



## **BROMSGROVE DISTRICT COUNCIL**

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

**MONDAY 5TH SEPTEMBER 2016**  
**AT 6.00 P.M.**

**PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE, B61 8DA**

**PLEASE NOTE THE COUNCIL'S NEW PREMISES AS INDICATED ABOVE AND THAT AFTER 5PM, ACCESS TO THE PARKSIDE SUITE IS VIA THE MAIN ENTRANCE DOOR ON THE STOURBRIDGE ROAD. PLEASE ALSO NOTE THAT THERE IS NO PUBLIC PARKING AVAILABLE FOR THE PREMISES. THE NEAREST PARKING IS THE PARKSIDE (MARKET STREET) PAY AND DISPLAY CAR PARK.**

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

Updates to the Reports of the Head of Planning and Regeneration Services will be available in the Council Chamber one hour prior to Meeting. You are advised to arrive in advance of the start of the Meeting to allow yourself sufficient time to read the updates. Members of the Committee are requested to arrive at least fifteen minutes before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting.

### **AGENDA**

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

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

3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 1st August 2016 (Pages 1 - 6)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 2016/0581 - Change of use of maintenance / Chapel building approved under 2012/0448 to allow for cremations to take place, reduction in scale of building and hard standing - land adjacent New Inns Lane, Rubery, Birmingham, Worcestershire - H2 Land Ltd (Pages 7 - 16)
6. 2016/0723 - Redevelopment of site to create 4 apartments - 47 Fiery Hill Road, Barnt Green, Birmingham, Worcestershire B45 8JX - Mr Steve Bond (Pages 17 - 24)
7. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS  
Chief Executive

Parkside  
Market Street  
BROMSGROVE  
Worcestershire  
B61 8DA

24th August 2016



## **INFORMATION FOR THE PUBLIC**

### **Access to Information**

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

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

You can access the following documents:

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

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



# **BROMSGROVE DISTRICT COUNCIL**

## **PLANNING COMMITTEE**

### **Information for Members of the Public**

The Planning Committee comprises 11 Councillors. Meetings are held once a month on Mondays **at 6.00 p.m.** in the Parkside Suite, Parkside, Market Street, Bromsgrove, B61 8DA - access to the Parkside Suite after 5pm is via the main entrance door on the Stourbridge Road. The nearest available public parking for the new premises is Parkside (Market Street) Pay and Display. .

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

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

The Agenda is divided into the following sections:-

- **Procedural Items**

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

- **Reports of the Head of Planning and Regeneration**

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

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

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

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

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

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

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

- Reports of the Head of Legal and Democratic Services

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

- Urgent Business

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

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

- **Confidential / Exempt Business**

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

### **Public Speaking**

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

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

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

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

### **NOTES**

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

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

sought to enable answers to be given at the meeting. Councillors should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.

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

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

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

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

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

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



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

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

### **Further information**

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



## **ABBREVIATIONS**

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

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

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

## **BROMSGROVE DISTRICT COUNCIL**

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

**1<sup>ST</sup> AUGUST 2016 AT 6.00 P.M.**

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

Officers: Ms. S. Bell, Mr. D. M. Birch, Mr. S. Hawley (Worcestershire Highways Authority), Mr. S. Jones, Mrs. S. Sellers and Mrs. J. Smyth

18/16 **APOLOGIES**

Apologies for absence were received on behalf of Councillors S.J. Baxter, M. Glass and S.P. Shannon. Councillors L.J. Turner and K.J. May were confirmed as substitutes for Councillor S.J. Baxter and M. Glass respectively.

19/16 **DECLARATIONS OF INTEREST**

Councillor C. Allen-Jones declared an other disclosable interest in Item 7 (Planning Application 2016/0085 – Construction of underground Pipeline and associated works) in that the site was in his Ward and he had received representations from the Parish Council on the matter.

20/16 **MINUTES**

The minutes of the meeting of the Planning Committee held on 4<sup>th</sup> July 2016 were submitted.

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

21/16 **16/0572 - AMENDMENT TO CONDITION 3 ATTACHED TO 09/0509 TO THE FOLLOWING: THE FIRST FLOOR WINDOWS TO THE NORTH-WEST FACING ELEVATION OF THE APPROVED EXTENSION SHALL HAVE A TOP HUNG CASEMENT OPENING ONLY, TWO OF THESE WINDOWS SHALL BE OBSCURE GLAZED, THE BEDROOM WINDOW SHALL BE CLEAR GLAZED, AND SHALL REMAIN SO IN PERPETUITY UNLESS AGREED IN WRITING BY THE LOCAL PLANNING AUTHORITY - GLENFIELD HOUSE NURSING HOME, MIDDLE LANE, HEADLEY HEATH, B38 0DG - MR. CAHAL GRANT**

Officers reported on a representation received from the occupier of the neighbouring property reiterating their objections to the proposal in view of the fact that they were not, as intended, able to attend the meeting

and address the Committee in person. In terms of the neighbour's objections, the relevant Conditions were provided for Members' information, all as detailed in the published Update report, copies of which were provided to Committee Members and the public gallery prior to commencement of the meeting.

At the invitation of the Chairman, Mr. C. Grant, the Applicant addressed the Committee. Councillor G.N. Denaro, in whose Ward the application site was located, also addressed the Committee.

The Committee then considered the Application, which had been recommended for refusal by Officers. Having noted the Officers report and having seen the extent and height of the hedging that had been provided as boundary treatment on a Site Visit, Members were of the view that, whilst they acknowledged the imposition of the obscure glazing of all three windows in the original planning permission had been appropriate at the time, this was no longer the case in that they considered that any overlooking from the bedroom window would be minimal due to the considerable height of the trees which were close to reaching the same level as the eaves height of the approved extension.

The Committee was therefore minded to allow the modification of Condition 3 as detailed in the report. Members were also minded to amend Condition 4 to remove the implemented section of the Condition but retain the section relating to replacement of species and Condition 5 to maintain the height of the trees at eaves height.

**RESOLVED** that planning permission be granted, to amend Conditions 3, 4 and 5 attached to Planning Permission 2009/0509, as detailed below:

- "3). The first floor windows to the north-west facing elevation of the approved extension shall have a top hung casement opening only, two of these windows shall be obscure glazed, the bedroom window shall be clear glazed, and shall remain so in perpetuity unless agreed in writing by the Local Planning Authority.
- 4) Any trees / hedgerows removed, dying, being severely damaged or becoming seriously diseased shall be replaced by plants of similar size and species to those originally planted.
- 5) The trees/hedgerow required under Condition 5 shall be maintained at a height no less than the eaves height of the approved extension."

22/16

**16/0449 - DEMOLITION OF EXISTING PETROL FILLING STATION AND WORKS TO PROVIDE NEW ACCESS TO THE RETAIL PARK AND EXTENDED CAR PARK, REPLACEMENT OF EXISTING UNIT FACADES AND ROOFS, PROVISION OF ADDITIONAL MEZZANINE FLOORSPEACE (A1 RETAIL AND ANCILLARY SPACE), AND ASSOCIATED DEVELOPMENT - LAND AT BROMSGROVE RETAIL PARK, BIRMINGHAM ROAD, BROMSGROVE**

Officers reported on further representations received from the Council's Climate Change Officer and Worcestershire Regulatory Services – Air Quality, together with Officer responses and proposals for two amended Conditions, an additional Condition and two additional informatives, all as detailed in the published Update Report, copies of which were provided to Committee Members and the public gallery prior to commencement of the meeting.

**RESOLVED** that Planning Permission be granted, subject to:

- 1) the Conditions and Informatives set out on pages 23 to 29 of the main agenda;
- 2) Conditions 2 and 5 being amended as set out below:

**Plan Numbers**

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

Drawing Numbers:

15230-2001 REV 7 PROPOSED SITE PLAN  
15230-2004 REV B PROPOSED FLOOR PLANS  
UNITS 3, 4 AND 5  
15230-2005 REV B PROPOSED FLOOR PLANS UNITS  
1 AND 2  
15230-2007 REV A PROPOSED GA ELEVATIONS UNITS  
3, 4 & 5  
15230-2009 REV A PROPOSED GA ELEVATIONS UNITS  
1 & 2  
15230-2011 Site Location Plan  
15-6503-SK005 Rev P1 Drainage Attenuation Proposals

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

**Soft Landscaping**

- 5) With the exception of demolition and site clearance, before any other development commences, a scheme of

landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include a plan detailing the disposition of planting, cross referenced to a schedule listing the species, size and number of plants proposed and a tree planting specification. The approved scheme shall be carried out concurrently with the development and completed prior to the first occupation of the development.

If within a period of five year from the date of the planting of any tree / shrub / hedge planted pursuant to this Condition (including any replacement), is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree / shrub / hedge of the same species and size as to that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

Reason: To ensure the environment of the development is improved and enhanced in accordance with Policies DS13, E4 and C5 of the Bromsgrove District Local Plan – January 2004; and.

3) The following additional Condition and Informatives

Condition

External Storage of Recyclables and General Waste

- 24) Before the site is brought back into use, details of the means of separate storage for recyclable materials and general waste generated as a consequence of use by operators and the public, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a plan identifying the location of such facilities in addition to a specification of the means of storage.

Reason: To safeguard amenity and mitigate the risk of contamination of the watercourse in accordance with Policies SD13 and E4 of the Bromsgrove District Local Plan – January 2004 and Policy WCS 17 of the Waste Core Strategy.

Informatives

Low Emission Boilers

- 4) The Applicant is encouraged to install Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/KWh in the interests of air quality.



## Trolley Management

- 5) The Applicant is encouraged to utilise an appropriate mechanism for trolley management to prevent trolleys from being able to leave the site.

23/16

**16/0085 - CONSTRUCTION OF UNDERGROUND WATER PIPELINE (APPROXIMATELY 10.8 KM IN LENGTH), BREAK PRESSURE TANK, EXTENSION TO FRANKLEY WATER TREATMENT WORKS AND ASSOCIATED WORKS ALL IN ASSOCIATION WITH THE BIRMINGHAM RESILIENCE PROJECT (BRP). WORKS PROPOSED AT THE FOLLOWING LOCATIONS:- LAND TO THE WEST OF FRANKLEY WATER TREATMENT WORKS (EXTENSION TO THE WATER TREATMENT WORKS). - LAND TO THE EAST OF PUTNEY LANE, NR ROMSLEY (BREAK PRESSURE TANK). - PIPELINE RUNS BETWEEN FRANKLEY WATER TREATMENT AND THE DISTRICT BOUNDARY WEST OF WAYSTONE LANE, BELBROUGHTON. - LAND TO THE WEST OF FRANKLEY TREATMENT WORKS, WORCESTERSHIRE - SEVERN TRENT WATER LIMITED**

Officers reported on various representations received and consultations that had taken place between the Applicant, County Highways, Romsley Parish Council, the Romsley Community Liaison Group and the Council's Planning Officers subsequent to the matter being deferred from the 4<sup>th</sup> July 2016 Planning Committee meeting, as detailed in the published Update Report, copies of which were provided to Committee Members and the public gallery prior to commencement of the meeting. Members also noted the need for an additional Condition relating to the final Romsley Construction Management Plan submitted on the 1<sup>st</sup> August 2016.

At the invitation of the Chairman, Mr. G. Smith, for the Applicant, addressed the Committee. Parish Councillor R. Arrowsmith also addressed the Committee on behalf of Romsley Parish Council.

### **RESOLVED** that

- 1) the Committee being minded to approve full Planning Permission, and in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, the Application be referred to the Secretary of State under Section 9 of that Direction to afford the Secretary of State the opportunity to consider whether to utilise the call-in powers conferred by Section 77 of the Town and Country Planning Act 1990; and
- 2) given 1) above, that should the Secretary of State not be minded to call the Application in, authority be delegated to the Head of Planning and Regeneration Services to determine the full Planning Permission subject to the Conditions and Notes set out

# Agenda Item 3

Planning Committee  
1st August 2016

on pages 52 to 53 of the main Agenda report; and the following additional Condition:

- “10) The construction works solely relating to the Break Pressure Tank and pipeline road cross to the B4551 near Romsley Village shall be undertaken and implemented in accordance with the approved Construction Traffic Management Plan (CTMP) submitted on 1<sup>st</sup> August 2016 without deviation, unless agreed in writing with the Local Planning Authority.”

The meeting closed at 7.02 p.m.

Chairman

Name of Applicant	Proposal	Plan Ref.
H2 Land Ltd	Change of use of maintenance/chapel building approved under 12/0448 to allow for cremations to take place, reduction in scale of building and hardstanding.  Land Adjacent, New Inns Lane, Rubery, Birmingham, Worcestershire	16/0581

**RECOMMENDATION:** That, subject to satisfactory impacts relating to ecology matters, planning permission be Granted.

## Consultations

### **Birmingham City Council Highways** Consulted 08.08.2016

I note that the access has not particularly altered and would request that the S278 agreement condition is applied to this proposal.

If possible I would also like to see a condition for a Construction Management Plan providing details of routing, construction workers car parking arrangements, mud on the highway/wheel washing etc.

### **Landscape & Tree Officer** Consulted 17.08.2016

No Comments Received To Date

### **Aisling Nash County Archaeological Officer** Consulted 17.08.2016

No Comments Received To Date

### **National Grid Plant Protection** Consulted 12.08.2016

No Comments Received To Date

### **Highways Department- Worcestershire County Council** Consulted 15.07.2016

I have no highway objections to the proposed planning application.

### **Worcester Regulatory Services- Air Quality** Consulted 15.07.2016

I have reviewed the submitted information and I can confirm that based on the information submitted in the Air Quality Assessment the cremator would meet with current UK guidance. Based on the chimney height calculations I would agree with the recommendations requiring a minimum chimney height of at least 2 metres above the roof level.

Before the crematorium can begin operating a permit will be required under the Environmental Permitting (England and Wales) Regulations 2010 (as amended). The operator will need to send the application to Worcestershire Regulatory Services who will act of behalf of Bromsgrove District Council.

**Community Safety Team** Consulted 15.07.2016  
No Comments Received To Date

**North Worcestershire Water Management** Consulted 15.07.2016  
Having looked at this consultation, I do not believe there is any change in terms of on- or off-site flood risk or drainage from the previously approved application, and therefore I have no observations to make.

**Birmingham City Council Planning** Consulted 15.07.2016  
I have no objections to the proposal but note that the proposed crematorium use is relatively close to dwellings and would wish to ensure that there is no adverse impact on the Green Belt.

**Worcestershire Wildlife Trust** Consulted 15.07.2016  
No Comments Received To Date

**Environment Agency** Consulted 15.07.2016  
Thank you for referring the above application which was received on the 18 July 2016. We have no objection to the proposed development and would have no further comments to make than those provided on the related planning application (12/0448) and subsequent Discharge of Conditions.

**West Mercia Constabulary** Consulted 15.07.2016  
I don't think this development will have a detrimental impact on crime and disorder in the area, therefore I don't have any comments or objections to it.

**Natural England** Consulted 15.07.2016  
Natural England has no comments to make on this application.

**Leisure Services** Consulted 15.07.2016  
No Comments Received To Date

**Health & Safety Executive** Consulted  
HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

## **Publicity**

A total of 106 letters were sent, the latest being on 25<sup>th</sup> July 2016, which therefore expired on 15<sup>th</sup> August.

A site notice was posted on New Inns Lane, opposite the proposed entrance to the application site on 27<sup>th</sup> July 2016, which expired on 17<sup>th</sup> August 2016.

1 press notice was published on 22<sup>nd</sup> July 2016 which expired on 5<sup>th</sup> August 2016.

## **Public Comments**

97 letters of objection and 2 of support received, summarised as appropriate. Members are encouraged to read the comments in full on Public Access.

## Comments in support of the proposal:

- I would like to make it clear that I have no objection whatsoever regarding the crematorium plans, either in the previous plans or the updated plans.
- Our family is fully behind the development and it would be lovely to see something like the crematorium at Kidderminster

## Comments in objecting to the proposal:

### Green Belt

- This is inappropriate development in the Green Belt
- Site is next to the Waseley Hills Country Park, a popular area for all the community. This will spoil the outstanding natural beauty enjoyed by all. The proposed chimney would spoil the character of the landscape. This should be protected for the benefit of future generations
- This is a Green Belt area and it should be kept that way with no building work of any kind carried out on it. Fast losing green areas due to housing/schools/shops etc  
Strongly opposed to more Green Belt land being used for a project that could be built anywhere on brown land
- A crematorium is an industrial process which should not be sited in a green belt close to residential properties
- A precedent could be set for further inappropriate development
- Councillors from Birmingham and Bromsgrove should support each other in preserving what little green belt recreational facilities we have

### Air Quality

- Air quality is a major concern, as potential pollutants from the cremation process consist of particulate matter, hydrogen chloride, nitrogen oxides, carbon monoxide, volatile organic compounds (from methane to polyaromatic hydrocarbons), mercury compounds and polychlorinated dibenzo-p-dioxins and furans simply referred to as dioxins.
- The fumes, pollution, smell etc from the change of use will be unpleasant and possibly impact on the health of local residents and there are three schools close by.
- There is already considerable air pollution in Rubery with implications for asthma sufferers, the proposal would only exacerbate the problem.
- Many reports are available on the danger these substances present to human health from airborne smoke and waste products, heavy metal contamination and carcinogenic residues.

### Highways/Traffic

- The road network is inadequate. The increase to traffic in the general area will be very significant given how busy the road already is.
- Increased traffic conflicting with many families walking to Waseley Hills.
- The proposed 80 car parking spaces does not appear adequate in the context of back to back cremations. The funerals of people from certain faiths attract very large crowds
- Exiting Thurloe Crescent onto New Inns Lane is already difficult, with visibility hindered by the curve of the road. Additional traffic and parking along New Inns Lane would increase the chances of an accident
- The applicant's supporting statement does not cover the matter of traffic adequately

## Other matters

- Disappointed to see another application has been made for a crematorium in Rubery after the first one (14/0575) was refused in 2014.
- Flood risk as a result of additional hardstanding
- Pollution risk to the River Rea. The Rea Valley Heritage Trust who oversees and promotes the intrinsic value of the Heritage Trail along the River right from it's source may wish to revise their thinking as to it's classification if the purity of the water is compromised
- In the original public consultation at Waseley Country Park in 2012, residents were assured that there would be no crematorium only a chapel and burials.
- Nothing significant or substantial has been amended from the previous proposal which was refused
- The trees bordering onto properties in Romsley Close do not appear to be on the site plans. These trees benefit from a preservation order which precludes their removal
- The residents of Rubery were not adequately consulted in relation to this application.
- There is no need for the facility. Rubery is already well served by Lodge Hill Crematorium and Redditch Crematorium which are within a short drive of Rubery and both carry out fewer cremations than they are capable of on a daily basis
- Loss of the habitat of protected species such as the badger
- Noise and disturbance to neighbours due to intensification of site use and traffic; noise disturbance and fumes from increased traffic; crematorium too close to residential properties
- Loss of residential amenity to adjoining houses/gardens
- It's unclear how plans have been allowed to be submitted after the previous plans were rejected and no appeal was made
- The permission for a cemetery had a 'Condition 24', which stated that ' the building hereby granted permission shall not be used for any other purpose'. This

condition should stand as it was a condition on which the buildings were granted permission in the first place.

- A mature tree (at the proposed entrance) in which bats foraged/nested has been felled, the remains of this old tree trunk are currently being sawn up by a contractor prior to its removal.
- The proposal would have a negative impact on property values.
- Concerns raised in respect of the maintenance and security of the site given the cemetery will be in private ownership

## New Frankley Parish Council

- The proposal is considered by Members to be inappropriate development in the Green Belt
- The parking proposed is inadequate and mourners would be forced to park on New Inns Lane causing congestion
- The entrance and egress to the proposed cemetery is close to the junction of New Inns Lane and Boleyn Road and traffic controls need to be in place to manage this situation

## Birmingham City Council Councillors

Cllr Ian Cruise:

I am writing to object to the planning application number 16/0581, change of use from chapel to crematorium.

I objected to the original application for the cemetery due to drainage and traffic issues. If the application is approved it will have a huge impact on New Inns Lane and the immediate residential area due to the increase in traffic generated.

Cllr Carole Griffiths:

I am against this due to the high level of traffic it will cause.

**Councillor Peter MacDonald has requested that this application is determined at Planning Committee and is not considered under Delegated Powers**

## Relevant Policies

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

DS2 Green Belt Development Criteria

DS13 Sustainable Development

C1 Designation of Landscape Protection Areas

E9 Criteria for New Employment Development

TR11 Access and Off-Street Parking

## **Bromsgrove District Plan Proposed Submission**

BDP1 Sustainable Development Principles  
BDP4 Green Belt  
BDP13 New Employment Development  
BDP21 Natural Environment  
NPPF National Planning Policy Framework  
NPPG National Planning Practice Guidance

### **Relevant Planning History**

12/0448	Change of land use from Pasture Land to a Cemetery development including a Chapel and Maintenance building	Approved	25.10.2012
14/0575	Variation of Condition Number 2 and 24 of Application Reference Number: 12-0448 to allow cremations to take place within the approved cemetery maintenance building and to allow the installation of cremation facilities within part of the approved maintenance building	Refused	11.11.2014

### **Assessment of Proposal**

#### Planning history

Planning permission was granted under application 12/0448 for the change of use of the site to a cemetery, including landscaping, access and parking provision and the construction of a chapel and maintenance building. All conditions requiring further details to be submitted have been agreed. The access to the site has been implemented and therefore a material commencement of development has taken place. This permission remains extant, could be continued with at any point in the future and therefore is a material consideration in the determination of this application.

#### The site and its surroundings

The site comprises open pasture land bounded to the north by New Inns Lane, which also forms the administrative boundary between Bromsgrove District and Birmingham City. To the south east there are properties accessed off Romsley Close and to the east playing fields which are designated public open space. To the west lies open countryside. The site lies within the green belt.

#### Proposed development

This application seeks planning permission for the use of the site as a cemetery and a chapel and maintenance building, which will include facilities to allow cremations to take place. The building will also have a flue which will take a conical form and is proposed to be timber clad. The proposed building is of a modest height and takes a modern form. It



is effectively comprised of two overlapping elliptical shapes which are lowest where the two buildings meet. The plans indicate that the building will have a green roof. Vehicular and pedestrian access and egress is proposed off New Inns Lane. A total of 109 car parking spaces are proposed for visitors including 2 disabled spaces, with 10 staff car parking spaces to include 2 disabled spaces.

## Planning considerations:

### *Principle*

The site lies within the Green Belt. National policy on development in the Green Belt is set out in the National Planning Policy Framework ('the Framework'), which advises that the essential characteristics of Green Belts are their openness and permanence. There is a general presumption against inappropriate development in the Green Belt unless very special circumstances exist. The large majority of development within the Green Belt is considered to be inappropriate, subject to a limited number of exceptions.

Paragraph 89 of the Framework lists the exceptions to inappropriate development within the Green Belt. Changes of use of land and the provision of appropriate facilities for crematoria are not contained within this list.

It is therefore considered that the proposed development represents inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. Paragraph 88 of the NPPF states that substantial weight should be given to any harm to the Green Belt. In such cases very special circumstances need to exist to outweigh any harm.

### *Do very special circumstances exist?*

#### *Extant permission*

As explained above planning permission has previously been granted for the change of use of the land subject to this application to a cemetery, to include a chapel and maintenance building. A lawful commencement of this development has taken place through works to the vehicular access off New Inns Lane and part of the foundations being constructed. Therefore the permission remains extant and could be continued with at any point. This forms material consideration which has to be given weight in the determination of this application.

#### *Changes to the proposed scheme when compared with that approved*

A number of physical changes to the scheme are proposed when considered against that which has planning permission:

- A 20% reduction in the amount of hardstanding across the site
- Reduction in height of the chapel part of the building by 350mm
- Proposed timber clad conical flue

The reduction in built form through the reduction in hardstanding, reduction in the height of the building and consequential reduction in volume will have a positive impact on the

openness of the green belt when compared against the extant scheme. When considered in the context of the overall scheme it is considered that the impact of the addition of the flue will not have a significant impact on the openness of the green belt.

The applicants supporting information submitted with the application advises that the diversification of the site to provide cremations as well as burials will result in a 0.9% increase in vehicular traffic to the site. This will in turn increase the levels of activity at the site, through vehicle movements, and general comings and goings associated with proposed use. I am mindful that the supporting documentation submitted with the application also explains that it is expected that the proportion of burials to cremations will be split 70/30 in favour of cremations. Taking these matters in to account it is considered that the proposal will intensify the use of the site which in turn would be harmful to the openness of the Green Belt.

This impact, however, has to be balanced against both the presence of the extant planning permission and the physical changes to the scheme proposed when compared against the extant permission.

### *Other matters*

The concerns of residents raised via representations particularly in relation to highway matters have been noted, however, neither Worcestershire County Council nor Birmingham City Council have raised objections to the scheme on highway grounds. I am also mindful of impact that extant permission will have on the highway network if fully built out and operated and the relatively modest increase in traffic movements expected through the provision of cremation services. Furthermore, the NPPF at paragraph 32 makes it clear that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”. As such it is considered unreasonable to recommend that permission is refused on highway safety grounds.

Concerns are raised in relation to the siting of the development on green belt land, however this is addressed above.

Issues relating to air quality as a result of the cremation process have been raised, however in the absence of an objection from Worcestershire Regulatory Services it is considered unreasonable to refuse planning permission on this basis. Furthermore, in the event that planning permission is granted, a permit will be required as per the consultation response above.

The applicant has provided information in relation to the need for the development, particularly in relation to population levels, predicted mortality rates and the limited similar facilities in proximity to the application site. An appeal for a similar development elsewhere in the country has found that need can weigh heavily in favour of a proposal of this nature as well as the difficulty in providing cremation facilities in urban areas. I have no evidence to dispute the applicants assertion in relation to need.

Information relating to ecology at the site has been submitted by the applicant and this is currently under consideration. An update regarding this matter will be provided at the committee meeting.

## Conclusion

In coming to a conclusion relating to this proposal, it has to be recognised that there are a number of competing factors which have to be finely balanced against one another.

Weighing against the granting of permission is the fact that the proposal represents inappropriate development in the green belt by definition, as well the actual harm to openness that will result, one of the essential characteristics of land within the green belt. Furthermore, the provision of cremations will increase the activity, albeit modestly, at the application site.

Weighing in favour of the development, planning permission has been granted, implemented and remains extant for a proposal which is very similar to that currently proposed. This matter has to be given significant weight. In addition, there are some physical differences between the extant permission and that currently proposed, which will result in a reduction of built form across the site. This would result in a benefit to the green belt when compared against the extant scheme. Furthermore, the development would fulfil a need that the applicant explains exists in relation to sites of this nature. Finally, the development would provide economic benefits to the local area, through the creation of jobs during the construction phase and to a lesser degree in relation to the ongoing operation of the site.

Taking all these matters in to account, and subject to no adverse impacts relating to ecology, it is considered that the balance weighs in favour of granting planning permission.

**RECOMMENDATION:** That planning permission be Granted

## Conditions:

I intend to attach conditions in relation to the following themes:

1. Time limit for the implementation of the development
2. Drawings numbers to be complied with
3. Provision of a landscaping scheme
4. Materials
5. Drainage strategy and monitoring
6. Ecological method statement
7. Headstone height to be limited to 1 metre
8. External lighting scheme

9. Hours of opening to members of public restricted to 09.30-18:00 Monday to Saturday and 11:00-16:00 on Sundays and Bank Holidays
10. Hours that burials and cremations can take place restricted to 09:30-18:00 Monday to Saturday and 11:00-16:00 on Sundays and Bank Holidays
11. Hours that construction works can take place restricted to between 08:30 and 18:00 Monday to Saturday and 08:30 and 15:30 on Saturdays. No working shall take place on Sundays or Public or Bank Holidays.
12. Tree protection measures
13. Written Scheme of works in relation to archaeology.

## **Informatives**

- 1) The local planning authority is aware of the requirement in the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with applicants in a positive and proactive manner, seeking solutions to problems arising from applications.

**Case Officer:** Sarah Hazlewood Tel: 01527 881720  
Email: sarah.hazlewood@bromsgroveandredditch.gov.uk

Name of Applicant	Proposal	Plan Ref.
Mr Steve Bond	Redevelopment of site to create 4 apartments  47 Fiery Hill Road, Barnt Green, Birmingham, Worcestershire, B45 8JX	16/0723

**Councillor Deeming has requested that this application be considered by Planning Committee rather than being determined under delegated powers.**

**RECOMMENDATION:** That planning permission be Granted

## Consultations

**Drainage Engineers Internal Planning Consultation** Consulted 04.08.2016  
No Objection and no necessary drainage condition.

**Conservation Officer** Consulted 20.07.2016  
No Objection subject to conditions of the joineries placed on the permission.

**Highways Department- Worcestershire County Council** Consulted 20.07.2016  
I have no highway objections to the proposed development. The applicant has provided 50% car parking (with justification) on site which is acceptable in this instance due to the sustainable location of the site. The recommended vehicular pedestrian and vehicular visibility splays have also been provided at the proposed new access.

**Landscape & Tree Officer** Consulted 20.07.2016  
No objection subject to condition.

**Worcester Regulatory Services- Contaminated Land** Consulted 20.07.2016  
No objection subject to condition.

**Barnt Green Parish Council** Consulted 20.07.2016  
The Parish Council has concerns about the potential increase in number and frequency of vehicles entering and leaving the site, their safe egress and the impact on the adjoining road, Fiery Hill Road. It is believed the increased number of journeys into and out of the site will be detrimental to all using this road due to the blind bend to the south and parked cars (for the railway station) on both sides of the road. Also this site is downhill of the blind bend at a point where cars may be travelling at more than the 30mph speed limit. Residents' parking must be catered for on-site with no expectation of on-street parking. Concerned also about the increased density of use of the site within the Barnt Green Conservation Area; the density use will be quadrupled. The council notes this will affect the character of the Conservation Area.

## **Network Rail** Consulted 28.07.2016

As long as there is no vibro-impact works on site and that all the works can be undertaken wholly from within the applicant's land ownership footprint then we have no comments to make on the proposal.

Four letters of objection have been submitted to date and the contents of which are summarised as follows:

- Design not in keeping with dwellings on Cherry Hill Drive.
- Apartments are not appropriate for the area.
- Proposals 'car park' would add to an already dangerous traffic situation.
- Over development of the site.
- Questionable local sewage capacity.
- Increased noise and disturbance in area.
- Upper floor windows of flats visible from footbridge over train station.
- Inadequate parking proposed.
- Drive located close to blind junction on Cherry Hill Drive.
- Concern height of building could be achieved.
- In breach of a covenant on the land. (Note: This is not a planning consideration)
- Rights of way on shared drive. (Note: This is not a planning consideration)

Councillor Deeming has requested this application is called into committee for members to discuss the parking shortfall on site.

## **Relevant Policies**

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

DS13 Sustainable Development  
S7 New Dwellings Outside the Green Belt  
S35A Development in Conservation Areas  
S36 Design of Development in Conservation Areas  
S37 Demolition in Conservation Areas

### **Others:**

NPPF National Planning Policy Framework  
SPG1 Residential Design Guide

## **Relevant Planning History**

TPO15/093	Remove 21 x Leylandii Conifers as they have grown too tall at 10 metres and obscure the property especially to the front. Plant replacement Laurel or Box species boundary hedge to the front. Remove 1 x Holly and 1 x Cherry as they are growing too close to property.	Granted	27.11.2015
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## **Assessment of Proposal**

The application site is located in the residential area of Barnt Green as defined on the Bromsgrove District Local Plan Proposals Map. Policy S7 of the Adopted Local Plan states that proposals for new dwellings would be considered favourably provided they are in keeping with the character, form and layout of the area. The bungalow is also located within the Barnt Green Conservation Area. Policy S35A of the Adopted Local Plan requires development to preserve or enhance the character or appearance of the Conservation Areas.

Paragraph 47 of the National Planning Policy Framework emphasises that local authorities should significantly increase the supply of housing and identify and update a 5-year supply of housing, with an additional buffer of either 5% or 20% depending on local circumstances. The Local Planning Authority currently has a housing land supply of 5.3 years (including a 5% buffer). However, it is important that windfall residential schemes, such as that hereby proposed; continue to come forward as this will help ensure the maintenance of a 5-year housing land supply in the future. Paragraph 49 of the National Planning Policy Framework states that applications for residential development should be considered in the context of presumption in favour of sustainable development.

The site is located within the conservation area and the conservation officer has been consulted. Although the bungalow is located on the corner of Fiery Hill Road and Cherry Hill Drive, the conservation officer was of the opinion it was viewed more in the context of Fiery Hill Road. Therefore, the design of the proposal would better reflect the semi-detached dwellings on Fiery Hill Road, rather than the large detached dwellings on Cherry Hill Drive. The design of the proposal has been created to reflect this part of the street scene and the conservation officer has not objected to the scheme.

In addition, it is not considered that the proposal would not harm the amenities of the neighbouring dwellings with regard to a loss of light, privacy or an overbearing impact. The separation distances between the proposed dwellings comply with the advice of SPG1.

The representations from the neighbours have been noted in regards to highway safety concerns. The proposal provides 4 spaces, a shortfall of 50% the parking standards set by Worcestershire County Council. It should be noted that the parking standards make reference to the appropriateness of 'car free' developments, provided consideration is given to the proximity of the development to local amenities and transport interchange points. In this instance the applicant has submitted a sustainability statement, advising the site is located opposite Barnt Green train station with useful links to Birmingham and other surrounding areas.

Consideration has been given in relation to the changes in the NPPF on 27th March 2015. A Ministerial Statement updated Paragraph 39 of the National Planning Policy Framework. This stated that; "Local Planning Authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network". Furthermore, "The market is best placed to decide if additional parking spaces should be provided". In addition, Paragraph 32 of the NPPF states "Development should only be

prevented or refused on transport grounds where the residual cumulative impacts of the development are severe”

The increase in traffic generated by a 50% shortfall on site is not considered to be so significant to cause severe harm to the existing highway network. The site is currently used as a residence, it is noted that the existing situation is not ideal with vehicles unable to turn on site and having to reverse onto the highway. Therefore, it can be considered some benefit has been created by the scheme by vehicles able to exit the site in forward gear. Given the above, it would not warrant a refusal based on highway safety. The highways engineer has not raised objection to the application given the sustainability of the site.

In conclusion, in the absence of any severe harm and the considered benefits to the conservation area it is considered that the proposal is acceptable and recommended for approval subject to the conditions as stated below.

**RECOMMENDATION:** That planning permission be Granted

**Conditions:**

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

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

- 2) Details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be subject to the approval, in writing, of the local planning authority before any work on the site commences.

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

- 3) Prior to the commencement of any works to external openings, details of the joinery shall be submitted to and approved in writing by the Local Planning Authority and the development shall proceed in accordance with the approved details. The details shall include large scale plans and sections and information regarding finish, texture and colour.

Reason: To preserve and enhance the Conservation area in accordance with Policies S36 of the Bromsgrove District Local Plan and the NPPF.

- 4) All existing tree as shown to be retained within the site in Drawing Number (2) dated July 2016 and those within influencing distance of the development in the grounds of 1 Cherry Hill Drive are afforded full protection in accordance with BS5837:2012 throughout any ground, demolition or development work on the site.

Reason: To ensure the protection of trees and hedgerows in the interest of visual amenity within the conservation area.



- 5) Any section of the footprint of the proposed building that falls within the Root Protection Area of trees standing within the grounds of 1 Cherry Hill Drive shall be constructed on Pile and Beam foundation.

Reason: To mitigate against any potential influence by the development on these trees.

- 6) Prior to the installation of the bike and bin store a full specification for the construction of this feature should be supplied of the council's consideration and agreement. This should incorporate the use of a suitable grade of No Dig Cellular Ground Support material within its method of construction.

Reason: To avoid any potential adverse influence on the tree with the neighbouring property.

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

- a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;
- b) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.

The approved scheme shall be implemented within 12 months from the date when any of the dwellings hereby permitted are first occupied

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

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

- 8) Gas protection measures should be incorporated within the foundations of the proposed structure and approved in prior to commencement of the development by the Local Planning Authority. Alternatively a risk assessment should be undertaken to establish whether the proposed development is likely to be affected by gas emissions from the landfill site, provided to and approved by the Local Planning Authority, prior to commencement of the development. Where significant risks are identified or insufficient data hinders an appropriate risk assessment, a targeted site investigation proposal or proposed remedial measures must be provided to and approved in writing by the Local Planning Authority, prior to commencement of the development.

REASON: To ensure that the risks to buildings and their occupants from potential landfill gas are adequately addressed.

- 9) Before any other works hereby approved on the application site are commenced, the new entrance shall be constructed in accordance with the approved site plan. On each side of the set back entrance splays shall be formed at an angle of 45 degrees with the highway boundary and the whole of the splayed areas shall be graded and cleared so that no part thereof exceeds a height of 0.6m above the relative level of the adjoining carriageway.

REASON: In the interest of highway safety.

- 10) Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

REASON: In the interest of highway and public safety.

- 11) Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with the specification of the Worcestershire Highways Design Guide unless otherwise agreed in writing by the Local Planning Authority. For its first 5m measured back from the carriageway edge the access shall be constructed in a bound material.

REASON: In the interests of highway safety.

- 12) The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with the specification of the Worcestershire Highways Design Guide unless otherwise agreed in writing by the Local Planning Authority. These areas shall thereafter be retained and kept available for those users at all times.

REASON: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway.

- 13) 4 car parking spaces shall be provided on site (50% provision) and shall be reserved solely for that purpose and such spaces be made available for the use before the development hereby approved is occupied and shall be retained in perpetuity.

REASON: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway.

- 14) Prior to the first occupation of the dwellings hereby approved secure parking for 8 cycles to comply with the Council's standards shall be provided within the curtilage and these facilities shall thereafter be retained for the parking of cycles only.

REASON: To comply with the Council's parking standards

## **Informatives**

- 1) The local planning authority is aware of the requirement in the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with applicants in a positive and proactive manner, seeking solutions to problems arising from applications.

In this case the applicant:

- sought detailed pre-application advice from the authority and acted upon this advice in advance of the application submission

The proposal therefore delivers a policy compliant sustainable form of development.

- 2) The applicant is advised that the developer's contractors should ensure that access and egress from Barnt Green Station are not impacted or blocked by the proposal.
- 3) The applicant is advised they would be required to seek permission from Severn Trent Water to connect to their foul system as proposed.
- 4) The attention of the applicant is drawn to the need to keep the Highway free from any mud or other material emanating from the application site of any works pertaining thereto.
- 5) This permission does not authorise the laying of private apparatus within the confines of the public highway.

The applicant should apply to the Worcestershire County Council's Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 01905 751651), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway.

Precise details of all works within the public highway must be agreed on site with the Highway Authority.

- 6) This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email [worcestershirevehicle.crossing@ringway.co.uk](mailto:worcestershirevehicle.crossing@ringway.co.uk). The applicant is solely responsible for all costs associated with construction of the access.

- 7) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or Vehicular turning area does not discharge onto the Public Highway. No drainage or effluent from the proposed development shall be allowed to discharge into any Highway drain or over any part of the Public Highway.

**Case Officer:** Emily Farmer Tel: 01527 881657  
Email: [Emily.farmer@bromsgroveandredditch.gov.uk](mailto:Emily.farmer@bromsgroveandredditch.gov.uk)