



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 7TH NOVEMBER 2011
AT 2.00 P.M.

THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

SUPPLEMENTARY DOCUMENTATION

The attached papers are an additional item to be added to the Agenda previously distributed relating to the above mentioned meeting.

- 8a 11/0661-DMB - Proposed demolition of existing redundant school building and adjoining sports hall and the construction of a new joint venture Police and Fire Station with associated parking, training yard and secondary egress route - Bromsgrove Police And Fire Centre, Slideslow Drive, Bromsgrove, B60 1PQ - West Mercia Constabulary (Pages 1 - 14)

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

2nd November 2011

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Agenda Item 8a

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
WEST MERCIA CONSTABULARY 'B'	Demolition of existing redundant school building and adjoining sports hall and construction of a new joint venture Police and Fire Station with associated parking, training yard and secondary egress route.	RES	11/0661-DMB 15.11.2011

As amended by:

Flood Risk Assessment received 14.09.2011.

As augmented by:

- Existing earth mounding plan received 05.09.2011.
- Existing earth mounding retained/existing earth mounding removed plan received 05.09.2011.
- Existing earth mounding retained/existing earth mounding removed/scheme proposals indicated plan received 05.09.2011.
- Proposed longitudinal section plan received 05.09.2011.
- Cross section through existing bund/sports pitch looking west plan received 05.09.2011
- Email received 10.10.2011.

Land off Slideslow Drive, Bromsgrove.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application following:

- (i) the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:
 - (a) Public realm improvement works to School Drive, Bromsgrove.

MINDED TO APPROVE

Consultations

WH	Consulted - views received 08.09.2011: No objection subject to conditions relating to: <ul style="list-style-type: none">▪ Access, turning and parking▪ Site operative parking▪ Travel plan
Drainage Engineer	Consulted - views received 24.08.2011: No objection subject to conditions relating to: <ul style="list-style-type: none">▪ Surface water drainage

STW	Consulted - Views received 30.08.2011: No objection subject to conditions relating to: <ul style="list-style-type: none">▪ Surface water drainage▪ Foul drainage
EA	Consulted - views received 10.10.2011 No objection subject to Conditions relating to: <ul style="list-style-type: none">▪ Finished floor levels▪ Surface water drainage scheme
WRS: Contaminated Land	Consulted - views received 01.11.2011: <ul style="list-style-type: none">▪ No objection
WRS: Air Quality	Consulted - views received 01.11.2011: <ul style="list-style-type: none">▪ No objection
WRS: Noise	Consulted - views received 14.09.2011 No objection subject to Conditions relating to: <ul style="list-style-type: none">▪ Noise mitigation measures
UD	Consulted - views received 26.08.2011: <ul style="list-style-type: none">▪ Concerns expressed about location of the police element of the development in relation to Town Centre and requirement for the building to be accessible to the public▪ Acknowledges location is appropriate for the Fire Station▪ Concerns over the pedestrian hostile nature of the building with access via car parks rather than more pedestrian suitable means.▪ Questions the location of the new road in relation to the football pitch and existing trees▪ Suggests southern elevation is inappropriate and should be reconsidered and questions why signage has been included in this application
Planning Policy	Consulted - views received 4.10.2011: <ul style="list-style-type: none">▪ Application supported as will play important part in releasing other Town Centre sites for regeneration as identified in the Draft Town Centre Area Action Plan▪ Request from applicants for retrospective developer contribution inappropriate at this time and will be through the Core Strategy Process
NE	Consulted - views received 01.09.2011: <ul style="list-style-type: none">▪ No objection
WWT	Consulted - views received 29.09.2011: No objection subject to conditions relating to: <ul style="list-style-type: none">▪ Conservation Management Plan
Tree Officer	Consulted - views received 02.11.2011: No objection subject to Conditions relating to: <ul style="list-style-type: none">▪ Tree protection during construction▪ Tree planting schedule▪ Securing of tree planting scheme
WMC	Consulted - views received 08.09.2011: <ul style="list-style-type: none">▪ No objection
Sport England	Consulted - views received 5.09.2011: <ul style="list-style-type: none">▪ No objection

- WCC (PROW) Consulted - Views received 14.09.2011
- Development should have no detrimental affect on the public right of way providing applicant is aware of obligations
- RA Consulted 16.08.2011: Views awaited
- Publicity 89 letters sent 17.08.2011 (expired 07.09.2011)
2 identical site notices posted 26.08.2011 (expired 16.09.2011)
1 press notice published 26.08.2011 (expired 16.09.2011)
1 press notice published 09.09.2011 (expired 30.09.2011)
- No response received from any third party as a result of the publicity process

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 or within the planning application file.

The site and its surroundings

The application site is located on land currently owned by NEW College to the north-east of Bromsgrove Town Centre. The District Council offices are located to the north of the site, NEW College and North Bromsgrove High School are located to the south and to the east is the A38 Bromsgrove by-pass, the David Lloyd Sports Centre and the Bromsgrove Premier Inn Hotel.

The northern boundary of the site is formed by the Spadesbourne Brook watercourse with dense tree planting. To the west the boundary is formed by Public Footpath 546. To the south the boundary is formed along the face of the Artrix Theatre building and back of footpath to the vehicle parking area. To the east the boundary is an offset line relating to the adjacent sheltered housing accommodation. There is a triangular section of land off Slideslow Drive forming part of the application site which is currently unused.

The site contains a circa. 1960's school building and sports hall (Rednal Building) which is currently redundant and in a poor state of repair, in addition to associated hardstanding circulation space and parking provision.

The site is located in a designated residential area.

Proposals

This development relates to a full application submitted on behalf of West Mercia Police (WMP) for the construction of a new joint venture Police, Fire and Rescue Station with shared facilities, associated parking and landscaping.

WMP will be the developer/owner of the building with Hereford and Worcester Fire and Rescue Service (HWFR) acting as tenants. Both organisations will vacate their current town centre premises to assist with the wider Bromsgrove regeneration plan.

The principle details of the proposal are:

- The demolition of the existing Rednal school building and sports hall

- The erection of two "L" shaped buildings positioned back to back and sited to the eastern end of the site. The police station will form the northern side of the building mass adjacent to Brook Court and the fire station aspect will form the southern part adjacent to Slideslow Drive. The fire appliance shed will form the return of this L-shape and will enclose a drill yard and wash down area to the rear. This also contains a drill training tower. A secure parking area will be sited to the north with an area of public open space being sited in front of the building
- A secondary access will serve the site and exit out onto School Drive adjacent to the existing Artrix centre, together with a further secondary access leading onto Burcot Lane/Birmingham Road. The main access will be from Slideslow Drive
- To the west of the building the existing sports pitch will be retained and improved
- New tree planting and structural planting scheme

The building has been arranged on two levels with roof eaves being approximately that of the adjacent Crophorne House. The building will read as two solid 'L' shaped blocks each supporting one of the organisations with a central transparent element leading to the public foyer and main entrance with a projecting 'porch cochere' with Brise soleil. Shared facilities are located centrally and towards the front of the building for ease of access. Rooms to be used by the visiting public are located centrally and accessible from the foyer.

The majority of the fire station accommodation is on the ground floor to enable fire fighters to reach the muster bay and appliances as quickly as possible. Office administration activities and meeting rooms are generally located at first floor level where a rapid response to a call out is not critical. Externally, the fire training yard and drill tower back onto the appliance shed and police operational vehicles are located to the rear. The shared vehicle wash down area is located away from the appliance shed for ease of access by both organisations.

The building will be of brick construction with large, regularly spaced, punched hole openings. Door and window sill heights (including the large appliance bay doors) are unified at the same level across all the facades. The effect will be further enhanced with the brick reveals being detailed as deep as possible. Each window unit can accommodate combinations of clear glazing, solid infill panels and louvres. The roof elements consist of zinc. Where appropriate, hard landscaping and boundary treatments will reflect this choice of materials as well as providing additional security elements. For the access route leading to the training yard and the training yard itself concrete is proposed.

Appropriate soft landscaping will support the scheme and the objectives of the submitted Phase 1 Habitat survey. In particular additional tree planting is proposed to the rear of the Artrix centre, to the east of the existing sports pitch and backing on to the drill yard, to the front of the building associated with the public open space and enhancement to planting to the south of the Spadesbourne Brook.

The proposed secondary egress route onto School Drive will need to cross an existing watercourse. The proposal includes extending the existing concrete culvert pipe below the new roadway, with backfill above and gabion type retaining walls to match existing.

Approximately 100 Police Officers and Staff will work from the new Police Station, however; as some Officers will work on a shift pattern there would be approximately 50 people working from the station at any one time. It is estimated that there is likely to be approximately 140 WMP vehicle movements in and out of the station on a daily basis. Approximately 10 members of the public visit the existing station on a daily basis and this would be expected at the new station. Detainees and solicitors may also need to attend the station.

Members will note the fire service contains an alternative egress route from the building in the event of the A38 being blocked or that the route to an incident is better served via School Drive. The majority of fire call outs will still be via the A38, with School Drive seen as a secondary egress route only. Returning operational vehicles will enter the site via Slideslow Drive. Access control barriers will be in place.

Police operational vehicles are located to the rear, beyond the fire training yard in a secure area. In the event of a call out, police operational vehicles will exit the site onto Slideslow Drive for the A38, or in exceptional circumstances, towards Birmingham Road via Burcot Drive. Police transit van type vehicles needing to use the Detention facility will enter and exit the site via Slideslow Drive only. Ambulance vehicles wishing to use the building facilities will likewise enter and exit the site via Slideslow Drive only.

All police and fire staff vehicles will enter the site via Slideslow Drive. There will be no use of Burcot Lane or School Drive for this purpose. Access control barriers will be in place.

In terms of deliveries, the largest delivery vehicles anticipated will be fixed axle fuel container lorries. Deliveries take place on a monthly basis to service the 2 no. diesel storage tanks located off the training yard. Access control barriers will be in place.

All visiting members of the public in vehicles will enter and exit the site via Slideslow Drive only.

With respect to parking there are generally three categories of parking; secure parking for police operational vehicles, personal parking for staff working in the building/visiting members of staff and public parking.

The secure parking at the rear of the site has provision for 31 police operational vehicles. The majority of parking will be for police squad cars however there is also parking for 3 no. long wheelbase transit van type vehicles. Whole time fire crews comprising 7 no. fire fighters have designated parking located in the front staff car park. Parking for retained fire officers will be located within the training yard, close to the muster bay and appliance shed. There will be 4 no. designated parking spaces for senior fire officers at the front of the building, adjacent to the fire appliance shed. These officers generally follow the fire tender appliances to an incident.

Designated parking for fire station office staff will be located in the front staff car park. There will also be parking spaces allocated for the fire station mini-bus and shared fire station car. Parking for police officers and support staff will not be provided for on site, however these staff will be able to use the existing college car parking, with whom an informal arrangement has been agreed. Ambulance vehicle parking will have designated

parking provision to side of building and parking for visiting members of the public will be provided to the front of the building in the form of 11 spaces.

The building will be in use 24/7 for both organisations. With respect to the Fire Station there will be 4 no. whole-time fire fighting shifts, each made up of 7 no. fire fighters working 4 hours on and 4 hours off. Each shift is on standby in the event of an emergency call out (day shift 09:00 - 18:00 hours, night shift 18:00 - 09:00 hours). In the event of a major incident or during training exercises, up to 6 no. retained fire officers will be called to the building. Staff in the North District office will work normal office hours. Training in the exercise yard can take place on a daily basis including full usage of the drill tower. Car breaking as part of the fire training, can take place up to 4 no. times per quarter (all cars for training are fully cleansed prior to delivery to site). Training with foam will be subject to EA approval and could take place up to 4 no. times in a 6 month period. Vehicle washing activities could occur daily.

The police element of the building will have full time officers working in set shift patterns. Most police officers will be out in cars and will be redirected to incidents as and when required. Special police teams could have varying working patterns depending on the type of work being undertaken. An out of hours telephone is to be provided, adjacent to the main entrance and sheltered, for use by members of the public in the event of an emergency. As with the fire service, vehicle washing activities could occur daily.

With respect to pedestrian access, Public Right of Way 546 crosses the site to the extreme southern boundary and is affected by the formation of the secondary access to the south of the site. It is proposed that the new egress road would incorporate pedestrian warning signage and the existing footpath wearing surface would be improved.

A Planning Statement, Design and Access Statement, Flood Risk Assessment, Acoustic Report, Environmental Report, Drainage Report, Ground Contamination Report, Arboricultural Report, Framework Travel Plan and Habitat Survey have accompanied the application and are available in the planning file and online via Public Access should Members wish to view them.

Relevant Policies

WMSS	UR3, UR4, RR1, RR3, RR4, CF2, CF3, PA1, QE1, QE2, QE3, QE4, QE6, QE7, QE8, QE9, T1, T2, T3, T4, T5, T7
WCSP	SD.2, SD.3, SD.4, SD.5, CTC.1, CTC.5, CTC.6,.CTC.8, CTC.9, CTC.14, CTC.15, D.27, D.43, T.1, T.3, T.10
BDLP	DS3, DS11, DS13, S28, S29, S31, C4, C5, C12, C16, C17, E9, RAT12, TR1, TR8, TR11, TR13, ES1, ES2, ES4, ES11, ES14A
Draft CS 2	CP3, CP11, CP14, CP15, CP18, CP19, CP20, CP21, CP24
Others	PPS1, PPS1 Climate Change Supplement, PPS9, PPG13, PPG17, PPS22, PPG24, PPS25, Circular 05/05, Circular 06/98, Circular 06/05, SPG1, Draft National Planning Policy Framework (DNPPF), Ministerial Paper: Planning for Growth, Draft Town Centre Area Action Plan

Relevant Planning History

None

Notes

The site is located in an established residential zoned location under the BDLP. Although I note the content of BDLP policy S31, I am content that the development will not lead to the unacceptable loss of an existing sports facility at an educational establishment given such activities were transferred to the NEW College Redditch campus in 2008. The site is previously developed and will remove the existing unsightly buildings and associated hardstanding areas. As such I consider the construction of the dual use building to be acceptable in principle in this location.

The main issues to be considered in this application include:

- Design, form and layout
- The impact on the amenity of adjacent occupiers
- Highway and traffic implications
- Landscaping and tree issues
- Ground conditions, flood risk and drainage issues
- Ecological and biodiversity Issues
- Noise

Design, Form and Layout

PPS1 states that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development (paragraph 13). Paragraph 38 of PPS1 goes onto state that Local planning Authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Members will note the BDLP does not contain any specific policy relating to design.

Policy CTC.1 of the WCSP sets out a general requirement that the Local Planning Authority in considering development proposals should take every opportunity to safeguard, restore or enhance, as appropriate, the landscape character of the area in which they are proposed. Proposals for development and associated land use change or land management must demonstrate that they are informed by, and sympathetic to, the landscape character of the area in which they are proposed to take place. Policy SD.5 states that development proposals should help to sustain and improve the balance of housing, employment, community and social facilities in settlements, and should maximise the use of existing infrastructure and self-containment and the building of communities.

The immediate area is characterised by a mix of modern flatted development of three storey and four storey appearance. Members will note the view of the Council's Independent Urban Designer. The applicant has responded to the points raised.

The vehicle parking indicated relates to the minimum required for the operational needs between both organisations. Visitor parking is also minimal. There is no parking provision for Police staff. Members will note WH has raised no issue on this point and as such I consider this aspect of the scheme to be acceptable.

With respect to accessibility, the approach to the building for pedestrians is unavoidably routed through an element of parking due to this aspect of the scheme being located to the front of the building. However, clear pedestrian crossing points have been provided to facilitate safe passage for such visitors. The secondary egress removes the existing embankment surrounding the playing pitch. This feature is relatively new and was created by the current vendors to deter travellers and joyriders from accessing this area. A passive barrier protection against misuse by unauthorised vehicles will be provided to the edge of the egress route. This will be conditioned for agreement by the Local Planning Authority.

I am of the view that the modern approach to design 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. Although I note the view of the UD in relation to the southern (front) elevation, I would agree with the applicant that the design of this most public aspect is finely detailed and crafted and outwardly expresses the sustainability credentials of the building. This includes the drama of the Brise soleil and the introduction of the building to visitors through the entrance lobby and foyer. I thus raise no issue on design grounds.

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.

Impact on the Amenity of Adjacent Occupiers

Although not relating strictly to a residential development scheme, I consider the contents of SPG1 to be relevant. This document sets out design guidance for residential development including separation distances to existing dwellings so as to avoid detriment to residential amenity due to overlooking, overshadowing and overbearing affects. The Guidelines suggests that new development with main windows overlooking existing private spaces should be set back by a distance of 5 metres per storey from the site boundary where it adjoins a private garden area.

The building is bounded by existing residential uses to the east and north. The three storey flatted accommodation known as Cropthorne House is located 22.6 metres to the east. Brook Court (four storey flatted accommodation) is located some 43 metres to the north of the building. Both Cropthorne House and Brook Court have main habitable rooms facing the development.

The scheme would appear to meet the separation distances for overlooking detailed in SPG1. The building has been designed with high level windows facing the existing

residential accommodation in order to avoid direct overlooking and to control security in relation to the type of work proposed to be carried out in the building.

Given these circumstances I am of the view that the proposal would appear to be able to secure an acceptable level of privacy advocated by criteria (e) of policy S7 of the Bromsgrove District Local Plan and the provisions of SPG1.

For reference, paragraph 29 of PPS1 notes that the planning system does not exist to protect the private interests of one person against the activities of another. While I note residents would overlook the site, the fact that they would be replaced by views of a new building would be of benefit given the current state of the existing structure scheduled for demolition and the ongoing anti-social behaviour generated by such a building. As such I do not consider the change in circumstances would amount to a loss of amenity which ought to be protected in the public interest.

Traffic and Highway Implications

PPG13 sets out the objectives of promoting sustainable transport choices for people, promoting accessibility choices to destinations by public transport and walking and cycling as well as reducing the need to travel by car. These objectives are supported by policies in the WMRSS and Structure plan policies. The Bromsgrove District Local Plan sets out the need for applicants to incorporate safe access and egress and provide sufficient off street parking (TR11), incorporate traffic calming (TR6) and promote the use of variety of transport means (TR13).

Given the response from Worcestershire Highways, 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, including School Drive and Birmingham Road (via Burcot Lane). The use of School Drive and PROW 546 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.

Members will thus note Worcestershire Highways has raised no objection to the scheme subject to the imposition of Conditions.

Landscaping and Tree Issues

The scheme will include structural planting and new tree planting to the northern and western boundary and a partial aspect of the eastern boundary. The scheme will include the loss of a number of tree specimens, including an established Willow adjacent the public right of way in order to facilitate the formation of the secondary egress to School Drive. The loss of these specimens is regrettable. However, the scheme will include a net increase in tree planting across the site and the specimens will be selected to enhance the existing habitat in conjunction with the Tree Officer via Condition. The Tree Officer has raised no objection to the scheme.

Although not forming part of the red line application site, the sports pitch to the western boundary is proposed to be improved as part of the scheme. This will include new drainage works and improved top dressing, in addition to levelling and re-grading. The

applicant is content for these works to be secured through the imposition of a suitable Condition.

Ground Conditions, Flood Risk and Drainage Issues

Policy ES2 of the Bromsgrove District Local Plan states that proposals involving new development will not normally be permitted where there is a known risk of flooding, or where the Environment Agency indicates there are potential problems. A Flood Risk Assessment (FRA) has accompanied the application. The application falls within the threshold for consultation with the Environment Agency.

PPS25 states that a sequential approach to site selection should apply in relation to flood risk, which gives preference to sites within Flood Zone 1 (lowest risk), before Flood Zone 2 and finally Flood Zone 3a (high risk). Where development is proposed in Flood Zones 2 and 3, it must usually be demonstrated that there are no available sites at a lesser risk of flooding, in order to direct development to areas that are at the lowest risk.

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 Joint Station does not increase flood risk to other developments and that the quality of surface water runoff is improved prior to discharge into the Spadesbourne Brook.

The EA, Severn Trent Water and the Council's Drainage Engineer have raised no objection to the scheme, subject to the imposition of suitable Conditions.

Ecological and Biodiversity Issues

The Habitats Regulations implements the requirements of the Habitats Directive for species listed in Annexe IV of the Directive (European protected species). Stricter provisions than those contained in the Wildlife and Countryside Act 1981 apply for these species and regulation 3(4) of the Habitats Regulations places a duty on Local Planning Authorities, in the exercise of their functions, to have regard to the requirements of the Directive so far as they might be affected by those functions. All European protected species are also separately protected under the Wildlife and Countryside Act 1981.

The majority of the site comprises amenity grassland and building/hard standing which is of low ecological interest. Although of mixed quality, the areas of woodland present on site should be retained in future landscaping plans for the site. The Phase 1 Ecological Survey considers that in overall terms, the site will ensure that biodiversity is maintained and enhanced, in particular through the retention of features that are of biodiversity value. This is with direct reference to new planting and enhancement of retained habitats (including suitable water vole habitat).

Natural England and Worcestershire Wildlife Trust have raised no objection to the scheme on ecological or biodiversity. I am thus of the view that the application should meet with the requirements of PPS9 and the relevant policies set out in the WCSP and the BDLP relating to biodiversity, subject to the imposition of suitable Conditions relating to the implementation of suitable mitigation measures (as advocated by WWT).

Noise Issues

Policy ES14A of the BDLP states that proposals for noise-sensitive developments must be located away from existing sources of significant noise. Proposals for potentially noisy developments must be located in areas where noise will not such an important consideration or where its impact can be minimised. This is the stance set out in PPG24. Members will be aware that the impact of noise is a material planning consideration and the impact of this issue can have a significant effect on environment and on the quality of life enjoyed.

The scheme has been accompanied by an Acoustic Report. As part of this assessment a baseline noise survey has been carried out around the site and measurement of source activity levels made at the current Fire Station in Bromsgrove. Plant noise limits have been determined based on background noise levels. The activity noise from training activity has also been assessed, as has the noise from emergency vehicles operating out of the station along the local roads.

Members will be aware the development will have the potential to generate noise via outside activities in the yard area (including vehicle breaking and training exercises involving the drill tower), the presence of air conditioning units and the disturbance generated by a twenty-four hour operation (including vehicular movements and the use of sirens). The site is located adjacent noise-sensitive development (residential units), with habitable rooms facing onto the site at ground, first, second and third floor level.

The Noise Officer has raised no objection to the scheme, subject to the imposition of a suitable condition relating to noise levels arising from the building services/fixd plant.

Other Issues

Crime Prevention

Section 17 of the Crime and Disorder Act 1998 states that a LPA has a duty to "*exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.*" Policy DS13 is a general policy relating to sustainable development. Amongst other things it sets out a requirement for all development to reflect the need to safeguard and improve the quality of life of residents by ensuring social progress which recognises the needs of everyone and by protecting the area's character and environmental assets, including the character of settlements.

I am also mindful of the Government's aim to create safe and accessible environments where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion (paragraph 36 of PPS1).

Members will note the views of the Crime Risk Manager. Although I understand the inevitable relationship of the CRM to the applicant, the two arms of WMC have worked closely on the scheme. The CRM has thus raised no objection. 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 (i.e. not School Drive)
- 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

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

Public Rights of Way

The proposal affects Public Right of Way 546 adjacent School Drive. Members will note the views of the County Footpaths Officer on this issue. Subject to the imposition of a Condition relating to the formation of measures to warn users of the footpath of vehicular movements arising from the secondary egress route, I raise no objection on this issue.

The County Footpaths Officer has raised no objection to the scheme. The views of the Rambler's Association have not been received to date.

Section 106 Agreement

Members will be aware that Section 106 obligations are legal agreements negotiated between Local Planning Authorities and developers in the context of a grant of planning permission. Such agreements are intended to make development proposals acceptable, which might otherwise be unacceptable, and provide a means to ensure that a proposed development contributes to the creation of sustainable communities, particularly by securing contributions towards the provision of infrastructure and facilities.

Government advice in terms of Section 106 Agreements is set out in Circular 05/05. Strict tests are imposed on planning obligations. Section 106 Agreements must be necessary in relation to national and local planning policy and be directly and fairly related in scale and kind to the proposed development. In particular, any requirement must be:

- Relevant to planning
- Necessary to make the proposed development acceptable in planning terms
- Directly related to the proposed development
- Fairly and reasonably related in scale and in kind to the proposed development
- Reasonable in all other respects

Negotiations have taken place with the applicant in relation to a financial contribution towards highway-related improvements to School Drive (with specific reference to footpath resurfacing and lighting to improve walking/cycling connectivity to the Town

Centre). The applicant has agreed to this approach in principle for inclusion in a Section 106 Agreement. I will update Members at your Committee on the progress of this matter.

Conclusions

Members will be aware that Local Plan Policies still form the Development Plan for the area, and any decision needs to be made in accordance with these policies unless material considerations indicate otherwise.

Advice within National Planning Policy Guidance Notes and Statements and Policies within the WCSP and BDLP makes it clear that the impact upon the character of the locality, as well as the relationship of proposed developments to the surrounding area to be legitimate material factors to take into account in the determination of planning proposals. Indeed, Government guidance advocates the rejection of poorly designed developments, including those that are clearly incompatible with their surroundings.

The removal of the existing unsightly buildings and their replacement with a carefully considered building with an emphasis on high quality design, new tree planting and associated landscaping and improvements to the adjacent sports pitch 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 programme and will play an important role in releasing other Town Centre sites as identified in the Draft Town Centre Area Action Plan.

I am thus minded to approve the application.

As detailed above, the applicant is in the process of submitting a legal agreement to deal with financial contributions towards highway improvements to School Drive (to include footpath and lighting improvements). I am thus seeking delegated powers from Members to deal with this matter upon agreement and completion.

RECOMMENDATION that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the outline application following:

- (i) the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:
 - (a) Highway improvement works to School Drive

For the reference of Members I intend to impose suitable Conditions relating to:

- Time (three year consent)
- Compliance with approved drawings
- Demolition of existing structures

- Construction management plan

- Finished floor levels
- External lighting scheme

- Drainage (on-site provision, culvert alterations and playing pitch improvement works)
- Highway matters (access/turning/parking, site operative parking and travel plan)
- Materials and external appearance finish
- Hard and soft landscaping
- Tree related matters (including protection measures during construction)
- Ecology and biodiversity mitigation measures
- Noise mitigation measures
- Vehicle prevention measures (including secondary egress)
- Public Right of Way protection measures