject to  
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**Photograph 3**



**Photograph 4**



- 4.4 The tree described in the TPO schedule as a golden cypress T2 (Photograph 1) has a typically tall slender form. It is roughly middle aged with an estimated stem diameter of 350mm. The golden cypress tree T2 is approximately 12m high and is situated away from the site frontage in the centre of the garden. It appears to be in generally good health.
- 4.5 A silver birch tree described in the schedule as T3 (photograph 1) is growing on the eastern aspect of the site close to the raised boundary wall. It also middle aged and looks to be in broadly good physiological health. I would anticipate that the birch tree T3 is also about 12m high with an estimated stem diameter of 375mm.

## 5. Appraisal

- 5.1 **The TPO:** Current Planning Practice Guidelines (2014) recommend that Local Planning Authorities (LPA) may make provision for trees to be protected by TPO's where it is "*expedient in the interests of amenity*" and where it would bring a "*reasonable degree of public benefit in the present or future*". The Planning Practice Guidance does not define amenity, but suggests that LPA's develop ways of assessing amenity and take into account the following factors when considering trees for protection: "*size and form; future potential as an amenity; rarity, cultural or historic value; contribution to, and relationship with, the landscape; and contribution to the character or appearance of a conservation area*".
- 5.2 Ideally, LPA's should utilise a systematic approach to measuring amenity and a tree's suitability for protection. Several systems for gauging a tree's merit in the context of visual amenity are available including: the Tree Evaluation Method for Preservation Orders published by Forbes Laird Arboricultural Consultancy Ltd, The Guide for Plant Appraisal published by the International Society of Arboriculture and the Visual Amenity Valuation of Trees and Woodlands published by the Arboricultural Association and sometimes known as the Helliwell System.
- 5.3 The national guidance for best practice describes what factors a council should take into account when considering a tree for protection. I could not easily find any data on the Bromsgrove District Council website relating to its approach to making TPO's or how it measures the suitability of a tree for a TPO. It is my understanding from the information provided that a structured tool has not been used to measure the appropriateness of the trees for a TPO now or in the long term.

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For: Wayside Care Ltd

- 5.4 **The Wall:** The beech tree T1 is sited on top of a brick wall. There are substantial cracks in the now leaning wall (identified in photographs 5, 6 and 7 by red arrows) that are almost certainly as a result of direct pressure exerted by the stem and roots.



Photograph 5



# Agenda Item 5

Report relating to 3 trees subject to  
Bromsgrove District Council Tree Preservation Order No 7 2015  
For: Wayside Care Ltd



Photograph 6



Photograph 7



# Agenda Item 5

Report relating to 3 trees subject to  
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For: Wayside Care Ltd

- 5.5 There are further roots bursting directly through the boundary wall with the neighbouring property, which is causing additional cracking (photograph 8) in the brickwork.



**Photograph 8**

- 5.6 Giles Biddle (1998), an national authority of tree root damage to structures, uses the analogy of *“a balloon, especially the long thin ones used for modelling animals”* when describing direct damage to structures by trees. He goes on to say that *“as these are inflated, they progressively elongate, just as a root will elongate through the soil as it grows”*. He also says *“that if a single brick is placed on an inflated balloon, the balloon will distort but can still lift the brick. Place a second brick on the first to double the load and they will squash the balloon flat. However, with an additional balloon inserted, the bricks can still be lifted”*.
- 5.7 While it is impossible to accurately provide calculations of the forces involved, it is my supposition that the beech tree T1 is the cause of extensive damage to the retaining wall/s that will over time get worse. Hence, there is a need sooner rather than later to repair it, which cannot be carried out without the loss of or extensive damage to the beech tree T1.

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Report relating to 3 trees subject to  
Bromsgrove District Council Tree Preservation Order No 7 2015  
For: Wayside Care Ltd

- 5.8 **The drains:** There are clay drains in the garden of the Wayside Care Home that are routed in a north easterly manner from the road frontage to the main house (described roughly plan A in appendix 1 by a blue line). They are failing as a result at least in part; I am led to believe, of extensive tree root activity.
- 5.9 The existing drains are situated within about 1m of the base of the beech tree T1.
- 5.10 It is generally accepted that tree roots will take advantage of an improved growing environment provided by leaking drains. This can lead to more extensive root activity that may result in further more widespread damage to the drains.
- 5.11 Irrespective of the cause of the damage and the state or fabric of the drains, the foul water/sewage from the waste pipe is now leaking into the surrounding soil, the cellar at the care home and the road (photographs 9 and 10). Pumps are currently being used to keep the cellar clear of drain water, although this is only a temporary measure. Hence, it is extremely important to bear in mind at this point that the leaking drains pose a public health risk.



(Photograph 9-provided by Mr Kotecha)



Report relating to 3 trees subject to  
Bromsgrove District Council Tree Preservation Order No 7 2015  
For: Wayside Care Ltd



(Photograph 10-Provided by Mr Kotecha)

- 5.12 There is an evidential urgent need to repair the drains at the Wayside Care Home to overcome what is a risk to public wellbeing. If, however, the drains are replaced in the same situation by way of normal excavations then those operations will result in damage to the beech tree T1.

## 6. Conclusion & Recommendations

- 6.1 It is apparent that there is a duty in this case for all involved to assess the a tree's value and the likely impact of the loss of one or all of the trees on the amenity of the area, which they must balance against the condition of the tree and the damage that it is causing; and whether, in the light of their assessment, the proposal is justified given the reasons put forward in support of it.
- 6.2 There appear to me to be 2 options in this case. 1. Re-route the drains away from the beech tree T1 in a dogleg manner (see plan in appendix 1 shown by a red line). This would, however, have the potential to impact on the golden cypress tree T2 and silver birch tree T3 and would not overcome the extensive damage to the retaining wall.
- 6.3 Option 2, would be to remove the beech tree T1, which would enable the front and side retaining walls to be repaired and facilitate the installation of new drains along their existing route without impacting on the nearby TPO trees T2 and T3.
- 6.4 Given the extensive damage to the walls and drains, its comparatively thin crown and possibly lesser life expectancy; it is, on balance, my view that it would not be sustainable or in the long term public interest for the aging beech tree T1 to remain protected by the Tree Preservation Order (no7) 2015.
- 6.5 Accordingly, I would respectfully urge Bromsgrove District Council to confirm Tree Preservation Order (no7) 2015 by excluding the beech tree T1 allowing it to be removed.
- 6.6 If, however, the TPO (no7) 2015 is already or will be confirmed in its current format then I would recommend that an application be submitted to Bromsgrove District Council to remove the beech tree T1; bearing in mind that the LPA may be liable to pay you compensation for refusing to grant consent under a TPO. I would recommend that you take legal advice on this matter.

Report relating to 3 trees subject to  
Bromsgrove District Council Tree Preservation Order No 7 2015  
For: Wayside Care Ltd

## References

Arboricultural Association (2008), Visual Amenity Valuation of Trees and Woodlands published (the Helliwell System)

Biddle G (1998), Tree Root Damage to Buildings, Acorn Press

Forbes Laird Arboricultural Consultancy Ltd (2005), Tree Evaluation Method for Preservation Orders

International Society of Arboriculture (1994), The Guide for Plant Appraisal

Planning Practice Guidelines (2014), Department for Local Government and Communities





3

Appendix 2

Agenda Item 5

Gavin Boyes

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**From:** Rakesh Kotecha <rakesh@hsmidlands.com>  
**Sent:** 16 September 2015 17:23  
**To:** Gavin Boyes  
**Cc:** timothy beardsley  
**Subject:** FW: Wayside Care Limited  
**Attachments:** Wall repairs.doc

Gavin

Thank you for your email dated 9 September 2015.

I have passed on your email to the drain doctor who is dealing with our drains and also to the builder for the wall.

The email below from the drain doctor confirms that it would not be possible to redirect the drains and therefore the only option that he can see is for the tree (T1) to be removed from the TPO. As you are aware this is a public health issue currently.

Also attached is the quotation from a builder who confirms that whilst the wall can be built as you propose, this is only a short term measure and the building company, who are very experienced and have been operating over 40 years working with local authorities, universities as well as building 5\* hotels, would provide no guarantee for the work.

The only way forward that I can see is for T1 to be removed.

I look forward to having your positive response.

Kind Regards

Rakesh Kotecha

Vice Chair - Rutland East Midlands Care Association  
Director West Midlands Care Association



07967 551 135 / 0116 2442050



0116 2442177



rakesh@hsmidlands.com



13C Saffron Way

Leicester

LE2 6UP

**From:** Michael Baddeley [mailto:michael@draindoctorbirmingham.com]  
**Sent:** 16 September 2015 15:36

# Agenda Item 5

**From:** Gavin Boyes [mailto:Gavin.Boyes@bromsgroveandredditch.gov.uk]

**Sent:** 23 September 2015 14:17

**To:** rakesh@hsmidlands.com

**Cc:** Bits Dent <r.dent@bromsgroveandredditch.gov.uk>

**Subject:** FW: Wayside Care Limited

Dear Mr Kotecha, my colleague had a look at the tree yesterday and following our discussions and consideration of the issues the conclusion reached is as follows:

1. The Beech tree T1 of Bromsgrove District TPO (7) 2015 is a very good growth and showing no visual signs of disease, structural defect of decline in condition.
2. Beech tree T1 is a highly prominent feature tree within the street scene of New Road and is visible for a considerable distance in both direction along the road from the property. It offers a very high degree of visual amenity and habitat value to the area and therefore is justifiable to TPO protect the tree.
3. The wall on the boundary of the neighbours drive can clearly be repaired using methods that are likely to be successful in preventing its future movement and without causing undue damage to the root plate of the Beech tree T1.
4. If the existing drains are beyond repair by root cutting injection and lining methods which I would have no objection to being carried out and would have every confidence would not harm Beech tree T1. Then the excavation to install a new drain would seem to be the only other option. In this scenario there would seem no point in felling the Beech tree to accommodate installing a new drain in view taking into account the impact this would have on the character of the area and extra cost this would incur when there is another route available allowing its retention which in my view there would appear to be.
5. It is my opinion that the main sewer line is highly likely to run within the line of New Road or associated pavements therefore this would allow a lateral line link from any reasonable direction from the adjoining properties which being on a higher ground level would also easily allow a direct fall to the main sewer to be achieved.
6. I would as previously mentioned be willing to remove the Golden Cypress tree removing T2 from the provisional order to accommodate the alternative routing of the drain line if required.
7. I would also be willing to allow a slight incursion into the 11m root protection area of Beech tree T1 if required but the incursion would need to be as limited as possible and may require the trenching within the RPA to be carried out by hand digging retaining any major root found.
8. There is also a mature Lawsons Cypress tree standing directly over the line of the existing drainage line. This tree also could be influencing the drain so it is at this stage unclear as to which tree may be causing the problem. The Lawson Cypress tree is not included within the Bromsgrove District TPO (7) 2015 and I would have no objection to the removal of this tree.

In conclusion as things stand I still feel that Beech tree T1 is too valuable a feature tree to lose while there are in my view suitable options available to resolve the drainage and wall disturbance issues raised. Therefore it is my intention to recommend to our planning committee that Beech tree T1 remains within Bromsgrove District TPO (7) 2015 and protected.

Best Regards

Gavin Boyes

Senior Tree Officer

Bromsgrove & Redditch Councils

---

**From:** Rakesh Kotecha [mailto:rakesh@hsmidlands.com]

**Sent:** 16 September 2015 17:23

**To:** Gavin Boyes

**Cc:** Timothy Beardsley

**Subject:** FW: Wayside Care Limited

Gavin

# Agenda Item 5

Thank you for your email dated 9 September 2015.

I have passed on your email to the drain doctor who is dealing with our drains and also to the builder for the wall.

The email below from the drain doctor confirms that it would not be possible to redirect the drains and therefore the only option that he can see is for the tree (T1) to be removed from the TPO. As you are aware this is a public health issue currently.

Also attached is the quotation from a builder who confirms that whilst the wall can be built as you propose, this is only a short term measure and the building company, who are very experienced and have been operating over 40 years working with local authorities, universities as well as building 5\* hotels, would provide no guarantee for the work.

The only way forward that I can see is for T1 to be removed.

I look forward to having your positive response.

Kind Regards

Rakesh Kotecha

Vice Chair - Rutland East Midlands Care Association  
Director West Midlands Care Association



07967 551 135 / 0116 2442050



0116 2442177



rakesh@hsmidlands.com



13C Saffron Way

Leicester

LE2 6UJ

**From:** Michael Baddeley [mailto:michael@draindoctorbirmingham.com]

**Sent:** 16 September 2015 15:36

**To:** 'Rakesh Kotecha' [mailto:rakesh@hsmidlands.com]

**Subject:** RE: Wayside Care Limited

Afternoon Rakesh,

Thank you for sending over the report regarding the above.

In order for us to root cut we would need the manhole to be empty; this is currently blocked. I have seen the manhole empty only once and been to site several times, each time lifting the cover and attempting to unblock. The manhole is over 2m deep with a small drain channel opening and there is a strong possibility that the hydraulic root cutter would not fit through the opening. If it could fit, then I would expect it to become stuck immediately. I have managed to survey the first few metres of the drain before the camera was submerged in water and noticed the joints are largely displaced. Hydraulic root cutting is not a viable option.



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Due to the time spent and difficulty we have experienced in trying to unblock the drain, I believe that this drain run is beyond repair using cured in place drain relining techniques. Also, prior to relining you would require the drain run to be root cut and free of roots; again, root cutting is not an option therefore alternative methods of repair will have to be carried out.

In my opinion, replacement of the existing drain is the only option and way forward. Whether it be replacement of drain along the existing drain line, or a diversion across the lawn, I am certain that this would fall within the RPA radius of 11m. Should these repairs not be carried out, there will continue to be a risk to public health at the care home.

Should you have any queries please do not hesitate to contact me.

Kind Regards

**Michael Baddeley**

**Drain Doctor Birmingham**

**T: 01527 501700**

**F: 01527 501635**

**draindoctorbirmingham.com**

Follow us on **Twitter** and **Facebook** !

---

**From:** Rakesh Kotecha [mailto:rakesh@hsmidlands.com]

**Sent:** 16 September 2015 11:35

**To:** michael@draindoctorbirmingham.com

**Subject:** FW: Wayside Care Limited

Kind Regards

Rakesh Kotecha

Vice Chair - Rutland East Midlands Care Association  
Director West Midlands Care Association



07967 551 135 / 0116 2442050



0116 2442177



rakesh@hsmidlands.com



13C Saffron Way

Leicester

LE2 6UP

---

**From:** Gavin Boyes [mailto:Gavin.Boyes@bromsgroveandredditch.gov.uk]

**Sent:** 09 September 2015 10:11

**To:** rakesh@hsmidlands.com

**Cc:** Rita Dent [mailto:r.dent@bromsgroveandredditch.gov.uk]; timbeardsley@me.com

**Subject:** RE: Wayside Care Limited

# Agenda Item 5

Hello Rakesh, thank you for taking the time to meet and discuss the tree and drainage issues at Wayside 25 New Road Bromsgrove yesterday afternoon.

As discussed I feel that to carry out a root cut on the existing drainage line would be very highly unlikely to have any detrimental effect on the Beech tree standing in the far South –Western corner of the front garden to this property (T1 of Bromsgrove District TPO (7) 2015). Therefore I would have no objection to you proceeding with this work at your convenience if you so wish.

If this work cannot be carried out successfully and the drains made good for the longer term my means of lining. If you were needing to consider a new route to install a new improved drainage line I would be happy to consider in the circumstances removing T2 Golden Cypress tree from the provisional order to accommodate this course of action if required. My reasoning behind this is that of all the tree within the order this is arguably the lesser prominent and quality tree of the trees covered.

I measured the girth of the Beech tree at breast height to be 290cm. Therefore it would require a BS5837:2012 recommended root protection area (RPA) of a radial distance of 11 meters from the main stem which we measured at two points and marked on the ground with Blue paint.

I would be happy to allow a slight incursion into this zone if required but it would need to be as limited as possible and may require the trenching within the RPA to be carried out by hand digging retaining any major root found.

In respect of the closely abutting wall to the base of the tree on the boundary with the neighbouring property. I feel that there would be methods of reconstructing the wall that would led to minimum root plate damage of the tree and robust wall resilient to any potential future damage i.e. possible pile and steel bracing construction.

I would like to mention that there was no evidence of the drainage problem at the time the TPO was raised on the Beech tree.

I will await you feedback following your further advice from you drainage advisors.

Best Regards  
Gavin Boyes  
Senior Tree Officer  
Bromsgrove & Redditch Councils

---

**From:** wayside (mailto:waysideho@gmail.com)  
**Sent:** 07 September 2015 16:27  
**To:** Gavin Boyes; Rasma Sultana  
**Cc:** Timothy beardsley; Rita Deh  
**Subject:** Wayside Care Limited

Dear Gavin

I hope you are well?

As discussed earlier I look forward to seeing you tomorrow. I have also requested that our neighbour, Tim Beardsley, joins us if he is available to as he wrote to you which then instigated your call to me. I did write to yourself and your colleague, Mrs Sultana but received no response from either of you.

As per our conversation please find attached the report we have commissioned with regards to the TPO. I am more than happy to discuss this tomorrow. As you can see from the report there is an urgent health and safety issue with regards to the drains at Wayside, which cannot be resolved due to the TPO's which Bromsgrove Council are putting in place. The drains were initially effecting Wayside alone, however, now the drains issue is effecting the public and residents on New Road.

I look forward to seeing you tomorrow.

Kind Regards

Rakesh Kotecha

Vice Chair - Rutland East Midlands Care Association  
Director West Midlands Care Association



07967 551 135 / 0116 2442050



0116 2442177



rakesh@hsmidlands.com



13C Saffron Way

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LE2 6UP

\*\*\*\*\*

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SAFFRON WAY  
LEICESTER  
LE2 6UP  
TEL: (0116) 283 7177  
FAX: (0116) 283 7188  
sales@buildrite.co.uk  
www.buildrite.co.uk

# BUILDRITE

LEICESTER LTD

Mr Rakesh Kotecha  
Wayside Care Limited  
13c Saffron Way  
Leicester  
LE2 6UP

Friday 11<sup>th</sup> September 2015

**RE: Wall repairs – Wayside Care Home, 25 New Road, Bromsgrove, B60 2JQ**

Dear Sirs

Further to your recent enquiry regarding the reconstruction of the brick wall as outlines using steel pilling etc. I am of the opinion that this would only act as a temporary solution and would offer no guarantees for the work carried out. In my opinion the tree is not suitable for the location in which stands and should be removed and replaced with a more suitable species.


Our quotation to repair the walls in question as described would be **£ 2,400.00** (No guarantee offered)

**Please Note**

- Our offer remains open for sixty days from date of tender after which confirmation must be sought.
- This quotation is based on normal working hours.
- This quotation excludes VAT, which should be added at the current rate.

I trust I have interpreted your instructions correctly, if however, you have any questions please do not hesitate to contact me.

Yours faithfully



Duncan Hutton  
Director of Business and Resources  
G. Harrison (Buildrite) Leicester Ltd.





4

Gavin Boyes

---

**From:** Rakesh Kotecha <rakesh@hsmidlands.com>  
**Sent:** 25 September 2015 10:11  
**To:** Gavin Boyes  
**Cc:** Rita Dent; paul.saunders@worcsregservices.gov.uk; 'Richard Jonws'; 'timothy beadsley'; Rita Dent  
**Subject:** RE: Wayside Care Limited  
**Attachments:** FW: Wayside Care Limited

Hi Gavin

I am extremely disappointed with your email and totally disagree with it.

Your email clearly shows that you are adamant to have the TPO on T1 when it has clearly been proven by 3 professional organisations that by having T1 there is a public health issue which cannot be resolved.

Can you confirm on what professional grounds you have made the decision that the drain can be redirected contrary to the report you have had from the professional?

Can you also confirm on what professional grounds you have made the decision that the wall can be built properly contrary to the letter you have had from the professional with the quote of doing the work which clearly confirms that they would provide no guarantee for the work as they do not believe, after some 40 years' experience in the industry working with Universities and local authorities <http://www.buildrite.co.uk/services.html> that by building the wall with the tree there would resolve the issue?

For those who did not receive my previous email with the builders quotation and also the response from the drain doctor, I have attached this for your perusal.

I look forward to hearing from you.

Kind Regards

Rakesh Kotecha

Vice Chair - Rutland East Midlands Care Association  
Director West Midlands Care Association

 07967 551 135 / 0116 2442050

 0116 2442177

 rakesh@hsmidlands.com

 13C Saffron Way

Leicester

LE2 6UR





Appendix 3 T1 Beech



Appendix 3

T1 Beech

T2 Silver Birch

Older tree removed  
stump





Appendix 3

T1 Beech

DAIT  
to be removed  
from grades

T2 Silver  
Beech





Appendix 3

T2  
Silver  
Birch

T5  
Golden  
Elypress

T3  
Pine







Appendix 3

T4 Silver Birch

T6 Pine

T3 Pine

T5



Agenda Item 5

Appendix 3

T7: Yew

T7 Yew





Appendix 3  
18 Lime  
Agenda Item 5





Damage to walls

Appendix 3





**Town and Country Planning (Tree Preservation) (England) Regulations 2012**

Town and Country Planning Act 1990

Tree Preservation Order (7) 2015

Bromsgrove District Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

1. This Order may be cited as Tree Preservation order (7) 2015

**Interpretation**

- 2.— (1) In this Order “the authority” means Bromsgrove District Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

- 3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
  - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 29<sup>th</sup> July 2015

Signed on behalf of Bromsgrove District Council



Authorised by the Council to sign in that behalf

First ScheduleTrees specified individually

(circled in red on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T.1.	Beech	396096 / 270518	In front garden 25 New Road
T.2.	Golden Cypress	396109 / 270520	In front garden 25 New Road
T.3.	Silver Birch	396113 / 270511	In front garden 25 New Road
T.4.	Pine	396123 / 270495	In front garden 27 New Road
T.5.	Silver Birch	396128 / 270491	In front garden 27 New Road
T.6.	Golden Cypress	396149 / 270499	In front garden 27 New Road
T.7.	Pine	396142 / 270493	In front garden 27 New Road
T.8.	Yew	396046 / 270570	In front garden 19 New Road
T.9.	Lime	396054 / 270560	In front garden 27 New Road
		NONE	

Trees specified by reference to an area

(within a dotted black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
-------------------	--------------------	------------	------------------

NONE

Groups of Trees

(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
-------------------	--------------------	------------	------------------

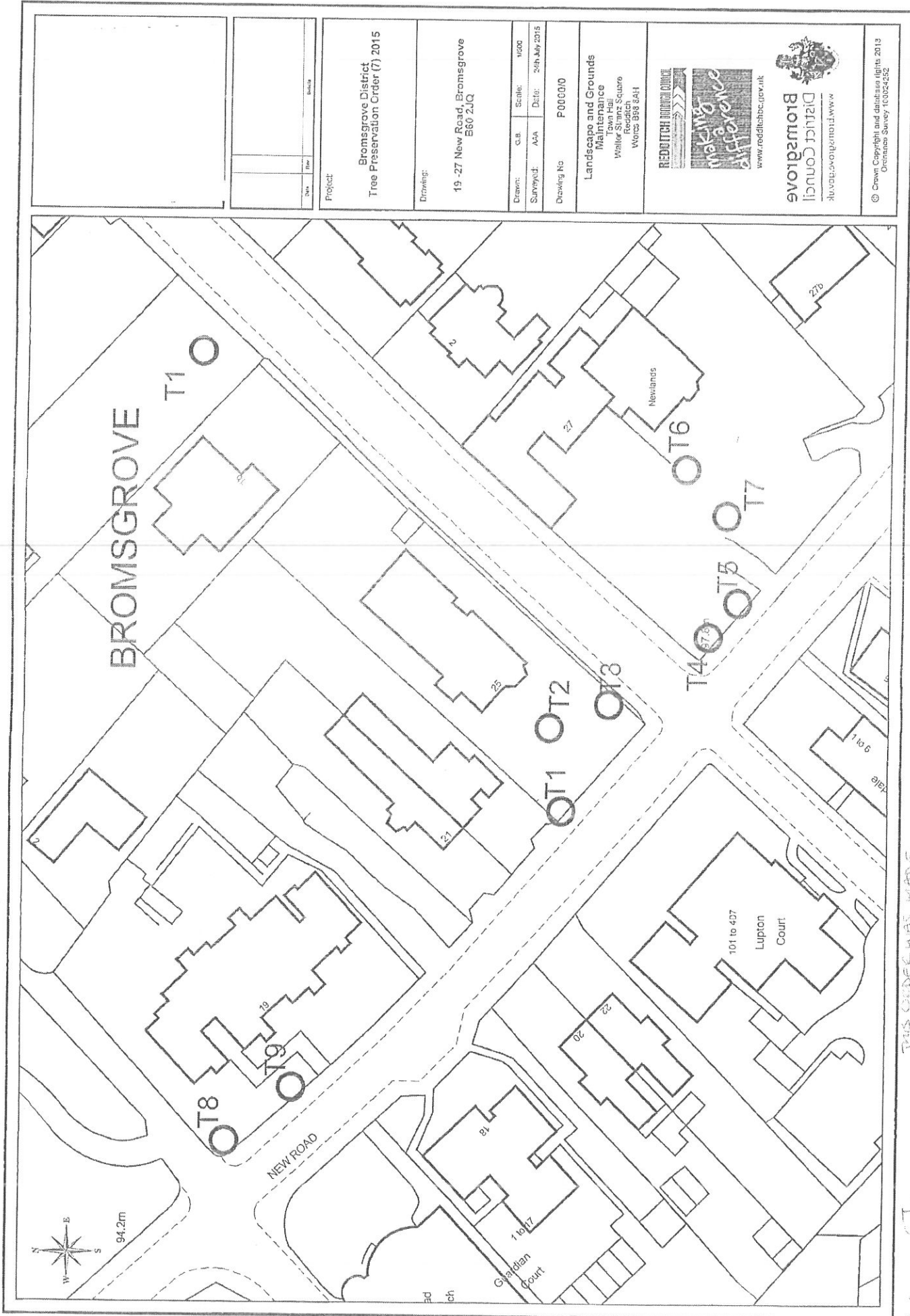
NONE

Woodlands

(within a continuous black line on the map)

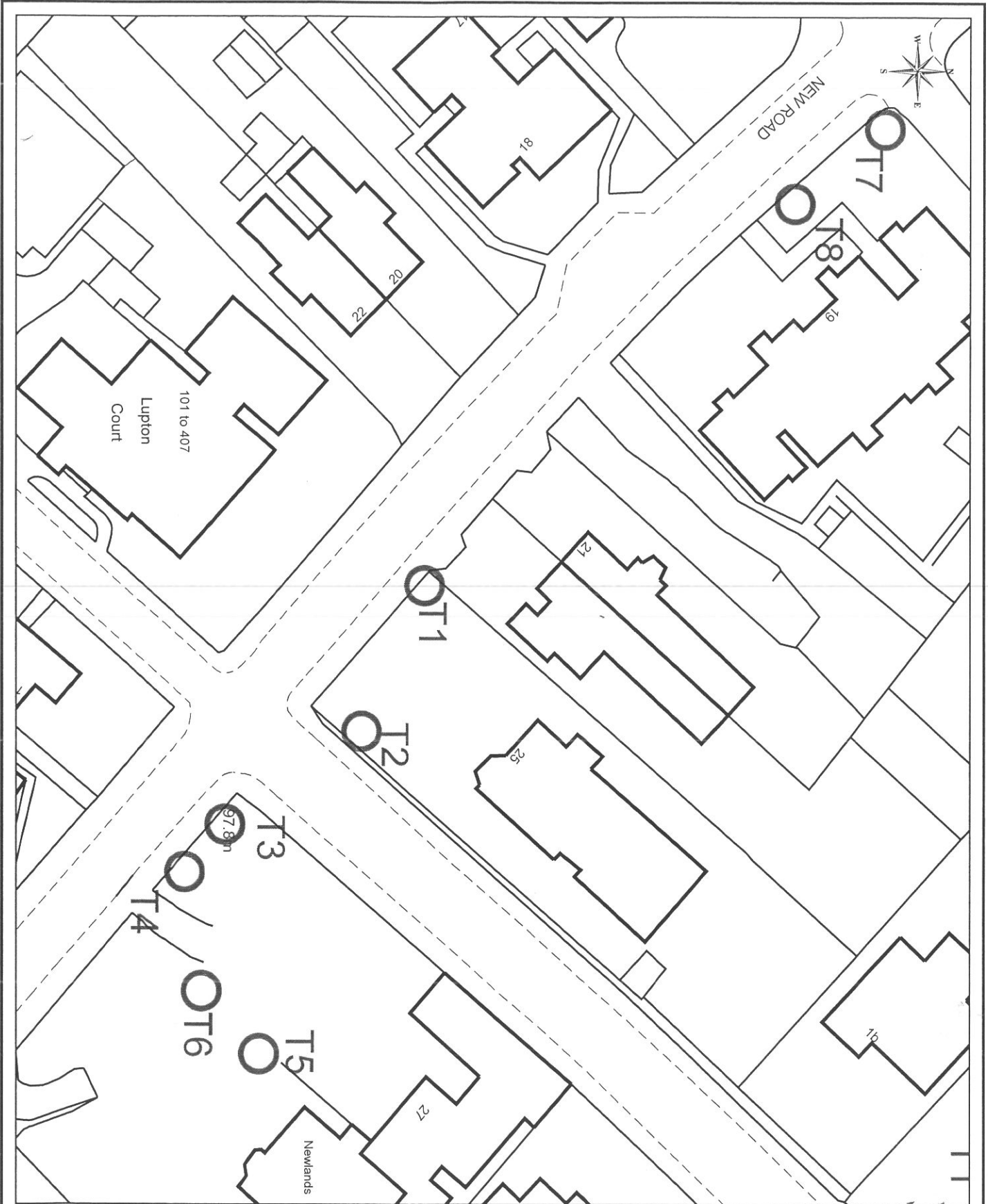
<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
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NONE



<table border="1"> <tr> <td>Drawn:</td> <td>G.A</td> <td>Scale:</td> <td>1:600</td> </tr> <tr> <td>Surveyed:</td> <td>AAA</td> <td>Date:</td> <td>24th July 2015</td> </tr> <tr> <td>Drawing No:</td> <td colspan="3">P000010</td> </tr> </table>	Drawn:	G.A	Scale:	1:600	Surveyed:	AAA	Date:	24th July 2015	Drawing No:	P000010			<p><b>Project:</b> Bromsgrove District Tree Preservation Order (7) 2015</p>	<p><b>Drawing:</b> 19 -27 New Road, Bromsgrove B60 2JQ</p>	<p><b>Landscapo and Grounds Maintenance</b> Town Hall Walker St, Lane Square, Bromsgrove, Worcestershire B61 8AH</p>	<p><b>REDITCH DISTRICT COUNCIL</b> making a difference www.reditch.gov.uk</p>	<p><b>Bromsgrove District Council</b> www.bromsgrove.gov.uk</p>	<p>© Crown Copyright and database rights 2013 Ordnance Survey 10004552</p>
Drawn:	G.A	Scale:	1:600															
Surveyed:	AAA	Date:	24th July 2015															
Drawing No:	P000010																	

*Wm Thompson*  
THIS ORDER WAS MADE  
ON 07/07/2015 BY  
BROMSGROVE DISTRICT COUNCIL



Date	Rev	Details

Project:   
 Drawing:   
 Location Details

Drawn: AAA Scale: 1/200   
 Surveyed: AAA Date: BB8.2013   
 Drawing No: P0000/0

Landscape and Grounds   
 Maintenance   
 Town Hall   
 Waller Street Square   
 Worcs B98 8AH

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Ordnance Survey 100024252

First ScheduleTrees specified individually

(circled in red on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T.1.	Beech	396096 / 270518	In front garden 25 New Road
T.2.	Silver Birch	396113 / 270511	In front garden 25 New Road
T.3.	Pine	396123 / 270495	In front garden 27 New Road
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T.7.	Yew	396046 / 270570	In front garden 19 New Road
T.8.	Lime	396054 / 270560	In front garden 27 New Road
		NONE	

Trees specified by reference to an area

(within a dotted black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
		NONE	

Groups of Trees

(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
		NONE	

Woodlands

(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
		NONE	

# Agenda Item 6

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Hagley Parish Council	Demolition of existing sports changing block and redevelopment to provide new pavilion, changing and associated facilities.  Sports Changing Block, Church Street, Hagley, Worcestershire,	07.12.2015	15/0875

**RECOMMENDATION:** That planning permission be Granted

**The application is to be considered by Planning Committee because Councillor Colella is also the Chairman of Hagley Parish Council, who are the applicant.**

## Consultations

**Sport England** Consulted 13.11.2015  
Awaiting comments

**Landscape & Tree Officer** Consulted 06.11.2015  
No objection subject to conditions in respect of an Arboricultural Method Statement and a suitable landscaping scheme

## **Hagley Parish Council**

Hagley Parish Council are the applicant and fully support the application.

## Publicity

7 Neighbour notification letters were sent on 06/11/2015, expire on 27/11/2015, no responses received to date  
Site notice posted 09/11/2015, expires on 30/11/2015, no responses received to date

## Relevant Policies

### **Bromsgrove District Local Plan 2004 (BDLP):**

DS13 Sustainable Development  
S28 New and Enhanced Community Facilities  
S29 Access for the Disabled  
C17 Retention of Existing Trees

### **Others:**

NPPF National Planning Policy Framework

## Relevant Planning History

None

## **Assessment of Proposal**

### **Site Description**

The application site is located to the rear of allotment gardens in Church Street, Hagley. The site currently comprises a 30m x 18m hard surface with a single storey sports changing block situated to the south-west of the site where it is bounded to the south and west by the allotment gardens. The application site fronts onto Hagley Park Playing Field. The application site, the surrounding allotments and the playing field all fall within a designated area of open space. The application site is accessed on foot or bicycle by a non-designated footpath which runs between no. 33 Church Street and the allotments. Vehicles are prevented from using the track by the use of a bollard.

### **Proposal**

The proposal is to replace the existing sports changing block, which serves the adjacent playing field, with a new pavilion. The pavilion would mostly sit on the footprint of the existing building and would remain single storey, however, it would be greater in length, width and height and provide a much improved changing facility and building structure. In addition to separate male and female, team and referee changing rooms with shower and WC facilities, the building would also provide a kitchen area, club room and store. A picnic area, comprising tables and chairs is also proposed to the front of the building on the existing hard surfaced area fronting the playing field. The floor area of the existing single storey changing block measures 4.4m x 23.7m with a flat roof at a height of 3.1m. The proposed pavilion would have a floor area of 11m x 26m with a mono-pitched roof sloping from 5.9m high on the east elevation to 3.9m on the west elevation. It would be constructed in modern materials with the front elevation featuring a curved wall with a mixture of aluminium framed glazing and coloured glass block apertures. In respect of access and parking, visitors would continue to park in the existing public car park on Worcester Road and access the site by cycle or foot from Church Street.

### **Assessment**

The main issues in the consideration of this application relate to the principle of development, its impact on the character of the area, the impact on the residential amenity of neighbouring occupiers and the impact on trees.

### **The Principle of Development**

The site is located within a designated area of open space as defined on the BDLP Proposals Map. Paragraph 70 of the NPPF states that Local Planning Authorities should enable social and recreational facilities that communities need and Policy S28 of the BDLP promotes new and enhanced community facilities. The provision of a replacement, enhanced sports facility would therefore be acceptable in principle.

### **Character Impact**

The proposal would result in a replacement building on a similar footprint to the existing. The existing flat roof, brick built, linear building is in poor condition and of no architectural merit. As such, it does not contribute to the character of the surrounding landscape,



whereas the modern design and use of materials in the proposed pavilion would enhance the character of the area. Due to the increase in height, the proposed roof would now be visible when viewed from the section of Church Street which is directly opposite the application site, however, it would be situated over 45 metres away from the dwellings and would not be detrimental to the streetscene.

The proposal therefore accords with policy DS13 of the Bromsgrove District Local Plan.

## **Residential Amenity**

The nearest dwelling to the proposed development is no. 33 Church Street. Given the proposal is for a replacement building in the same use and in a similar position to the existing, the development would not give rise to any adverse impact on residential amenity over and above the existing situation. Furthermore, a certain level of noise is to be expected when living nearby a playing field. The proposed pavilion would be unlikely to result in a discernible change in noise levels experienced by occupiers of nearby residential properties.

It is considered that the proposal would have no significant impact on the level of amenity experienced by the occupiers of adjacent residential dwellings in accordance with Policy DS13 of the BDLP.

## **Landscape and Trees**

The application site is bounded to the south and west by allotment gardens. Along the southern boundary there is a line of 8 Copper Beech trees. The trunks of these trees are located in the adjoining allotments, however, their canopies and root systems will extend into the site and beneath the existing building.

Following receipt of an amended site plan re-siting the proposed building further from the southern boundary in order to provide greater separation from the line of Copper Beech trees, the Tree Officer has raised no objection subject to conditions in respect of an Arboricultural Method Statement and a suitable landscaping scheme.

The proposal therefore complies with Policy DS13 and C17 of the BDLP.

## **Conclusion**

The proposal is considered to be acceptable in principle and would lead to an enhancement to the character of the area. It would not adversely harm the amenities of occupiers of nearby dwellings. Any potential harm to the surrounding trees can be mitigated through the use of appropriate conditions. It is therefore recommended to Members that permission be approved.

**RECOMMENDATION:** That planning permission be Granted

## **Conditions:**

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

- 2) The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) The materials to be used in the proposal shall be as per section 9 of the application form.

Reason: To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004

- 4) Before the commencement on site of any works which are the subject of this permission, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-

- a) full details of all existing physical and landscape features to be retained on the site including the position, species and spread of all trees and major shrubs
- b) full details of the location, species and spread of additional tree planting

The approved scheme shall be implemented within 12 months from the date when the building is occupied and shall remain in perpetuity.

Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: This shall be pre-commencement in order to ensure full protection and mitigation measures are in place for the trees which form an important part of the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004.

- 5) Prior to the commencement of works on site, including site clearance, demolition, excavations or the importing of machinery or materials, an Arboricultural Method Statement or similar detailed schedule of tree protection works in accordance with British Standard BS5837:2012 shall be submitted to and agreed in writing by the Local Planning Authority. The works must then be carried out in accordance with the details submitted.

Reason: In order to protect the trees which form an important part of the amenity of the site from damage or loss in accordance with policy DS13 and C17 of the Bromsgrove District Local Plan January 2004. This shall be pre-commencement to ensure full protection of the trees in advance of any works taking place which could damage the trees.

- 6) Prior to the commencement of any works on site including any site clearance, demolition, excavations or the importing of machinery or materials, the trees and/or hedgerows which are shown retained on the approved plans both on and adjacent to the application site shall be protected in accordance with the methods detailed in the approved Arboricultural Method Statement. These measures shall be maintained as detailed until all development has been completed.

Reason: In order to protect the trees which form an important part of the amenity of the site from damage or loss in accordance with policy DS13 and C17 of the Bromsgrove District Local Plan January 2004. This shall be pre-commencement to ensure full protection of the trees in advance of any works taking place which could damage the trees

**Case Officer:** Laura Buckton  
Tel: 01527 534122  
Email: l.buckton@bromsgrove.gov.uk

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
<b>Mr J Godwin</b>	Demolition of existing Dolphin Centre and erection of new sport and leisure centre including swimming pools, health and fitness suite, climbing wall, multiuse studio/function and community spaces, wet and dry changing, offices, associated access, car-parking, servicing and landscaping  Land at School Drive, Bromsgrove	25.01.2016	15/0919

**RECOMMENDATION:** that permission be **GRANTED**

## Consultations

### **Worcestershire Highways**

Consulted – views received 04 November 2015:

- No objection subject to Conditions relating to:
  - Closure of existing vehicular access prior to occupation
  - Access, turning and parking
  - Highway improvements/off-site works
  - Travel Plan

### **North Worcestershire Water Management**

Consulted – views received 6 November 2015:

- No objection subject to Conditions relating to:
  - Scheme of foul and surface water drainage
  - Submission of SuDS management plan
  - Scheme for surface water treatment

### **Worcestershire County Council Countryside Service**

Consulted 26 October 2015: views awaited

### **Ramblers Association**

Consulted 26 October 2015: views awaited

### **Worcestershire County Council: Minerals and Waste**

Consulted – views received 16 November 2015:

- No objection subject to Condition relating to:
  - Waste storage
  - Collection measures for waste and recyclable waste

### **Worcestershire Regulatory Services: Air Quality**

Consulted – views received 13 November 2015:

- No objection subject to the scheme mitigating the cumulative impact on air quality through mitigation measures which are aligned with County LTP policies
- These measures will assist in alleviating pollution creep arising in the general area.

## **Worcestershire Regulatory Services: Contaminated Land**

Consulted – views received 10 November 2015:

- No objection subject to Condition relating to
  - Risk assessment
  - Remediation strategy

## **Worcestershire Regulatory Services: Noise**

Consulted – views received 26 October 2015:

- No objection

## **Worcestershire Regulatory Services: Lighting**

Consulted – views received 26 October 2015:

- No objection

## **Landscape & Tree Officer**

Consulted – views received 20 November 2015:

- No objection subject to Condition relating to:
  - Full landscape plan (to include planting specification), which should include additional tree planting in the verging along School Drive and a higher level of tree planting within the verge on the boundary of the footpath to Well Lane

## **Conservation Officer**

Consulted – views received 17 November 2015:

- No objection

## **Worcestershire County Council Archive and Archaeological Service**

Consulted – views received 10 November 2015:

- No objection

## **Health & Safety Executive**

Consulted – views received 30 October 2015:

- No objection

## **Sport England**

Consulted – views received 16 November 2015:

- No objection
- The strategic context for this application has been informed by a “Review of Future Leisure Centre Provision in Bromsgrove” and Facilities Planning Model (FPM) work commissioned by the Local Authority through Sport England. This modelling work included a local assessment of swimming pools and a local assessment of sports halls.
- The FPM swimming pool analysis concluded that the closure and replacement of the Dolphin Centre would appear to be a positive step which delivers significant quantitative and qualitative benefits. Although the FPM concludes that no further waterspace is required to meet current demand in Bromsgrove, some of the future demand for waterspace, created by the planned housing growth, will need to be met by improved access to certain facilities.
- The FPM sports hall work tested the impact of not replacing the sports hall in the replacement facility. The FPM concluded that the current supply of sports halls in

Bromsgrove was more than adequate to meet current demand with spare capacity at existing facilities to meet future demand. This analysis includes the 8 court sports hall at Bromsgrove School (constructed circa 2012).

- The replacement sports and leisure centre will provide studio space and the sports hall at North Bromsgrove High School which is adjacent to the Dolphin Leisure Centre is operated by the Council and is available for community use Monday to Friday 6.00pm – 9.00pm and Saturday/Sunday 9.00am – 5.00pm.
- The proposal will result in a reduction in the options for 'pay and play' to meet casual (i.e. non club) usage and there will also be an impact on existing day time users of the Dolphin Leisure Centre sports hall who will be displaced. However the loss of use of the sports hall during daytime hours does not justify the replacement of the sports hall given the high number of sports halls in Bromsgrove and the available capacity in the peak period. The FPM recommends that the LA works with Schools, other providers and relevant National Governing Bodies for Sport (NGBs) to develop a plan to relocate existing club and casual 'pay and play' usage from the Dolphin Leisure Centre to other sports halls ensuring continuity of use.
- This proposal addresses an identified need for a replacement Sports and Leisure Centre and has the potential to be of benefit to the development of swimming and general fitness in the Bromsgrove area. We would wish to see this accorded an appropriate weight in the decision that is reached on this application.
- The Sports and Leisure Centre has been assessed by Sport England's Technical Team and they are satisfied that the design of this facility meets Sport England/NGB technical guidance.
- The primary purpose of this development is to deliver community sport and as such Sport England is satisfied that it will fulfil the benefits to community sport identified above.

Additional comments received 24 November 2015:

- Comfort factor: The Facilities Planning Model analyses usage at Sports Halls during the peak period. The FPM includes a 'comfort factor' and assumes that usage of a sports hall over 80% of capacity is getting busy. However sports halls can and do operate successfully at up to 100% capacity in the peak period.
- Disparity between hours: I have been shown the 2015 usage plan for the sports hall and gym at North Bromsgrove High School (NBHS). This usage plan shows that the sports hall is available for 34 hours in the peak period (and 39 hours overall). The sports hall was modelled using a figure of 33 hours availability in the peak period in 2014. The usage plan therefore indicates that the sports hall is available for one more hour in the peak period than modelled in 2014 (providing more peak time capacity, but this would have limited impact on the modelling).
- Data discrepancies/timescales: This is a peak time analysis which has been signed off by the local authority and is still considered to be up-to-date. Any small changes/discrepancies in the hours of operation would only make marginal differences to the analysis and only fundamental changes would make the study out-of-date or incorrect (for example the opening or closure of large facilities). Furthermore the usage plan for the NBHS for 2015 supports the 2014 data used in the modelling and the conclusions are the same that there is spare capacity at NBHS.
- I also wish to make an amendment to my previous comments dated 16 November 2015: The 8 court sports hall at Bromsgrove School was constructed circa 2012 and was included in the 2014 FPM analysis.

## **West Mercia Constabulary**

Consulted – views received 3 November 2015:

- No objection

## **Parks and Green Space Development Officer**

Consulted – views received 11 November 2015 and 25 November 2015:

- No objection subject to Condition relating to:
  - The mitigation measures expressed in the submitted Ecological Report
  - The requirement for additional survey work expressed in the Bat Mitigation Strategy document

## **Urban Design**

Consulted – views received 15 November 2015:

- The proposals are suitable for a new modern leisure centre in this location.
- Further thought/clarity is needed regarding the pedestrian connections into the town centre and between the two car parks.
- The shared access between the service entrance and the Registry Office again needs a greater level of sensitivity in the proposals.
- No objection subject to the following Conditions:
  - Landscaping
  - Boundary treatments
  - External materials

76 letters sent 26 October 2015 (expire 16 November 2015)

1 letter sent 5 November 2015 (expires 26 November 2015)

4 identical site notices posted 27 October 2015 (expire 17 November 2015)

1 press notice published 6 November 2015 (expires 27 November 2015)

19 representations letters received raising the following principle matters:

- There is no need for the current facility to be demolished/replaced
- The development will leave Bromsgrove residents with much reduced access to sports hall facilities and as a consequence is contrary to Bromsgrove Development Plan (BDP) policies BDP 17.12, BDP 25.3, BDP 25.4 and BDP 25.5
- Loss of community asset
- Without access to sports hall facilities during daytime hours, the proposals for the new leisure centre represent a significant deterioration in the provision of access to sports facilities in Bromsgrove and will have an adverse effect on the health and well-being of many residents
- It is unclear where alternative facilities can be hired. School facilities are not available during school hours and many evenings. North Bromsgrove School already has commitments during the evenings and weekends and its Sports Hall is smaller than the existing facility. The Ryland Centre's badminton courts are unsuitable for serious play.
- Impact on the public right of way

Other issues have been raised but these are not material planning considerations and have not been reported for Members



**Members are encouraged to review all submitted documentation. All submitted information is available to view in full online via the Council's Public Access system.**

## **Relevant Policies**

### **Bromsgrove District Plan**

C17: Retention of existing trees  
DS13: Sustainable development  
ES1: Protection of natural watercourse systems  
ES2: Restrictions on development where risk of flooding  
ES7: Sites suspected of contamination  
ES11: Energy efficiency in buildings  
ES12: Provision of recycling facilities  
ES14A: Noise sensitive development  
RAT3: Indoor sport development criteria  
RAT 7 Sports halls standards  
RAT8 Dual use facilities  
RAT12: Support for public rights of way  
S28: New and enhanced community facilities  
S29: Access for the disabled  
S35a: Development in Conservation Areas  
TR11: Access and off-road parking

### **Emerging Bromsgrove District Plan**

BDP1: Sustainable development principles  
BDP2: Settlement hierarchy  
BDP3: Future housing and employment development  
BDP12: Sustainable communities  
BDP13: New employment development  
BDP16: Sustainable transport  
BDP17: Town Centre regeneration  
BDP19: High quality design  
BDP20: Managing the historic environment  
BDP21: Natural environment  
BDP22: Climate change  
BDP23: Water management  
BDP25: Health and well being

### **National Planning Policy Framework**

Section 1: Building a strong, competitive economy  
Section 2: Ensuring the vitality of town centres  
Section 4: Promoting sustainable transport  
Section 7: Requiring good design  
Section 8: Promoting healthy communities  
Section 10: Meeting the challenge of climate change, flooding and coastal change  
Section 11: Conserving and enhancing the natural environment  
Section 12: Conserving and enhancing the historic environment

## **National Planning Practice Guidance**

### **Assessment of Proposal**

#### **Site Description**

The site comprises 1.28 hectares located within Bromsgrove Town Centre. The site is located to the south of School Drive and is currently occupied by the existing Dolphin Centre (constructed 1967), the associated car-parks, the now demolished Blackmore House care home (with the site now fully remediated) and a section of the car-park currently serving the Registration Office. The site also extends into a small section of North Bromsgrove High School.

Residential properties are located to the north (School Drive/Oakhurst Drive) and three-storey apartments in Stratford Gardens to the south. North Bromsgrove High School and the Registration Office are to the east and to the west the existing council owned car park, the Methodist church and beyond to Stratford Road.

On the southern side of the site from Stratford Road links a Public Right of Way from Well Lane linking to Bromsgrove High School to the end of Blackwood Road. This also gives access to an external Multi Use Games Area (MUGA) which is owned and maintained by North Bromsgrove High School. The southern boundary of the site adjacent the footpath is well vegetated.

The topography of the site in places has a steep incline which rises significantly away from School Drive to Well Lane to the south.

The site is located in a designated residential area.

#### **Proposals**

This application is seeking full planning permission for the demolition of the existing Dolphin Centre and the erection of a new sport and leisure centre. The building will be split between a double height space above the pool areas, with a first floor above other areas, including the changing village and reception areas. In addition, the proposed works include below ground drainage, revised access points, car parking and ground remodelling following demolition of the existing Dolphin Centre facility.

The scheme includes the following elements:

- Main pool: 25 metre x 13 metre (6 lanes) with 108 spectator seats (104 seats and 4 wheelchair spaces)
- Learner pool: 10 metre x 15 metre with moveable floor with informal viewing
- Fitness suite: 100 stations with functional training spaces
- Dance studio: 2 spaces for up to 35-40 people in each, with moveable wall multi-use studio
- Group cycling studio: for up to 25 people
- Spa facilities and treatment rooms
- Sauna and steam room
- Climbing wall
- Foyer/café

- Wet and dry changing
- Car park with 190 spaces and parking/drop off for coaches
- Electric car-charging points
- Secure cycle parking
- Other ancillary accommodation: reception/staff welfare/reception/pole storage/first aid/wet health/plant room
- Substation (located to the side of the proposed plant rooms at the end of the Registration Office car-park)

The scheme also includes a link to North Bromsgrove High School Sports Hall to allow the use of the four court sports hall, gymnasium and dry changing areas. This facility is located adjacent to the proposed new leisure centre and is proposed to be operated by the Council between the hours of 6:00pm-9:00pm (Monday-Friday) and 9:00am – 5:00pm (Saturday and Sunday).

The building will have a mix of external materials to include:

Walls:	Staffordshire smooth blue brick Off white render
Cladding:	Light grey composite cladding Mid grey cement panel
Roof:	Zinc finish Stucco Embossed Aluminium
Climbing wall:	Coloured metallic: mid grey/zinc Coloured metallic: dark grey
Curtain walling:	Dark grey frames
Coloured glazing:	Red, green, blue, yellow and orange

The existing leisure centre will remain in operation whilst the new leisure centre is constructed. Following the completion of the new leisure centre, the existing Dolphin Centre will be closed and demolished to enable the completion of the car-park and coach drop off.

Key features of the scheme include:

- New facility with an active frontage clearly displaying the function of the building and compliance with modern standards of access
- Creation of a clear and user friendly main entrance lobby and reception area
- Clearly defined access for the community to use North Bromsgrove High School sports hall, gymnasium and changing facilities
- Creation of a mixed range of activities with improved sporting facilities and integrated additional multi-use studios and new climbing zone
- Improved pool area with moveable floor and learning facilities
- Provision of a clearly defined internal circulation routes
- The opportunity to install photovoltaic panels to the roof and other environmental promoters to create an energy efficient new leisure facility
- Promotion of health based sessions with the sports development team, health organisations and local partners, with the use of programmes available to encourage the local community to engage in positive healthy activities.
- Secure elements of design will be integrated into the scheme, active visible areas and glazed corridors will provide natural surveillance and reduce hidden areas

- Good quality car parking facilities

The external lighting strategy for the site comprises the following:

- 8 metre high columns for the main car-park
- Building mounted lighting

The proposed leisure centre maximum opening hours would be from 06:00 to 23:00 Monday to Friday and 07:00 to 22:00 on Saturday, Sunday and Bank Holidays.

The following information has accompanied the scheme:

- Design and Access Statement
- Ecological Report
- Energy Report
- External Lighting Report
- Flood Risk Assessment
- Ground Contamination Report
- Noise Survey
- Planning Statement
- Services Report
- Statement of Community Involvement
- Transport Assessment
- Travel Plan (Interim)

## **Appraisal**

The site is located in an established residential zoned location under the BDLP. The site is previously developed and will replace the existing Leisure Centre.

Members will note the views arising from the publicity period concerning the absence of a sports hall facility within the new building. Members will note that reference has been given to the policies of the Bromsgrove District Plan (BDP) and how the new building would be contrary to the policies within this plan (with specific reference to policies BDP17.12TC5, BDP25.3, BDP25.4 and BDP25.5).

For the reference of Members, Policy BDP17.12 TC5 states that the School Drive site is a major leisure development opportunity within the Town Centre. Policy BDP17.12 TC5 (A) states that a leisure centre with associated parking and complementary uses including possible new public sector facilities will be the predominant use on site. BDP17.12 TC5 (C) states that the leisure centre should contain a swimming pool, fitness suite, multifunctional studios, sports hall facilities and ancillary uses such as café/restaurant.

The site is currently on the edge of the Town Centre in the extant Bromsgrove District Local Plan (BDLP) and identified as being within the Town Centre in the emerging Bromsgrove District Plan (BDP). Leisure uses are appropriate in town and edge of centre locations, and the sequential assessment detailed in the submitted Planning Statement indicates that there are no preferable sites which would be a better or more deliverable location for the development. In addition, the emerging BDP identifies at Policy BDP.17 TC5 this site specifically as the location as for a replacement leisure centre.

The BDP is at an advanced stage and is currently undergoing Examination in Public and as such can be afforded weight in the decision-making process. The application of weight is reinforced by the fact that the proposal to develop a leisure centre on the site has received no objections/representations in the statutory stages of plan making. This is important for Members to consider.

Members will note that the scheme does not contain a sports hall element. However, in considering the issue of compliance with the emerging policy (specifically policy BDP17.12 TC5), Members need to balance the thrust of this policy with the issue of financial viability and strategic demand and the presence of alternative sports hall facilities. These issues are dealt with in turn.

## **Viability Issues**

In the context of achieving sustainable development, the National Planning Policy Framework refers to ensuring viability and deliverability in paragraph 173-177. Paragraph 173 of the NPPF states:

173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Policy BDP1 of the emerging BDP refers to taking a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy BDP1.4(j) states that in considering all proposals for development in Bromsgrove District, regard will be had to financial viability and the economic benefits for the District.

The sports hall provision within the current Dolphin Centre has not been replicated within the new building on the grounds of viability when considering the financial impact on the scheme. When coming to this decision on 2 July 2014, viability and the impact of this decision on the current users of the Dolphin Centre was considered by Cabinet and identified within the Service/Operational Implications Section in paragraph 6.3 of the Report presented to Members.

A copy of this report is available for Members to read via the following link on the Council's website:

<http://moderngovwebpublic.bromsgrove.gov.uk/ieListDocuments.aspx?CId=105&MId=2034&Ver=4XXX>.

For the reference of Members, Prudential borrowing is the set of rules governing Local Authority borrowing in the United Kingdom. The Prudential system encourages Local Authorities to invest in the capital assets that they need to improve their services. It

allows Local Authorities to raise finance for capital expenditure without government consent as long as they can afford to service the debt out of their revenue resources. Borrowing must conform to the Prudential Code which (among other things) requires that borrowing be affordable and prudential. The levels of borrowing are identified for the Council within the Treasury Management Strategy as approved by the Audit Board in March 2014.

The level of borrowing that can be funded for the proposed replacement Leisure Centre is calculated based on ability for the Council to reduce the current net operating costs of the centre to meet the level of borrowing costs. The current cost (2014/2015) associated with the operation of the Dolphin Centre through the trust arrangement the Council entered into with Wychavon Leisure is £436k. Please note 2014/2015 figures are used to maintain a true cost of the provision as the 2015/2016 onward figures assume that the building will be closing in 2017 and maintenance decisions will be made on that basis.

Using the prudential borrowing model, the level of funding that can be achieved is £9.53m. In addition to the borrowing the surplus land will be sold and this is currently valued by the District Valuer at approximately £1.8m. This provides an estimated funding stream of £11.4m.

It is proposed that the Head of Leisure and Cultural Services continues to source external funding opportunities to deliver the £100k remaining, however it is proposed that £100k is used from working balances to meet this shortfall should there be no external funding granted. As detailed in the July 2014 Cabinet Report, the total agreed project for the new leisure centre is £11.5m. This figure is based upon the maximum borrowing allowed to Bromsgrove District Council, based upon its current costs in delivering the services from the Dolphin Centre.

The proposed revenue business case for the site assumes that the new centre will be delivered at a cost neutral position to the Council and as such all of the current funding will be used to service the debt incurred to provide the new facility.

It should also be noted that if the assumed £1.8 million for the enabling land is not be generated due to the land available for disposal being reduced, then the capital sum available for the new site would be reduced accordingly. The expected land requirement for a standard sports hall based on Sport England guidance (34.5 metres by 20 metres with a roof at 7.5 metres), plus changing and access requirements at 10%, would be 1087m<sup>2</sup>. This would reduce the available funding by £271,750 based on previous information obtain from the District Valuer when setting the disposal land value.

At present the current costs of the current scheme for consideration by Members is £13 million with an assumption that £1.5million will be provided via an external grant. The costs associated with providing a sports hall within the scheme (excluding enabling land reductions), would be in the region of £1.5million, this would give a total cost of £14.5 million. The available budget for the project would be (following the loss of the enabling land) £11,288,250. Even with the maximum external grant funding (which would not be provided on a scheme of this size), the Council would only have funds available for a £13,288,250 programme. As such and when considering that the maximum external funding support that could be expected would be £1.5million, there would be a funding short fall of between £1,711,750 and £1,211,750.



Based on the above information, the addition of a sports hall within the agreed facility mix for the new leisure building would render the scheme unviable as it could not be progressed under prudential borrowing. Members need to be mindful of this issue in light of the weight attached to viability in decision-making advocated by the NPPF and the emerging BDP.

## **Strategic Demand and Alternative Sports Hall Provision**

The strategic context for this application has been informed by a “Review of Future Leisure Centre Provision in Bromsgrove” and Facilities Planning Model (FPM) work commissioned by the LA through Sport England. This modelling work included a local assessment of swimming pools and a local assessment of sports halls. The FPM swimming pool analysis concluded that the closure and replacement of the Dolphin Centre would appear to be a positive step which delivers significant quantitative and qualitative benefits. Although the FPM concludes that no further waterspace is required to meet current demand in Bromsgrove, some of the future demand for waterspace, created by the planned housing growth, will need to be met by improved access to certain facilities.

The FPM sports hall work tested the impact of not replacing the sports hall in the replacement facility. The FPM concluded that the current supply of sports halls in Bromsgrove was more than adequate to meet current demand with spare capacity at existing facilities to meet future demand. The eight court sports hall constructed at Bromsgrove School was included in the FPM work and this contributes towards the supply of court space.

The proposal will result in a reduction in the options for ‘pay and play’ to meet casual (i.e. non-club) usage and there will also be an impact on existing day time users of the Dolphin Leisure Centre sports hall who will be displaced. The loss of the current sports hall at the Dolphin Centre would mean that the Ryland Centre in New Road, Bromsgrove would be the only accessible daytime venue within Bromsgrove for badminton. Concerns have been raised through the publicity period with regard to the suitability of the sports hall at the Ryland centre based on its roof height. However, although it would not conform to modern standards, it has been a venue for badminton for a number of years and when considered against the nature of the usage, it is considered to be a suitable alternative for recreational participation. It is also anticipated that the vast majority of current users outside of badminton and children soft play sessions would be unaffected and be able to be accommodated within the facilities of the new leisure centre (for example table tennis, martial arts and small group exercise sessions).

Importantly, Officers have for the past twelve months been in discussions with BAM Facilities Management (BAMFM) over a third party hire agreement that would allow a sports hall at peak times and weekends to be part of the overall scheme and in light of this, the access arrangements for this provision are shown within this application. This relates to access to provision at North Bromsgrove High School. Negotiations with BAMFM are continuing and are at an advanced stage. This will allow for year round access to be provided to both the on-site sports hall and gymnasium for up to 4 hours per evening and for 9 hours per day at weekends (inclusive of examination periods). Officers are also (as per Sport England recommendations), working with BAMFM to review their

current booking practices to ensure that the facilities are easy to access and use. This work will continue once the agreement is reached to ensure other sites across Bromsgrove can be used by residents to maximise the opportunity they represent to residents. The development provides a clear physical link between the new leisure centre and North Bromsgrove High School in order to provide clear and easy use of these facilities.

Given the high number of sports halls in Bromsgrove and the available capacity in the peak period, the loss of use of the sports hall during daytime hours does not justify the replacement of the sports hall facility. The FPM recommends that the Local Authority works with Schools, other providers and relevant National Governing Bodies for Sport (NGBs) to develop a plan to relocate existing club and casual 'pay and play' usage from the Dolphin Leisure Centre to other sports halls ensuring continuity of use. This approach was advocated in the July 2014 Cabinet report, whereby Members were mindful that they would wish to improve access to sports halls in Bromsgrove in line with the investment plans that they have supported in local sports clubs and organisations with a community focus to strengthen sporting infrastructure.

Sport England, therefore, considers this proposal addresses an identified need for a replacement leisure centre and has the potential to be of benefit to the development of swimming and general fitness in the Bromsgrove area. Sport England is of the view that the design of the building meets Sport England/NGB technical guidance and is satisfied that the primary purpose of the facility will fulfil the requirement to deliver community sport. Members are required to accord the appropriate weight to these comments.

## Summary

Policy TC5 of the BDP identifies the application site as the location for a new leisure centre and the specification contained within this policy identifies what a new facility should contain. The only missing element is the inclusion of a sports hall. Although the loss of the sports hall facility is regrettable, having balanced the issue of viability, the demand statistics, the presence of alternative day time venues and the use of facilities at North Bromsgrove High School, I consider these are material planning considerations that outweigh non-compliance of the current scheme with the relevant emerging BDP policies. I thus consider the construction of the new leisure building to be acceptable in principle in this location.

The main issues to be considered in this application include:

- Design, form and layout
- Residential amenity
- Highway matters
- Trees and landscaping
- Flood risk and drainage
- Ecology
- Noise
- Lighting

## Design, Form and Layout

I am of the view that the contemporary design approach would fit into the context of the immediate and wider urban landscape and provide a sensitively designed structure in this location that will establish a new landmark feature. The design of the most public aspect is finely detailed and crafted and outwardly expresses the sustainability credentials of the building. This includes the drama of the glazed curtain walling and the brise soleil as an introduction of the building to visitors through the entrance lobby. The building has three key elevations (car park, corner block and School Drive) which each take a different design approach. The large volume of the pool hall has purposely been design to minimise the impact to School Drive, with a low pitched roof reducing the scale of the building to the road and adjacent buildings. The materials are representative of modern building design with pale render, coloured panels and a range of cladding composite materials, including zinc.

Key activities take place off the internal circulation on both floors, where glazed screens and openings allow for informal viewing for glimpses of the activities taking place. This creates a spacious feel to the building and points of focus for navigation and orientation purposes to help visitors of the leisure centre to build an awareness of the facilities and activities available to them.

The sustainability credentials of the building (for example the inclusion of photovoltaic cells on some of the roof areas to generate electricity to be used in the running of the building and solar control glazing to the front elevation) are welcomed.

The materials of the building relate to the family of buildings located on School Drive, including the blue light campus, the Artrix and the school buildings. It is therefore considered that the building will complement the site and the setting and character of the surrounding area. The design is distinctive, of high quality and together with the proposed material palette, will result in a development which meets the applicant's needs, whilst enhancing the character and visual appearance of this Town Centre location.

The location and access to the building has been carefully considered and is a considerable improvement on the arrangements to the existing Dolphin Centre, with level parking areas and stepped and ramped accesses within the steeply sloping site. Members will note that the existing car park falls outside of the application site and does not form part of the proposals.

I am therefore of the view that the concerns of the Urban Designer have been addressed.

The scheme has no impact on the character or appearance of the designated Town Centre Conservation Area.

For clarification, signage does not form part of this application and is for illustrative purposes only. Building signage and directional signage will be subject to a separate application under Advertisement Consent.

## **Residential Amenity**

There are no immediate occupiers affected by the proposal. There will be no loss of amenity to those occupiers closest to the site in School Drive/Oakhurst Drive/Stratford Gardens.

## **Highway Matters**

The scheme includes a new access leading off School Drive. A separate service area is located to the east of the building. Car parking has been designed to take account of the topography of the site and includes a coach drop off point and secure cycle parking near the building entrance. Clear pedestrian routes have been incorporated into the car-park design, including the route to North Bromsgrove High School and pedestrian access external to the site.

I am of the view that there would not be any material harm to the safety or free flow of traffic on the local highway network and that there would be capacity within the existing network to cope with the development proposal. The use of School Drive and PROW 538(B) for walking and cycling opportunities, would also promote sustainable transport choices for users of the building and provide connectivity with the Town Centre and the wider locality. This would also enable greater permeability.

It is considered that the access arrangements, the level of parking and the parking layout are acceptable. Worcestershire Highways has raised no objection to the scheme.

## **Trees and Landscaping**

The Tree Officer has raised no objection to the scheme. The soft landscaping would comprise trees, hedging, low shrubs and grassland and would be developed in accordance with the approved Ecological Management Plan. The submission of a landscape scheme, including additional tree planting as advocated by the Tree Officer, can be conditioned.

## **Flood Risk and Drainage**

A Flood Risk Assessment (FRA) has accompanied the application. The application falls within the threshold for consultation with the Environment Agency. The submitted FRA concludes that the development is not at risk of flooding. In addition a SUDS drainage strategy has been produced to ensure that the new building does not increase flood risk to other developments and that the quality of surface water runoff is improved prior to discharge. North Worcestershire Water Management has raised no objection to the scheme, subject to the imposition of suitable Conditions.

## **Ecology**

The survey area consists mostly of amenity grassland and hardstanding with small patches of tall ruderal vegetation along boundary features and is considered to be of low ecological value. Defunct hedgerow feature along the southern boundary of the survey area is considered to be of low ecological value, although the single mature oak tree on the site offers moderate ecological value.

The submitted Ecological Appraisal (October 2015) details potential opportunities for certain protected species and recommends further ecological work/enhancement works. This is with specific reference to the existing Dolphin Centre building that offers moderate potential to be used as a summer roost for several species of bat. An additional Bat Mitigation Survey (November 2015) has also been submitted at the request of your Officer given the recommendations of the Ecological Appraisal. At this stage the current bat species using the building are not confirmed and the type of bat roost present is not known. Members will be aware that the existing leisure centre will not be demolished until the new centre is operational. In this respect, it is not critical that a bat survey of the existing building is required prior to determination of the application at this stage given it is anticipated that the existing Dolphin Centre structure will remain *in situ* until at least 2017.

A full suite of bat surveys will need to be commissioned. This includes one dusk emergence survey and two dawn re-entry surveys. The bat survey season commences in May. A total of 4-6 surveyors are required to adequately observe all aspects of the building during each survey, including a full day time assessment and a loft space investigation where possible. Should a bat roost be confirmed, subsequent survey works may be required (such as maternity roost counts to ensure adequate information for a European Protected Species Licence).

The new building has been designed with bat mitigation measures in anticipation of bats being present within the Dolphin Centre building. This includes the installation of bat bricks to the east and west elevations at the recommended height. Given the unusual circumstances of the existing building not being demolished immediately to make way for the new building, I am satisfied that a suitable Condition can be imposed for the required bat emergence and/or pre-dawn re-entry surveys to be undertaken prior to demolition and a revised mitigation strategy to be submitted (as deemed necessary) following appraisal of these survey works.

The Parks and Green Space Development Officer has raised no objection to this approach or to the scheme on ecological or biodiversity grounds, subject to the suggested Conditions relating to mitigation measures for identified protected species on the site (with specific reference to bats).

## **Noise**

The leisure centre maximum opening hours would be from 06:00 to 23:00 Monday to Friday and 07:00 to 22:00 on Saturday, Sunday and Bank Holidays. New plant noise levels have been predicted and the submitted noise assessment concludes that there would be no undue harm. The Worcestershire Regulatory Services Noise Officer has raised no objection to the scheme.

## **Lighting**

An external lighting design statement has accompanied the scheme. The submitted illumination drawing shows that there would be minimal light spill onto the surrounding residential dwellings, thereby demonstrating that the lighting would not adversely affect residential amenity. The final lighting design for the site can be conditioned. The

Worcestershire Regulatory Service Lighting Officer has raised no objection to the scheme.

## **Other Issues**

### **Crime Prevention**

Members will note the views of the Crime Risk Manager. The CRM has raised no objection to the scheme. I am therefore of the view that the scheme has paid regard to planning policy and guidance on this issue and thus raise no objection on these grounds.

### **Construction Issues**

Deliveries to the development site during the construction phase are able to be controlled through a Construction Management Plan. This could include the following:

- Restricting construction vehicles to designated routes
- The prohibition of the movement of construction vehicles on the local highway network in the vicinity of the development site during the morning and evening peak hour periods
- Restrictions of the hours of working on site
- Noise and dust suppression measures (with particular reference to the demolition of the Dolphin Centre)

I consider this to be appropriate given the proximity of the residential units to the north and south.

### **Public Right of Way**

The proposal affects the setting of Public Right of Way 538(B) on Well Lane but will not impede access. The views of the County Footpaths Officer and the Rambler's Association have not been received to date.

### **Air Quality**

Worcestershire Regulatory Services has recommended that a development of this size should mitigate the cumulative impact on air quality through mitigation measures which are aligned with County LTP policies. These measures will assist in alleviating pollution creep arising in the general area.

The scheme includes secure cycle parking in accordance with the submitted Transport Assessment and a single electric charging point to serve two vehicles is proposed within the car-park. This point will be monitored following installation through the Travel Plan, with the provision of further points if considered appropriate. Low emission boilers are also proposed.

As such I consider the application contains suitable mitigation measures in relation to air quality and I raise no objection to the scheme on this issue.

## Conclusions

This application provides an opportunity to deliver a modern leisure centre that would provide enhanced facilities for residents of and visitors to Bromsgrove District. The removal of the existing outdated building and its replacement with a carefully considered building with an emphasis on high quality design and range of external materials, new landscaping and reconfigured car-parking and enhanced employment opportunities will all be of local benefit, which are factors that weigh in favour of the proposals. The scheme also forms part of the wider Town Centre Regeneration agenda and the maintaining of the sports and leisure offer within the Town Centre is clearly supported by the desire of the emerging BDP and the NPPF to promote healthy communities.

Having balanced the scheme in terms of viability, supply and demand, the availability of other venues due to the loss of the existing sports hall provision and the support for the scheme expressed by Sport England, I am of the view that the proposal will bring forward a substantial benefit to the District and its residents I am thus minded to approve the application.

**RECOMMENDATION:** that permission be **GRANTED**

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## Conditions

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### Time

- (1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

**Reason:** Required to be imposed to Section 51 of the Planning and Compulsory Purchase Act 2004

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### General

- (2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans.

**Reason:** To define the permission and in order to secure the satisfactory appearance of the development in accordance with Policy DS13 of the Bromsgrove District Local Plan.

- (3) The materials to be used in the construction of external surfaces shall comply with those detailed on the approved drawings and the External Finishes sample panel board. The development shall be carried out in accordance with these approved details.

**Reason:** To ensure the satisfactory appearance of the development in the interests of safeguarding and enhancing the character and appearance of the area in accordance with Policy DS13 of the Bromsgrove District Local Plan.



- (4) The leisure centre shall only be open from 06:00 to 23:00 Monday to Friday and 07:00 to 22:00 on Saturday, Sunday and Bank Holidays.

**Reason:** To protect the amenities of adjacent occupiers in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004

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## External Specification

- (5) Prior to occupation, full details of retained and new soft landscape works, including a phasing plan of new landscaping works, shall be submitted to and approved in writing by the Local Planning Authority. Such approved planting shall be completed in accordance with the approved details. The planting schedule shall include all those trees, hedgerows, shrubs or existing features of the land to be retained, removed and/or treated, new planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

All such planting shall be maintained to encourage its establishment for a minimum of five years following contractual practical completion of the development. Any trees or significant areas of planting which are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

**Reason:** In order to secure a well-planned development in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004

- (6) Prior to occupation, full details of all proposed hard surface areas shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include proposed finished levels or contours, car parking layouts, other vehicle and pedestrian footpaths/access and circulation areas, hard surface materials. Development shall be carried out in accordance with the approved details.

**Reason:** In order to secure a well-planned development in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004

- (7) Prior to occupation, details of the external lighting to be used shall be submitted to and approved in writing by the Local Planning Authority. Such plans shall include scaled plans and drawings illustrating the design of the light units and columns. The development shall be carried out in accordance with the approved details and shall be maintained as approved.

**Reason:** To ensure the satisfactory appearance of the development in the interests of safeguarding and enhancing the character and appearance of the area in accordance with Policy DS13 of the Bromsgrove District Local Plan.

- (8) Prior to occupation, a plan indicating the position, design, material and type of boundary treatments to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details.

**Reason:** In order to secure a well-planned development in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004

- (9) A plan including details of the facilities for the storage and collection of refuse for the development shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the approved refuse storage facilities have been constructed in accordance with approved details.

**Reason:** To ensure the proposed dwellings have adequate refuse storage facilities

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## Drainage

- (10) No works or development shall take place until a scheme for foul and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first use of the development hereby approved.

- (11) No works or development shall take place until a scheme for surface water treatment has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first use of the development hereby approved.

**Reasons (10)–(11):** To prevent the increased risk of flooding and to improve and protect water quality

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## Ground Conditions

- (12) A preliminary risk assessment (a Phase I desk study) submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".

- (13) The detailed site investigation and risk assessment must be undertaken in accordance with the approved scheme and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place.
- (14) Where the site investigation identified remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- (15) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
- (16) Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
- (17) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

**Reasons (12)-(17):** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

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## Ecology

- (18) The building shall not be occupied until a plan containing a full and detailed mitigation strategy based on Section 7 of the Ecological Appraisal (dated 16 October 2015) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall detail timing and provision for implementing the mitigation measures. The scheme shall be implemented in accordance with the approved details.

**Reason:** To conserve and enhance the ecological value of the site

- (19) Prior to the demolition of the existing Dolphin Centre building, the Final Survey Work Recommendations of the submitted Bat Mitigation Statement (to include as a minimum bat emergence surveys and bat pre-dawn pre-entry surveys of the Dolphin Centre building), shall be undertaken by a suitably qualified Ecologist and a bat mitigation strategy based on the findings of these surveys shall be submitted to and be approved in writing by the Local Planning Authority. The mitigation strategy shall be implemented in accordance with the approved details prior to the demolition of the existing Dolphin Centre building.

**Reason:** To conserve and enhance the ecological value of the site

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## Construction

- (20) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a construction management plan. The plan shall include (a) areas within the site to be used for loading, unloading and manoeuvring, (b) areas within the site to be used for storage of materials and equipment including fuels, (c) wheel washing at the site and leaving the site to reduce mud and spoil on the highway, (d) proposals to minimise dust from construction (e) construction noise suppression, (f) areas within the site to be used for parking for site personnel, operatives and visitors (g) construction traffic routes, (h) piling techniques, (i) programme of works (including measures for traffic management and operating hours, (j) provision of boundary hoarding and lighting. The development shall be carried out in accordance with the approved management plan.

**Reason:** To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of adjacent occupiers

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## Highways

- (21) Prior to the occupation of the building hereby approved, the existing vehicular access onto the adjoining highway shall be permanently closed. Details of the means of closure and reinstatement of this existing access shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on the development hereby approved.

**Reason:** To ensure the safe and free flow of traffic using the adjoining County highway.

- (22) The development hereby permitted shall not be occupied until a phasing plan for the development of the car-parking provision to serve the site has been submitted to and approved in writing by the Local Planning Authority. The phasing of the development shall be carried out as approved. The car-parking provision relevant to each phase detailed in the approved phasing plan shall be properly

consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.

**Reason:** In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

(23) Engineering details of the proposed access shall be submitted and approved in writing by the Local Planning Authority and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

**Reason:** To ensure the safe and free flow of traffic onto the Highway.

(24) The development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing a Travel Plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Councils Travel Plan Co-ordinator.

**Reason:** To reduce vehicle movements and promote sustainable access

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## Informatives

### Section 278 Agreement

No work on the site should be commenced until engineering details of the improvements to the Public Highway have been submitted to and approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

### Street Lighting

The applicants attention is drawn to the requirement that, in all cases where an agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief agreed with the Highway Authority and their design shall include any necessary amendments to the existing system. The design brief should be discussed with the Highway Authority prior to the commencement of the design.

### Advertisements

This consent does not permit the erection of any form of advertisement on the site.

### Climate Change

Encouragement for the applicant to:

- Install low NO<sub>x</sub> boilers in properties
- 

### Case Officer:

Dale Birch

01527 881341

d.birch@bromsgroveandredditch.gov.uk

# Agenda Item 8

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Mark Gay Cala Homes	Realignment of Fiery Hill Road.  Fiery Hill Road, Barnt Green, Birmingham, Worcestershire, B45 8LF	11.12.2015	15/0652

**This application was deferred at the meeting of Planning Committee on 2 November 2015 at the request of Members in order to enable further discussions to take place between Worcestershire Highways and the applicant with regard to the submitted highway speed survey accompanying the application.**

**RECOMMENDATION:** that subject to the satisfactory views of Worcestershire Highways, that planning permission be granted

### Consultations

**Highways Department- Worcestershire County Council** Consulted 13.08.2015  
Recommend conditions.

**Landscape & Tree Officer** Consulted 13.08.2015

This proposed layout is far more favourable as it greatly reduces the impact of the development on the feature Oak tree on the boundary of Kendal End Road. Envisage that the installation of the pavement to the Eastern side of the junction of Fiery Hill Road with Kendal End Road will cause a slight incursion into the BS5837:2012 recommended root protection area of a small Ash tree growing within Network Rail grounds on the embankment to the nearby line, but feel not enough to cause it any health or stability issues.

The proposed landscaping scheme around the car park and adjoining area is also acceptable using a suitable choice of shrub, hedge and tree species.

Therefore would be more in favour of this proposal than the one to alter the position of the road in terms of tree and landscape related matters.

**Conservation Officer** Consulted 13.08.2015

No conservation comments to make on the proposal.

**Barnt Green Parish Council** Consulted 13.08.2015

Summarised as follows:-

In the approved planning application - B/2013/0522 - a Transport Statement (July 2013) recognised a significant safety problem at the existing junction between Fiery Hill Road and Kendal End Road. It is also clear that the increased number of road users from the housing development at the northern end of Fiery Hill Road will exacerbate this problem. The report concluded that the development project of new housing at Fiery Hill Road promotes a much needed junction improvement. If it were much needed then, the need for it now is even greater.



The proposed relocation of the car park presents a number of problems:

1. The proposed increase in the number of car parking spaces would require a greater area of hard surface than previously planned. This would have a significant effect on drainage from the site.
2. The proposed relocation of the car park has been combined with the loss of the proposed pavement on the east side of Fiery Hill Road, which would have reduced the danger to pedestrians seeking to cross Fiery Hill Road.
3. If this undesirable relocation of the car park were approved, we consider that it should be made free to users and there should be no access between the car park and the housing development.
4. Given the conspicuous siting of the proposed car park at the entrance to Barnt Green a landscaping proposal should be included in the application

Existing, known flood problems within Barnt Green will be exacerbated by allowing further water to enter the drainage system running along Bittell Road as a result of the overall development.

Barnt Green Parish Council recommends that this planning application be refused.

**Network Rail** Consulted 13.08.2015

Network Rail believes the scheme encroaches on their land and as such separate consent from them will be required. Also recommend conditions and informatives.

**Drainage Engineers Internal Planning Consultation** Consulted 24.09.2015

No objection to the application subject to the inclusion of a drainage condition.

**Cllr C. A. Hotham** Consulted 13.08.2015

Informal comments made in respect to the visibility splay and pedestrian crossings and the timing of the traffic survey that formed part of the application.

**Public Consultation**

38 letters of objection, a petition from occupiers of 15 properties in Oakdene Drive, Sandhills Road and Hewell Lane, and a letter from Barnt Green Residents Association raising concerns summarised as follows:-

Highway safety, T junction is currently dangerous, changes are not per original plans approved, concerns as to how the car park will be managed, concerns about the visibility splay, on street car parking is an issue in the area, don't want a vehicular access off Kendal End Road

**Relevant Policies**

**Bromsgrove District Local Plan 2004 (BDLP):**

BG3	Improvements to Car parking provision
S7	New Dwellings Outside the Green Belt
S35A	Development in Conservation Areas
S43	Traffic Calming Schemes
C5	Submission of Landscape Schemes
C17	Retention of Existing Trees
TR1	The Road Hierarchy

TR8 Off-Street Parking Requirements  
 TR11 Access and Off-Street Parking  
 TR13 Alternative Modes of Transport

**Bromsgrove District Plan**

BDP2 Settlement Hierarchy  
 BDP3 Future Housing and Employment Development  
 BDP5B Other Development Sites  
 BDP12 Sustainable Communities  
 BDP16 Sustainable Transport  
 BDP20 Managing the Historic Environment

**Others:**

NPPF National Planning Policy Framework  
 NPPG National Planning Practice Guidance

**Relevant Planning History**

11/0741	Residential development of upto 88 dwellings, open space, realignment of Fiery Hill Road, with appearance, landscaping, layout and scale reserved	Approved	24.7.15
13/0121	Variation of condition 4 to 11/0741 to allow the minor material amendment consisting of details of site boundary and car parking layout	Approved	24.6.13
13/0522	Submission of Reserved Matters to 13/0121 (internal access, appearance, layout, scale and landscaping) for the erection of 88 units, open space, realignment of Fiery Hill Road and 24 space car-park.	Approved	17.12.2013

15/0192	Erection of single dwelling. (Replacement of Plot 60 on approved application 13/0522)	Approved	27.05.2015
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## **Assessment of Proposal**

Permission has been granted for residential development on the corner of Fiery Hill Road and Kendal End Road. Permission granted included a relocated T junction for Fiery Hill Road and the provision of a public car park to be located adjacent to the railway line. The public car park would be for local commuters using the train.

Development of the site is currently underway, however, following site investigations the applicant found that constructing the approved access would present difficulties relocating essential services in the area. This could cause a considerable time delay to the development but also to local residents with road closures that would be essential to enable services to be moved.

The applicant is now reconsidering the approved access arrangements. A slight realignment of the Fiery Hill Road / Kendal End Road T junction is proposed. Leading up to the T junction, Fiery Hill Road would slightly kink approximately 2 metres away from its current alignment away from the railway line. This realignment would improve visibility at the junction (2.4 m x 45 m visibility splay). The realignment has been designed to be in accordance with highway standards and would force drivers to slow to almost stationary to be able to see adequately along Kendal End Road. This slower speed of vehicles on the minor road (Fiery Hill Road) significantly improves the safety of the junction, as it gives drivers more time to properly assess the situation. Pedestrian crossings are proposed to be re-positioned. In addition, works approved under the original application to relocate the public footpath along Kendal End Road under the railway bridge would still take place as part of these proposed works. County Highways have considered the revised access arrangements and do not object to the realignment works and recommend conditions.

The proposed public car park is now shown to be on the same side of the road as the residential development. However, boundary treatment and landscaping are proposed to be provided to ensure that the car park remains a public facility and does not become overspill car parking for the residential development. As a result of the proposed revisions, the number of car parking spaces would increase from 24 to 28.

The approved T junction alterations would be constructed within the root protection area of a mature oak tree that is situated adjacent to Kendal End Road. However, as a result of the proposed realignment, the works for the junction would be completely outside the root protection area and as such would not hinder the health and stability of the tree concerned. The Council's Landscape Officer supports this alternative access arrangement as impact on the health and safety of the tree would be minimised.

## **Highway matters**

There have been a number of objections from local residents in respect to the proposed realignment of the road raising concerns of highway safety in respect to visibility. This application was considered at Planning Committee on 2 November 2015. Several public

speakers addressed the Committee and raised concerns regarding the quality and timing of the highway speed survey submitted as supporting information for the planning application. The application was subsequently deferred to enable further discussions to take place between the County Highway Department and the applicant with regard to the traffic survey undertaken.

Since Committee the applicant has carried out additional speed surveys. At the time of drafting this report, the speed survey data was being finalised. It is anticipated that details of the additional speed survey and County Highway views will be provided in the Update Report.

However, officers would advise that an adequate visibility splay can be achieved and County Highways do not raise any concerns in respect to the revised access arrangements. The proposed works would comply with policies TR11 and C17 of the Bromsgrove District Local Plan.

### **Other matters**

Network Rail has made comments stating that the application site boundary encroaches on their land. Amended plans have now been submitted showing a revised application boundary line excluding any potential Network Rail land.

There have been general queries in respect to how the public car park would operate. The applicant has put forward options in terms of how it could be managed, but has confirmed that the public car park would be free (with a two yearly review). The applicant has also suggested a financial contribution towards the costs of a Traffic Regulations Order to facilitate parking restrictions along Fiery Hill Road. However, County Highways have not requested a financial contribution of any sort and given this is only a revised access application it is considered unreasonable to request a contribution towards highway improvements on this occasion. A condition has been added to clarify that the public car park shall be retained as such in perpetuity.

### **Conclusion**

Although additional speed survey data is anticipated, the proposed realignment of the road would have adequate and acceptable visibility. The revised scheme would increase the number of car parking spaces in the relocated public car park. In addition, the proposed works would be located further away from the mature oak tree and as such would maintain the health and stability of the tree. The proposal would comply with policies set out in the Bromsgrove District Local Plan and County Highways are satisfied with the revised access arrangements. Subject to the final views of County Highways, the proposed works are considered to be acceptable.

**RECOMMENDATION:** that subject to the satisfactory views of Worcestershire Highways, that planning permission be granted subject to the following conditions and notes:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason:- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be implemented in accordance with the plans to be defined.

Reason: To accurately define the permission for the avoidance of doubt and to ensure that the development is satisfactory in appearance in order to safeguard the visual amenities of the area.

- 3) Before the development approved under this permission is first brought into use, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-

a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;

b) full details of all proposed fencing, screen walls, hedges, floorscape, sections of earth moulding, tree and shrub planting where appropriate.

The approved scheme shall be implemented within 12 months from the date when any of the buildings are first occupied.

Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004.

- 4) Prior to the commencement of the development hereby permitted engineering details of the re alignment of Fiery Hill Road indicatively shown on drawing number M00311\S278\100 shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the Highway.

- 5) No works or development shall take place until a scheme for foul and surface water drainage, along with a maintenance plan, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

- 6) Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to the Local Planning Authority and Network Rail.

Reason: To protect the adjacent railway and to prevent unacceptable risks from pollution and land instability in accordance with guidance set out in the NPPF.

- 7) The car park hereby approved shall remain in perpetuity as a public car park facility. Before the development is first brought into use, full details of a management plan for the ongoing maintenance of the car park on Fiery Hill Road shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure the safe and free flow of traffic onto the highway.

- 8) Before the development is first brought into use, details of the external lighting to be used for the car park shall be submitted to and approved in writing by the Local Planning Authority. Such plans shall include scaled plans and drawings illustrating the design of the light units and columns. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in accordance with the approved details and shall be maintained as approved.

## Notes

- 1) In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising from the application in accordance with the NPPF and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010. The authority has helped the applicant resolve technical issues such as:

- access and parking provision,

The proposal is therefore considered to deliver a sustainable form of development that complies with development plan policy.

- 2) No work on the site should be commenced until engineering details of the improvements to the Public Highway have been submitted to and approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.
- 3) If it is the Developer's intention to request the County Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to the County Council's Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act, 1980, entered into.



- 4) It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, the County Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The applicant is, therefore, advised to submit the Engineering details referred to in this conditional approval to the County Council's County Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP at an early date to enable surface water disposal arrangements to be assessed.

- 5) The applicants attention is drawn to the requirement that, in all cases where an agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief agreed with the Highway Authority and their design shall include any necessary amendments to the existing system. The design brief should be discussed with the Highway Authority prior to the commencement of the design.
- 6) The applicant is advised that they will also need to provide the following to Network Rail Asset Protection Team prior to the commencement of any works on site:

(1)

Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to the Network Rail Asset Protection Engineer once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway. We require reviewing the RAMS to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at [AssetProtectionLNWSouth@networkrail.co.uk](mailto:AssetProtectionLNWSouth@networkrail.co.uk) to discuss the proposal and RAMS requirements in more detail.

(2)

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. Any future maintenance must be conducted solely within the applicant's land ownership.

(3)

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement should be submitted to the Network Rail Asset Protection Engineer.

- o All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.
- o The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

If vibro-impact equipment is to be used a risk assessment and method statement shall be submitted to Network Rail prior to any vibro-impact works on site.

(4)

Network Rail will need to review all excavation and earthworks works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. We would need to be informed of any alterations to ground levels, de-watering or ground stabilisation. When under-taking ground works, developers should take all necessary measurements from the boundary with Network Rail land and not the distance from their works to the nearest railway tracks.

**Case Officer:** Sharron Williams Tel: 01527 534061  
Email: sharron.williams@bromsgroveandredditch.gov.uk

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# Agenda Item 9

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Richard Pitt	Residential development of 202 dwellings  Former Polymer Latex Site, Weston Hall Road, Stoke Prior, Worcestershire, B60 4AL	12.11.2015	15/0687

## **RECOMMENDATION:**

- (a) MINDED to APPROVE FULL PLANNING PERMISSION
- (b) that DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application *subject to* the satisfactory views of Worcestershire Highways and the Councils Appointed Viability Consultant

and:

following the receipt of a suitable and satisfactory legal mechanism in relation to:

- (i) The provision of affordable housing
- (ii) A contribution towards the provision of enhanced education facilities at Aston Fields Middle School and St John's CE Middle School
- (iii) A contribution to public transport improvement measures including bus stops on Shaw Lane and cycle parking provision at Ryefields Road
- (iv) The provision and maintenance in perpetuity of the proposed on site public open space, Local Equipped Area of Play and areas for habitat enhancement
- (v) The provision of and maintenance in perpetuity of the proposed drainage facilities on the site (including the balancing ponds and pumping station)

## **Consultations**

### **Stoke Parish Council** Consulted 02.09.2015

The Parish Council are keen to support the application but also have concerns that local facilities such as the school and the doctors surgery will have the capacity to deal with the increased numbers of families etc. Consideration would also need to be given to the provision of some form of community facility to help the new owners to integrate into the village otherwise there is a danger that they will become an isolated development within the village and not part of the community.

### **NHS England Primary Care Arden, Herefordshire & Worcestershire** Consulted 02.09.2015

The local GP facilities are sufficient to accommodate the development.

### **Wychavon District Council** Consulted 02.09.2016

It is recommended that significant consideration is given to the loss of the previously approved business use; neighbourhood centre; village hall/community building; and nursing/care home. The loss of such facilities from the proposed development is

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considered regrettable. Officers should be satisfied that the submitted viability statement fully justifies the loss of such facilities from the current proposals.

There needs to be consideration of the impact on the Green Belt and the relationship to existing commercial uses in the vicinity. It is noted that only 20 affordable units are proposed, which equates to approximately 10% of the units. Officers should be satisfied that the submission has fully justified this reduced provision of affordable units.

**Historic England** Consulted 02.09.2015

We would recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**Highways Department- Worcestershire County Council** Consulted 02.09.2015

The applicant should update the road layout and travel plan in line with the detailed discussions had between the applicant and the Highway Authority. The Highway Authority recognises the previous planning approval and has assessed the differences so is satisfied that the wider traffic impact is acceptable, however in order to ensure that the proposed roads are suitable for the anticipated future use revisions are required. There is a need to demonstrate tracking for a refuse vehicle. The applicant has been provided with a list of the required amendments.

**Worcester County Council Minerals & Waste** Consulted 02.09.2015

No objection.

**Education Department At Worcestershire** Consulted 02.09.2015

There is ongoing pressure locally for school places. The total education contribution generated by the scheme (setting aside viability) would be £1,053,841. If the viability position is accepted then a contribution of £338,463 is being offered.

**Worcestershire County Council Countryside Service** Consulted 02.09.2015

No Comments received to date.

**Worcester Regulatory Services- Contaminated Land** Consulted 02.09.2015

Worcestershire Regulatory Services (WRS) have reviewed the application for contaminated land issues. This has involved review of the report entitled 'Georisk Management Additional Investigation and Remedial Action Plan - Westenhall Road, Stoke Prior, Bromsgrove' reference 14247/1 dated 28th July 2015, with reference to other available documents.

It is considered that further work is needed and a full list of conditions will need to be applied in relation to contaminated land and in relation to any movement of soil onto the land.

**Worcester Regulatory Services- Noise, Dust, Odour & Burning** Consulted 02.09.2015

The acoustics report indicates that as long as the recommended mitigation measures are implemented then internal and external noise levels will be below the recommendations of BS8233:2014.

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**Worcester Regulatory Services- Air Quality** Consulted 02.09.2015

No objection subject to conditions in relation to Air Quality Assessment, secure cycle parking, electric vehicle charging points and low emission boilers.

**Landscape & Tree Officer** Consulted 02.09.2015

No objection subject to conditions.

**Leisure Services** Consulted 02.09.2015

The scheme needs to be amended to better integrate the proposed Local Equipped Area of Play into the development and the position of the pumping station is not ideal. There would need to be better surveillance of this area from the houses. The response also looked at the impact of the proposal on ecology and further clarification is required.

Additional information was required from the applicant and amended plans have been received. The response of Leisure Services is awaited.

**Strategic Housing** Consulted 02.09.2015.

A breakdown of the proposed housing mix is required. This information has been provided and Members will be updated on additional views of Strategic Housing.

**Drainage Engineers Internal Planning Consultation** Consulted 02.09.2015.

No objection subject to a condition in relation to a SUDs management plan and in relation to finished floor levels.

**Conservation Officer** Consulted 02.09.2015.

No objection in principle but concern expressed about the loss of the canal arm, setting of the reservoirs and materials and boundary treatment proposed alongside the canal conservation area.

**Strategic Planning-** Consulted 02.09.2015.

No objection to the principle of development and the proposal would contribute to the 5 year housing land supply of the District. The principle of the loss of employment land is accepted and the site has been marketed for this use with no success. However, the lack of a shop and basic facilities is detrimental to the sustainability of the scheme.

**Health & Safety Executive** Consulted 02.09.2015

No Comments received to date.

**National Grid Plant Protection** Consulted 02.09.2015

No Comments received to date.

**Western Power Distribution** Consulted 02.09.2015

No Comments received to date.

**West Mercia Constabulary** Consulted 02.09.2015

On the whole I find this development to be well designed in terms of reducing the opportunity for crime. My only area of criticism is the parking at the rear of plots 45/46. There is very little surveillance over any cars parked in this area, and the canal tow path serves as a very useful escape route for any potential thieves.

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The developers should ensure that all the properties have a good perimeter security with fences 1.8 metres high. All gates should be as close to the front building line as possible.

**Worcestershire Wildlife Trust** Consulted 02.09.2015

No Comments received to date.

**Environment Agency** Consulted 02.09.2015.

No objection subject to conditions in relation to a suitable Method Statement in relation to site remediation and protection of ground and surface controlled waters.

**Urban Designer- Joe Holyoak** Consulted 02.09.2015

I remain of the view that the wholly-residential development now proposed, in contrast to the 2013 proposal which included a significant element of other uses, makes it more difficult to achieve a sense of place. However the planning authority has no power to object to this single use.

### *Site layout*

I now understand that it would not be possible to build canalside housing on the northern part of the site, due to the degree of ground contamination present there. However, it remains the case that the public open space proposed there is not well related to the housing. There could be a better integration, both in terms of the street pattern, and in terms of the built form.

The arrangement of houses remains at an uninspiring level. There is little or no sense of the distinctiveness, vibrancy and sense of place which are invoked in the Design Report. At the meeting the applicant proposed some changes in the external materials used in the houses, in order to create more coherent areas of character. This would be an improvement, but it is superficial, and the more fundamental need is for changes in the grouping of houses, to create distinctive places and a sense of coherence. This does not appear to be on offer. What is currently proposed is a development of very modest ambition and quality.

### *Historic fabric*

The exclusion from the site boundary of the two reservoirs is regrettable, but it appears to be a decision by the applicant that the Council cannot change or influence.

The canal arm is within the site boundary however. It is admittedly a difficult element to integrate, because of the changes in level. But I continue to consider that the Council should require the applicant to employ some imagination, in order to find a way in which the canal arm can make a positive contribution to a sense of place, as was done in the 2013 planning application, instead of taking the easier way out of burying it. The Built Heritage Assessment, despite its equivocation, maintains that the canal arm is of "considerable significance".

### *Summary*

Minor changes have been proposed, which could improve the quality of the proposed scheme. But they are not sufficient to turn the proposal into a place of distinction and character.



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Amended plans and an amended Design and Access Statement have been received. Members will be updated on any additional views from the Urban Designer.

**Severn Trent Water** Consulted 02.09.2015

No objection subject to conditions.

**Canal & River Trust** Consulted 02.09.2015

No objection subject to conditions in relation to proposed landscaping, boundary treatment, wall repairs and surface water drainage.

**Viability Consultant - Mark Weller** Consulted 03.09.2015

Unfortunately, I am unable to agree to the proposed level of affordable housing and s106 contributions and further work is needed.

## Relevant Policies

**Bromsgrove District Local Plan 2004 (BDLP):**

DS2 Green Belt Development Criteria

DS13 Sustainable Development

BROM6 Employment Development Sites: Land Between Hanbury Road, Shaw Lane and Westonhall Road, Stoke Prior

S7 New Dwellings Outside the Green Belt

S35A Development in Conservation Areas

RAT5 Provision of Open Space

**Others:**

SPG1 Residential Design Guide

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

## Relevant Planning History

13/0213	Redevelopment of the former latex factory site to provide mixed-use development including up to 157 dwellings (Use Class 3) up to 850sqm business floor space (Use Class B1a and B1c), a neighbourhood centre (covering Use Class A1,A2,A3,A5 and D1), Village Hall/Community Building (Use Class D1) and a nursing/care home (Use Class C2), open space, infrastructure, landscaping and associated works, including ground reprofiling.	Approved	30.01.2015
B/7464/1980	Erection of security and boundary fencing (as amended by plans received 7/5/80)	Approved	12.05.1980
B/2004/0737	Installation of road restriction barrier to entrance of new office development.	Approved	29.07.2004

## **Public Comments**

6 representations received summarised as follows:

No objection in principle but concerns raised about the lack of appropriate infrastructure including GPs surgeries and schools. The previous mixed use development was more acceptable and provided more on site social facilities.

Impact of the development on the canal towpath

Impact of the proposal on displacement parking on Weston Hall Road.

Inadequacy of highway infrastructure to facilitate the development.

## **Proposal Details**

The proposal will consist of 202 residential units forming a frontage on Weston Hall Road adjoining Corbett House to the east and the Worcester and Birmingham Canal to the north. There will be a large area of public open space comprising 2.3 Ha (including an equipped area of play) to the north of the site bordering the canal.

The site is largely surrounded by existing commercial development. The adjoining canal corridor is a conservation area. There is Green Belt land to the south and east of the application site.

The schedule of house types proposed is set out in the table below:

Dwelling Type	Approximate size	No. of dwellings
2 bed house	60-70	35
3 bed house	78-79	86
4 bed house	107-122	81
<b>Total</b>	<b>N/A</b>	<b>202</b>

The application is accompanied by a Marketing Report, Planning Statement, Ecological Appraisal, Drainage Strategy, Transport Assessment, Archaeology/Built Heritage Statements and Landscape Plans.

## **Assessment of Proposal**

Members should note that planning permission was granted on this site for a mixed use residential/commercial development comprising 157 dwellings and 850sqm of commercial floorspace under application B/2013/0213 on 30th January 2015. The development also included a care home and some retail provision.

This proposal has not been implemented and a full planning application for a solely residential scheme of 202 dwellings was received on 10th August 2015. The matters which need to be considered are firstly, the principle of development and secondly the details of the proposal as currently set out.

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## Principle

The site is identified for employment purposes (B1/B2/B8 Use Classes) under policy BROM6 of the Bromsgrove District Local Plan 2004. The land to the south of the site on the opposite side of Weston Hall Road falls within the Green Belt but the site is enclosed on three sides by existing commercial development and therefore the impact on the openness of the Green Belt from outside the site would be slight.

Members should note the views of Strategic Planning and that the applicants have provided evidence of marketing of the site (Market Report dated July 2015). The report concludes that there is a lack of demand for office space (B1) combined with a significant amount of vacant stock already on the market and large numbers of extant, but unimplemented, planning permissions for office development in locations which have better geographical connectivity than the site at Stoke Prior. The principle of the loss of employment land has also been partially accepted in the previous application (B/2013/0213).

The NPPF (paragraph 22) states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The nature of previous uses and the current state of the land mean that re-use for employment purposes would be unlikely and unviable due to the levels of identified contamination and remediation costs.

The previous outline application (B/2013/0213) comprised a mix of uses including commercial/residential and contained a care home and some retail facilities. The market report provided by the applicant seeks to demonstrate that the location is unsuitable for these facilities and they would not be viable.

The principle of development for residential purposes would be acceptable taking the development plan policies, the NPPF and the evidence presented into account.

## Technical Matters

The proposal has been the subject of pre application discussion and the Council has worked with Worcestershire Highways, the Urban Designer, Parks and Green Space Development Officer and other consultees to refine the scheme which is currently being considered.

In terms of the mix of housing proposed, this is broadly acceptable with a substantial portion of smaller scale (2/3 bedroom) properties being provided. In terms of affordable housing, the 20 units being provided is below normal expectations but may change depending on viability.

In terms of design, form and layout Policy S7 of the BDLP and paragraphs 56 - 68 of the NPPF are relevant. The design of the proposal needs to take account of the existing constraints and opportunities of the site including the canal frontage and reservoir. Members should note that the former brine reservoir (which was to be used for a SUDs system in the previous application is excluded from the site area of the current proposal. The redundant canal arm on the western side of the site is proposed to be infilled and the

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area identified with appropriate landscaping. The density of the proposed development is appropriate at approximately 33 dwellings per hectare.

The public open space proposed to the north of the site incorporates a Local Equipped Area of Play (LEAP). The overall provision of open space is sufficient to meet the needs of the development proposal.

The density of the proposed development is acceptable and an appropriate frontage of properties will be provided along Weston Hall Road and towards the canal.

In terms of residential amenity, the adjoining occupiers are all commercial in nature with the exception of the 'Pumphouse' to the immediate west of the application site. The separation distance to this property means that its amenity would not be significantly affected.

Within the scheme, the separation distances between properties are sufficient to comply with the requirements of Figure 14 of SPG1 which seeks to protect light and privacy.

In terms of the heritage assets on the site, these include the redundant canal arm and the canal conservation area to the north. The saltwater reservoir (which formed part of the original planning application) is not part of the current scheme. The views of the conservation officer should be noted. The setting of the canal conservation area and brine reservoir need to be considered. The applicant has provided additional information in terms of additional landscaping and boundary treatment to address these matters. Similarly an updated plan for the Public Open Space and amended site plans and Design and Access Statement has been provided to address the comments of Leisure Services and the Urban Designer. Updates will be provided in relation to any additional consultation responses.

Members should note the responses received from the consultation exercise and no objections to the proposal on technical grounds have been received. The site has significant levels of contamination and the conditions recommended by Worcestershire Regulatory Services (as set out below) will be imposed. There will be some importation of material and movement of material on the site to facilitate the development. Appropriate information has been provided by the applicant and a construction management plan condition will be imposed or details will be agreed prior to the issue of a decision. In terms of all of the other consultation responses, conditions have been imposed where they are necessary and appropriate.

The reference in the public comments to highways and other infrastructure should be noted. However, the Highway Authority has not objected to the application subject to conditions, similar to the previous application.

Members will be updated in relation to the position in terms of viability and the stated recommendation may be subject to change.

## Conclusion

The site is previously developed land and the NPPF encourages the effective use of such sites (core planning principles, para 17). The housing proposed on the site will make an

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important contribution to the Council's five year housing land supply, obviating the need to release Green Belt sites for development. The ecological and environmental characteristics of the site have been carefully considered in the submitted information and mitigation measures are proposed for any significant effects on the wider environment as a result of the development. Taking all matters into account, the proposed development is acceptable.

## **RECOMMENDATION:**

- (a) MINDED to APPROVE FULL PLANNING PERMISSION
- (b) that DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application *subject to* the satisfactory views of Worcestershire Highways and the Councils Appointed Viability Consultant

## And:

following the receipt of a suitable and satisfactory legal mechanism in relation to:

- (i) The provision of affordable housing
- (ii) A contribution towards the provision of enhanced education facilities at Aston Fields Middle School and St John's CE Middle School
- (iii) A contribution to public transport improvement measures including bus stops on Shaw Lane and cycle parking provision at Ryefields Road
- (iv) The provision and maintenance in perpetuity of the proposed on site public open space, Local Equipped Area of Play and areas for habitat enhancement
- (v) The provision of and maintenance in perpetuity of the proposed drainage facilities on the site (including the balancing ponds and pumping station)

## **Suggested Conditions:**

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

- 2) The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings listed in this notice:

Ref. No. 40255 002/AE Proposed Site Plan

Ref: No. 40255 007A Proposed Elevations and Floorplans Tipton Variation 1

Ref: No. 40255 008A Proposed Elevations and Floorplans Tipton Variation 2

Ref: No. 40255 009A Proposed Elevations and Floorplans Tipton Variation 3

Ref: No. 40255 010B Proposed Elevations and Floorplans Twickenham Variation 1

Ref: No. 40255 011B Proposed Elevations and Floorplans Twickenham Variation 2

Ref: No. 40255 012A Proposed Elevations and Floorplans Tetney Variation 1

- Ref: No. 40255 013B Proposed Elevations and Floorplans Tebworth Variation 1
- Ref: No. 40255 014 Proposed Elevations and Floorplans Tebworth Variation 2
- Ref: No. 40255 015 Proposed Elevations and Floorplans Ashworth Variation 1
- Ref: No. 40255 016 Proposed Elevations and Floorplans Ashworth Mid-Material Variation 1
- Ref: No. 40255 017 Proposed Elevations and Floorplans Ashworth End-Material Variation 2
- Ref: No. 40255 018 Proposed Elevations and Floorplans Ashworth Mid-Material Variation 2
- Ref: No. 40255 019 Proposed Elevations and Floorplans Ashworth End-Material Variation 3
- Ref: No. 40255 020 Proposed Elevations and Floorplans Barwick End-Material Variation 1
- Ref: No. 40255 021 Proposed Elevations and Floorplans Barwick End-Material Variation 2
- Ref: No. 40255 022 Proposed Elevations and Floorplans Barwick End-Material Variation 3
- Ref: No. 40255 023 Proposed Elevations and Floorplans Barwick End-Material Variation 4
- Ref: No. 40255 024 Proposed Elevations and Floorplans Morpeth Material Variation 1
- Ref: No. 40255 026D Proposed Streetscenes
- Ref: No. 40255 027 Proposed Elevations and Floorplans Morpeth Material Variation 2
- Ref: No. 40255 028A Proposed Elevations and Floorplans Morpeth Material Variation 3
- Ref: No. 40255 029 Proposed Elevations and Floorplans Morpeth Material Variation 4
- Ref: No. 40255 030 Proposed Elevations and Floorplans Lincoln Material Variation 1
- Ref: No. 40255 031 Proposed Elevations and Floorplans Lincoln Material Variation 2
- Ref: No. 40255 032 Proposed Elevations and Floorplans Lincoln Material Variation 3
- Ref: No. 40255 033 Proposed Elevations and Floorplans Lincoln Material Variation 4a
- Ref: No. 40255 034 Proposed Elevations and Floorplans Lincoln Material Variation 5
- Ref: No. 40255 035 Proposed Elevations and Floorplans Lincoln Material Variation 6a
- Ref: No. 40255 036 Proposed Elevations and Floorplans Farringdon Material Variation 1
- Ref: No. 40255 037 Proposed Elevations and Floorplans Farringdon Material Variation 2
- Ref: No. 40255 039 Proposed Elevations and Floorplans Rochester Material Variation 1
- Ref: No. 40255 041 Proposed Elevations and Floorplans Colchester Material Variation 1
- Ref: No. 40255 042 Proposed Elevations and Floorplans Colchester Material Variation 2

Ref: No. 40255 043 Proposed Elevations and Floorplans Colchester Material Variation 3  
Ref: No. 40255 044 Proposed Elevations and Floorplans Hexham Material Variation 1  
Ref: No. 40255 046 Proposed Elevations and Floorplans Chesham Material Variation 1  
Ref: No. 40255 047 Proposed Elevations and Floorplans Chesham Material Variation 2  
Ref: No. 40255 048 Proposed Elevations and Floorplans Chesham Material Variation 3  
Ref: No. 40255 049 Proposed Elevations and Floorplans Chesham Material Variation 4  
Ref: No. 40255 050 Proposed Elevations and Floorplans Chesham Material Variation 5a  
Ref: No. 40255 051 Proposed Elevations and Floorplans Chesham Material Variation 6  
Ref: No. 40255 052 Proposed Elevations and Floorplans Heathfield Material Variation 1  
Ref: No. 40255 053 Proposed Elevations and Floorplans Heathfield Material Variation 2  
Ref: No. 40255 054 Proposed Elevations and Floorplans Kennington Material Variation 1  
Ref: No. 40255 055 Proposed Elevations and Floorplans Kennington Material Variation 2  
Ref: No. 40255 056 Proposed Elevations and Floorplans Kennington Material Variation 3  
Ref: No. 40255 057F Proposed Materials Plan

Ref: No. 40255 057F A1 1:500 Material Plan  
Ref: No. 40255 058D A1 1:500 Boundary Treatment Plan  
Ref: No. 40255 064 Proposed Streetscenes  
Ref: No. Bir. 4917 02B Soft Landscape Proposals  
Ref: No. Bir. 4917 03E Soft Landscape Proposals  
Ref: No. Bir. 4917 04C Soft Landscape Proposals  
Ref: No. Bir. 4917 05C Soft Landscape Proposals  
Ref: No. Bir. 4917 06D Soft Landscape Proposals  
Ref: No. Bir. 4917 07E Soft Landscape Proposals  
Ref: No. Bir. 4917 08B Soft Landscape Proposals  
Ref: No. Bir. 4917 09B Soft Landscape Proposals  
Ref: No. Bir. 4917 10B Soft Landscape Proposals  
Ref: No. Bir. 4917 11A Soft Landscape Proposals  
Ref: No. 15021 - 1-H Proposed Site Layout and Drainage Strategy  
Ref: No. 15021 - 701 Balancing Pond Sections  
Ref: No. STD 1016 Rev 01 Proposed Pumping Station Layout

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) Previous reports submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual



Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

- 4) Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
- 5) Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 6) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
- 7) Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
- 8) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reasons (3-8) These are required pre commencement conditons to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This is to comply with policy ES7 of the Bromsgrove District Local Plan 2004.

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- 9) Full details of any soil or soil forming materials brought on to the site for use in garden areas, soft landscaping, filling and level raising must be provided. Where the donor site is unknown or is brownfield the material must be tested for contamination and suitability for use on site. Full donor site details, proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site.

The approved testing must then be carried out and validatory evidence (such as laboratory certificates) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought on to site.

Reason: This is required as a pre commencement condition to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This is to comply with policy ES7 of the Bromsgrove District Local Plan 2004.

- 10) Prior to the commencement of development, details of the proposed boundary treatments including wall repairs, new fencing shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details.

Reason: To comply with the requirements of the National Planning Policy Framework and in order to ensure that the integrity of the waterway infrastructure is not compromised, future maintenance has been identified and agreed and the proposed materials and appearance of these features does not have a detrimental impact on the appearance of the waterway corridor in accordance with policies DS13 and S36A of the Bromsgrove District Local Plan 2004.

- 11) The existing trees on the application site to be retained shall be afforded full protection in accordance with BS5837:2012 (Trees in Relation to Construction) during any demolition or construction work on the site.

Reason: In order to protect the existing trees on the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan 2004.

- 12) The development hereby approved shall be implemented in accordance with the recommended mitigation measures of the Acoustics Report (Ref: 16105-1 R1 TR, dated 28.07.2015) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure a satisfactory acoustic environment for future occupiers in accordance with policies DS13 and ES14A of the Bromsgrove District Local Plan 2004.

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- 13) Prior to the commencement of the development hereby approved, storm drainage design, including modelling outputs, are to be submitted to and approved in writing by the Local Planning Authority.

Reason: This is required as a pre commencement condition to ensure satisfactory drainage and no increase in flood risk elsewhere as a result of the development to comply with Policy ES5 of the Bromsgrove District Local Plan 2004.

- 14) The works hereby approved which could result in harm to European Protected Species, shall not, in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by the relevant licensing body pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: In order to comply with the requirements of the Wildlife and Countryside Act 1981, Natural Environment and Rural Communities Act 2006 and Biodiversity: Code of Practice for Planning and Development BS 42020:2013.

- 15) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a construction management plan. The plan shall include (a) areas within the site to be used for loading, unloading and manoeuvring, (b) areas within the site to be used for storage of materials and equipment including fuels, (c) wheel washing at the site and leaving the site to reduce mud and spoil on the highway, (d) proposals to minimise dust from construction, (e) construction noise suppression, (f) areas within the site to be used for parking for site personnel, operatives and visitors (g) construction traffic routes, (h) piling techniques, (i) programme of works (including measures for traffic management and operating hours, (j) provision of boundary hoarding and lighting (k) full protocols in relation to the import/export of materials from the site.

The development shall be carried out in accordance with the approved management plan.

Reason: To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of adjacent occupiers

**Case Officer:** Mr David Kelly Tel: 01527 881345  
Email: d.kelly@bromsgroveandredditch.gov.uk

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Aldi Stores Ltd	Construction of a new Class A1 Food Retail Store with Associated Car Parking, Servicing and Landscaping.  29 Birmingham Road, Bromsgrove, Worcestershire, B61 0DR,	28.12.2015	15/0834

**RECOMMENDATION:** That planning permission be Refused

## Consultations

### **Worcestershire County Council Minerals & Waste**

Requests a condition is attached to any permission to ensure the implementation of the submitted Geo-Environmental Assessment Report. The presence of a sand and gravel resource is noted, however due to the urban nature of the site safeguarding of the site would not be sought.

### **Worcestershire County Council Strategic Planning**

Comments made in relation to public health

**Worcestershire Regulatory Services- Noise, Dust, Odour & Burning** Consulted  
09.10.2015

Deliveries should not be carried out outside of the store opening times if practicable. The recommended acoustic screen should be fitted above the retaining boundary wall.

**Waste Management** Consulted 12.10.2015

No Comments Received To Date

**Highways Department- Worcestershire County Council** Consulted 08.10.2015

Recommends that any permission which the District Planning Authority may wish to give include conditions in relation to:

- Vehicle access construction
- Vehicular access closure
- Access, turning and parking
- Cycle Parking – 6 spaces to be provided
- Provision of a Construction Environmental Management Plan to keep the highway clean, details of site operative parking areas, material storage areas and the location of site operatives facilities and the hours that delivery vehicles can use the site.

Plan reference

And an informative relating to the requirement for a Section 278 Agreement.

**Worcestershire Regulatory Services- Contaminated Land** Consulted 08.10.2015

WRS consider the report represents an appropriate site investigation. It is noted the site investigation was constrained by the presence of existing buildings and the presence of known Underground Storage Tanks associated with a previous use have yet to be located. Furthermore hydrocarbon impacted soils and water have been identified. Further investigation is required in order to locate the UGST and fully understand the extent of the associated contamination.

A condition is recommended to be applied to any permission granted to the development to ensure outstanding contaminated land concerns are appropriately investigated and mitigated.

**Landscape & Tree Officer** Consulted 08.10.2015

No Comments Received To Date

**Community Safety Team** Consulted 08.10.2015

No Comments Received To Date

**Economic Development & Regeneration Service** Consulted 08.10.2015

No Comments Received To Date

**Drainage Engineers Internal Planning Consultation** Consulted 08.10.2015

No objections to the proposed development, and if the drainage strategy outlined in the report is implemented there is potential for some betterment in terms of drainage and water quality in the area.

**Conservation Officer** Consulted 08.10.2015

Does not object to the principle of the site being redeveloped, but more thought requires to be given to the design of the proposed building and its position within the site, so that it positively responds to the character of the buildings around it and especially the listed buildings.

**Strategic Planning-** Consulted 08.10.2015

Comments received relating to the likelihood of the site being developed as an office led scheme as required by the emerging Bromsgrove District Plan policy.

**Martin Ashcroft – Projects and Partnerships Manager** Consulted 08.10.2015

No Comments Received To Date

## **Parks & Green Space Development Officer Martin Lewis** Consulted 08.10.2015

Endorses the general recommendations made within the Preliminary Ecological Assessment (Middlemarch Environmental September 2015).

## **Place Services (Urban Design consultants)** Consulted 08.10.2015

It is clear that the irregular shape of the site limits options for the location for a standard Aldi store. It is also clear that the site fronts onto two very different public frontages (Stourbridge Road and Birmingham Road) which will inevitably mean that the store will have to be sympathetically designed to respond to each contrasting setting. At present the proposals fail to suitably address either of the frontages. To develop a coherent scheme on this site, the proposals need to be designed to address the site and settings with a tailored designed response rather than squeezing in a standard Aldi store.

Without considerable amendments and consideration for the points made above I would not be in a position to endorse this proposal.

## **Worcestershire Regulatory Services- Air Quality**

Worcestershire Regulatory Services (WRS) have reviewed the application for potential air quality issues. Nitrogen dioxide (Nox) is monitored at a couple of locations along the Birmingham Road and is shown to have been around 35 micrograms per cubic metre on average over the last few years compared to the national objective of 40. We are aware of a number of developments going ahead in the area such as Norton Farm and the potential for some others such as Sainsbury's and the proposed commercial/supermarket development at the Market Hall Site, St Johns Street. It is considered that an appropriate air quality assessment should be undertaken to determine the impact of this development on the local air quality as well as the impact from cumulative development. Worsening air quality along the Birmingham Road may result in the future declaration of a new air quality management area.

The air quality assessment should be undertaken by a suitably qualified professional(s) and must consider the impact of the development on local air quality and relevant sensitive receptors, the impact of existing local air quality on the development and relevant sensitive receptors and any necessary mitigation measures required. Additionally, the cumulative impact of all locally committed developments (small scale and large scale major sites i.e. >10 properties) on existing local air quality must be considered to assess if mitigation measures are required.

## **Publicity**

A total of 166 letters were sent on 8<sup>th</sup> October 2015 which expired on 29<sup>th</sup> October 2015.

5 identical site notices were posted at various points on Birmingham Road and Stourbridge Road on 9<sup>th</sup> October 2015 and expired on 30<sup>th</sup> October 2015.

1 press notice was published 16<sup>th</sup> October 2015 which expired on 30<sup>th</sup> October 2015.

61 comments have been received in relation to the application which comprises 54 in support, 1 objection and 6 neutral comments. The large majority of these comments are as a result of Aldi supplying attendees of the public consultation exercise, who expressed support towards the scheme, with 1<sup>st</sup> Class stamped addressed cards to return to the council with their comments.

The comments received in support largely relate to matters which are not material planning considerations. Those matters raised which can be considered in the determination of the application are:

- The visual improvement/tidying up of the site
- Easy access for people without their own transport or with mobility issues
- The additional employment opportunities

In objecting to the scheme comments received that can be taken in to account relate to:

- Traffic congestion issues at the Stourbridge Road/Birmingham Road junction
- Impact on air quality
- Additional light pollution
- The appearance of the proposed store, particularly with reference to the wall on the west elevation of the building
- The lack of landscaping proposed

## **Relevant Policies**

### National Planning Policy Framework (NPPF)

### Emerging Bromsgrove District Plan (BDP):

BDP1 Sustainable Development Principles  
BDP17 Town Centre Regeneration

### Bromsgrove District Local Plan 2004 (BDLP):

DS3 Main Locations for Growth  
DS13 Sustainable Development  
S20 Main Shopping Location  
BROM11 Town Centre Zone

## **Relevant Planning History**

The application site has a lengthy planning history largely relating to the use of the site as a car show room. However none of this history is relevant to the current proposal to demolish the structures and redevelop the site for an A1



## **Assessment of Proposal**

### **The Site and its Surroundings**

The site comprises an irregular shaped plot positioned between the Birmingham Road and Stourbridge Road on the northern approach in to Bromsgrove town centre. It is currently occupied by the vacant DDS&S club, a former car showroom and a building now used as a children's soft play centre (Imagination Street). The forecourt fronting the Birmingham Road is utilised for the display of cars for sale.

Surrounding and adjacent to the site are a number of listed buildings: 31/33 Birmingham Road occupied by the Mint Lounge, Davenal House doctors surgery and Parkside all listed at Grade II. The Bromsgrove Town Centre Conservation Area extends up the Birmingham Road on the opposite side from the application site as far as Davenal House.

The existing development on the Stourbridge Road is largely domestic in nature and takes the form of two storey dwellings. By contrast the development on Birmingham Road is more mixed with a number of commercial premises to the eastern side and largely residential to the west. To the south of the application site is the council owned car park and red brick buildings occupied by a car sales and fireplace business.

### **Proposed Development**

The application proposes the construction of a single storey A1 retail supermarket. Associated improvements to the highway access are proposed to incorporate an enhanced vehicular access/egress off Birmingham Road broadly in the position of the existing access. The building will be positioned hard up against the Stourbridge Road side of the site with customer parking and the building entrance facing the Birmingham Road side. It is proposed to contain the site on the northern and southern boundaries with 2.4 metre high close boarded fencing. The development will provide a total of 1254 square metres of retail floor space.

### **Planning Considerations:**

The main issues to consider in the determination of this application are:

- The principle of the proposed use on the site
- The impact of the development on protected species
- The design of the proposed development, including the impact of the development on the heritage assets which surround the application site

### **The principle of the proposed use on the site**

The application site is located towards the northern end of the defined Town Centre Zone. Policy BROM11 of the BDLP supports the provision of A1 uses within this zone. Furthermore, the emerging Bromsgrove District Plan allocates the site, in conjunction with the council owned car park immediately to the south, for redevelopment (reference TC8). Whilst the emerging plan seeks to redevelop the site as an office led mixed use development the council are aware that the market for this type of development is currently weak. Taking these matters in to account the principle of the development on

the site is considered acceptable in the absence of any realistic opportunities for office led development coming forward in the short to medium term.

## The impact of the development on protected species

The application is supported by a Preliminary Ecological Assessment which considers the presence of protected species on the site, the habitats which are likely to support such species and the presence of any other ecological features.

The assessment makes a number of recommendations in relation to the redevelopment of the site. The majority of the recommendations are matters that can be reasonably controlled by condition if planning permission was forthcoming and cover issues such as: light pollution, the presence of water voles in close proximity to the application site, protection for terrestrial mammals and nesting birds, habitat loss and the control of the spread of Japanese Knotweed.

However, the assessment also recommends further survey work is undertaken in order to definitively establish the presence of bats within the buildings on the site. Evidence that this further work has been undertaken has not been supplied to the council. The Wildlife and Countryside Act 1981 (WCA) protects bats and their roosts in England, Scotland and Wales. The local planning authority are obligated by law (Natural Environment and Rural Communities (NERC) Act 2006) to make sure that they have all the information on the presence of protected species at a site before they make a decision on a planning application. In the absence of such definitive information the local planning authority are unable consider the likely impact on protected species and would be failing in its legal duty if it was recommended that planning permission was granted until this information was forthcoming.

## The design of the proposed development

The proposed development site is located at an important point along Birmingham Road. The site offers an opportunity to improve what is a large and neglected site in a key town centre location and provide a strong and attractive frontage onto both the Birmingham and Stourbridge Roads, leading directly onto the key highways junction of The Strand and Market Street.

The layout proposes setting back the store towards the western (Stourbridge Road) side of the site, where the site is at its widest. Parking is located at the eastern (Birmingham Road) side of the site, either side of a single entrance point.

The proposed layout has been informed by the need to accommodate a standard type, single large building, rather than a layout that has been informed by the surrounding and immediate context. The proposed layout provides a weak and inadequate presence on Birmingham Road while dominating and appearing out of context with Stourbridge Road. The proposed building is very tight against the Stourbridge Road boundary, which has a finer urban grain and a residential context. This means that the proposal would represent a dominant and bland feature in the street scene and does not seek to integrate with its surroundings.

The design of the proposed store reflects the standard approach to an Aldi supermarket, which has been amended slightly to include some of the features from the surrounding buildings such as the red brick and quoin detailing. The proposed elevations of the building are long, unimaginative and lack detailing which is present on those buildings surrounding the site.

Landscaping throughout the proposals is weak and limited to the left over spaces of land which have no value or serve no purpose. The close proximity of the proposed store to the north, south and eastern boundaries limits any opportunity to create a robust landscape proposal along Stourbridge Road and Birmingham Road.

Pedestrian access from Stourbridge Road is via a narrow passageway enclosed by the building elevation which is 5.5 metres high and constructed largely from blank brickwork and a 2.4 metre high fence surrounding the site. This provides an extremely poor pedestrian link to the store which does not benefit from any natural surveillance and as such is not likely to be used regularly.

Furthermore, the proximity of the four listed buildings and the Bromsgrove Town Centre Conservation Area has not been addressed in any part of the application submission. This is particularly evident due to the lack of a Heritage Statement assessing the impact of the proposed development on the setting of these designated heritage assets as required by paragraph 128 of the NPPF. It is considered that the proposal would not preserve the setting of the listed buildings surrounding the application site as required by the Planning (Listed Building and Conservation Areas) Act 1990.

The NPPF at chapter 7 attaches great importance to the design of the built environment. Good design is considered indivisible from good planning and represents a key aspect of sustainable development. Paragraph 64 of the NPPF is clear that development which is of poor design and fails to take opportunities available for improving the quality of an area should be refused planning permission.

As such it is considered that the proposed development, for all those reasons outlined above, represents poor design contrary to chapter 7 of the NPPF.

#### Other matters:

A number of the representations received express concerns relating to the impact of the proposal on the highway network. It is considered that the proposed use does not generate a significant number of new trips as most trips are already on the road network either as pass by trips or diverted trips from other retailers. In this instance the number of new trips generated by the proposal is less than the trips generated by the lawful use of the application site. The site provides suitable levels of car parking and is accessible to the town centre and the sustainable transport choices available. As such it is considered that the proposed development would not have a severe impact on the highway network as outlined at paragraph 32 of the NPPF.

The requirement for an Air Quality Assessment as requested by Worcestershire Regulatory Services is noted; however it is considered that this is a matter that can be adequately controlled by condition if permission were forthcoming.

## Conclusion:

Developing this site for an A1 retail use is considered acceptable in principle and it is acknowledged that the development would contribute towards the economic dimension of sustainable development through additional shopping and employment opportunities introduced to Bromsgrove town centre. The site occupies a key location on the approach in to the town centre from the north. However, the importance of this location means that the site warrants a development which positively contributes to the built environment and any economic benefits need to be weighed against the significant social and environmental harm that would arise from the poor quality design and the impact on the heritage assets in close proximity to the application site. Furthermore, through the inadequate information supplied in the application the council is unable to discharge its legal duty towards statutorily protected species.

**RECOMMENDATION:** That planning permission be Refused.

## Reasons for Refusal

1. Notwithstanding the details submitted by the applicant in support of the application, the Local Planning Authority does not consider that adequate survey work and assessment of the site in relation to bats has been carried out and the Local Planning Authority considers that the presence or absence of bats on the site has not been definitively established. As such the full impact of the development cannot be properly assessed including the extent to which compensation for loss of habitat including foraging areas and roosting opportunities, may be required. In this respect the local planning authority is unable to discharge its legal duty under paragraph 40 of the Natural Environment and Rural Communities Act 2006 and the development would be inconsistent with the aims of Paragraph 118 of the NPPF which seeks to conserve and enhance biodiversity.
2. By reason of its siting, scale, bulk and design the proposed retail unit fails to adequately address either the Stourbridge Road or Birmingham Road frontages on this important site on the approach to Bromsgrove town centre. In particular, the proposal introduces a dominant, bland feature to the Stourbridge Road frontage and has weak presence on the Birmingham Road frontage as well as poor quality pedestrian linkages through the site, most notably from the Stourbridge Road side of the site. The proposal therefore fails to make a positive contribution to the character and the quality of the area contrary to Policy DS13 of the BDLP and paragraph 64 of the NPPF.
3. The application submission has failed to adequately address and respond to the presence of four Grade II listed buildings adjacent to and in close proximity to the application site. Furthermore, the proposed building by reason of its design and positioning on the site fails to preserve the setting of the listed buildings. The proposal is therefore contrary to Policy S39 of the BDLP, chapter 12 of the NPPF and paragraph 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

**Case Officer:** Sarah Hazlewood Tel: 01527 881720  
Email: [sarah.hazlewood@bromsgroveandredditch.gov.uk](mailto:sarah.hazlewood@bromsgroveandredditch.gov.uk)

# Agenda Item 11

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mrs Diane Jinks	Proposed residential development of two dwellings: demolition of 416A Birmingham Road and replacement with a 2 storey dwelling and erection of an additional single storey dwelling.  416A Birmingham Road, Catshill, Worcestershire, B61 0HL,	16.09.2015	15/0611

**RECOMMENDATION:** That planning permission be Granted

## Consultations

**Worcester Regulatory Services- Contaminated Land** Consulted 25.08.2015

No objection.

**Severn Trent Water** Consulted 25.08.2015

No objection subject to condition requiring development not to commence until drainage plans showing foul and surface water disposal have been submitted and approved by the LPA.

**Drainage Engineers Internal Planning Consultation** Consulted 25.08.2015

Having looked at this consultation I have the following comments to make.

The site falls entirely within flood zone 1 (low risk of fluvial flooding). There may be some susceptibility to surface water flooding within the site boundary, so I would recommend that floor levels are set no lower than existing floor levels.

The site at present appears to be a combination of hard-standing and green / porous areas. It is important that surface water from the site is managed appropriately, and that there is no increase in surface water runoff or flood risk as a result of the development.

Buildings Regulations require that discharge to a soakaway should be ruled out first before discharge to a watercourse or an existing storm drain will be considered. No discharge of surface water to a foul sewer will be allowed.

Since Building Regulations (H3 ' rainwater drainage) already require that 'adequate provision shall be made for rainwater to be carried from the roof of the building', I don't deem it necessary for this application to recommend attaching a drainage condition.

Fiona McIntosh  
Senior Water Management Officer



## **Highways Department- Worcestershire County Council** Consulted 25.08.2015

Recommends that any permission which the District Planning Authority may wish to give include the following conditions and notes:-

HC33 - Parking Council Standards (Multi Unit)

HC36 - Cycle Parking (Multi Unit)

HC51 - Parking for Site Operatives (modified)

HN1 - Mud on Highway

HN4 - Private Apparatus within the Highway

**Landscape & Tree Officer** Consulted 25.08.2015

No Comments Received To Date

**Worcestershire Wildlife Trust** Consulted 25.08.2015

No objection

### **Relevant Policies**

#### **Bromsgrove District Local Plan 2004 (BDLP):**

C12 Wildlife Corridors

C17 Retention of Existing Trees

S7 New Dwellings Outside the Green Belt

S8 Plot Sub-Division

DS13 Sustainable Development

TR11 Access and Off-Street Parking

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SPG1 Residential Design Guide

### **Relevant Planning History**

B/13476/1985	Erection of open canopy onto existing dwelling.	Approved	05.11.1985
B/7500/1980	Erection of detached garage and internal extension within existing bungalow	Approved	06.05.1980
B/7797/1980	Boundary wall, 7 feet in height.	Approved	21.07.1980

## **Assessment of Proposal**

The application proposes a three bed detached bungalow and a replacement four bed detached house on land set back from the Birmingham Road in Marlbrook.

The site lies within a designated residential area where the principle of residential development is acceptable, subject to detailed policy requirements. The proposed replacement dwelling is in approximately the same location as the existing dwelling, with the bungalow at the head of the access road facing Birmingham Road, yet set back a significant distance from it. A detached double garage would be provided to the rear of 418 Birmingham Road, with a garage space and a parking space in front for each dwelling, giving sufficient turning space that the site could be accessed and egressed by vehicles in a forward gear. There are no objections raised by the Highway Authority, subject to conditions and informatives which are appropriate to impose.

The area is characterised by frontage residential development, with various additional built form inserted in large and small groups, such that there is no uniform pattern or character of development to follow, including the current property 416A which itself is set behind the main frontage run of development.

The principle of these dwellings is therefore considered to be acceptable, as they are not out of character and can be accessed adequately.

The design of the proposed dwellings are such that they would each have sufficient private amenity space and the separation distances between them, each other and existing surrounding residential properties are more than adequate to meet the adopted local standards. Their orientation is such that it would not result in significant overshadowing to any adjacent garden areas in close proximity to the houses which they serve. As such, it is considered that the proposed development would not result in any harm to amenity or loss of privacy through overlooking, overshadowing or overbearing impact.

The access to 416A Birmingham Road is already in use to serve the current dwelling, and any additional harm caused by a small additional dwelling on the site is not considered to be sufficiently significant to warrant refusal of the application when taking into account the likely additional usage and resultant vehicle movements. It is noted that to the south side of the access, a garage separates the dwelling from the access road, giving space and separation between the access and the dwelling. Similarly, to the north side the two storey built form is not immediately adjacent the access.

Representations have been received, including a petition, raising various matters most of which have been dealt with above. As a result, it is recommended that a condition restricting construction hours be attached in order to protect residential amenity. The matter raised relating to a lack of public engagement by the developer prior to the submission of the application is not one that can be taken into account, as there is no requirement for such consultation to occur.

Initially, the application was incorrectly identified as 116A not 416A and re-consultation has occurred to address this matter. All representations received as a result of this

consultation period have been taken into account in coming to a decision on this application, as noted above.

To summarise, the application lies in an area where the principle is acceptable, and the details of the dwellings meet all the local adopted standards contained in policy. No other material considerations have been identified to outweigh this, and therefore it is considered appropriate that planning permission be granted subject to conditions.

**RECOMMENDATION:** That planning permission be Granted subject to the following conditions:

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Title: Location Plan at scale 1:1250

Title: Site Plan at scale 1:250

Title: Proposed Pair Of Garages: Front & Rear Elevations & Roof Plan at scale 1:100

Title: Proposed Pair Of Garages: Side Elevations & Roof Plan at scale 1:100

Title: Ground Floor Plan at scale 1:100

Title: First Floor Plan at scale 1:100

Title: Front, Side & Rear Elevation Plan at scale 1:100

Title: Proposed Bungalow at scale 1:100

Title: Proposed Front Elevation at scale 1:100

Title: Proposed Rear Elevation at scale 1:100

Title: Proposed Side Elevation at scale 1:100

Title: Proposed Side Elevation at scale 1:100

Date received: 22.07.2015

Reason: For the avoidance of doubt and in the interests of proper planning

- 3) Prior to the first occupation of any dwelling hereby approved space shall be laid out within the curtilage of each property for car parking and vehicular turning facilities to accord with the Council's standards to enable vehicles to park and turn so that they may enter and leave the application site in a forward gear. The parking and turning areas shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority and these areas shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and in accordance with policy TR11 of the Bromsgrove District Local Plan No.3 and the NPPF.

- 4) Prior to the first occupation of any dwelling hereby approved secure parking for 4 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.

Reason: To comply with the Council's parking standards and in accordance with policy TR11 of the Bromsgrove District Local Plan 2004 and the NPPF.

- 5) The development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision be retained and kept available during the construction of the development.

Reason: To prevent indiscriminate parking in the interests of Highways safety and in accordance with policy TR11 of the Bromsgrove District Local Plan No.3 and the NPPF.

- 6) No further developments (within the meaning of Classes A-H of Schedule 2, Part 1 of The Town and Country Planning General Permitted Development Order 2015 as amended) can be built at the application site without the written approval of the Local Planning Authority. Classes A-H includes extensions and alterations to the house, additions and alterations to the roof, porches, outbuildings, enclosures, swimming and other pools, hard surfaces, chimneys, flues and microwave antennas.

Reason: To ensure the form of the development remains appropriate in accordance with Policy S7: New Dwellings Outside the Green Belt of the Bromsgrove District Local Plan and protects residential amenity.

- 7) All new external walls and roofs shall be finished in materials to match in colour, form and texture those on the existing building.

Reason: To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004

- 8) The bathroom and ensuite window to be installed at the first floor rear (northern) elevation on the approved plan(s) shall be fitted with obscure glazing and any

opening lights shall be at high level and top hinged only. The obscure glass shall be maintained in the said windows in perpetuity.

Reason: To protect the amenities of neighbouring residents in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.

- 9) During the course of any site clearance and development, the hours of work for all on-site workers, contractors and sub-contractors shall be limited to between;
- 0800 to 1800 hours Monday to Friday
  - 0900 to 1200 hours Saturdays
  - and NO WORKING shall take place at any time on Sundays, Bank Holidays or Public Holidays or at any time outside of the above permitted working hours unless first agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbours amenity.

**Case Officer:** Sarah Hazlewood Tel: 01527881720  
Email: sarah.hazlewood@bromsgroveandredditch.gov.uk



# Agenda Item 12

Name of Applicant	Proposal	Expiry Date	Plan Ref.
St Modwen Developments Mr Richard Hickman	Erection of 41 dwellings landscaping and associated development infrastructure.  Land Off, East Works Drive, Cofton Hackett, Worcestershire,	24.12.2015	15/0819

**RECOMMENDATION:** (a) MINDED to APPROVE FULL PLANNING PERMISSION

(b) DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:

- (i) £2,460.00 as a contribution towards the provision of wheelie bins for the scheme.
- (ii) The on-site provision of affordable housing to be maintained as such in perpetuity.
- (iii) Trigger points to be provided to ensure the following when the next phased application is submitted for residential development:-
  - To ensure the implementation of the open space area adjacent to the site.
  - To ensure the submission of an application for a community centre.

**Consultations**

**Environment Agency** Consulted 06.10.2015  
No Comments Received To Date

**Birmingham City Council** Consulted 05.11.2015  
No Comments Received To Date

**Highways Department- Worcestershire County Council** Consulted 05.10.2015  
Recommend conditions.

**Worcester County Council Minerals & Waste** Consulted 05.10.2015  
No Comments Received To Date

**Aisling Nash County Archaeological Officer** Consulted 05.10.2015  
No Comments to make on the scheme.

**Worcester Regulatory Services- Contaminated Land** Consulted 05.10.2015  
Recommend conditions.

**Worcester Regulatory Services- Noise, Dust, Odour & Burning** Consulted 05.10.2015  
I have reviewed the noise assessment and I am happy with its conclusions. All of the recommended noise mitigation measures should be implemented.

**Worcester Regulatory Services- Air Quality** Consulted 05.10.2015  
Recommend informatives.

**Landscape & Tree Officer** Consulted 05.10.2015

The development will have no impact on any of the existing trees. I would have no objection to the proposed development subject to tree protection measures being implemented.

**Leisure Services** Consulted 05.10.2015

I endorse recommendations contained in the Alder Ecology - Longbridge East Phase 2A Ecology Assessment.

**Strategic Housing** Consulted 05.10.2015

This proposal does not meet the required property sizes or tenure mix on the site. I am also concerned that the affordable housing has been 'stuck' in the corner of the development next to the railway and require that the affordable housing is integrated more into the development. I am also concerned about the visual appearance of the proposed social rented.

**Drainage Engineers Internal Planning Consultation** Consulted 05.10.2015

No Comments Received To Date

**Strategic Planning-** Consulted 05.10.2015

No Comments Received To Date

**Cofton Hackett Parish Council** Consulted 05.10.2015

Enthusiastically approve of the scheme. It is recommended that the developers also complete the park area between the new properties and those in Shadow Close.

**Health & Safety Executive** Consulted 05.10.2015

No Comments Received To Date

**West Mercia Constabulary** Consulted 05.10.2015

No objection.

**Worcestershire Wildlife Trust** Consulted 05.10.2015

No Comments Received To Date

**Natural England** Consulted 05.10.2015

No Comments Received To Date

**Joe Holyoak** Consulted 05.10.2015

The majority of the 41 houses in Phase 2A address Arrow Park, facing north, and careful thought has evidently been given to the streetscape which they make. The rhythm of groups of three-storey gabled houses, interspersed with dual-frontage two-storey houses on street corners, the two types further distinguished by changes in building line and by contrasting materials, is well considered. This should make a quite distinctive place.

**Severn Trent Water** Consulted 05.10.2015

No Comments Received To Date

**Network Rail** Consulted 05.10.2015

Recommend conditions.

Plan reference

**NHS England** Consulted 05.10.2015  
No Comments Received To Date

**Education Department At Worcestershire- Sarah Smith** Consulted 05.11.2015  
No objections.

## **Public Consultation**

3 letters of objection summarised as follows:-

- Provision of a temporary access might hinder the opening of the new park.
- Concern with access arrangements through Shadow Close to serve the development.
- 3 storey units out of keeping with the area.
- Concern with overlooking from the 3 storey units.

## **Relevant Policies**

### **Bromsgrove District Local Plan 2004 (BDLP):**

DS3	Main Locations for Growth
DS11	Planning Obligations
DS13	Sustainable Development
S4	Monitoring of Housing Sites
S7	New Dwellings Outside the Green Belt
S14	Range of Housing Types and Tenures
S15	Affordable Housing in Urban Areas
C4	Criteria for Assessing Development Proposals
C5	Submission of Landscape Schemes
C6	Sites for Environmental Improvements
RAT5	Provision of Open Space
RAT6	Open Space Provision in New Residential Developments
TR1	The Road Hierarchy
TR8	Off-Street Parking Requirements
TR11	Access and Off-Street Parking
TR13	Alternative Modes of Transport
ES2	Restrictions on Development Where Risk of Flooding
ES7	Sites Suspected of Contamination
ES14A	Noise Sensitive Development

### **Bromsgrove District Plan Proposed Submission**

BDP1	Sustainable Development Principles
BDP2	Settlement Hierarchy
BDP3	Future Housing and Employment Development
BDP7	Housing Mix and Density
BDP19	High Quality Design
BDP21	Natural Environment
BDP24	Green Infrastructure
BDP25	Health and Well Being

### **Others:**

Longbridge Area Action Plan	
SPG1	Residential Design Guide
SPG11	Outdoor Play Space

NPPF National Planning Policy Framework  
NPPG National Planning Practice Guidance  
Worcestershire Waste Strategy

## **Relevant Planning History**

B/2008/0333 Site Re-modelling, re-profiling and alterations to River Arrow and culverts:  
Approved 18.03.09

B/2008/0529 Mixed use development comprising residential (C3) including houses and apartments, residential institutions (C2) including sheltered elderly care, retail (A1, A2, A3, and A5) and non residential institutions (D1) including library and community centre with a neighbourhood centre, parking service and highway infrastructure open space including new public park, enhancement works to river arrow, recreation facilities, public transport routes, footpaths, cycleways, landscaping, service infrastructure, highway access and infrastructure, drainage flood storage areas, public art and street furniture (outline).  
Withdrawn

11/0748 Mixed use development comprising residential (C3) and/or residential institution (C2), community use building (D1), public open space, deculverting of part River Arrow, site re-profiling, access, parking, landscaping and associated development infrastructure (outline).  
Withdrawn

11/0750 Erection of 229 residential dwellings, neighbourhood park, children's play area, associated landscaping and access works (full application).  
Approved 2 Nov 2012

11/0882 Re-profiling and re-modelling of site levels, deculverting of part of the River Arrow and associated infrastructure including construction access.  
Approved 12.01.12

## **Site Description**

The site forms part of the former MG Rover Works known as Powertrain. A considerable amount of remediation work has taken place in this area in order to make the site suitable for residential development. Phase 1 comprised of 229 dwellings that is mainly served off Groveley Lane. This application site is a continuation of phase 1 and is located to the south of the recently created Arrow Park.

The site is generally an open land setting with a number of established trees growing along the boundary of the site. The site is slightly elevated compared to phase 1 however, the site levels decline from the west to the east (adjacent to the railway line)

## **Proposal Description**

The application is phase 2a for residential development. This application proposes 41 No. dwellings. The scheme includes 4 No. 5 bedroom dwellings, 15 No. 4 bedroom dwellings and 8 No. 3 bedroom dwellings for open market housing. 4 No. 3 bedroom dwellings, 6

No. 2 bedroom dwellings are for affordable rent, and 2 No. 3 bedroom dwellings, 2 No. 2 bedroom dwellings are for shared ownership.

The proposed layout shows vehicular access off Groveley Lane through the recently built phase 1 development via East Works Drive and Shadow Close. The access will create a circular route when linked in with phase 1 development as well as a cul de sac. The scheme also includes roads that do not have any frontage development. Development for these roads is likely to be included in the next phase of residential development. In curtilage car parking would be provided for most of the units, however, the dwellings backing onto the railway line would have communal car parking at the rear.

The designs of the dwellings are varied and are different to that provided under phase 1. Some of the units overlooking the public park (Arrow Park) are three storeys high; however, the remainder of the units would be 2 storeys. The applicant has deliberately applied 3 storey units fronting the park to provide greater scale in relationship to the open space.

A variety of materials / colours are proposed to add interest to the streetscene, such as brick, render, stone cladding, and composite timber cladding.

## **Assessment of Proposal**

### **Principle**

The site is designated in the Bromsgrove District Local Plan for Employment Uses, however, under the Longbridge Area Action Plan (LAAP) and the emerging Bromsgrove District Plan this site forms part of a larger site designated for residential development. Policy H2 of the LAAP would apply and requires a minimum of 700 dwellings to be provided overall in this area of the Action Plan providing a mix of sizes, types and tenures. Members will be aware that planning permission has already been granted for 229 dwellings under phase 1 (north of the application site) that is close to completion.

Policy H2 also requires that an overall density of 40 - 50 dwellings per hectare be achieved. There is an aspiration that the northern end of the site be developed at higher densities which in turn allows for the southern section of the site to be developed at lower densities, where the impact of development would be greater adjacent to rural surroundings. The density of this site (phase 2a) falls within a range of 30 - 40 dwellings per hectare. This is comparable to that of phase 1 which falls within a range of 30 - 45 dwellings per hectare.

Policy BDP2 of the emerging Bromsgrove District Plan encourages the delivery of housing on previously developed land. This site was formerly part of the MG Rover Works, therefore redevelopment of this site for housing would comply with policy. Policy BDP1 of the emerging plan encourages sustainable development with emphasis on accessibility of public transport options, compatibility with adjoining uses, visual amenity, quality of natural environment, and economic benefits for the District. The site is close to good public transport links and is within an area that is currently being regenerated to create improved local facilities / job opportunities as well as enhancing / creating new open space facilities. This phase provides a pedestrian link to an open space / informal recreation area adjacent to plots 11 and 12. It is considered that the scheme would comply with this policy, as well as core planning principles set out in the NPPF.



Policy H2 of the LAAP requires a target of 35% of dwellings to be affordable. The affordable housing proposed for this scheme falls just shy of the 35% (34%) and provides 14 No. 2 – 3 bedroom dwellings of affordable rent / shared ownership tenure. The social housing is proposed to be located generally to the east of the site. Officers would normally encourage this provision to be broken up into smaller clusters and interspersed with the open market housing. Comments from Strategic Housing reflect this approach. However, although the 14 units are located in one cluster, this is a particularly small phase of the overall redevelopment of the East Works site. Therefore, on balance, Strategic Housing accept the provision in one location on this occasion but state that future phases need to improve the integration of the social housing within the open market housing. In addition, the approach of locating social housing adjacent to the railway line will not be considered acceptable in future phases.

Although the scheme is just short of the 35% requirement the scheme would not conflict with policy H2 of the LAAP. The social housing provision would form part of the S106 Agreement.

It is considered that the overall scheme accords with paragraph 50 of the NPPF that states LPAs should "deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities". The principle of residential development would comply with the NPPF and accords with the LAAP, and emerging BDP. Therefore, the principle of residential development on this land is considered to be acceptable.

### **Highways and access**

The layout shows a continuation of existing access roads from phase 1 into the application site creating a loop and cul de sac. Worcestershire Highways note that several roads have no or little frontage development and advise that the applicant runs a risk that the road arrangement may need to alter in the future to accommodate future applications. However, overall they consider the scheme to be acceptable and recommend conditions.

A temporary access is shown next to the proposed cul de sac that will be provided for the purposes of the show home for sales. Objections have been made to this provision. The access is temporary and a condition could be imposed to require that the land be made good once it is no longer needed. The condition could also include a time period for the temporary access. The applicant has been requested to clarify this matter and if necessary a condition could be imposed.

### **Layout and Scale**

The layout comprises of a combination of 2 and 3 storey dwellings, most of them would be set back from Arrow Park and provide an attractive focal point. A number of the house types have dual aspect particularly those located on corner locations in order to enhance the streetscene.

Whilst the layout generally complies with the spacing requirements set out in the Bromsgrove District Council Residential Design Guide SPG, there is a shortfall of some of the units that directly face each other. The minimum spacing required is 21 m, however, the spacing of some of the units in this phase is 15 m. Whilst this is quite a shortfall, the same distance has been provided for dwellings under phase 1 (Shadow Close). Having

walked the phase 1 area where this shortfall exists, it is considered that the overall spacing does not give rise to uncomfortable / intimidating surroundings. On balance, the spacing provided is acceptable on this occasion and is unlikely to be detrimental to the amenities of the potential occupiers.

Objections have been made by existing occupiers of phase 1 in respect to the three storey units and spacing between the two phases. The spacing requirement in SPG 1 for three and two storey units facing each other is 27.5 m. The distance proposed between phase 1 and 2a ranges from 45 - 77 m and far exceeds the Council's minimum spacing requirement.

### **Open Space Provision**

The proposed layout does not include the provision of any on site open space facilities. However, the plan does show a pedestrian link to a potential open space / informal recreation area that is outside the application site boundary but falls within the ownership of the applicant. The area concerned would exceed the open space provision required for 41 dwellings (approx. 4341 sq m). Therefore, a trigger approach is proposed at the point when an application for phase 2b is submitted / approved that the open space facility be implemented on site. This would be a matter to be included within a S106 Agreement.

### **Noise and contaminated land**

WRS has been consulted and do not raise any concerns in respect to the scheme and recommend conditions / informatives.

### **Neighbour objections**

Objections submitted relate to several matters including the temporary access and concern that it could hold up the use of the new park. Officers are currently seeking clarification on this matter.

Other comments relate to the 3 storey element of the scheme and how they would impact on the amenities of existing neighbouring occupiers. As mentioned above ample distance would be maintained between the two phases and the variety of house types and house heights creates a visually and interesting streetscene /environment. The Urban Designer supports the design of the scheme.

Concerns also relate to construction traffic driving through the phase 1 development to access this site. Officers would clarify that it has always been the intention that additional phases would be served via Groveley Lane. Therefore, occupiers of phase 1 would have been aware of this matter at the time of moving into the properties concerned.

### **Planning Obligations**

As mentioned above a Section 106 Agreement is proposed for this development to cover the following matters:-

Affordable Housing Provision. To ensure that the 14 affordable housing units are provided in perpetuity.

Under the Worcestershire County's Waste Strategy a financial contribution will be sought to cover the provision of wheelie bins for each unit.

Open space / informal recreation facilities for this scheme. A trigger point be included in the S106 Agreement to ensure that this facility is implemented as part of the next phase of residential development.

Under the outline application (11/0748) a community centre of around 450 sq m would have been secured via a S106 Agreement. However, the outline application was never implemented as full planning permission was granted for the 229 dwellings. Given the overall number of units proposed in the East Works area, there is still a need for a community centre. Therefore, the S106 Agreement will need to include a trigger point to ensure a scheme for a community centre be submitted under the next phase of residential development.

The applicant is agreeable to these heads of terms and a S106 Agreement is in the process of being drafted.

## **Conclusion**

The principle of residential development is considered to be acceptable and would comply with policies in the LAAP and emerging Bromsgrove District Plan. The principle of residential development would also be compliant with the NPPF.

Despite one element of the development not fully complying with the Council's SPG on Residential Design, on balance, the layout of the proposal is considered to be acceptable and would otherwise generally comply with the Council's Residential Design Guide.

## **RECOMMENDATION:** (a) MINDED to APPROVE FULL PLANNING PERMISSION

- (b) DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:
- (i) £2,460.00 as a contribution towards the provision of wheelie bins for the scheme.
  - (ii) The on-site provision of affordable housing to be maintained as such in perpetuity.
  - (iii) Trigger points to be provided to ensure the following when the next phased application is submitted for residential development:-
    - To ensure the implementation of the open space area adjacent to the site.
    - To ensure the submission of an application for a community centre.

## **Conditions:**

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

- 2) The development hereby approved shall be constructed and completed in accordance with the plans to be defined.

Reason: To accurately define the permission for the avoidance of doubt and to ensure that the development is satisfactory in appearance in order to safeguard the visual amenities of the area.

- 3) Details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be subject to the approval, in writing, of the local planning authority before any work on the site commences. The development shall then be carried out in accordance with the approved details.

Reason: To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.

- 4) Before the commencement on site of any works which are the subject of this permission, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-
- a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;
  - b) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.

The approved scheme shall be implemented within 12 months from the date when any of the buildings are first occupied.

Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004.

- 5) Before any materials or machinery are brought on to the site or any development, demolition, installation of services or site clearance works of any kind are commenced the developer shall erect protective fencing as illustrated by BS 5837:2005 on a line concurrent with the tree protection distances given in BS 5837:2005 and to the specific approval of the local planning authority. The developer shall maintain such fences to the satisfaction of the local planning authority until all development, the subject of this permission, has been completed. No activities on the land within the fenced areas shall be permitted including excavation, changing of levels or disturbance in any way from the passage or storage of vehicles and machinery unless such activity is given the specific prior permission of the local planning authority.

Reason: In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004.

- 6) Recommendations and mitigation measures set out in the Longbridge East Phase 2A Ecology Assessment dated 16 September 2015 shall be implemented.

Reason:- To ensure sufficient wildlife enhancement measures in accordance with Policy C10A of the Bromsgrove District Plan.

- 7) The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.

REASON: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway.

- 8) Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved drawings.

REASON: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 9) Recommendations and noise mitigation measures set out in accordance in the Noise Assessment shall be implemented.

Reason:- In the interests of amenities for the potential occupiers and in accordance with ES14A of the Bromsgrove District Local Plan.

- 10) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme commencing.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

Reason:- To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be



carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and in accordance with ES7 of the Bromsgrove District Local Plan.

- 11) The following must be complied with prior to the occupation of any building. The below requirements can be undertaken in a phased manner where agreed in writing with the Local Planning Authority:
- (a) A detailed scheme for ground gas risk assessment must be undertaken and a written report of the findings and any recommendations for remedial measures produced. This report is subject to the written approval of the Local Planning Authority.
  - (c) Where risk assessment deems necessary a remedial scheme detailing any required gas protection measures must be prepared and is subject to the approval of the Local Planning Authority. The remedial scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
  - (d) The approved remedial scheme must be carried out in accordance with its terms prior to the occupation of any building unless otherwise agreed in writing by the Local Planning Authority
  - (e) Following completion of the measures identified in the approved remedial scheme a validation report that demonstrates the effectiveness of the remedial measures carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any building.

Reason:- To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and in accordance with ES7 of the Bromsgrove District Local Plan.

- 12) The following must be complied with prior to the occupation of any building. The below requirements can be undertaken in a phased manner where agreed in writing with the Local Planning Authority:
- (a) A scheme for clean cover design relating to garden and landscaped areas must be submitted to and agreed in writing by the Local Planning Authority prior to any clean cover system being installed.
  - (b) The approved clean cover scheme must be carried out in accordance with its terms prior to the occupation of any building unless otherwise agreed in writing by the Local Planning Authority.
  - (c) Following installation of the approved clean cover scheme a validation report that demonstrates the effectiveness of the clean cover system must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any building.

Reason:- To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other

offsite receptors, and in accordance with ES7 of the Bromsgrove District Local Plan.

## Informatives

1) In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising from the application in accordance with the NPPF and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010. The authority has helped the applicant resolve technical issues such as:

- access and parking provision,
- the impact of the development in the street scene,
- impact of the development upon amenity of neighbours,
- improving the design of the proposed development.

The proposal is therefore considered to deliver a sustainable form of development that complies with development plan policy.

2) This applicant is referred to the Section 106 Agreement accompanying this application.

3) Given the site is adjacent to a railway line, the applicant is advised is advised of the following:-

- that details including foundation design of the acoustic fencing / close boarded fencing would be subject to the Network Rail Asset Protection Engineer review and agreement.
- Prior to the commencement of the development, details of the acoustic fencing and mitigation measures shall be submitted to Network Rail.
- Any scaffolding which is to be erected /constructed within 10metres of a boundary to a railway line must be erected in such a manner that at no time will any poles over-sail the railway line. A method statement giving details of measures to be taken to prevent construction materials from the development reaching the railway (including protective fencing) shall be submitted to the LPA before the development commences.
- Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to Network Rail.
- Prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to the Local Planning Authority and Network Rail.
- Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to the Local Planning Authority and Network Rail.
- The applicant is advised that Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to the Network Rail Asset Protection Engineer once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway. We require reviewing the RAMS to ensure that works on site follow safe methods of

working and have taken into consideration any potential impact on Network Rail land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at AssetProtectionLNWSouth@networkrail.co.uk to discuss the proposal and RAMS requirements in more detail.

- Network Rail would request that no trees are planted next to the boundary with our land and the operational railway. Network Rail would request that only evergreen shrubs are planted and we would request that they should be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height.
  
- The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.
  - There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil.
  - Any future maintenance must be conducted solely within the applicant's land ownership.
  - Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by a third party that may adversely impact its land and infrastructure.
  - Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.
  
- Network Rail requests that the developer ensures there is a minimum 2 metres gap between the buildings and structures on site and our boundary fencing.
  - To allow for all construction works on site and any future maintenance to be carried out wholly within the applicant's own land ownership and without encroachment onto Network Rail land and air-space. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949).
  - To ensure that should the buildings and structures on site fail or collapse that it will do so without damaging Network Rail's boundary treatment or causing damage to the railway (e.g. any embankments, cuttings, any lineside equipment, signals, overhead lines) and to prevent the materials from the buildings and structures on site falling into the path of trains.
  - To ensure that the buildings and structures on site cannot be scaled and thus used as a means of accessing Network Rail land without authorisation.
  - To ensure that Network Rail can maintain and renew its boundary treatment, fencing, walls.

- o That the proposal will not be impacted by overhead electrified lines. Induced voltage can affect structures or individuals up to 20m from the overhead line. AC lines have overhead cables, DC lines are third rail.
  - o There are no Party Wall issues for which the applicant would be liable for all costs.
  - o To ensure that the applicant does not construct their proposal so that any foundations (for walls, buildings etc) do not end up encroaching onto Network Rail land. Any foundations that encroach onto Network Rail land could undermine, de-stabilise or other impact upon the operational railway land, including embankments, cuttings etc. Under Building Regulations the depth and width of foundations will be dependant upon the size of the structure, therefore foundations may impact upon Network Rail land by undermining or de-stabilising soil or boundary treatments.
    - Network Rail requests that the LPA and the developer (along with their chosen acoustic contractor) engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings. Network Rail is aware that residents of dwellings adjacent to the railway have in the past discovered issues upon occupation of dwellings with noise and vibration from the existing operational railway, as a consequence of inadequate mitigation measures for the site, and therefore it is a matter for the developer and the LPA via mitigation measures and conditions to ensure that these issues are mitigated appropriately prior to construction.
  - o The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.
  - o Network Rail also often carry out works at night on the operational railway when normal rail traffic is suspended and often these works can be noisy and cause vibration.
  - o Network Rail may need to conduct emergency works on the railway line and equipment and these would not be notified to residents in advance due to their safety critical nature.
  - o The proposal should not prevent Network Rail from its statutory undertaking
- 4) If it is the Developer's intention to request the County Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to the County Council's Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act, 1980, entered into.
- 5) It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, the County Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The applicant is, therefore, advised to submit the Engineering details referred to in this conditional approval to the County Council's County Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP at an early date to enable surface water disposal arrangements to be assessed.

- 6) The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.
- 7) Appropriate cabling and an outside electrical socket must be supplied for each property to enable ease of installation of an electric vehicle charging point (houses with dedicated parking). For developments with unallocated parking i.e. flats/apartments 1 EV charging point per 10 spaces (as a minimum) should be provided by the developer to be operational at commencement of development. The charging point must comply with BS7671. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

**Case Officer:** Sharron Williams Tel: 01527 534061  
Email: sharron.williams@bromsgroveandredditch.gov.uk



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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Matthew Small	Erection of two industrial/warehouse buildings with ancillary offices for use within class B2 (General Industrial) and/or class B8 (storage and distribution) alongside the construction of vehicular access, parking and servicing areas, earthworks, landscape and drainage works.  Plot 10, Acanthus Road, Redditch, Worcestershire, B98 9EX	25.12.2015	15/0829

**RECOMMENDATION:** That planning permission be; GRANTED

## Consultations

**Natural England;** Consulted 22.10.2015

Natural England is satisfied that the proposed development will not damage or destroy the interest features for which the site has been notified. NE encourages the Local Planning Authority to assess local biodiversity and landscape impacts as part of the application along with considering the impact on protected species and biodiversity enhancements. 13.11.15

**Aisling Nash County Archaeological Officer;** Consulted 12.10.2015

It is noted that Condition 19 of the outline planning application for development of the business park (approved in 1992) required an archaeological evaluation. That report concluded that that 'No significant features or artefactual scatters were noted in the excavated areas'. The overall levels of artefactual recover were notably low; no prehistoric material was retrieved; and only minimal quantities of Roman to post-medieval material were retrieved. No evidence of long term occupation or settlement was noted within the assessed area.

On the basis that significant archaeological remains were unlikely to be present an archaeological condition will not be required. 04.11.15

**Highways Department- Worcestershire County Council;** Consulted 07.10.2015

No objection subject to conditions and informatives.

Advises use of Planning Obligations to mitigate for the additional demands on the wider transport network that the development will generate, specifically to be used to facilitate junction improvements at the A441 / B4101 Dagnall End Road Junction to provide additional junction capacity. 23.11.15.

Plan reference

**Waste Management;** Consulted 07.10.2015

No Comments Received To Date

**Parks & Green Space Development Officer;** Consulted 07.10.2015

Need to consult NE due to relationship of the site to Ipsley Alders Marsh SSSI. Commends tree, hedge and pond retention and supplementary planting of appropriate species, but suggests long term management needed to ensure preservation. Questions adjacent land parcel and relationship to the development site. Requires permeable fencing to allow mammals to move unrestrained across habitats. Suggests loss of open grassland could be mitigated for by bat and bird boxes and creation of deadwood habitats. Concerns about lighting impacts on habitats. 09.10.15

**Drainage Engineers Internal Planning Consultation;** Consulted 07.10.2015

No objection subject to SuDS management plan 13.11.15

**Worcester Regulatory Services- Contaminated Land;** Consulted 07.10.2015

The investigation is considered satisfactory and considering the historical use of the land and proposed use, no further investigation is warranted. However a condition is recommended as a precautionary measure.

**Worcester Regulatory Services- Noise, Dust, Odour & Burning;** Consulted 07.10.2015

No adverse comments to make.22.10.15

**Redditch Development Management Department;** Consulted 07.10.2015

No objection

**Landscape & Tree Officer;** Consulted 07.10.2015

I would have no objection to the proposed development subject to conditions relating to tree protection.

**Community Safety Team;** Consulted 07.10.2015

No Comments Received To Date

**Economic Development & Regeneration Service;** Consulted 07.10.2015

NWEDR are very supportive of the proposed scheme, which will bring new investment and job opportunities for the Redditch area. We therefore hope the application can be approved without delay to ensure that the interest shown by the company in the 100,000sqft unit is not compromised and the opportunity lost to another area. The granting of permission would also be in line with the presumption in favour of sustainable development, which sits at the heart of the NPPF.

## **Publicity**

Three site notices displayed, expires 11.11.15.  
Three neighbours consulted, expires 12.11.15  
Press notice displayed, expires 30.09.15.  
No responses received.

## **Relevant Policies**

### **Bromsgrove District Local Plan 2004 (BDLP):**

DS13 Sustainable Development  
C5 Submission of Landscape Schemes  
C17 Retention of Existing Trees  
C36 Preservation of Archaeological resources  
C37 Excavation Around Archaeological Remains  
C38 Development Criteria for Archaeological Sites  
C39 Site access for Archaeologists  
E9 Criteria for New Employment Development  
ES11 Energy Efficiency in Buildings  
TR8 Off-Street Parking Requirements  
TR11 Access and Off-Street Parking  
TR13 Alternative Modes of Transport

### **Bromsgrove District Plan Proposed Submission**

BDP1 Sustainable Development Principles  
BDP16 Sustainable Transport  
BDP19 High Quality Design  
BDP21 Natural Environment  
BDP22 Climate Change  
BDP23 Water Management

### **Others:**

NPPF National Planning Policy Framework  
NPPG National Planning Practice Guidance

## **Relevant Planning History**

10/0212	Erection of two No. B1/B2/B8 units with ancillary car parking and servicing areas - Extension of time for B/2007/0265 (as amended by plans received 28.03.07, 29.03.07, as augmented by letter and plans received 29.03.07 and augmented by Arborocultural Method Statement,	Approved	19.05.2010
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Received 29.03.07)

B/2007/1108	Erection of speculative commercial unit for uses within B1,B2 & B8 with associated parking and service provision.	Approved	06.12.2007
B/2007/0265	Erection of 2 no. commercial units for uses within classes B1, B2 & B8 with associated parking and services provision. Resub of B/2006/1387	Approved	26.04.2007
B/2006/1386	Erection of speculative commercial unit for uses within B1, B2 and B8 with associated parking and service provision	Refused	08.03.2007
B/1991/0233	Development of B1, B2 and B8 uses and associated access works, car parking and landscaping.	Approved	

## **Assessment of Proposal**

### **Site and surroundings**

This Full planning application relates to two adjoining land parcels sited at the northern most tip of the Ravensbank employment area. The sites, which are accessed directly off the northern arm of Acanthus Road, extend to 4.14 hectares in total and are currently undeveloped.

Land levels rise to the north east and mature trees sited along the eastern boundary form an appropriate division from the Green Belt land beyond. Levels reduce along the western boundary and the boundary here is more open. A strong tree line divides the two sites and is protected by virtue of a Tree Preservation Order but otherwise the sites are generally open and devoid of specimen trees. Ponds are associated with the more mature trees along the site boundaries (part of the same TPO). To the west is the existing Heller Tools site with Amco occupying the site opposite on the corner of Acanthus Road and Ravensbank Drive.

The sites are located on land allocated as being for Employment purposes in the Bromsgrove District Local Plan 2004(BDLP) and this continues in the emerging Bromsgrove District Plan.

### **The proposed development**

The application proposes the erection of two industrial/warehouse units with ancillary office space within Class B2 (General Industrial) and/or class B8 (Storage and Distribution) and associated access, parking and servicing, and works.

Plot 1 would accommodate the larger building; this would be occupied by Amco Services for B8 storage and distribution use (11,081 metres squared external area). It is estimated 250 people working on a shift pattern will be employed by this unit. Plot 2 proposes a smaller unit with no end user at present, but given its floor area about 70 jobs are envisaged. This unit would extend to 4,878 metres squared and is proposed for either B2 or B8 dependent upon its first occupation.

Amco currently provide body movement logistics services directly for Jaguar Land Rover as well as providing warehousing, time critical transport, sequencing, rework activities, freight and other logistics services to a large number of its tier 1 and tier 2 suppliers. Automotive sales represent 74% of Amco's turnover in 2014/15, a large element of which ultimately relates to JLR. The automotive sector and the direct/ indirect relationship with JLR is the current focus of the business and is likely to remain so in the future.

The buildings are substantial in terms of length and height. The clear internal operational height being a restriction driving the overall design. With respect to plot 1 the unit is sited parallel to Acanthus Road with the office located at the south western corner and a new access positioned along the western boundary. The unit is made up from portal bays which divide up the unit's depth with slightly curved roofs. Servicing, parking and access will largely take place on the northern side of the unit where loading bays etc. are sited. The building is 130m long, 85m wide and 14.8m high.

Plot 2 is accessed via the new roadway and sits in a roughly north/south orientation in the plot. Parking is located on the north and southern sides of the unit with servicing to the west. This building has a like form to plot 1 using profile cladding sheets, generally within the grey colour range with contrasting panels to provide visual interest and relief. The building is 87m long, 51m wide and 12.5m high.

Both plots are proposed to operate 24 hours a day, seven days per week.

The application is accompanied by a variety of documents including; Design and Access Statement, Landscape plans, section and levels information, Flood Risk and Drainage, Tree survey and constraints, Ecology appraisal, Great Crested Newt Survey, Ground Investigation and Transport and Travel Plan information. Some of these documents have been updated through the live of the application to reflect amendments and changes.

## **Planning considerations**

The sites are allocated as being for Employment purposes in the Bromsgrove District Local Plan 2004, as well as in the emerging Bromsgrove District Plan. With Outline consent dating from 1992 (B/1991/0233) for the Business Park as a whole and detailed applications being approved on the sites in 2007 and 2010, the principle of employment uses on the site is established.

The key matters for consideration in associated with this application centre around; the impacts of the scale and siting of the buildings on the immediate area, on ecology, landscaping, trees and the traffic and highway impacts associated with the scheme. These issues are largely addressed through Policy E9 of the BDLP, but also through relevant policies in the adopted and emerging plan and the NNPF and accompanying Guidance.



## **Scale and siting**

As a key component of sustainable development, the NPPF places significant importance upon high quality design along with the need for the sustainable use of materials. The units are large and occupy a sensitive location on the boundary of the employment site with views into and out of the Green Belt requiring consideration.

The units on the business park are varied in size however plot 1 will appear as a substantial building which sits, relative to the unit to the west (Heller), close to the highway. Furthermore land levels will be altered in a way so as to increase the prominence of this unit when approaching from Acanthus Road. However there will be a degree of landscaped space separating the unit from the highway and attempts have been made to break up the mass and scale of the building through its design, detailing and use of materials, aided further by the siting of the office element in this corner. By placing the building on this part of the plot all associated servicing and lorry parking will be screened from view. There has been a need to site the unit so as to respond to levels, whilst retaining an operational requirement of a level access floor. The consequences of this approach are that at the top of the site, the building sits more comparably with the existing tree belt. The bulk of the building will be screened more effectively therefore when looking into the site from the east.

Plot 2 is a smaller building which is designed using similar principles. Its position in relation to Acanthus Road and the tree belt dividing the two sites means its visual prominence is reduced. It too will sit against mature tree screening along the eastern boundary, which along with additional planting will assist with screening. The boundary to the west is more open and additional planting has been secured here also. The applicant has also stated that the design will incorporate a variety of sustainable design features and initiatives to facilitate energy saving and CO2 reduction.

It is concluded that the proposal responds to the level variations across the sites whilst working to maintain existing tree cover and use it in a way to soften the scale of the buildings. The design of the scheme therefore responds to its local context and protects the visual amenities of the area and is considered to be policy compliant.

## **Traffic and Parking and access**

Policy E9 requires all applications for new employment development to demonstrate compliance with a number of traffic related criteria, including impacts on the local highway network, the construction of internal access roads to appropriate standards, the provision of adequate servicing space, and appropriate car parking provision. Policy TR11 requires all development to incorporate safe means of access and egress appropriate to the nature of the local highway network.

With respect to parking Plot 1 is served by 120 parking spaces and plot 2 by 47 spaces, both units are served by bicycle spaces and shelters. Lorry servicing will be via 12 dedicated bays on plot 1 and 7 dedicated bays on plot 2.

The Applicants have stated;

*Whilst this number of spaces is higher than the number prescribed by the published parking standards, this directly responds to the operational needs of AMCO Services (International) Limited, where employees will operate on a shift pattern (comprising 6am-2pm; 2pm-10pm; and 10pm-6am). Taking into account warehouse and office staff, drivers and visitors, the total number of employees likely to be accessing the site for each of these shifts is circa 100 people, with up to 85% of these expected to access the site by car. Allowing for overlap between shift patterns, and future staff expansion, the proposed number of car parking spaces is required in order to safely accommodate cars on site and prevent any overspill onto the public highway in the interests of highways safety.*

Reflecting operator requirements when considering parking provision is in line with the NPPF and the advice in the NPPG.

*The level of car parking proposed will not undermine attempts to reduce travel to the site by non-car means. As set out above, the site comprises a well-integrated site with links to pedestrian, cycle and bus routes. The application is accompanied by a Framework Travel Plan which will further seek to encourage travel to the site by non-car means.*

The promotion of a variety of transport options to serve sites is established in Policy TR13. Development that creates significant travel demands needs to be informed by a Transport Assessment and a Travel Plan, as well as having good access to public transport links.

The applicants Transport Assessment indicates that the local highway network will continue to operate within capacity, after taking account of traffic generated by the proposed development during the future assessment years of 2020 and 2030. A study of accident data demonstrates that there are no particular safety concerns on the highway network surrounding the site that would warrant mitigation as part of the proposed scheme.

Furthermore the site is well located in respect of existing infrastructure, and links in with the existing network of footways, cycle routes and the local bus service that operates within the industrial estate, which also provides access to the local surrounding residential areas as well as Redditch Railway and Bus Stations. The submitted Framework Travel Plan has been amended during the course of the application and will further help to increase access to the site by sustainable means, and to reduce car borne trips in accordance with local and national planning policy aims.

The County Council do not object to the development on the above basis and have recommended appropriate conditions. At the time of writing this report your Officers are still working with colleagues from the County Council with respect to their request for financial contributions as a result of additional trip movements to and from the site. Members will be updated with this information at the meeting.

## **Ecology and protected species**

Policy DS13 of the Bromsgrove District Local Plan requires new development to protect areas of wildlife and ecological value.

The applicants have undertaken a desk and walkover survey in accordance with Phase 1 Habitat Survey methodology. This report examined the proximity of local Nature Conservation Sites as well as examining records of protected and notable species in the area. The sites Habitat types and variety of Fauna were surveyed on site. Recommendations include biodiversity enhancements incorporated through landscaping, retention of existing semi-mature trees and standing water site areas along with site management advice with respect to mammals along with a need for a further survey for Great Crested Newts.

A specific Great Crested Newt Habitat Suitability Index (HSI) assessment has been undertaken for all ponds identified within 500 m of the edge of the proposed development. This report concluded that the ponds had 'poor suitability' and 'poor predicted presence' of being used by Great Crested Newts, or any other newt species, and that no further surveys or mitigation methods were considered necessary.

The Council's Parks and Green Spaces Officer commends the landscaping concepts and the retention of the existing tree, hedge and pond features as they support biodiversity opportunities for the future. Conditions are suggested that mitigate for the loss of open grassland foraging opportunities within the existing site and seek to control lighting, but otherwise there is no objection to the impact of the development on the sites wildlife or ecological value.

The relationship of the site to Ipsley Alders Marsh Site of Special Scientific Interest (SSSI) has generated the requirement to also consult English Nature. Members will note that they do not object to the scheme.

## **Trees and landscaping**

Policy C17 of the Bromsgrove District Local Plan (2004) requires development proposals to retain existing trees wherever possible, and for new planting to be related in scale, size and species to the existing indigenous planting. It is noted that Tree Preservation Orders exist on the site with respect to the boundaries and the tree line.

Existing tree growth is to be retained, apart from the removal of two low quality non protected trees and associated scrub growth in the centre of the site. The retained trees are fully integrated into the Landscaping proposals and the Tree Officer is of the view that the scheme has been sympathetically designed to protect that stock and minimise disruption through level changes. Tree protection will be required as will suitable detail of access roads adjacent to retained specimens; this has been addressed through the submission of revised plans. There were some reservations about detailed planting mixes but revisions have been sought to ensure a suitable and sustainable long term planting scheme is now provided. New tree planting utilises Extra Heavy Standard Planting and this is also acceptable. Overall there are no objections to the impact of the development on existing trees, subject to conditions.

## **Drainage and flood risk**

The site is located within an area of low flood risk (Flood Zone 1 - less than 1 in 1000 annual probability of river or sea flooding) and the development type is defined as being 'less vulnerable' meaning development is appropriate in this location.

A Flood Risk Assessment (FRA) has accompanied the application in which consideration has been given to surface water flooding and ground water flooding, neither of which give cause for concern. An adjacent watercourse and ponds on the site boundaries have been considered as part of overland flows and land drains around the site boundaries are proposed to negate the risk of flooding from overtopping of ponds and third party land. A SUDS scheme is proposed utilising infiltration, porous paving and balancing tanks. Foul drainage will be via public sewers in Acanthus road.

The Drainage Engineer has worked with the applicant to amend the original submission in relation to maximising porous paving areas and ensuring it is under drained and connected onto the storage tanks so that the sub base of the pavement can also be filled during storm events and thus contribute to storage volume. Down pipes are connected to the pavement subbase for the same reason. These revisions have been incorporated into amended drawings so removing the need for a pre commencement drainage condition. Subject to maintenance plan for the drainage systems the Drainage engineer does not object to the proposal.

## **Other matters**

The applicant's Planning Statement also considers the issues of air quality, noise and ground conditions. They note that given the scale of development, its location in relation to noise sensitive receptors, associated trip generation in the context of an allocated employment site, that the development will not result in perceptible impacts on air quality or noise that require assessment and/or mitigation. Furthermore the Site Investigation Report demonstrates that the site is suitable for the proposed uses and construction techniques. The Council shares these views, but recommends a condition should ground contamination be encountered as part of the development.

With respect to Archaeology the Local Planning Authority has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by the National Planning Policy Framework section 12, paragraph 128 and 141. The NPPF requires the submission of surveys to assess the significance of any heritage assets in a manner proportionate to their importance and the impact of the development upon them.

The site has previously been surveyed with respect to archaeological potential as part of the 1992 Outline consent. The consultees observations on this fact are noted and there is therefore no justification for any archaeological conditions in association with the current scheme.

## **Conclusions**

The application relates to the erection of general industrial/storage and distribution uses (B2/B8) on land allocated for employment purposes in both the adopted and emerging

district plans. The principle of the use is therefore acceptable. The applicant seeks a flexible consent with respect to unit 2 which will maximise the prospects of bringing forward the development of this unit and reflects advice about flexibility as set out in the NPPF. The use of unit 2 will be 'set' as B2 or B8 by the first occupants.

The applicant has submitted a variety of reports including Drainage, Flood risk, Ecology, Tree retention, Contamination, Landscaping, Transport Statement and Travel Plan. Following the receipt of suitable amendments and considering the imposition of conditions or notes, consultees do not raise any objections to the application and no representations have been received from third parties.

The Council are aware of the advice within the NPPF (para 19) which tasks LPA's with stimulating and driving economic growth with 'significant weight' being apportioned to this issue through the planning process. In addition the significance of an existing local employer wishing to expand and provide further job opportunities within the District is also welcomed. The application is therefore recommended for approval.

Your officers continue to work with the applicants and the County Council with respect to potential commuted sums generated as a result of additional trip movements to and from the site. Members will be updated with this information at the meeting.

**RECOMMENDATION:** That planning permission be; GRANTED

## **Conditions**

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

- 2) The proposal shall be carried out as shown on the plans, schedules and other documents listed below;

Planning Statement 41642/JG/RR  
Design and Access Statement Sept 2015 Rev B

Flood Risk Assessment 2014-183  
Preliminary Ecological Assessment RT-MME-117824  
Great Crested Newt Survey March, May June 2015  
Ground Investigation Report AG2144-14-U71  
Transport Assessment Sept 2015  
Framework Travel Plan (updated) November 2015

Site location plan 15-504 F003-001  
Proposed site plan 15-504 F003-003 A  
Existing site plan overlaid with topo 15-504 A001 C  
Proposed site plan overlaid with topo 15-504 F003-002A

Proposed unit 1 office plan 15-504 F003-005

Proposed Elevations unit 1 15-504 F003-008  
Proposed Elevations unit 2 15-504 F003-009  
Proposed unit 1 warehouse plan 15-504 F003-004  
Proposed unit 2 warehouse plan 15-504 F003-007  
Proposed unit 1 roof plan 15-504 F003-010  
Proposed unit 2 roof plan 15-504 F003-011

Landscape concept plan 1601/15-03C (amended)  
Landscape sections 1601/15-04A

Site sections NKO18258-RPS-AR-XX-DR-C-1705 P01  
Finished levels NKO18258-RPS-AR-XX-DR-C-1701 P06 (amended)  
Surface and foul water drainage strategy NKO18258-RPS-AR-XX-DR-C-1300 P02 (amended)  
Tree constraints plan 1601/15-01  
Tree retention, protection and removal plan 1601/15-02A  
Topographical survey 9005\_OGL)

Reason: To make sure the development is carried out exactly as shown on the plans, to ensure that it relates to the area in which it is being built and protects how that area looks, in order to comply with Policy DS13 of the Bromsgrove District Local Plan January 2004.

- 3) The materials, finishes and surfaces indicated on the approved plans shall be used to construct and carry out the development, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To make sure that the development relates to the area in which it is being built and protects how that area looks, in order to comply with Policy DS13 of the Bromsgrove District Local Plan January 2004.

- 4) The development hereby approved shall not be occupied until visibility splays have been provided on each side of the proposed access on a line joining a point 2.4 metres back from the nearside edge of the adjoining carriageway measured along the centreline of the access, to a point 47 metres in each direction measured along the nearside edge of the carriageway from the centre of the new access. Nothing shall be planted, erected and/or allowed to grow which exceeds a height of 0.6metres on the triangular area of land so formed in order not to obstruct the visibility described above.

Reason; To ensure that the site is adequately serviced in the interests of highway safety and in accordance with Policy TR11 of the Bromsgrove District Local Plan 2004.

- 5) Before any other works hereby approved are commenced on site, a specification for;
- a) The construction access to the site and
  - b) The final site access



shall be submitted to and approved in writing by the Local Planning Authority. The construction access shall be implemented on site prior to the development commencing and the final access shall be implemented prior to the occupation of the site and retained as such for the life of the development hereby approved.

Reason; To ensure that the site is adequately serviced in the interests of highway safety and in accordance with Policy TR11 of the Bromsgrove District Local Plan 2004.

- 6) The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.

Reason; To ensure that the site is adequately serviced in the interests of highway safety and in accordance with Policy TR11 of the Bromsgrove District Local Plan 2004.

- 7) The development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision be retained and kept available during the construction of the development.

Reason; To ensure that the site is adequately serviced in the interests of highway safety and in accordance with Policy TR8 of the Bromsgrove District Local Plan 2004.

- 8) The development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing a travel plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator.

Reason; To ensure that a variety of sustainable transport options exist to access the site, now and in the future, in accordance with Policy TR13 of the Bromsgrove District Local Plan 2004 the NPPF.

- 9) A SuDS management plan which includes details on future management and responsibilities, along with maintenance schedules for all SuDS features and associated drainage systems should be submitted to and approved by the Local Planning Authority prior to the first occupation of the site. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The approved SuDS management plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area in accordance with the advice in the NPPF.

- 10) Before the approved landscaping scheme is implemented on site, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing; appropriate biodiversity enhancements (bat boxes, bird nesting boxes and creation of deadwood habitats) to enhance the biodiversity opportunities presented by the site along with a long term management plan for the maintenance of the landscaped areas (This shall include a maintenance schedule for these areas along with details of management responsibilities and long term objectives). The works shall then be installed in accordance with those details and kept as such for the life of the development, unless otherwise agreed in writing with the Local Planning Authority.

Reason; To make sure that the appearance of the area is improved and that new planting is managed and looked after in order to comply with DS13, C12, C17 of the Bromsgrove District Local Plan January 2004. To make sure that the Biodiversity opportunities for the site are maximised, so as to comply with Policy DS13 of the Bromsgrove District Local Plan January 2004 and the advice in the NPPF.

- 11) Before works commence with respect to the retaining walls within the site, a scheme shall be submitted to an approved in writing by the Local Planning Authority detailing the; position, height and design of all retaining features, boundary fences and gates. The development shall then be implemented in accordance with those details and kept as such for the life of the development, unless otherwise agreed in writing with the Local Planning Authority.

Reason To make sure that the development preserves the character of the area which is on the boundary of the Green Belt and to ensure the Biodiversity opportunities for the site are maximised, so as to comply with policy comply with Policy DS13 of the Bromsgrove District Local Plan January 2004 and the advice in Para 125 of the NPPF.

- 12) Prior to its installation, a scheme shall be submitted to an approved in writing by the Local Planning Authority detailing the; position, height, design and Lux levels associated with the external lighting serving all vehicular parking, access roads and servicing areas and pedestrian areas. The development shall then be installed in accordance with those details and kept as such for the life of the development, unless otherwise agreed in writing with the Local Planning Authority.

Reason To make sure that the development preserves the character of the area which is on the boundary of the Green Belt and to ensure the Biodiversity opportunities for the site are maximised, so as to comply with policy comply with Policy DS13 of the Bromsgrove District Local Plan January 2004 and the advice in Para 125 of the NPPF.

- 13) Prior to any ground or engineering works commencing on site, the Tree Protection Barrier indicated on the approved plans shall be erected around all existing tree

stock highlighted for retention and retained in this position in accordance with BS5837:2012 recommendations for the life of the building operations.

Reason; To ensure that the existing Trees on the site are protected during the construction phase of the development so that their visual amenity is safeguarded for the future, in order to comply with DS13, C12, C17 of the Bromsgrove District Local Plan January 2004.

- 14) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme commencing. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

Reason To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 15) The approved landscaping scheme shall be implemented within 12 months from the date when any of the building hereby permitted are first occupied. Any planting removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to ensure the habitat potential of the site is enhanced and the appearance of the site is protected in accordance with Policies DS13 and C17 of the Bromsgrove District Local Plan January 2004.

## **Informatives**

- 1) This permission does not authorise the laying of private apparatus within the confines of the public highway

The applicant should apply to the Worcestershire County Council's Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845 607 2005), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.

- 2) No work on the site should be commenced until engineering details of the improvements to the Public Highway have been submitted to and approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.
- 3) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or Vehicular turning area does not discharge onto the Public Highway. No drainage or effluent from the proposed development shall be allowed to discharge into any Highway drain or over any part of the Public Highway.
- 4) The applicants attention is drawn to the requirement that, in all cases where an agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief agreed with the Highway Authority and their design shall include any necessary amendments to the existing system. The design brief should be discussed with the Highway Authority prior to the commencement of the design.
- 5) In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising from the application in accordance with the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The authority has helped the applicant resolve technical issues such as: Drainage and landscape improvements.

The proposal is therefore considered to deliver a sustainable form of development that complies with development plan policy.

- 6) The applicant is advised to be aware of their obligations under the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000) to avoid disturbance of nesting wild birds and protected species such as bats when carrying out these works.
- 7) The development should be implemented in accordance with the recommendations contained within the Preliminary Ecological Assessment dated August 2015 (RT-MME-117824)

**Case Officer:** Mrs Helena Plant Tel: 01527 881335  
Email: h.plant@bromsgroveandredditch.gov.uk

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
McCarthy & Stone Retirement Lifestyles Ltd	Demolition of existing buildings and erection of 49 Retirement Living Apartments (category II type accommodation) including communal facilities, landscaping and car parking and 37 affordable apartments  Former Fire Station And Library Building, Windsor Street, Bromsgrove, Worcestershire, B60 2BJ	31.12.2015	15/0836

**RECOMMENDATION:** That planning permission be Refused

### Consultations

**Highways Department- Worcestershire County Council** Consulted 02.10.2015

Recommendation that permission be **Refused** for the following reasons:-

On the 20<sup>th</sup> October 2015 the Highway Authority recommended that this application be deferred pending the submission of additional information and drawings to address a series of technical concerns. It has been confirmed by the Planning Authority that the applicant has not submitted additional information and wishes the application be determined on the information submitted.

The application fails to provide suitable means of access to the site for vehicles, pedestrians or for the refuse collection vehicle which is contrary to the adopted local transport plan and results in practical problems to service the site. Additionally the site fails to provide a suitable parking strategy for the application site relative to the scale and uses proposed.

The impact of the development will see disruption to the free flow of traffic on Windsor Street and Stratford Road due to inadequacies within the proposed design and the shortfall of parking does not provide suitable provision considering the Highway Authorities interim parking standards. The proposal does not accord with the adopted local transport plan and will result in a severe impact.

**Worcester Regulatory Services- Contaminated Land** Consulted 02.10.2015

No objection subject to a condition requiring a tiered investigation.

**Worcester Regulatory Services- Noise, Dust, Odour & Burning** Consulted 02.10.2015  
No Comments Received To Date

**Economic Development & Regeneration Service** Consulted 02.10.2015  
No Comments Received To Date

**Landscape & Tree Officer** Consulted 02.10.2015  
No objection subject to conditions including a scheme of replacement tree planting.

**Parks & Green Space Development Officer Martin Lewis** Consulted 02.10.2015  
From a bio-diversity point of view I have no objections subject to conditions.



**Leisure Services** Consulted 02.10.2015

Proposal will place increased demand on facilities within Sanders Park. Subject to financial contribution to improve the bandstand area and provide outdoor exercise equipment no objection is raised.

**Strategic Housing** Consulted 02.10.2015

No objection subject to an appropriate method used to secure the affordable housing provision.

**Waste Management** Consulted 02.10.2015

For the 49 retirement properties we would require 20 x 1100 litre capacity bins (10 for residual waste and 10 for recycling) this works out at £8,100

For the 37 affordable apartments we would require 16 x 1100 litre capacity bins (8 for residual waste and 8 for recycling) this works out at £6,480

In total £14,580

**Drainage Engineers Internal Planning Consultation** Consulted 02.10.2015

No objections subject to a condition requiring a scheme of foul and surface water drainage.

**Strategic Planning-** Consulted 02.10.2015

This proposal meets the districts needs in providing accommodation for the elderly and the location is considered sustainable in line with the NPPF's sustainable development principle and paragraph 23 'Ensuring the Vitality of Town Centres' which recognises that residential development can play an important role in ensuring the vitality of centres. However, this site has been allocated as an opportunity site for retail led mixed-use development in line with Policy BDP17 and we would therefore require the applicant to provide some evidence that there is no prospect that this site could be developed for a mixed-use retail led scheme before this application can be approved.

**Conservation Officer** Consulted 02.10.2015

Overall I consider that the proposed scheme is a missed opportunity to improve the quality of the built environment of Windsor Street, and the setting of the heritage assets. I would concede that the existing buildings are poor and do not enhance the settings of the heritage assets, however this scheme would not seem to do any better, and will actually be more dominant due to the increased heights and intensification of the development on the site.

I would therefore have to object to the scheme on the basis of the harm to the setting of the listed buildings, contrary to section 66 of the Planning (listed Buildings and Conservation Areas) Act 1990. This is supported by Paragraph 132 of the NPPF which highlights that great weight should be given to an asset conservation, and significance can be lost through as a result of development within its setting. In addition Section 35A of the Bromsgrove Local Plan requires new development in areas adjacent to conservation areas to be sympathetic in terms of form, scale and materials. I do not consider that this scheme satisfies those requirements in respect of the neighbouring Bromsgrove Town Centre Conservation Area.

## **Town Centre Regeneration Team** Consulted 02.10.2015

The Town Centre Regeneration project was based around the Draft Area Action Plan / District Plan. The site in Windsor Street runs parallel to the High Street with a link through via Chapel Walk and is identified as a retail led mixed use opportunity. The size of the site lends itself to larger retail units, which the town currently lacks and desperately needs to compliment the independent shops.

On the above basis, I object to the proposed application.

Further comments received:

I am also aware that there are more prominent sites being developed in Bromsgrove, e.g Hanover Street, Stourbridge Road and I therefore feel it is unlikely that any operator would commit themselves to one particular site until such time as the units on their preferred sites had been taken. This doesn't mean they would not have an interest. The fact that these Council sites and private development sites are attracting such interest from developers surely shows that there is interest from retailers in a district that is one of the most affluent in the West Midlands.

## **Urban Design Consultant** Consulted 02.10.2015

The development site is ideally located for the proposed use of care home and affordable apartments. However, the layout fails to adequately justify the proposals and demonstrates a lack of consideration for the surrounding context, contrary to what has been highlighted in the Design and Access Statement.

Key issues to address include the scale of the development particularly height, proximity to the boundary, negative impact on historic asset, poor Windsor Street frontage and a lack of structural tree planting to the main elevation.

Without considerable amendments I would not be in a position to endorse this proposal.

## **Aisling Nash County Archaeological Officer** Consulted 02.10.2015

No objection subject to a condition requiring a programme of archaeological works.

## **NHS England Primary Care Arden, Herefordshire & Worcestershire** Consulted

No Objection

## **Publicity:**

78 letters sent on the 2<sup>nd</sup> October 2015 (expired 23<sup>rd</sup> October 2015)

3 site notice posted on the 9<sup>th</sup> October 2015 (expired 30<sup>th</sup> October 2015)

Press Advert published in the Bromsgrove Standard on the 9<sup>th</sup> October (expired 23<sup>rd</sup> October)

## Neighbour Responses

1 response has been submitted, raising the following objections:

- Loss of site allocated for retail; and
- Already enough elderly accommodation in Bromsgrove Town. Further accommodation would decrease the attractiveness of the town centre to families and younger shoppers.

## **Relevant Policies**

NPPF National Planning Policy Framework

## **Bromsgrove District Local Plan 2004 (BDLP):**

DS3 Main Locations for Growth  
DS13 Sustainable Development  
S7 New Dwellings Outside the Green Belt  
C17 Retention of Existing Trees  
TR11 Access and Off-Street Parking  
S35A Development in Conservation Areas  
S39 Alterations to Listed Buildings  
BROM11 Town Centre Zone

## **Bromsgrove District Plan Proposed Submission**

BDP8 Affordable Housing  
BDP10 Homes for the Elderly  
BDP17 Town Centre Regeneration

## **Relevant Planning History**

None

## **Assessment of Proposal**

### The Site and its Surroundings

The application site is located within Bromsgrove Town within the defined Town Centre Zone. The site consists of Bromsgrove library, the former fire station building and associated offices. The site has 2 separate accesses; one off the Stratford Road serving the library and the other off the Stratford Road serving the fire station building. An MOT garage is located to the north of the site with residential properties located to the east on the Stratford Road. The High Street is located to the west with the current fire station facing the rear of a number of High Street units. The Bromsgrove United Reformed Church (URC) is positioned on the southern boundary and Weldron House and Day Centre are located to the south east.

### The Proposed Development

This application seeks to demolish the fire station, offices and library. In place of these buildings the following is proposed:

- o 4-storey building containing 49 age restricted retirement apartments with associated private amenity space, parking and communal facilities; and
- o An affordable housing scheme consisting of 9 x 1 bed and 28 x 2 bed units within a 4-storey apartment building

### Planning Considerations

The main issues to be considered in assessing the application are the following:

- i) The principle of the proposed development
- ii) Residential Amenity
- iii) Street Scene & Character Impact
- iv) Access, Highways & Parking
- v) Ecology
- vi) Landscape and Trees; and
- vii) Planning Contributions

i) The Principle of the Proposed Development

As identified on the Proposals Map the site is located within the Town Centre Zone. In accordance with Policy BROM11 of the BDLP and NPPF a wide range of uses are considered acceptable in principle including retail, residential, community and commercial uses.

Policy BDP8 of the Proposed Submission Version of the Bromsgrove District Plan states that any proposals with a net increase of 10 or more dwellings will be expected to provide up to 30% affordable housing within their scheme. The scheme provides over 40% affordable housing which is a notable benefit where there is a substantial need for affordable housing.

Policy BDP10 Homes for the Elderly which encourages the provision of housing for the elderly in suitable locations within the district. The provision of 86 age-restricted apartments in a town centre location would usually be an ideal location to meet the acknowledged high level of need for elderly accommodation.

However, the site is specifically designated within the Proposed Submission Version of the Bromsgrove District Plan under Policy BDP17 (Town Centre Regeneration). Allocation TC6 (Windsor Street) highlights that the site would be ideal for a retail led mixed use scheme. Whilst the emerging Plan has not been adopted, the Plan has been examined and no objections have been submitted in relation to this site. Whilst further examination hearing sessions are proposed these do not relate to the town centre policy or allocations. It is therefore considered that weight can be attached to this policy. The proposed scheme is entirely aged restricted accommodation and therefore is clearly contrary to this policy.

Some evidence has been submitted to attempt to justify that there is no demand for retail on the site, which consists of a 2 page statement by Andrew Thompson & Co Chartered Surveyors. It states that a developer had a retail scheme drawn up for the site and the Chartered Surveyor was employed to directly approach a range of retailers. No positive interest was received from retailers during the marketing campaign in September and October 2014. The feedback received from retailers was that they felt the site was too remote from the High Street and lacked any retail prominence. The Town Centre Regeneration Team have commented on the evidence and still retain the view that the site should be retained for a retail-led scheme. The Team emphasise that the fact developers have shown an interest in the site suggests that the site can be developed for retail purposes. They have provided a list of retailers who, in January 2015, are interested in being located in Bromsgrove Town Centre if their size and locational requirements can be met. It is acknowledged that Windsor Street isn't the best retail site

in the Town Centre and therefore until there is development on the other more prominent sites (e.g. the market hall site) it is unlikely that a retailer will pursue the Windsor Street site. Before a retailer commits to a site they want to understand who is or will be occupying other key sites to appreciate what competition they will face in the local market. This is an understandable approach for retailers to take as they seek to minimise risk when making major decision over potential future sites. On this basis it is considered that insufficient information has been provided to justify the loss of the site for retail purposes.

The applicant has justified a need for retirement accommodation in a 'Housing and Care Needs Report'. It is acknowledged that Bromsgrove District has an aging population and there is a need elderly accommodation. However, this does not justify the use of this particular site solely for this purpose.

In summary, allocation TC6 provides a rare opportunity to provide larger retail units that are otherwise unlikely to be provided. Without sufficient evidence to justify no provision of retail on the site the proposal undermines the regeneration of the Town Centre and is contrary to Policy BDP17 of the Proposed Submission Version of the Bromsgrove District Plan.

ii) Residential Amenity

The development is bounded by built form on all sides however, the only residential development is located to the north east on the Stratford Road, namely No.'s 2, 4 and 6.

The application site shares a boundary with No's 2, 4 and 6 Stratford Road. The front elevation of the affordable housing scheme faces the rear elevation of these properties. The most eastern section of the proposed building is 2-storeys in height however this increases to 3 and 4 storeys in height as you head further north. The front elevation of 2-storey element retains a distance of 14m to the shared boundary with no. 6 Stratford Road and 22m to the dwelling itself which accords with the guidance within SPG1.

The guidance within SPG1 suggests 5m per storey to prevent overlooking of private rear gardens. There are 2 habitable windows at third floor level and one of the fourth floor that retain distances of 14m and 15.4m respectively to the shared boundary with No. 4. The distance retained in relation to the third storey windows is close to the guidance within SPG1 and therefore would not result in a significant level of overlooking. Whilst the distance to the 4th floor window is over 4m short of the guidance this single window is not directly facing the rear garden of No. 4 and therefore the impact would not be substantial for the occupiers of this property.

For developments of 3 storeys or more a minimum separation distance of 27.5m is recommended to 2-storey dwellings. There are 3 windows on the front elevation of the third floor where this distance is not quite achieved. These are all main habitable windows serving bedrooms and living room where distances of between 25m and 26m are maintained, but the shortfall is not substantial. This level of visual separation is considered to be acceptable to maintain levels of privacy for the occupiers of No's 4, 6 and 8 Stratford Road.

At the nearest point the side elevation of the affordable housing development is 1.8m from the shared boundary with No. 8 Stratford Road. However this element contains no windows. A first floor window is located 3.2m from the boundary however this serves a bathroom and would be obscurely glazed.

The existing library building is located closer to the properties on the Stratford Road. However due to its current use does not create the same level of overlooking. The library and offices would only be occupied during the daytime and most importantly is only 2-storeys high close to the residential properties.

It is also important to consider the amenity levels that would be experienced by both the occupiers of the proposed retirement living complex and the affordable housing scheme. The retirement living complex contains 49 individual private apartments which provide sufficient access to natural light as well as a communal lounge and garden areas located in the south eastern and south western corners of the site. This would provide a pleasant private space for residents to enjoy. The affordable scheme provides 37 individual apartments with a communal lounge and access to an area of private amenity space of approximately 172sqm in size. Whilst this is a modest amount of amenity space SPG1 encourages flexibility where specialist accommodation for the elderly is being provided. A distance of 31m is retained between the affordable house scheme and the retirement living development so privacy is retained for the proposed occupiers in this regard.

In conclusion, the proposal would not cause substantial harm to residential amenity in accordance with SPG1 and Policy S7 of the BDLP.

### iii) Street Scene & Character Impact

The site is located in Bromsgrove Town Centre in area that has a number of designated historic assets. The site is adjacent to the United Reformed Church (URC) Chapel (Grade II), Sunday School (Grade II), Bromsgrove Town Centre Conservation Area and is also in close proximity to Wendron House (Grade II). It is necessary to consider whether the proposal retains or enhances the character and setting of the adjacent listed buildings and Conservation Area in accordance with policies S35A and S39 of the BDLP and paragraph 132 of the NPPF.

Windsor street runs parallel with the High Street, with the rear elevations and service buildings of the High Street premises, fronting the west side of Windsor Street. The High Street itself sits slightly lower than Windsor Street, and comprises buildings of varying heights, generally two to four storeys. South west of the site on the corner of Windsor Street and Chapel Street is the listed URC Church. On the other corner is the associated Sunday School. Further up Chapel Street there are some two storey Victorian buildings. The High Street and Chapel Street both fall within the Bromsgrove High Street Conservation Area. East of the site the land rises quite steeply through a carpark to Wendron House another listed building, and the residential area around College Road. To the north of the site is the Stratford Road where there are two storey houses, as well as a car repair workshop on the corner of Stratford Road and Windsor Street.

The Conservation Officer and Urban Design Consultant both agree that the existing fire station and library buildings like many of the rear service buildings to the High Street contribute little to the street scene in terms of architecture. In contrast the URC Church



and its Sunday School, together with the other Victorian buildings in Chapel Street comprise an attractive group. The site therefore provides an opportunity to improve the setting of the various historic assets adjacent to the site whilst also having a positive impact upon the street scenes on Windsor Street and Stratford Road.

The proposal seeks to construct two buildings that are either side of a new service road which will lead up to Wendron House. The affordable apartments to the north, will be three and four storey. The three storey element being located on the corner of the access road and Windsor Street, and to the east end. The retirement apartments are predominately four storeys with three storey elements fronting Windsor Street and the URC Chapel, and there is a two storey element at the rear of the site, however due to the topography this is at a similar height to the three storey areas at the front of the site. The three storey wing adjacent to the Chapel is setback from Windsor Street, and there is a landscaped area between this wing and the road.

The Conservation Officer and Urban Design Consultant both feel that the proposed development is not an appropriate response causing harm to both the historic assets and the street scene in general. The proposed scheme is predominately four storeys, which due to the topography rising towards the rear or east of the site, increases the bulk and dominance of the overall appearance of the development which is out of keeping with the context of the site. Although there are unlikely to be views of the development from the High Street itself, it will be seen in the context of the rear High Street development. There are some attractive rear elevations notably 108 - 112 and 126 -130, and the rear of these historic buildings will be viewed in the context of the new development when looking along Windsor Street from south west and northeast.

The Conservation Area also includes Chapel Street, a short street which connects Windsor Street and the Town Centre with College Walk, a pedestrian route with College Road and the 19th century residential area beyond. The remaining buildings on this road are largely two storey Victorian, originally residential properties. The proposed scheme will provide a huge contrast to this area, although the existing buildings are large they are not as extensive as the proposed scheme which will extend to the back of the site where there is currently car parking. The proposed scheme will be at odds with scale and grain of this part, and closest part of the Conservation Area.

The listed URC Chapel is the heritage asset most likely to be impacted upon by the scheme, being immediately adjacent to the site. The Conservation Officer acknowledges that the setting of this building and the neighbouring Sunday School have changed hugely since they were first constructed, and that the existing development on the site does not contribute positively to their current setting. However, Chapel Street itself does provide some level of setting and historical context, and the sparse development between the development site and Wendron House, allows views through to the Chapel from the rear of the site and the Day Centre carpark. The proposed garden at the rear of the site may allow some views through, but it will be restricted by the intensification and scale of development on this site, as well as the positioning of a 1.8m close boarded fence between the site and the Chapel. Although the wing nearest to the Chapel will be lower in height than the fire the proposed building nearest to the chapel would appear to be notably deeper than the existing building. So even though the existing building is high its lack of depth allows views through to the space between the two buildings therefore retaining some sense of space. In addition the rest of the existing building is lower and

the development is at the front of the site, whereas the proposed scheme is generally much higher and far more of the site is developed, further increasing the massing and dominance of the proposed scheme, particularly in relation to the Chapel, Sunday School and Chapel Street part of the Conservation Area.

Concerns are raised by both the Conservation Officer and Urban Design Consultant about the large gap in the street scene created by the building not fronting Windsor Street itself and car parking being located adjacent to the new access road between the two components of the development. It would have been preferable for the parking area to be hidden behind the building and this would have enabled the development to provide street enclosure at pedestrian level. With Windsor Street being the main road the building should have addressed this frontage in a more comprehensive manner. It is quite clear that the design of the retirement living complex treats the Windsor Road elevation of secondary importance leading to an inferior design outcome.

The use of materials on some of the elevations is starting to become a little contrived, with a standard application of materials used on each elevation. The development does not respond to the character of each of the street scene settings which surround the site. The Conservation Officer has also highlighted that a substantial proportion of the palette of materials is grey which is not common in the Bromsgrove area which is traditionally red brick.

Overall the proposed scheme is a missed opportunity to improve the quality of the built environment of Windsor Street, and the setting of the heritage assets. The proposal will be more dominant than the existing situation due to the increased heights and intensification of the development on the site. The proposal due to its scale and massing would detract from the character of Windsor Street scheme and cause harm to the setting of the Conservation Area and adjacent listed buildings contrary to policies S35A and S39 of the BDLP and paragraph 132 of the NPPF.

#### iv) Access, Highways & Parking

The site proposes 2 main accesses. One access is off the Stratford Road to serve the affordable housing the development and another access is off Windsor Street. The new access road off Windsor Street will also maintain access to Weldron House.

Separate parking areas are provided for the 2 elements of the scheme with 28 spaces for the affordable housing scheme and 37 spaces for the retirement living. The proposed parking levels for the affordable housing scheme off Stratford Road falls short of the minimum requirements with less than 100% parking. The Highway Authority interim parking guidance suggests that for a 1 bedroom unit 1 car space and 1 cycle space and for a 2 bedroom unit 2 car spaces and 2 cycle spaces.

The access onto Windsor Street for retirement units does not provide a suitable radius to allow access for the refuse collection vehicle, and no tracking detail is provided for this location however it is clear that this access falls below acceptable requirements.

The proposed access road provides for a 1m pavement on both sides, this is unacceptably narrow with current guidance requiring a 2m pavement; therefore the provision for pedestrians and the physically impaired is substandard. It has been

suggested in the application documents that this road reflects the adoptable standards; it does not and therefore is not considered to be acceptable for a future adoption agreement.

Refuse collection for the affordable units is proposed on the A448 Stratford Road, this will result in an obstruction to the free flow of traffic on an A class road which is a key corridor into the town centre. It will also obstruct the visibility splay from Windsor Street whilst the collection occurs.

A work placed travel plan has not been submitted however it is considered that this matter could be dealt with by condition.

Due to the extent of the outstanding issues it is considered that the proposal will disrupt the free flow of traffic on Windsor Street and Stratford Road resulting in a severe highway impact. This is contrary to Policy TR8 of the BDLP, the adopted Local Transport Plan and paragraphs 32 and 35 of the NPPF.

v) Ecology

The local authority has a duty to consider whether proposals will have an impact on protected species. The applicant has undertaken an Extended Phase 1 habitat survey which considered the potential for presence of a variety of protected species including bats, birds and badgers.

The Councils Ecologist raises no objection to the scheme subject to appropriate landscaping schemes, the provision of bat and bird boxes, a method statement and appropriate external lighting. It is considered that all these matters can be addressed through appropriate planning conditions.

In summary it is considered that subject to conditions the proposals would not have an adverse impact on ecology and the proposal therefore accords with paragraph 118 of the NPPF.

vi) Landscape and Trees

The application proposes the removal of a number of small trees but these are of minimal amenity value. The footprint of the proposed building falls close to the line of mature trees just outside the south-east boundary of the site. The root system of these should be protected from damage by the retention of the existing retaining wall but some pruning back of the canopies will likely be required to accommodate the building. The Tree Officer raises no objection to the removal of the small trees and the pruning back subject to a number of conditions including a scheme of replacement tree planting.

The proposal has no harmful impact on trees or the landscape and therefore accords with Policy C17 of the BDLP.

vii) Planning Contributions

In accordance with paragraph 204 of the NPPF and section 122 of the CIL planning obligations have been sought to mitigate the impact of this major development, if the

application were to be approved. The obligations would cover open space improvements to Sanders Park, the provision of affordable housing, town centre public realm improvements and the provision of bin storage.

No Heads of Terms has been submitted by the applicant and there is no indication that the Applicant would enter into a Section 106 agreement. On this basis the proposal would have a severe adverse impact on infrastructure in the local area.

## Conclusion

The proposal is considered acceptable in terms of its impact on trees and ecology however the proposal would result in the loss of a site allocated for retail purposes without any justification. In addition, the apartment blocks are considered to represent poor design and causes substantial harm to the setting of the Conservation Area and adjacent listed buildings. The proposals also have a severe impact on the highway network and the applicant has shown no intent to enter into a S106 meaning the proposal would have a severe impact on local infrastructure.

**RECOMMENDATION:** That planning permission be Refused

## Reasons for Refusal

- 1) Due to its scale, mass and bulk the proposed development would have a significant negative impact on the character and appearance of the Conservation Area, as well as the setting of the adjacent listed buildings. This would be contrary to the statutory requirements contained in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and policies S35A and S36 of the BDLP.
- 2) Due to its orientation, siting, scale and overall bulk the retirement living complex fails to address the site context and topography which represents poor urban design that fails to improve the character and quality of the Windsor Road street scene which is contrary Policies S7 and DS13 of the BDLP and paragraph 64 of the NPPF.
- 3) Due to insufficient parking provision and inadequacies with the parking layout and site access the proposal will disrupt the free flow of traffic on Windsor Street and Stratford Road resulting in a severe impact on the highway network. The application is there contrary to Policy TR11 of the BDLP and paragraphs 32 and 35 of the National Planning Policy Framework.
- 4) The proposal would result in the loss of a site identified for retail led development and no evidence has been submitted to justify this loss. The proposal therefore undermines the redevelopment of Bromsgrove Town Centre contrary to Policy BDP17 of the Proposed Submission Version of the Bromsgrove District Plan.

Plan reference

- 5) This major application would have a severe adverse impact on infrastructure in the local area. Contrary to paragraph 204 of the NPPF the applicant has failed to enter into a S106 agreement to mitigate these impacts.

**Case Officer:** Mr Andrew Fulford Tel: 01527 881323  
Email: a.fulford@bromsgrove.gov.uk

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr C R Lambert	Proposed Detached Garage  8 Knowesley Close, Bromsgrove, Worcestershire, B60 2RG,	25.11.2015	15/0841

**RECOMMENDATION:** That planning permission be Granted

### **Consultations**

Consultations were not considered necessary given the scale and nature of the development.

Six neighbours were consulted – No response received.

### **Relevant Policies**

#### **Bromsgrove District Local Plan 2004 (BDLP):**

DS13 Sustainable Development  
S10 Extensions to Dwellings Outside the Green Belt

#### **Others:**

SPG1 Residential Design Guide  
NPPG National Planning Practice Guidance  
NPPF National Planning Policy Framework

### **Relevant Planning History**

None

### **Assessment of Proposal**

The site lies within the Residential Area as defined by Bromsgrove District Local Plan where extensions are considered acceptable in principle, subject to the detailed design, impact on the character of the host building and the streetscene.

Although Policy S10 relates to extensions to dwellings in residential areas, given that the garage is within the curtilage of a dwelling the main objectives of Policy S10 remain relevant. The main considerations for this application are therefore; the effect of the development on residential amenity and, its impact on the streetscene.

The proposal is for a single garage in the rear garden of Number 8 Knowesley Close. The application site is on a corner and therefore the proposed structure is sited alongside Number 6 Knowesley Close. The proposed garage would be 400mm from the boundary to Number 6 and would be 3.3 metres in height with a pitched roof. It is noted that the applicant could build a garage of 2.5 metres in height in the same location under



Permitted Development. Although the proposed garage would be in close proximity to Number 6 Knowesley Close, it is considered that the height and siting are such as not to raise any issues around overshadowing or over bearing effect on that adjoining dwelling. No objections have been received from neighbours.

There would be a limited view from the streetscene, as the proposed garage would be partially screened by the existing gates and boundary treatments. Also the distance from the main highway is noted as being 10 metres, further reducing the prominence of the structure. It is considered therefore that the proposal would not have a detrimental impact on the streetscene. The proposal is therefore policy compliant and is considered acceptable.

Proactive engagement by the Local Planning authority was not necessary in this case as the proposed development was considered acceptable as initially submitted.

**RECOMMENDATION:** That planning permission be Granted

**Conditions:**

- 1) The proposal must be started within 3 years from the date of this notice.

Reason: To comply with National Legislation.

- 2) The proposal shall be carried out as shown on the plans, schedules and other documents listed below;

Location Plan Received 30/09/2015

Proposed Floor and Elevations Drg No 0703/001 Received 30/09/2015

Reason: To make sure the development is carried out exactly as shown on the plans, to ensure that it relates to the area in which it is being built and protects how that area looks, in order to comply with policy DS13 of the Bromsgrove District Local Plan January 2004.

**Case Officer:** Mrs Julie Male Tel: 01527 881338

Email: [j.male@bromsgrove.gov.uk](mailto:j.male@bromsgrove.gov.uk)

# Agenda Item 16

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Parish of St. Peter, Bromsgrove	New external ramp to Sacristy door St Peters RC Church , Rock Hill, Bromsgrove, Worcestershire, B61 7LH	05.12.2015	15/0870

**RECOMMENDATION:** That planning permission be Granted.

## Consultations

**Conservation Advisor** Consulted 30.10.2015

There is no harm to the significance of the internal character of St Peter's Church and minor detrimental impact to the significance of the external character of the building, caused from the visual intrusion of the ramp. This 'less than substantial' harm is therefore considered acceptable in the context of allowing wheelchair access to the building, which will ensure equality of access and secure the optimum viable use of the building going forward, in continuing its role as a place of worship.

## Relevant Policies

**Bromsgrove District Plan Proposed Submission**  
S39 Alterations to Listed Buildings

### **Others:**

NPPF National Planning Policy Framework  
NPPG National Planning Practice Guidance

## Relevant Planning History

There is no relevant planning history.

## Public Comments

No responses received.

## Assessment of Proposal

Members should note this application relates to a new external ramp to the sacristy door of the grade II listed St Peter's RC Church. The applicant has considered the significance of the building through submitting a statement of significance and a design and access statement and heritage statement with the application.

The views of the Conservation Advisor outlined above should be noted and the impact on the character and setting of the listed building would not be detrimental. The proposal complies with Policy S39 of the Bromsgrove District Local Plan and the provisions of the NPPF.

**RECOMMENDATION:** That planning permission be Granted.

## **Conditions**

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

- 2) The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings listed in this notice:

Drawing No. 1406 12 Site Location Plan  
Drawing No. 1406 08 Proposed Plans and Elevations  
Drawing No. 1406 09 Proposed Section  
Proposed Materials

Reason: For the avoidance of doubt and in the interests of proper planning.

**Case Officer:** Mr David Kelly Tel: 01527 881345  
Email: [d.kelly@bromsgroveandredditch.gov.uk](mailto:d.kelly@bromsgroveandredditch.gov.uk)

# Agenda Item 17

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Kim Williams	Erection of factory extension with 2 storey office block B1, B2 or B8 use  23 Aston Road, Bromsgrove, Worcestershire, B60 3EX	12.01.2016	15/0878

**RECOMMENDATION:** That planning permission be Granted

## Consultations

**Highways Department- Worcestershire County Council** Consulted 16.10.2015

No objection subject to conditions relating to access, turning and parking, cycle parking provision and the submission of a travel plan

**Drainage Engineers Internal Planning Consultation** Consulted 16.10.2015

No objections subject to drainage condition

**Worcester Regulatory Services- Contaminated Land** Consulted 16.10.2015

No objection

**Worcester Regulatory Services-Noise, Dust, Odour** Consulted 16.10.2015

No objection

## Application Details

The application proposes the erection of a factory extension to the west of the existing premises (All 4 One Engineering Ltd). The factory extension would be used for both manufacturing and storage of materials. The site extends to 1.26ha and is bordered by George Road to the west and Aston Road to the south.

An existing access located off George Road would serve the development together with a total of 16 new car parking spaces. 45 car parking spaces currently exist at the site.

The factory extension would measure 37.7 metres in length and 30.7 metres in width, representing a floorspace increase of 1157 square metres. The extension would measure 7.75m to eaves and 10m to ridge.

A small two storey pitch roofed office development measuring 9.6 metres in length, 6.9 metres in width and 6.75 metres to ridge is proposed to be attached to the main factory extension at its western end, near to the access point off George Road.

The factory extension would be finished in silver profiled sheeting with blue flashings (walls) under a shallow pitch roof constructed from light grey profiled steel sheeting. The offices would be constructed from facing brickwork (walls) under the same roof materials as used in the proposed factory extension.

The company, which is involved in the manufacture / fabrication of products in the engineering industry, presently employ a workforce of 21 people from its premises in Aston Road. Should permission be granted, it is expected that 6 new jobs would be created.

The land is allocated for employment purposes in the Bromsgrove Local Plan.

## **Relevant Policies**

### **Bromsgrove District Local Plan 2004 (BDLP):**

E9 Criteria for New Employment Development

BROM8 Employment Development Sites: Buntsford Hill Phase 2

DS13 Sustainable Development

### **Bromsgrove District Plan Proposed Submission**

BDP13 New Employment Development

### **Others:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

## **Publicity**

No Third Party representations received.

## **Assessment of Proposal**

The site to which the application relates is allocated for employment purposes within use Classes B1, B2 and B8 under Policy BROM 8 of the BDLP. The development is proposed to be used for these uses and therefore the principle of the development is acceptable.

Members should note that no objections have been received from consultees in respect of drainage, contaminated land or highway impact. It is concluded that the scheme would comply with Policy E9 of the BDLP (Criteria for New Employment Development). The design of the proposals would conform with the design of the surrounding built form including that of the existing factory premises.

The proposals would contribute to the commercial development of the area, assisting in job creation and economic development in accordance with the principles of the National Planning Policy Framework (NPPF).

## **Conclusion**

The proposal is acceptable and accords with the relevant development plan policies.

**RECOMMENDATION:** That planning permission be Granted

**Conditions**

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

- 2) The development hereby permitted shall be carried out in accordance with the Approved Plans/ documents listed in this notice:

drawing number 15:27:02

drawing number 15:27:03

drawing number 15:27:04

materials as listed under Q9: Planning application form

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway in accordance with policy TR11 of the Bromsgrove District Local Plan 2004.

- 4) The development hereby permitted shall not be brought into use until secure parking for 6 cycles to comply with the Council's standards has been provided within the curtilage of the application site and these facilities shall thereafter be retained for the parking of cycles only.

Reason: In the interests of sustainability and to comply with the Council's parking standards in accordance with policy TR11 of the Bromsgrove District Local Plan 2004.

- 5) The development hereby permitted shall not be brought into use until the applicant has submitted to and approved in writing an Employment Travel Plan (ETP) that promotes sustainable forms of access to the site with the Local Planning Authority. The approved ETP shall be implemented and monitored in accordance with the regime contained within the ETP. The ETP thereafter shall be implemented and updated in agreement with the Local Planning Authority.

Reason: To reduce vehicle movements and promote sustainable access in accordance with policy DS13 of the Bromsgrove District Local Plan 2004.



- 6) Prior to the development hereby approved commencing, details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details thus approved shall be fully implemented prior to first beneficial use or occupation of the development.

Reason: In order to secure satisfactory drainage in accordance with policy DS13 of the Bromsgrove District Local Plan 2004.

**Case Officer:** Steven Edden Tel: 01527 548474  
Email: [steve.edden@bromsgroveandredditch.gov.uk](mailto:steve.edden@bromsgroveandredditch.gov.uk)

# Agenda Item 18

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Lee Kirby	Erection of a single detached dwelling 103 Wildmoor Lane, Catshill, Bromsgrove, Worcestershire, B61 0PQ	01.12.2015	15/0922

**Councillor Helen Jones has requested that this application be considered by Planning Committee rather than be determined by delegated powers.**

**RECOMMENDATION:** That planning permission be Granted subject to no adverse comments being received from the Highway Authority following the receipt of additional information as requested.

## **Consultations**

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**Highways Department- Worcestershire County Council** Consulted 23.10.2015

Comments received seeking additional information that demonstrates turning and parking provision on the site.

**Drainage Engineers Internal Planning Consultation** Consulted 23.10.2015

Since Building Regulations already require that adequate provision shall be made for rainwater to be carried from the roof of the building it is not considered necessary for a condition relating to drainage to be attached to this permission.

**Catshill And North Marlbrook Parish Council** Consulted 23.10.2015

The Council have concerns regarding over intensive development within this area and ask the Planning Officers to be mindful of the continuing addition of houses to the original plans.

**Severn Trent Water** Consulted 23.10.2015

No Comments Received To Date

## **Publicity**

A total of four letters were sent to properties surrounding the application site.

Two responses have been received from the occupiers of 101 and 105 Wildmoor Lane objecting to the application. A number of matters raised are not material planning considerations and largely relate to the dwellings under construction on the adjoining sites which already have planning permission. Those which are considered relevant relate to:

Plan reference

- Overlooking/impact on privacy
- Increased traffic
- Impact on parking

## **Relevant Policies**

National Planning Policy Framework  
National Planning Practice Guidance

### **Bromsgrove District Local Plan 2004 (BDLP):**

DS3 Main Locations for growth  
DS13 Sustainable Development  
TR11 Access and off street parking  
S7 New dwellings outside the Green Belt

SPG1 Residential Design Guide

## **Relevant Planning History**

10/0582	Erection of 3No detached two storey dwelling with access road and parking areas Land to Rear Of 103 Wildmoor Lane	Refused	07.02.2011
11/0871	Erection of 3no. detached two storey dwellings on land to rear of 103 Wildmoor Lane (as augmented by plans received 27/10/11).	Approved	01.12.2011
14/0921	Approval of reserved matters (appearance, landscaping, layout and scale) of application 11/0871	Approved	18.02.2015
15/0187	Erection of a single, two storey dwelling with associated car parking	Approved	17.04.2015

## **Assessment of Proposal**

This application proposes a single detached dwelling on land to the rear of 103 Wildmoor Lane and south of a site which has planning permission granted for four dwellings in total. The proposed dwelling would match the size and style of the other four adjacent to the site. It would be of two storey scale and constructed from red brick with a grey tile roof.

The principle of development on this site has been established through the granting of outline and full planning permission for the four dwellings adjacent to this site. The proposed development will sit alongside those dwellings already granted and utilise the same vehicular access point.

The design of the proposed dwelling is similar to those across the wider site, incorporating dormer window style detailing above the upper floor windows and arched details above the ground floor windows. The style of dwellings in the vicinity of the site are varied in design and form and given that this development is a 'backland' style development generally screened from public views by the existing frontage development along Wildmoor Lane and Mayfield Close it is considered acceptable in this instance.

The proposal provides for adequate amenity space for the occupiers of the dwelling, exceeding the minimum 70 square metres as advised in SPG1. The length of the garden to this plot meets the 10.5 metre length again advised in SPG1.

The rear elevation of the dwelling faces the rear elevation of number 103 Wildmoor Lane and at an oblique angle the rear elevation of number 101 Wildmoor Lane. The separation distance between the proposed dwelling and number 103 is 27 metres and between the proposed dwelling and number 101 is 23 metres at its shortest distance. An amended plan has been received rearranging accommodation internally such that a bathroom is now proposed at first floor level closest to the boundary with number 101. A condition is recommended to ensure that this and all other windows serving bathrooms or ensuites and the windows in the upper floor side elevations are fitted with obscure glazing. It is also of note that a tree is proposed to be retained close to the boundary with 101 Wildmoor Lane which will further screen the development for this property. Taking these matters in to account, combined with the angled relationship between the proposed dwelling and the existing dwelling at 101 Wildmoor Lane the level of overlooking likely to occur is not considered significant enough to warrant refusal on this basis.

The issue of highway safety, in terms of the principle of the access, was dealt with and considered acceptable at the outline stage when granting permission for three dwellings and further considered acceptable for the fourth dwelling at the site. The Highway Authority consider up to 6 dwellings are acceptable off a private drive and conditions were imposed at the outline stage to control the make up of the access driveway, the provision of visibility splays and the surfacing of the access and turning areas such that these conditions do not require repeating as part of this permission. Further clarification has been sought from the highway authority specifically in relation to the parking and turning provision for this dwelling and that information is awaited. Notwithstanding this, it is considered that the site has the capacity for a further dwelling and considering the level of development which already has permission the addition of one single dwelling will not have a severe impact on highway safety as required by paragraph 32 of the NPPF before refusing planning permission on this basis. As a result of the request for additional information, further conditions may be recommended and if so, will be reported via the update on the day of the meeting.

The parish council have objected to the development on the grounds of overdevelopment. As it has already been noted the proposed dwelling provides in excess of the private amenity space standards advocated within the councils SPG it is considered unreasonable to refuse planning permission on this basis.

**RECOMMENDATION:** That planning permission be Granted subject to no adverse comments being received from the Highway Authority following the receipt of additional information as requested.

## **Conditions:**

1. The proposal must be started within 3 years from the date of this notice.  
Reason: To comply with National Legislation.
2. The proposal shall be carried out as shown on the plans, schedules and other documents listed below;

2015-58-05  
2015-58-04 Rev A  
2015-58-03  
2015-58-02  
2015-58-01

Reason: To make sure the development is carried out exactly as shown on the plans, to ensure that it relates to the area in which it is being built and protects how that area looks, in order to comply with policy DS13 of the Bromsgrove District Local Plan January 2004.

3. Full drainage plans shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The drainage plans approved shall be implemented before the first use of the dwelling hereby permitted and shall be retained thereafter.

Reason: To ensure satisfactory drainage and reduce the risk of flooding elsewhere as a result of the development.

4. Prior to installation on site you must give details of, or send a sample of the type, colour and finish of the materials that you are going to use on the roof and or wall of the development to the Council. The Council will agree these details with you in writing and you must use these materials when you build the development.

Reason To make sure that the development relates to the area in which it is being built and protects how that area looks in order to comply with policy DS13 of the Bromsgrove District Local Plan January 2004

5. Prior to the first occupation of the dwelling to which this permission applies and at all times thereafter the upper floor windows serving bathrooms and ensuites on the approved plans and the upper floor windows in the side elevations shall be glazed with obscure glass to a minimum of Pilkington Level 4 and top hung or fixed only.

Reason: In order to protect residential amenity in accordance with Policy DS13 of the Bromsgrove District Local Plan January 2004.

**Case Officer:** Sarah Hazlewood Tel: 01527881720  
Email: sarah.hazlewood@bromsgroveandredditch.gov.uk

# Agenda Item 19

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Ian Robinson	Variation of condition 3 of permission 11/0164 to extend opening times from 9am to 9pm Monday to Sunday including Bank Holidays  Rear Of 186 - 210, New Road, Rubery, Worcestershire, B45 9JA	21.12.2015	15/0928

**Councillor C. M. McDonald has requested that this application is considered at Planning Committee rather than being considered under Delegated Powers**

**RECOMMENDATION:** That planning permission be Granted.

## Consultations

**Worcestershire Highways** Consulted 27.10.2015

We have reviewed the application documentation and have concluded that the proposals are unlikely to significantly affect the operation or safety of the strategic road network. This is based on the low trip generation and minimal physical impact of the development on the M5. We are therefore not raising any objection to the application.

**Worcester Regulatory Services- Noise, Dust, Odour & Burning** Consulted 27.10.2015  
No Comments Received To Date

**Worcestershire County Council Countryside Service** Consulted 27.10.2015  
No Comments Received To Date

**Worcester Regulatory Services- Light Pollution** Consulted 27.10.2015  
No Comments Received To Date

## Relevant Policies

**Bromsgrove District Local Plan 2004 (BDLP):**

DS13 Sustainable Development  
S20 Main Shopping Location

## **Others:**

NPPF National Planning Policy Framework

## Relevant Planning History

10/0062	The front office to be changed from B1 Office space to A1 Hairdressers.	Approved	04.03.2010
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Plan reference

10/0496	Use the building as car valeting.	Approved	09.09.2010
11/0164	Change of use of warehouse and office B1 to A1. Indoor market and cafe.	Approved	20.07.2011
11/0307	Non-illuminated fascia sign	Approved	27.05.2011
12/0161	Change of Use of adjacent security fenced compound area to accommodate temporary stalls for a produce market on Wednesdays and Saturdays.	Approved	17.05.2012

## **Assessment of Proposal**

The site comprises a single storey building of brickwork and a flat roof with high level windows to the north and south sides. The site lies to the rear of a terrace of shops which front New Road and have residential units above with rear access balconies which overlook this site. Around the building is hard standing forming parking and delivery access to many of the units in this part of New Road. The site is accessed from New Road in a gap between the aforementioned terrace of shops and the co-op store and this access also leads to additional co-op parking at the rear.

The building in question appears to be split into 2 units, both of which appear to be occupied. Planning permission was given in 2011 for the whole building to be used for A1 retail and ancillary café uses subject to 6 conditions. Condition 3 required that the building only operate between 9am and 530pm Tuesday-Saturday. This application seeks an extension of these opening hours so that the units can operate between 9am and 9pm seven days a week.

In considering the application the significant factor is the additional impact on the surrounding occupiers and whether additional movement of people and traffic and their associated actions would warrant sufficient disruption to be harmful enough to refuse. This might be due to volume or to timings.

In this case, the surrounding area contains a mix of retail and residential uses and it is the latter that are of most concern. It is considered, however, that the additional days of the week would not be likely to lead to any difference in the type of use or its impacts, and it is also not considered that 9pm is sufficiently late relative to the consented 530pm that it would have a significant additional impact. The residential units over the New Road shops are considered unlikely to be harmfully affected by the additional hours of operation, and to the south of the site properties in Graham Crescent are screened from the site and any activities by a tall thick conifer hedge, as well as having a greater physical separation.

Therefore, due to distance, location and proposed hours, it is not considered likely that the additional operating hours would result in any significant harm to amenity.

**RECOMMENDATION:** That planning permission be Granted

**Conditions:**

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

- 2) The development hereby permitted shall be carried out in accordance with the Approved Plans and Drawings listed in this notice:

Location Plan at Scale 1:1250  
Site Plan at Scale 1:500  
Drawing Number 301 Elevations  
Drawing Number 200A Ground Floor  
Drawing Number 303 Shop front

and the details agreed in relation to conditions 4-6 of permission 11/0164.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2) The use shall only operate between the hours of 09:00 hrs. and 21:00 hrs. on any day.

Reason: In the interests of the residential amenities of the area.

**Case Officer:** Ailith Rutt Tel: 01527 534064  
Email: ailith.rutt@bromsgroveandredditch.gov.uk

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