



**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

MONDAY 30TH APRIL 2012  
AT 6.00 P.M.

THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

**SUPPLEMENTARY DOCUMENTATION**

The attached papers were specified as "to follow" on the Agenda previously distributed relating to the above mentioned meeting.

4. Updates to planning applications reported at the meeting (Pages 1 - 10)

K. DICKS  
Chief Executive

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

30th April 2012

This page is intentionally left blank

## Bromsgrove District Council Planning Committee

### Committee Updates 30th April 2012

---

#### National Planning Policy Framework Supplementary Note

On Tuesday 27 March 2012, the Government released the National Planning Policy Framework (NPPF). The NPPF makes it clear that its policies apply immediately. From the 27 March onwards the National Planning Policy Guidance Notes and Planning Policy Statements cease to exist, including all relevant circulars and guidance (a list of which is contained in Annexe 3 to the NPPF).

Planning applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan currently consists of Local and Regional planning policy documents. The NPPF is also a significant material consideration in planning decisions. The Development Plan will continue to include all the saved Policies of the Bromsgrove District Local Plan. Due weight will be given to these Policies according to their degree of consistency with the framework set out in the NPPF (the closer the Policies in the Plan to the policies in the Framework, the greater the weight that may be given). Some weight may be given to emerging policies in some circumstances.

On this basis the planning applications on the agenda should be considered with the recently published NPPF in mind.

---

12/0066/DMB	<p>Revised Supplementary Design Statement received 20.04.12 Amended Detailed Hard and Soft Layout Proposals for POS plan received 25.04.12 Amended Combined Biodiversity and Landscape management Plan received 25.04.12 Amended Measured Works Schedule Softworks Only received 25.04.12</p> <ul style="list-style-type: none"><li>• For clarity, the Council is fully aware of recent events involving the clearance of the site. In terms of the legality of the start on site, the definition of commencement of the development specifically excludes site clearance, amongst other things, in the Section 106 Agreement attached to the outline planning permission. On this basis the developer has not implemented the outline planning consent.</li><li>• Representatives from the Council's Planning Enforcement team visited the site on 25 January 2012 and confirmed this to be the case.</li><li>• In relation to open space, the Master Plan layout accompanying the approved outline application indicated the provision of an equipped children's playspace (LEAP), in addition to 39,600</li></ul>
-------------	--

	<p>square metres of public open space. Both these totals exceed the space requirements of SPG11 (6,608 square metres of open space: including youth/adult play space) and thus the scheme did not attract a commuted sum for suitable off-site provision or enhancement of existing provision in the locality.</p> <ul style="list-style-type: none"> <li>• The on site public open space will be maintained by a private management company and thus the applicant was not liable for on site maintenance costs. The maintenance of the open space by the management company has been secured through the Section 106 Legal Agreement attached to the outline planning consent.</li> <li>• In relation to affordable housing units, the outline scheme secured the provision of thirty two dwellings (40% provision) as detailed in the schedule in the report (page 12).</li> <li>• The Section 106 Agreement requires that an element of the apartment occupancy to be for affordable retirement occupiers (8 units consisting of 4 2-bedroom intermediate social rented units and 4 2-bedroom intermediate affordable housing units)</li> <li>• The Section 106 Agreement defines “retirement flats” as flats to be retained by purchasers, occupiers and tenants who are not below the age of 55 and for the avoidance of doubt at least five are to be retained as affordable housing.</li> </ul> <p>2 additional representations received 20.04.12 and 23.04.12:</p> <ul style="list-style-type: none"> <li>• Revised plans do not overcome concerns previously expressed</li> <li>• Affordable housing will be built cheaply and the appearance reflects this in its design. These units are crammed in</li> <li>• Plots 1-6 and 28-33 are appropriate and give the appearance of space, design and privacy located in a natural setting</li> <li>• The western side of the development has a good mix of styles and materials that will stop the development from becoming too uniform</li> <li>• The apartment block is poorly designed and should be split into 2 or 3 blocks and built with similar materials to rest of the development</li> <li>• No provision for children’s play area on the western side of the development</li> <li>• Proximity of new dwellings to the rear of properties in Woodrow Close, Bourne Avenue and Chadcote Way</li> </ul> <p>Drainage Engineer – views received 27.04.12:</p> <ul style="list-style-type: none"> <li>• No objection, in principle, with the layout of the site</li> <li>• Support the Environment Agency’s conditions regarding elevated flood levels, and the pre-development approval of the foul and surface drainage, flood storage areas and both brook crossings by the Local Planning Authority. We would like to see, in particular, full plans of Sustainable Drainage.</li> <li>• We would also like to see calculations and models showing development will not result in increased flood risk downstream.</li> </ul>
--	---

	<p>This is particularly important as our records indicate there have been a number of flooding incidents to the highway and properties immediately downstream.</p> <ul style="list-style-type: none"> <li>• We would like to ensure that the access routes (at the brook crossing points) are above flood level to ensure safe entry and exit to the dwellings.</li> </ul> <p>Environment Agency – views received 26.04.12:</p> <ul style="list-style-type: none"> <li>• In general, the proposed layout plan appears to be in accordance with the details agreed at the outline application stage.</li> <li>• However, it should be noted that we recommended a number of conditions were attached to the outline permission in securing further detailed information on: the management and treatment of the watercourse and its associated floodplain through the site; the proposed watercourse crossings, raised access roads and flood storage areas; a surface water drainage scheme; and the setting of finished floor levels for the proposed development, in accordance with the Flood Risk Assessment (FRA), FRA Addendum Report (dated August 2011) and Ecological Appraisal Report (dated April 2011, Rev D).</li> <li>• We note that your Council attached our recommended conditions to the outline planning permission as condition no. 8, 18, 23, 34 and 36. The applicant should note that further detailed information will be required to address these conditions, which are considered to be ongoing at this time.</li> <li>• Notwithstanding the above, items of information have been submitted and discussions undertaken in relation to these conditions, linked to the reserved matters consultation.</li> <li>• Condition no. 34 of the outline permission requires the detail of a surface water drainage scheme to be submitted for approval. The surface water drainage scheme must be in accordance with the details of the FRA/FRA Addendum, submitted as part of the outline planning application, in providing sufficient on site attenuation to meet the discharge rate calculated at that stage.</li> </ul> <p>Worcestershire Wildlife Trust – views received 26.04.12:</p> <ul style="list-style-type: none"> <li>• We have always advocated a biodiversity-led treatment of the central corridor through this site (broadly associated with the floodplain of the brook) and we are therefore pleased to note the planned wetland creation and management proposals. Unfortunately we consider that they do not yet go far enough to secure a successful enhancement of this site, a fear that is further compounded by the fact that the important process of planning site clearance and subsequent protection of the watercourse etc. went badly wrong at the previous outline stage.</li> <li>• Accordingly we wish to lodge a holding objection to the current proposals until additional information comes forward to provide some comfort about the likely outcome of the ecological mitigation suggested in the FPCR reports.</li> </ul>
--	---

- Specifically we consider that additional genuinely 'wet' habitats are required in the brook corridor. Currently there is a significant area set aside for dry grassland, which we fear will have limited ecological benefit and would probably not persist in its intended form for very long. Increasing the number and variety of off-stream ponds, side-streams and backwaters would offer more robust opportunities for habitat creation that would be long-lasting and we would urge the council to request amendments to the landscaping proposals to reflect this. Areas adjacent to the bridge crossings seem to offer significant opportunities but we would welcome the chance to discuss the various options further with the developers' agents. Similarly the inclusion of more marshy habitats throughout the corridor would help to limit public access to sensitive areas and as a result the opportunities for wildlife could be increased.
- In addition to this it is clear that the treatment of some of the trees adjacent to the watercourse has not been as sympathetic as it should have been. Stringent control over ongoing site clearance, protection of existing features and working practices nearby must therefore be central to any permission you are otherwise minded to grant. This will be particularly relevant to trees, the badger setts and the brook itself but details of timing of site works (to include land profiling, construction in the floodplain, control of runoff etc) will also be important. We would welcome additional details covering how the site development will come forward whilst avoiding risks to breeding birds, badgers and species using the brook corridor. Method statements to cover sensitive habitat creation practice (in particular to limit the risk of further siltation of the brook as a result of land re-profiling) must be drawn up and should be covered by sufficiently robust conditions as to allow for effective remediation if issues do arise.
- It may be that some of this detail can come forward under condition but we would strongly recommend that it should be in place prior to determination in order that stakeholders can be sure that the development will not lead to further unintended adverse impacts.
- With this in mind we draw your attention to commentary in paragraphs 8, 9, 109 118 and 165 of the NPPF, which support the need to bring forward environmental benefits in line with other aspects of development.

Response from applicant's agent in response to WWT comments received 27.04.12:

- We understand that the critical matters which are being considered by the planning committee only relate to Condition 1 of the Outline Application. This condition only relates to the appearance, landscaping, layout and scale – the reserved matters.
- Whilst details for other conditions including: Condition 18 (Habitat Management Plan), Condition 19 (Bat & Bird Boxes) and

	<p>Conditions 11, 12, 13, 14, 15, 16 and 17 have been submitted to the LPA these conditions do not form part of the reserve matters application being considered tonight.</p> <ul style="list-style-type: none"> <li>• Therefore comments relating to these conditions can be resolved with relevant parties should the reserved matters application be approved, an accepted approach which still allows the council full control over approving or refusing to agree to details pursuant to conditions.</li> <li>• From our understanding if the reserved matters application was consented, the resultant permission issued by the LPA would not permit commencement of on-site works until information submitted to discharge other conditions on the permission meets the expectation of all relevant statutory and non-statutory consultees. This does provide the applicant and consultees the opportunity to resolve outstanding issues should the reserved matters application be permitted.</li> <li>• Landscape proposals for the central corridor were updated to provide additional wetland enhancements on 24 April 2012 following liaison with Andy Bucklitch (Bromsgrove &amp; Redditch BC) on 20 April 2012. Following re-issue of the central corridor drawings on 24 April 2012 Mr Bucklitch confirmed the additional enhancements proposed within the central corridor were acceptable. Further minor amendments to the central corridor proposals were completed on 27 April 2012, these amendments do not have a material change to the quantum of wetland enhancements being provided.</li> <li>• As the updated drawings are considered to be acceptable to Mr Bucklitch we presume comments made by WWT in relation to the proposed enhancements do not relate to the updated drawings issued to the LPA on 24 April 2012.</li> <li>• As the Planning Committee are not considering matter relating to the central corridor enhancements or the management plan this holding objection has no relevance to the Condition 1 which is being considered by the planning committee this evening. Any potential issues the Wildlife Trust may have with the central corridor proposals or the Management Plan can be resolve prior to discharge of the relevant planning conditions on the resultant planning permission.</li> <li>• Further information on the treatment of trees can come forward through the provision of additional information within the management plan (Condition 18). The control mechanisms recommended above will be provided through the addition of a 'Construction Working Method Statement' as an Appendix to the submitted Management Plan. The Construction Methods Statement would also provide an indicative program of works to provide additional comfort to interest parties that the proposed enhancement will be provided.</li> <li>• As the management plan is covered under Condition 18, which is not being considered by the planning committee this evening, the suggested further detail in the management plan can come</li> </ul>
--	---

forward prior to discharge of this condition and should not affect granting of the reverse matters contained within Condition 1 of the outline planning permission.

Tree Officer – views received 27.04.12:

- Following receipt of these plans I am now satisfied that the detailed scheme of landscaping proposed is sufficient to provide additional and enhanced habitat areas to mitigate the loss of existing woodland and scrub areas and meet the requirements of policies C10, C10A, C12 and C16.
- I am further satisfied that it is possible to implement both the development and the landscaping scheme while protecting existing retained trees, woodland and other important habitat areas.
- The submitted Tree Protection Plan TPP1 within the Tree Condition Survey document details the areas to be protected during the development and the specification for protective fencing and I am satisfied that these details meet the initial requirements. It is evident however, that this development & particularly the creation of the proposed wetland features will require some works to be carried out within the Root Protection Area (RPA) of retained trees and woodland. The proposed levels changes in the vicinity of these zones may also seriously affect drainage conditions resulting in either drying out or water logging of Root Protection Areas and thus the future survival of these trees.
- I am satisfied that, subject to conditions allowing careful consideration and control of levels within the 1 in 1000 year floodplain zone. and the RPA of retained trees and woodlands, the proposed scheme can be successfully implemented

Urban Designer – views received 19.04.12 following consultation on amended plans:

- The design of the apartment building has not improved
- There has been one significant positive change: the L-shaped plan form has been flipped, so that the courtyard which previously faced north-west, now faces north-east, and addresses the end of the spine road, which terminates to the east of the building
- The building is, however, enclosed on three sides by retaining walls more than four metres high, and on the fourth side there is a similar four metre difference in level between the courtyard and the road
- This represents a failure to design a building that fits the topography
- Remain concern over the location of the apartment block given it places elderly residents at the points on the site furthest from local facilities and at the end of an uphill walk of considerable length



- Concern raised over the regimented and uniform set of 21 houses in four blocks to the eastern side of the site
- Location of the affordable houses are located together. The proposed concentration of affordable houses mitigates against social equity and the stark contrast in architectural character reinforces the inequity.
- The treatment of the landscape and its relationship to built form appears to be satisfactory

Applicant's response to the Council's Urban Designer's comments received 24.04.12:

### **GENERALLY**

- The Outline Consent required, in Condition No. 5, that the consent be implemented ...substantially in accordance with the Proposed Indicative Site layout plan... and the Design and Access Statement... as submitted.
- In addressing the reserved matters and conditions attached to the outline application a number of detailed design and technical issues have been considered:
  - **Highways:** the fundamental issue of detailed road design in relation to the steep gradients on the site;
  - **Levels:** the ground floor slab levels of the houses and apartments in relation to the resultant highway gradients;
  - **Retaining Structures:** the most efficient method of ground modelling, with angles of repose and/or retaining walls;
  - **Services:** including routes and easements for existing and new sewers and an overhead electricity cable which is to be re-routed underground.
- These matters include a very large number of 'abnormal' site characteristics that have informed the layout and required the reserved matters application to go well beyond matters of detailed architectural design and landscaping.
- The reserved matters scheme put before the Council addresses all these issues without making substantial alterations to the principal of the layout. The specific issues raised by the Council's Urban Design Consultant on the reserved matters scheme are discussed below:

### **THREE-DIMENSIONAL MODEL**

- A three-dimensional model of the site has been provided in the Supplementary Design and Access Statement as requested at the pre-application meeting. We have supplemented this information with the attached perspective views taken from the same base model. The landscaping has been removed from the model because the form of the housing layout (which is under discussion) would be largely hidden by the planting.
- The original and additional views illustrate the way the curvilinear row of houses and the main access road follow the contours of

the valley and the apartment building is set within the higher ground to act as a punctuation point and to reduce its mass and height.

**APARTMENT BLOCK: SITING**

- We are aware that the Council's Urban Design Consultant has previously expressed an objection to the siting of the apartment block at the northern end of the site.
- The reasons for the siting in terms of the extent of the flood plain at the southern end and the contours of the site and road gradients elsewhere have been fully explained in the outline application documents and summarised again in the supplementary statement.
- Consideration has been given to the substitution of general family apartments for sheltered apartments but the Section 106 Obligation precludes this option.
- The conclusion is that the Council were satisfied at the time of the Outline Permission (hence Condition No. 5) and the drafting of the Section 106 document on the acceptability of the use and siting of the apartments and the reserved matters application is required to substantially follow the principles of the established layout.

**APARTMENT BLOCK: DESIGN**

- The principle of a level platform and retaining structures around the building is shown in the Proposed Indicative Site Layout that is cited in the Outline Consent Condition No. 5. The amendments can be summarised as follows:
- The orientation of the apartment building has been adjusted to enclose two sides of a larger forecourt and the margin of open space on the southern side has been increased to give private patios to the ground floor flats on that side of the building;
- The footprint of the apartment block has been reduced (although the number and floor area of apartments remains the same) to reduce the spread and mass of the building. It will therefore have less impact on views from within and outside the site;
- The principle of retaining walls as separate structures from the external walls of the building with a 'dry area' surrounding the apartments has been carried through from the approved indicative scheme to the current detail scheme. A 'Cribblock' retaining system is proposed and the height of the walls will vary locally to allow the retained land to be graded
- down to the top of the wall to minimise their height;
- The forecourt from the end of the road rises 0.45 metres to the front of the apartment block and not 4.00 metres as stated in the Consultant's report.

**EASTERN HOUSING COURT**

- The houses in the north east corner of the site have been re-aligned for reasons which have nothing to do with architectural or

urban design issues and are outside the applicant's control.

- The drawings clearly illustrate that a sewer easement is required to run north/south and which cuts through the courtyard and line of the northern and southern terraces.
- The north east housing court contains roughly similar numbers of mixed tenure 'affordable' and 'for sale' houses. This part of the site is more appropriate for smaller family dwellings than other parts of the site and has the benefit of an area of fairly level public open space containing a play area, remote from the sloping areas of the site and the brook.

#### **LANDSCAPING & ROAD OVER THE BROOK**

- The landscaping scheme has been designed by JBA+Landmarc and the design of the roads over the brook by RPS Planning & Development.

#### **CONCLUSION**

- It is appreciated that the Council's Urban Design Consultant is seeking to achieve the best design outcome possible in developing the site and design is similarly important to the applicant and the ultimate purchasers and occupants of the dwellings.
- However, the Consultant's negative criticisms of the scheme appear to take insufficient account of the matters established in the Outline Permission and the engineering design requirements to develop a site with very difficult topography and service requirements.
- The reserved matters scheme is submitted on the basis that it faithfully follows principles laid down in the Outline Permission and provides the best technical solutions to overcome the constraints of the site.

Given the views of WWT outlined above, the recommendation is altered to:

#### **RECOMMENDATION:**

##### **MINDED TO APPROVE**

- (a) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application following the expiration of the publicity period on 11 May 2012
- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to **APPROVE** the application if Worcestershire Wildlife Trust withdraws the holding objection to the scheme as set out in the consultation response dated 26 April 2012 by the date of the expiration of the publicity period on 11 May 2012

	<p>(c) That <b>DELEGATED POWERS</b> be granted to the Head of Planning and Regeneration Services to <b>REFUSE</b> the application if Worcestershire Wildlife Trust maintains the holding objection to the scheme as set out in the consultation response dated 26 April 2012 by the date of the expiration of the publicity period on 11 May 2012</p> <p>(d) That in the event that further representations are received, <b>DELEGATED POWERS</b> be granted to the Head of Planning and Regeneration Services in consultation with the Chairman of the Planning Committee to assess whether new material considerations have been raised and to issue a decision after the expiry of the statutory publicity period accordingly</p>
12/0082/SC	<p><b>INDICATIVE LIGHTING SCHEME</b></p> <p>Indicative lighting scheme received 23/04/2012. The indicative scheme indicates the extent of any light spill outside the pitches and over the highway. The indicated light spill significantly exceeds the permitted 5 lux spill over a highway and is therefore considered by the Highways Engineer to have an adverse impact on Lower Gambols Lane.</p> <p>The District Council's Environmental Health Officer views the indicative lighting scheme's lux levels at the nearest residential property to be borderline acceptable.</p> <p>It is your Officer's view that there is potential for alternative lighting schemes that would reduce the light spill and that this matter can be appropriately controlled by condition.</p> <p><b>CONDITION 11 – Public Right of Way</b></p> <p>The Council's legal advice recommends that conditions relating to the diversion or stopping up of Public Rights of Way are not attached to planning permissions.</p> <p>As such, if members are minded to approve the application, it is recommended that condition 11 is not attached but provided as an informative.</p>