

# **BROMSGROVE DISTRICT COUNCIL**

## **MEETING OF THE PLANNING COMMITTEE**

**MONDAY, 9TH JANUARY 2012**

**AT 6.00 P.M.**

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), M. A. Bullivant, Ms. M. T. Buxton (substituting for C. J. K. Wilson), R. A. Clarke, Mrs. H. J. Jones (substituting for Mrs. J. M. Boswell), R. J. Laight, E. J. Murray, J. A. Ruck, C. B. Taylor, C. J. Tidmarsh and L. J. Turner (substituting for Mrs. S. J. Baxter)

Observers: Councillors J. R. Boulter and S. R. Colella

Officers: Ms. T. Lovejoy, Mr. D. M. Birch, Mr. M. Dunphy, Mr. D. Kelly, Mr. S. Hawley (Worcestershire Highways) and Mr. A. C. Stephens

### **97/11 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. S. J. Baxter, Mrs. J. M. Boswell, Mrs. C. M. McDonald and C. J. K. Wilson.

### **98/11 DECLARATIONS OF INTEREST**

Councillor Mrs. H. J. Jones declared a personal interest in Agenda Item 9 (Appeal Decisions) with specific reference to Plan Ref.: 11/0182-SC (in respect of land to the side and rear of 52 Chadcote Way, Catshill, Bromsgrove) which related to an appeal located close to her home address.

### **99/11 MINUTES**

The minutes of the meeting of the Planning Committee held on 5th December 2011 were submitted.

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

### **100/11 11/0741-DMB - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT, OPEN SPACE, RE-ALIGNMENT OF FIERY HILL ROAD, 38 SPACE CAR PARK, ACCESS FROM FIERY HILL ROAD (WITH APPEARANCE, LANDSCAPING LAYOUT AND SCALE RESERVED) - LAND AT FIERY HILL ROAD, BARNT GREEN, B45 8JX - BANNER HOMES (MIDLANDS) LTD.**

The Head of Planning and Regeneration Services reported that an update to the Cotswold Wildlife Surveys report relating to badgers had been received, together with the views of the Worcestershire County Council Landscape Officer. Furthermore, she stated that 35 additional letters of objection had

been received. A representation submitted by email had also been received, and her response following consultation with the Head of Leisure and Cultural Services, together with the response of the applicant's agent, were reported.

The response of the applicant's agent to additional representations received in relation to the new car park proposals was reported, together with the response of the Case Officer in respect of issues relating to parameter plans. The comments of both the applicant's agent and the Strategic Planning Manager to an additional letter of objection submitted on behalf of a local resident were also reported. Finally, the Head of Planning and Regeneration Services clarified an error on page 38 of the report where a reference to "Catshill" should have referred to "Barnt Green".

Before permitting public speaking on the application, the Chairman stated his reasons for exercising his discretion by extending the time allowed for public speaking to 15 minutes for each category of speaker in respect of this application; namely, that the land is "unzoned" in terms of planning policy and therefore unique within the District of Bromsgrove; that the application could be considered controversial due to the large number of separate responses received to the consultation on the application; and that there had not been a residents' group or organisation taking the lead in co-ordinating the responses.

At the invitation of the Chairman, Mr. D. Allenby, Ms. M. Coe, Ms. A. Shaw, Mr. M. J. Namih and Mrs. S. M. Whitehand addressed the Committee individually and spoke in objection to the application. Mrs. R. Best, the applicant's agent, and Mr. P. McCann, for the applicant, then addressed the Committee and spoke in support of the proposal. Finally, Mr. A. Williams addressed the Committee and spoke against the proposals on behalf of Barnt Green Parish Council.

**RESOLVED:**

- (a) that authority be delegated to the Head of Planning and Regeneration Services to determine the application upon the completion of an agreement under Section 106 of the Town and Country Planning Act 1990, as amended, in respect of financial contributions relating to
  - (i) play space provision;
  - (ii) highways improvement works; and
  - (iii) the securing of 35 affordable housing units,
- (b) that upon the completion of the agreement referred to in (a) above, permission be granted subject to any reasonable conditions and notes considered necessary by the Head of Planning and Regeneration Services, as summarised on page 42 of the report.

101/11 **11/0864-SC - REMOVAL OF CONDITION 3 AS PER PLANNING APPROVAL 10/0652 - LAND AT CORNER OF BEVERLEY ROAD, NEW ROAD, RUBERY, B45 9JA - MR. C. HARVEY**

The Head of Planning and Regeneration Services reported the receipt of a full planning application in relation to the site at the corner of Beverley Road and

New Road, Rubery, for "The erection of a food store (Class A1) with associated car parking, access and landscaping." In addition, she reported that a Demolition Notice had been received relating to 208-216 New Road, Rubery, commencing on 20th February 2012 and to be completed by 9th March 2012.

**RESOLVED** that consideration of the application be deferred.

102/11 **11/0880-DK - PROPOSED ERECTION OF ONE NEW DWELLING - LAND BETWEEN 2 BERRY DRIVE AND 1 BLAKESFIELD DRIVE, PLYMOUTH ROAD, BARNT GREEN, B45 8XL - MR. N. ALSOP**

The Head of Planning and Regeneration Services reported the receipt of an additional representation in respect of the application, and the response thereto of the applicant.

At the invitation of the Chairman, Ms. J. Geater addressed the Committee and spoke in objection to the proposals, as did Mr. A. Flynn on behalf of Lickey and Blackwell Parish Council.

Consideration was then given to the application which had been recommended for approval by the Head of Planning and Regeneration Services. However, on the matter being put to the vote, Members considered that the development would -

- (a) be out of keeping with the existing form and layout of development in the locality; and
- (b) be harmful to the visual amenities of the locality.

**RESOLVED** that permission be refused for reasons (a) and (b) above.

103/11 **11/0882-DMB - RE-PROFILING AND RE-MODELLING OF SITE LEVELS, DE-CULVERTING OF PART OF THE RIVER ARROW AND ASSOCIATED INFRASTRUCTURE INCLUDING CONSTRUCTION ACCESS - LONGBRIDGE EAST AND RIVER ARROW DEVELOPMENT SITE, GROVELEY LANE, COFTON HACKETT, B45 8AS - ST. MODWEN DEVELOPMENTS LTD. AND ST. MODWEN PROPERTIES LTD. SARL III**

The Head of Planning and Regeneration Services reported the views of the Tree Officer, Worcestershire Wildlife Trust and British Waterways. She also clarified a point in the second paragraph on page 57 of the report referring to the site being located within an Employment Zone, and stated that the site was now allocated primarily for residential development in the adopted Area Action Plan.

At the invitation of the Chairman, the applicant's agent, Mr. J. Tait, addressed the Committee and spoke in support of the proposals, as did Mr. K. Duncan on behalf of Cofton Hackett Parish Council.

**RESOLVED** that permission be granted subject to:-

- (a) conditions nod. 1 to 3, 5, 8 to 11 and 13 to 16 and the notes set out or referred to on pages 64 to 70 of the report;
- (b) the following amended conditions nod. 4, 6, 7 and 12 -

- 4. Following the completion of the measures identified in the approved remediation scheme set out in the document Longbridge Redevelopment Remediation Strategy (July 2008) and the document St. Modwen Developments Limited Remediation Strategy and Outline Method Statement, Longbridge East Phase I Remedial Works (October 2011), 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.

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 in accordance with policy ES7 of the Bromsgrove District Local Plan.

- 6. The development hereby approved shall be implemented in accordance with the approved Construction Environmental Management Plan (CEMP) without deviation.

Reason: To safeguard nearby residences from undue noise and disturbance in accordance with policy DS13 of the Bromsgrove District Local Plan and policy SD.2 of the Worcestershire County Structure Plan and to ensure sufficient mitigation measures to address the presence of protected species on site in accordance with policy CTC.12 of the Worcestershire County Structure Plan and policy C10a of the Bromsgrove District Local Plan.

- 7. Notwithstanding Condition No. 6 and the content of the Construction Environmental Management Plan (CEMP), the hours of operation for the re-profiling works and remediation works hereby permitted shall be 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturdays. No operations are to take place whatsoever on Sundays or Bank Holidays. No vehicles whatsoever shall arrive at the site and no operations pertaining to the works hereby permitted shall be carried out on the site outside of these hours.

Reason: To safeguard nearby residences from undue noise and disturbance in accordance with policy DS13 of the Bromsgrove District Local Plan and policy SD.2 of the Worcestershire County Structure Plan.

- 12. The development shall proceed only in accordance with the programme of archaeological work as set out in the Written Scheme of Investigation produced in June 2011.

Reason: To protect features of archaeological interest in accordance with policy C38 of the Bromsgrove District Local

Plan and policies CTC.17 and CTC.18 of the Worcestershire County Structure Plan.

(c) the following additional conditions -

17. Within seven days of the commencement of the development hereby permitted, written notification of such commencement shall be sent to the Local Planning Authority.

Reason: To enable the Local Planning Authority to monitor the development.

18. The total amount of material imported to the site shall not exceed 60,000 cubic metres.

Reason: To specify the area and to avoid doubt as to the scope of this planning permission.

19. The final ground levels following the completion of the site re-profiling shall be in accordance with the following details -

- Figure PJF066-P006-004 Rev A - Longbridge East Re-profiling contours sheet 1 of 2
- Figure PJF066-P006-005 Rev B - Longbridge East Re-profiling contours sheet 2 of 2
- Figure PJF066-P006-007 Rev A - Longbridge East Re-profiling application Cross Sections sheet 1 of 2
- Figure PJF066-P006-008 Rev A - Longbridge East Re-profiling application Cross Sections sheet 2 of 2

Reason: To enable the Local Planning Authority to monitor the development hereby permitted in the interests of amenity.

20. During the course of re-profiling works at a minimum of three monthly intervals, provide in writing to and, upon request by, the Local Planning Authority, detailed information on the quantity of fill material brought on to the site.

Reason: To enable the Local Planning Authority to monitor the development hereby permitted in the interests of amenity.

21. A copy of the terms of this permission shall be displayed on site and all documents hereby permitted and any documents subsequently approved in accordance with this permission (or amendments approved pursuant to this permission) shall be available at the site office and shall be made known to any person given responsibility for the management or control of operations on the site.

Reason: To enable the Local Planning Authority to monitor the development hereby permitted in the interests of amenity.

22. A topographical survey of the site shall be carried out within six months of the site re-profiling works beginning and shall be provided to the Local Planning Authority within one month of the

survey date. Thereafter the survey shall be updated every four months and provided to the Local Planning Authority. A final topographical survey of the site shall be carried out following completion of the site re-profiling and this shall be provided to the Local Planning Authority within one month of the final survey date.

The survey shall be at a scale of no less than 1:1250 unless otherwise agreed in writing by the Local Planning Authority, with all levels related to Ordnance Datum.

Reason: To enable the Local Planning Authority to monitor the development hereby permitted in the interests of amenity.

23. Materials imported to the site for filling shall not be subsequently removed from the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to monitor the development hereby permitted in the interests of amenity.

24. Unless otherwise expressly approved in writing by the Local Planning Authority, all fill materials to be deposited at the site shall originate from Longbridge North and Longbridge West only as shown on Figure ES 7.1 of the Supporting Environmental Information Report September 2011.

Reason: To prevent the long distance travelling of imported materials.

#### 104/11 **APPEAL DECISIONS**

The Committee gave consideration to two appeals decisions which had been received, the details of which were outlined in the appendices to the report.

**RESOLVED** that the report, and appendices, be noted.

The meeting closed at 7.40 p.m.

Chairman