



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 3RD AUGUST 2015
AT 6.00 P.M.

COUNCIL CHAMBER, 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 (to be circulated prior to the start of the meeting) (Pages 1 - 6)

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

K DICKS
Chief Executive

Bromsgrove District Council Planning Committee

Committee Updates

3 August 2015

2015/0305 - Land at Perryfields Road / Oldfield Rd

Consultee responses

Worcester Regulatory Services - Contaminated land

Recommend conditions.

Worcester Regulatory Services Noise, Dust, Odour and Burning

Recommend conditions.

Additional comments

Members may recall from the main report that a shortfall in spacing between plot 47 and No. 83 Oldfield Road was highlighted. The recommended spacing is 27.5 m and only 20 m was shown on the plans. Amended plans have been submitted showing a reduction in the No. of units from 23 to 22 units. This has enabled plot 48 to be a different house type (still a 2 bedroom unit) so that it can be set further back to improve spacing. The spacing between this plot and No. 83 is now approximately 26 m which officers consider to be acceptable.

The scheme is 100% affordable housing and would be 100% affordable rent. To ensure the financial viability of the scheme it may be necessary to change some of the units from rented to shared ownership. However, the number of units that may change would be no more than 6 and overall would still ensure a balanced tenure mix for the 3 phases of development. If the tenure mix does change, the S106 Agreement would be amended accordingly.

Additional conditions

- 12 No Development should take place until a noise impact assessment is carried out to assess the noise impact from road movements on the proposed development. Noise levels within the dwellings should not exceed those set out in BS8233:2014 (Sound Insulation and Noise Reduction for Buildings) and levels within any garden areas should not exceed the upper limit recommended within that document. The report should include mitigation measures where necessary and should be submitted and approved by the Local Planning Authority prior to development commencing. Mitigation measures should be completed before any of the permitted dwellings are occupied.

Reason: In accordance with guidance set out in the National Planning Policy Framework.

- 13 Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of

remediation, must not commence until conditions 1 to 7 have been complied with:

1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.
2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. 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".
3. 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".
4. 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.
5. 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.
6. 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.

7. 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.

Reason:- 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.

2015/0368 - Land adj. 1 Warwick Avenue

9 further letters of objection have been received. The following additional issues were raised:

- New dwelling would block views of the listed building and materially harm its character, appearance, significance and wider setting;
- 98 Old Station is worthy of inclusion on a local list and the proposed bungalow would harm the setting of this heritage asset;
- Proposed bungalow has no redeeming design features
- Bungalow appears cramped and is not in-keeping;
- Difficult for construction traffic to access site;
- Access should have been provided off Warwick Hall Gardens instead;
- Gardens have suffered from severe flooding previously, this would make matters worse;
- No dormer windows should ever be allowed in the bungalow;
- Increase in on-street parking; and
- The increased risk of further surface water flooding. Photos have been provided showing the extent of surface water flooding in the rear garden of No. 3 Warwick Avenue during 2012 (photos can be viewed on request).

Additional Drainage Engineer Comments received:

Any new development must ensure that all surface water is contained on site. This is conditioned as part of providing a full and acceptable drainage plan.

The June 2012 flood was exceptional, and caused a lot of flooding across the District.

The applicant will not be permitted to increase runoff or flood risk elsewhere; however they are not required to improve issues.

Improvements to drainage have recently been made in the Warwick Avenue area. Last year a small balancing area was dug. Not only does this provide an overflow for the brook to capture excess water from this source, but additional gullies which Worcestershire County Council installed on the highway now outfall into this area. This means the rain falling onto or draining towards the highway will drain much more efficiently as the drain outfall pipes will not be submerged under water in the brook and therefore unable to drain away quickly.

Amended Conservation Officer Comments received:

I refer to my comments of the 7th July in respect of the early revision, which sited one new property between 98 Old Station Road and 1 Warwick Avenue. I had objected to this scheme because of the impact on the setting of the Grade II listed Warwick Hall and the design of the proposed dwelling which had been influenced by the neighbouring lodge to Warwick Hall, 98 Old Station Road, which due to the unusual dimensions of the new building, had resulted in a poor copy of the original building.

I have no objection to the revised design of the new building. I continue, however, to have concerns regarding the impact of the proposed building on the setting of the listed building. Although it is now proposed to demolish part of 1 Warwick Avenue to accommodate the new building, due to the increased width of the building, the proposed building would still obscure views of the listed building from Old Station Road. As I said in my previous comments, the setting of Warwick Hall has almost completely disappeared, despite that fact that almost all of the surrounding land, notably Warwick Avenue and Warwick Hall Gardens was once part the Warwick Hall Estate. The only greenery and space remaining comprises the gardens of 98 Old Station Road, the original Lodge and 1 Warwick Avenue to the north east of the Hall across which there is a view through from Old Station Road to the Hall, between 1 Warwick Avenue and the boundary to the garden of 98 Station Road, where the Hall is viewed in the context of the trees along the north eastern boundary. The construction of this house will completely block this view, and the view from the historic buildings opposite.

Again as I explained in my previous email section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have regard to the desirability of preserving the setting of listed buildings, and this is further reinforced by paragraph 132 of the NPPF.

I would therefore have to continue to object to this application as it currently stands. Warwick Hall has lost virtually all of its original setting. The siting of the proposed dwelling will remove the last remaining area of open land, and remove the last view of the building from Old Station Road. It will cause irreversible harm to the only remaining part of the historic setting, and this would be contrary to Section 66.

Comments received from Worcestershire County Council Historic Environment Advisor:

The proposed dwelling will directly affect the setting of the Grade II listed building of Warwick Hall whose origins date to the 16th century. Originally this building would have been situated in a more open parkland landscape but this has been eroded through surrounding residential development. There is a remnant of this open aspect which remains to the north east which enables views of the building from Old Station Road. The proposed development will block this view and thereby impacting on the setting of the listed building.

Protection of designated assets and their setting is outlined in NPPF in a number of paragraphs. (132, 133, 137) Para 132 states that when considering the impact of a proposed development on a designated asset, great weight should be given to the asset's conservation which includes its setting. Warwick Hall is the only remnant of the Historic Environment remaining in this particular part of Bromsgrove thereby adding to its overall significance. The construction of the proposed bungalow will have a detrimental effect on this significance.

Paragraph 133 states that if a proposed development will result in substantial harm to the significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that this loss is necessary to achieve substantial public benefits that outweigh this loss. I do not believe that the proposed development demonstrates substantial public benefit as the construction of one dwelling will not assist in alleviating the housing pressures currently experienced in Bromsgrove.

Paragraph 137 states that local authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. The proposed development is contrary to this statement as the proposed dwelling will remove the last remaining aspect of open views in addition to vastly reducing the significance of the Warwick Hall.

For all the reasons outlined above, I recommend that this planning application is refused.

Officer Response:

As set out within the Officers report, the setting of the listed building has already been harmed to a substantial degree as the surrounding area is entirely residential. The listed building is also screened by mature trees and the garden area of no. 98 Old Station Road remains open. It is important to note that a similar sized structure (e.g. a garage) could be built under permitted development in the same location as the proposed bungalow. In summary it is considered that the proposal would not cause substantial harm to the setting of the listed building and therefore the recommendation of approval remains.

2015/0499 - 25 Pearmans Croft, Hollywood

Two further letters of objection have been received but no new issues have been raised.

Response received from Severn Trent:

No objection subject to condition requiring drainage plans

Response received from Highway Engineer:

The principle of the development proposal is acceptable. In detail, however the northern parking space for the new dwelling would be difficult to access should the adjacent parking space be occupied. This could be remedied by moving the spaces a metre to the south which would provide additional manoeuvring space for a vehicle entering and leaving the northern parking space. This appears achievable. I am therefore unable to recommend parking as per the approved plan but will recommend parking in accordance with details to be submitted.

It is therefore recommended that the following conditions are added to the scheme:

- 9) Prior to the first occupation of the dwelling hereby approved, space shall be laid out within the application site for the parking of 2 vehicles to comply with the Council's standards. The parking 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.

- 10) Prior to the first occupation of the dwelling hereby approved, space shall be laid out within the curtilage of the existing dwelling for the parking of 2 vehicles to comply with the Council's standards. The parking 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.

- 11) Prior to the first occupation of the dwelling hereby approved secure parking for 4 cycles to comply with the Council's standards shall be provided within the curtilage of the dwelling and these facilities shall thereafter be retained for the parking of cycles only.

Reason: To comply with the Council's parking standards.