



## **BROMSGROVE DISTRICT COUNCIL**

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

**MONDAY 2ND OCTOBER 2017**  
**AT 6.00 P.M.**

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

**PLEASE NOTE 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 NEW 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, C.A. Hotham, S. R. Peters, S. P. Shannon, M. A. Sherrey, 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 4th September 2017 (Pages 1 - 4)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 2017/0761/FUL - Residential development of 148 dwellings (amendment to 2015/0687) - Former Polymer Latex Site, Western Hall Road, Stoke Prior, Worcestershire - Mr Mark Elliot (Pages 5 - 18)
6. 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

21st September 2017

# 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:-

BDP	-	Bromsgrove District 2011-2-30
SPG	-	Supplementary Policy Guidance
SPD		Supplementary Planning Document
  
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.

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# Agenda Item 3

## **BROMSGROVE DISTRICT COUNCIL**

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

**4TH SEPTEMBER 2017, AT 6.00 P.M.**

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

Officers: Mr. D. M. Birch, Mr. G. Boyes, Mr. A. Bucklitch, Miss C. Gilbert, Mrs. T. Lovejoy, Mrs. S. Willetts and Mrs. J. Smyth

20/17

#### **DECLARATIONS OF INTEREST**

Councillor C.J. Spencer advised that, in respect of Agenda Item 9 (Application 2017/00615/FUL – 99 New Road, Bromsgrove), she would be withdrawing to the public gallery for the item and would be speaking on the matter in her capacity as Ward Councillor, under the Council's public speaking rules.

Councillor P.J. Whittaker declared an interest in Agenda Item 11 (Application 2017/00728/FUL – Poultry Farm Cottage, Agmore Lane, Tardebigge, Bromsgrove) in that the Applicant lived opposite the stream that forms part of his property boundary. Councillor Whittaker advised, however, that he did not believe the interest was prejudicial or should prevent him from taking part in the debate/decision for the item and would therefore remain.

21/17

#### **APOLOGIES**

An apology for absence was received on behalf of Councillor M.A. Sherrey. Councillor R.L. Dent was confirmed as Councillor Sherrey's substitute for the meeting.

22/17

#### **MINUTES**

The minutes of the meeting of the Planning Committee held on 3<sup>rd</sup> July 2017 were received.

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

23/17

**TREE PRESERVATION ORDER (2) 2017 - LAND AT FOXLYDIATE ADR - LAND ADJOINING CURR LANE, PUMPHOUSE LANE AND GYPSY LANE**

The Committee considered a report which detailed proposals to confirm, with modifications, Tree Preservation Order (No.2) 2017, relating to trees on land at Foxlydiate ADR adjoining Curr Lane, Pumphouse Lane and Gypsy Lane.

For the purpose of clarification, Councillor Whittaker reported that, Councillor C.B. Taylor was the Council's relevant Portfolio Holder for the matter and not himself, as stated on page 1 of the report.

**RESOLVED** that Provisional Tree Preservation Order (No.2) 2017, relating to trees on land at Foxlydiate (ADR designated land) adjoining Curr Lane, Pumphouse Lane and Gypsy Lane, be confirmed with modification from the Provisional Order, as raised and shown in Appendix (1) to that as shown on the plan and described in the schedule of trees in Appendix (2).

24/17

**TREE PRESERVATION ORDER (3) 2017 - TREE ON LAND AT LYTTTELTON PLACE, HAGLEY**

The Committee considered a report which detailed proposals to confirm, with modifications, Tree Preservation Order (No.3) 2017, relating to trees on land at Lyttelton Place, Hagley.

**RESOLVED** that Tree Preservation Order (No.3) 2017, relating to trees on land at Lyttelton Place, Hagley, be confirmed without modification set out in in Appendix (1) attached to the report.

25/17

**TREE PRESERVATION ORDER (4) 2017 - TREES ON LAND AT 5 TO 9 STATION ROAD, HAGLEY**

The Committee considered a report which detailed proposals to confirm, with modifications, Tree Preservation Order (No.4) 2017, relating to trees on land at 5- 9 Station Road, Hagley.

**RESOLVED** that Tree Preservation Order (No.4) 2017, relating to trees on land at 5 – 9 Station Road, Hagley, be confirmed with modifications, as set out in in Appendices (D) and (E) attached to the report.

26/17

**2017/00550/FUL - TWO-STOREY SIDE EXTENSION AND PITCHED ROOF OVER EXISTING GARAGE - 342 ALCESTER ROAD, BURCOT, BROMSGROVE B60 1BH - MR AND MRS T JENNINGS**

For clarity Officers advised on recent additional information that had been sent directly to members of the Committee by the Applicant in support of their application. Members were informed that Officer responses to the additional information and other earlier submissions by the Applicant were provided in the table contained in the report.

At the invitation of the Chairman, Mr Jennings, the Applicant, addressed the Committee.

The Committee then considered the Application, which Officers has recommended for refusal. Having considered all of the information provided and Officer responses to the queries raised, Members were of the view that, very special circumstances existed in that they believed the proposed design would unify the previous additions and create a more cohesive scheme, and were therefore minded to approve the application subject to standard conditions, to include removal of Permitted Development Rights.

**RESOLVED** that Planning Permission be granted, subject to the following Conditions:

1. Timescales
2. Materials
3. Approved Plans
4. Removal of Class A permitted development rights

27/17

**2017/00615/FUL - TWO-STOREY SIDE AND REAR EXTENSION - 99 NEW ROAD, BROMSGROVE, B60 2LL - MS LORNA MCNEIL**

At the invitation of the Chairman, Mrs Lorna McNeil, the Applicant, addressed the Committee. Councillor C.J. Spencer, in whose Ward the application site was located, also addressed the Committee.

**RESOLVED** that Planning Permission be refused for the reason set out on page 92 of the main agenda report.

28/17

**2017/00710/FUL - DEMOLITION OF CONSERVATORY AND ERECTION OF A TWO-STOREY EXTENSION - BRIDGE HOUSE, FISH HOUSE LANE, STOKE PRIOR, BROMSGROVE B60 4JT - MR JULIAN LEWIS**

Members received an oral update in relation to consultations with the Council's Drainage Engineers in respect of the Floor Risk Assessment (FRA) and noted that the Drainage Engineers were satisfied the details within the FRA were acceptable subject to Conditions.

# Agenda Item 3

Planning Committee  
4th September 2017

At the invitation of the Chairman, Mr Julian Lewis, the Applicant, addressed the Committee in support of his application.

**RESOLVED** that Planning Permission be refused for the reason set out on page 98 of the main agenda report.

29/17

**2017/00728/FUL - EXTENSION TO GARAGE - POULTRY FARM COTTAGE, AGMORE LANE, TARDEBIGGE, BROMSGROVE B60 1PS - MR GEOFF ELLIS**

At the invitation of the Chairman, Mr Geoff Ellis, the Applicant, addressed the Committee in support of his application.

**RESOLVED** that Planning Permission be refused for the reason set out on page 101 of the main agenda report.

30/17

**2017/00810/ADV - SIGNAGE 1 - LARGE EXTRUDE ALUMINIUM LETTING (BSLC) BACK LIT WHITE ILLUMINATION TO THE LEFT HAND SIDE OF THE CLIMBING WALL BLOCK TO THE WESTERN ELEVATION OF BROMSGROVE SPORT AND LEISURE CENTRE, AND SIGNAGE 2 - EXTRUDED ALUMINIUM LETTERING (BSLC) WHITE ILLUMINATED DIRECTLY ABOVE THE MAIN ENTRANCE ON THE WESTERN ELEVATION OF BROMSGROVE SPORT AND LEISURE CENTRE - THE DOLPHIN CENTRE, SCHOOL DRIVE, BROMSGROVE B60 1AY - MR JOHN GODWIN FOR BROMSGROVE DISTRICT COUNCIL**

**RESOLVED** that Advertisement Consent be granted, subject to the conditions set out on pages 104 to 105 of the main agenda report.

31/17

**2017/00833/FUL - TO EXTEND THE GROUND FLOOR TO PROVIDE A UTILITY ROOM TO THE EXISTING KITCHEN AND EXTEND ABOVE THIS AND THE EXISTING GROUND FLOOR WC TO PROVIDE A FIRST FLOOR EN-SUITE TO THE EXISTING MASTER BEDROOM - 10 MONUMENT LANE, LICKEY, BIRMINGHAM B45 9QQ - MR DAS**

At the invitation of the Chairman, Mr Paul Rees, the Applicant's agent, addressed the Committee.

**RESOLVED** that Planning Permission be refused for the reasons set out on page 110 of the main agenda report.

The meeting closed at 8.05 p.m.

Chairman

# Agenda Item 5

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Mark Elliot	Residential development of 148 dwellings (Amendment to 15/0687)  Former Polymer Latex Site, Weston Hall Road, Stoke Prior, Worcestershire,	05.10.2017	17/00761/FUL

## **RECOMMENDATION:**

- (a) MINDED to APPROVE FULL PLANNING PERMISSION
- (b) that DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application *subject* to the satisfactory views of Worcestershire Highways, Worcestershire Regulatory Services, North Worcestershire Water Management and the receipt of minor design amendments and provision of waste management facilities, and
- c) following the receipt of a suitable and satisfactory legal mechanism in relation to:
  - (i) The provision of 21 affordable housing units
  - (ii) A contribution of £436,361 towards the provision of enhanced education facilities at Stoke Prior First School, Shared Aston Fields and St John's Middle and South Bromsgrove High
  - (iii) A contribution to public transport improvement measures including bus stops on Shaw Lane and cycle parking provision at Ryefields Road
  - (iv) The provision and maintenance in perpetuity of the proposed on site public open space, Local Equipped Area of Play and areas for habitat enhancement
  - (v) The provision of and maintenance in perpetuity of the proposed drainage facilities on the site (including the balancing ponds and pumping station)

## **Consultations**

### **Wychavon District Council** Consulted 14.07.2017

We do not have any specific comments to make as the principle of development on this site has already been established through application 15/0687 (202 dwellings approved April 2016), and application 17/00761/FUL simply seeks to increase the number of dwellings by 14 to 216. We therefore have no objection providing the design is considered to be appropriate and there is no objection from Worcestershire County Council Highways.

### **Stoke Parish Council** Consulted 14.07.2017

The Parish Council were keen to see this site developed as soon as possible.

17/00761/FUL

**Education Department at Worcestershire-** Consulted 14.07.2017

Given the information from the viability exercise I am prepared to accept the revised contribution to education.

**Historic England** Consulted 14.07.2017

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

**Highways - Bromsgrove** Consulted 14.07.2017

Comments received in relation to EV Charging points:

1 space should be set aside over the requirements for the apartments which is demarked on the ground and equipped. This space can be available for all and would allow a vehicle to be charged and then moved so the space is available for other residents. Alternatively you place the charging station in a location where the cable could reach the required number of cars, but that depends on the parking layout.

Full comments awaited.

**Minerals Consultation Area** Consulted 14.07.2017

The plans need to incorporate areas to store and aid the collection of waste, and arrangements have not been made for the separate storage and collection of recyclable material.

The proposed development is not in an area of identified mineral deposits as shown on the 1997 Hereford and Worcester Minerals Local Plan Proposals Map.

**Worcestershire County Council Countryside Service** Consulted 14.07.2017

No Comments Received To Date.

**WRS - Contaminated Land** Consulted 14.07.2017

Worcestershire Regulatory Services (WRS) have reviewed the application for contaminated land issues. This has involved review of the report entitled 'Georisk Management Additional Investigation and Remedial Action Plan - Westonhall Road, Stoke Prior, Bromsgrove' reference 14247/1 dated 28th July 2015, with reference to other previous reports referenced within. No objection subject to the conditions (set out at the end of the report).

Updated comments: 18.09.2017. WRS have reviewed the following reports submitted in support of the discharge of Conditions 3, 4 & 5:

- Georisk Management; Geoenvironmental Assessment; Report ref: 14247/1 Dated: Revision 1 Issue: July 2017
- Georisk Management; Remediation Method Statement & Validation Plan; Report ref: 14247/3 Dated: July 2017

**Geoenvironmental Assessment Report**

The revised Report is satisfactory and addresses the concerns raised by my colleague on 31/07/2017, therefore conditions 3 & 4 of the planning permission can be discharged.

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## Remediation Method Statement & Validation Plan

The Method Statement and Validation Plan is comprehensive and WRS agrees with it's findings including:

- The hydrocarbon contamination 'hotspots' to be delineated and excavated. Soils arising from this process will be tested to classify the material for either potential re-use, treatment or removal from site. Soil samples from the base and sides of the excavation sites will be collected and analysed for speciated TPH and VOC suite.
- Chemical waste materials to be delineated and excavated out. The excavated materials may be relocated to the POS, provided this is at a minimum depth of 1 m below formation levels.
- During excavation works a watching brief for asbestos will be performed by site operatives. Any visible asbestos containing materials will be carefully picked, double bagged and placed in a secure area for subsequent disposal.
- Gas protection measures to 'amber 1' will be installed in all properties

## Clean Cover

- Rear Gardens -150 mm topsoil, 450 mm subsoil, Geotextile membrane laid above granular material, 200 mm fines free granular material placed above Made Ground
- Front Gardens - 300 mm topsoil, Geotextile membrane laid above granular material, 200 mm fines free granular material placed above Made Ground
- POS - 600 mm topsoil/subsoil, Geotextile membrane placed above Made Ground

A validation certificate confirming the source, quality and thickness of the clean cover soils placed will be issued on a plot specific basis.

## Validation

A Validation Report will be prepared to provide independent certification that the remediation has been carried out in accordance with the agreed specification. The report will include:

- description of the remediation works carried out;
- details of site inspections made;
- details of validation sampling undertaken;
- photographic records to demonstrate compliance with the Remediation Method Statement;
- records of any unexpected contamination (if found).

WRS confirms that Condition 5 of the planning permission can be discharged.

## **WRS - Noise** Consulted 14.07.2017

The Acoustics Report presented is broadly acceptable, some clarification needed in relation to some of the content.

## **WRS - Air Quality** Consulted 14.07.2017

WRS have reviewed the following PBA; Air Quality Assessment; Report ref: 42136/3001; Dated: September 2017. The modelling concludes that the impact on annual mean NO2 concentrations is negligible at all receptor locations within the AQMA with the development in place and the impact on PM10 and PM2.5 concentrations is also

17/00761/FUL

described as negligible. There are no predicted exceedances of the annual mean NO<sub>2</sub>, PM<sub>10</sub> or PM<sub>2.5</sub> concentrations at the receptors locations in the proposed development.

Predicted concentrations are below the relevant objectives at all of the existing and proposed receptor locations in 2025 with the proposed development in place. The operational effects of the proposed development are judged to be not significant. Therefore WRS have no adverse comments to make for air quality.

**Arboricultural Officer** Consulted 14.07.2017

No objection subject to the protection of retained trees and specification for no dig construction methods.

**Leisure Services Manager** Consulted 14.07.2017

Comments in relation to previous application 15/0687 as follows:

We feel this design and layout is much improved with inclusion of bow top perimeter fencing and the location for play more appropriate given the nearby water hazards.

The design and layout of the play provision has a good mix of landscaping, mounding and uses a variety of hard and soft landscape materials.

**Housing Strategy** Consulted 14.07.2017

With regard to the percentage of affordable units it would seem that the independent viability assessment supports the reduced number of units and I am happy to accept that.

**Drainage Engineers Internal Planning Consultation** Consulted 14.07.2017

Further information is requested in respect of run off and discharge calculations and details.

**Conservation Officer** Consulted 14.07.2017

I do not consider that the revised scheme will increase the harm to the character or appearance of the neighbouring Conservation Area. A number of clarifications required in relation to the position of the site boundary with respect to the conservation area and plans to repair the wall which adjoins the canal footpath.

**Health And Safety Executive** Consulted 14.07.2017

No Comments Received To Date

**Cadent Gas Ltd** Consulted 14.07.2017

No Comments Received To Date

**Western Power Distribution** Consulted 14.07.2017

No Comments Received To Date

**Ramblers Association** Consulted 14.07.2017

No Comments Received To Date

**West Mercia Constabulary** Consulted 14.07.2017

No objection.



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**Worcestershire Wildlife Trust** Consulted 14.07.2017

We note the contents of the various associated documents and in particular the findings presented in the ecological appraisal by EDP. We also note the proximity of the Worcester and Birmingham Canal LWS. Based on the plans and findings presented in the EDP appraisal we do not wish to object to the application but we would recommend that the recommendations made by the ecologists are covered by conditions attached to any permission you may be otherwise minded to grant. Conditions should require a Construction Environmental Management Plan, a long term Habitat Management Plan, SUDS and lighting. Appropriate model wording for such conditions may be found in Annex D of BS42020:2013 Biodiversity - Code of practice for planning and development.

**Environment Agency** Consulted 14.07.2017

There is a lack of detail pertaining to drainage proposals on site and also to the proposed attenuation pond. No objection subject to conditions in relation to ground remediation (applied below)

**Urban Designer- Joe Holyoak** Consulted 14.07.2017

No Comments Received To Date

**Severn Trent Water Ltd** Consulted 14.07.2017

No objection subject to conditions in relation to storm and foul drainage.

**Canal and River Trust** Consulted 14.07.2017

The main issues relevant to the Trust as statutory consultee on this application are the impact of the proposal on the structural integrity of the canal due to the proximity of the buildings to the canal and the impact on the character and appearance and biodiversity of the waterway corridor.

No objection subject to the conditions relating to details of boundary treatment, wall repairs and access arrangements to the footpath.

**NHS/Medical Infrastructure Consultations** Consulted 20.07.2017

NHS Redditch & Bromsgrove CCG is not seeking a contribution in relation to this application.

**Relevant Policies**

**Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP14 Designated Employment

BDP7 Housing Mix and Density

BDP8 Affordable Housing

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP20 Managing the Historic Environment

BDP23 Water Management

BDP24 Green Infrastructure

BDP25 Health and Well Being

17/00761/FUL

## Others

SPG1 Residential Design Guide  
NPPF NPPF National Planning Policy Framework

### Relevant Planning History

13/0213	Redevelopment of the former latex factory site to provide mixed-use development including up to 157 dwellings (Use Class 3) up to 850sqm business floor space (Use Class B1a and B1c), a neighbourhood centre (covering Use Class A1,A2,A3,A5 and D1), Village Hall/Community Building (Use Class D1) and a nursing/care home (Use Class C2), open space, infrastructure, landscaping and associated works, including ground reprofiling.	Approved	30.01.2015
15/0687	Residential development of 202 dwellings		29.04.2016

### Public Comments

1 comment received summarised as follows:

Off road parking on the Greenbox site is not fully adequate for the needs of the business trading and Westonhall Road is utilised for parking. Any disruption to this parking will present difficulties for the trading businesses and employers, adequate parking needs to be provided.

### Proposal Details

The proposal will consist of 148 residential units forming a frontage on Weston Hall Road adjoining Corbett House to the east and the Worcester and Birmingham Canal to the north. There will be a large area of public open space comprising 2.4 Ha (including an equipped area of play) to the north of the site bordering the canal.

The site is largely surrounded by existing commercial development. The adjoining canal corridor is a conservation area. There is Green Belt land to the south and east of the application site.

The schedule of house types proposed is set out in the table below:

Dwelling Type	No. of dwellings (Approved scheme 15/0687)	No. of dwellings proposed in current proposal (North and East part of site)	Overall No. of dwellings (Current Proposal and implementation of 15/0687)
2 bed apartment	0	21	21

2 bed house	35	28	44
3 bed house	86	46	60
4 bed house	81	53	91
<b>Total</b>	<b>202</b>	<b>148</b>	<b>216</b>

The application is accompanied by a Design and Access Statement, Marketing Report, Planning Statement, Ecological Appraisal, Drainage Strategy, Transport Assessment, Archaeology/Built Heritage Statements, Outline Remediation Strategy, Acoustic Report, Air Quality Assessment and Landscape Plans.

Planning permission was granted on this site for the erection of 202 dwellings on 29th April 2016 (B/2015/0687). A Non Material amendment application was approved in July 2017 which related to this permission and to the south west part of the site. The amendment related to some minor alterations to the positioning of dwellings and alterations to internal roads. The NMA application related to an area containing 68 dwellings approved under the original permission. The applicant intends to implement the 2015 planning permission and associated approved non-material amendment. The current proposal for 148 dwellings relates to the north and east side of the site and a small area in the extreme south west of the site.

Legal Services have confirmed that it is possible to implement both consents, should the second planning application be approved and implemented, a Supplemental Legal Agreement will be sufficient to ensure that any additional contributions can be secured.

The applicant has been undertaking ecological mitigation work on the site in respect of great crested newts and the areas required by the protected species have encroached on the developed area as shown on the 'Habitat Management and Maintenance Plan by EDP.

### **Comparison with previously approved scheme 15/0687**

The main physical changes currently proposed as part of this application are:

- o The provision of three (3 storey) apartment blocks, one adjoining Corbett House on Western Hall Road at the east end of the site and two blocks on the NE side of the site adjoining the area of public open space
- o The provision of three additional pairs of two and a half storey dwellings within the central area of the application site
- o Slight increase in the area of public open space, with development pulled back in the north-eastern corner of the site

411 parking spaces.

It is proposed that 21 of the 148 dwellings will be affordable. The affordable dwellings will comprise 14 social rented (10 x 2 bed, 2 x 3 bed and 2 x 4 bed) and 7 shared ownership (3 x 2 bed and 4 x 3 bed). In terms of the site overall, (taking the portion of site to be implemented under 15/0687), a total of 32 affordable units or (15%) are being provided.

## **Assessment of Proposal**

### **Principle**

The site is identified for employment purposes under policy BDP14 of the Bromsgrove Plan 2017. The policy seeks to safeguard land for employment purposes and proposals for alternative uses such as housing are subject to a number of criteria including the requirement to demonstrate adequate marketing of the site for the employment purpose and a viability appraisal to demonstrate that redevelopment for employment purposes would be unviable.

The Bromsgrove District Plan (2017) has been adopted since the previous application was considered and the criteria set out in policy BDP14 need to be fulfilled in terms of the justification for the loss of employment land. The application is accompanied by a Market Report dated July 2015. The report concludes that there is a lack of demand for office space (B1) combined with a significant amount of vacant stock already on the market and a number of extant, but unimplemented, planning permissions for office development in locations which have better geographical connectivity than the site at Stoke Prior. The report includes detailed costings in relation to new office development which demonstrates that the cost of such development would outweigh any return. The previous industrial use of the land and abnormal build costs also contribute to the lack of viability for employment use (criterion (v) of policy BDP14). It has been accepted in previous applications (15/0687 and 13/0213) that the site has been adequately marketed for employment use and there has been no uptake.

Members should note that the principle of redevelopment of the site from employment use has been accepted in the previous application (15/0687) and this consent remains extant.

Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The nature of previous uses of the land for latex manufacture and the current state of the land mean that re-use for employment purposes would be unlikely and viable due to the levels of identified contamination and remediation costs.

The principle of development for residential purposes would be acceptable taking the development plan policies, the NPPF and the evidence presented into account.

### **Viability**

The applicant has presented a Viability Appraisal which sets out in detail the costs of delivering the proposed development. The Council has had the Appraisal provided independently assessed and it is considered that the costs and values put forward are reasonable and would justify reduced affordable housing and infrastructure contributions.

### **Design and Layout**

The general approach to design and layout remains similar to that approved under application 15/0687 with some alterations to facilitate ecological enhancement as set out in the Habitat Management and Maintenance Plan accompanying the application. The provision of a fenced off area on the eastern side of the site is a notable change from the

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previous application. The provision of the three apartment blocks are noted in the streetscene elevations provided.

In terms of the mix of housing proposed, this is broadly acceptable with a substantial portion of smaller scale (2/3 bedroom) properties being provided.

In terms of design, form and layout Policy BDP19 of the Bromsgrove District Plan (2017) and paragraphs 56 - 68 of the NPPF are relevant. The design of the proposal needs to take account of the existing constraints and opportunities of the site including the canal conservation area. There has been careful consideration of the use of a varied palette of materials to provide variety in the new streetscenes. Car parking spaces have been set back from the street frontages to reduce car dominance in the streetscene. The proposed public open space will be adequately overlooked from principal windows in the proposed dwellings. The advice of 'Secured by Design' has been taken into account in respect of the layout. The density of the proposed development is appropriate at approximately 41 dwellings per hectare. The views of the Urban Designer are awaited.

The public open space proposed to serve the development will be located northern end of the site and the configuration is similar to the previous application and includes a Local Equipped Area of Play. There is a larger area also proposed to facilitate ecological enhancement in accordance with the Habitat Management and Maintenance Plan.

The advice of Supplementary Planning Guidance Note (SPG1) Residential Design Guide remains a material consideration. The applicant has been requested to address a number of minor design amendments.

In terms of residential amenity of existing occupiers, the adjoining properties are all commercial in nature with the exception of the 'Pumphouse' to the immediate west of the application site. This property is now unoccupied due to a fire but the separation distance to the development means that its amenity would not be significantly affected.

In terms of the heritage assets on the site, these consist of the canal conservation area to the north and the saltwater reservoir which adjoins the site to the east, but is not part of the current scheme. The setting of these heritage assets need to be considered. The application is accompanied by a Built Heritage Statement and the views of the conservation officer should be noted.

## **Technical Matters**

Members should note the responses received from the consultation exercise and no objections to the proposal on technical grounds have been received. The site has significant levels of contamination and the conditions recommended by Worcestershire Regulatory Services (as set out below) will be imposed. There will be some importation of material and movement of material on the site to facilitate the development. The applicant has provided a Construction Environmental Management Plan (CEMP) in July 2017 to address the importation of materials and site testing and analysis. This is currently being reviewed by WRS and the suggested condition remains necessary. The applicant has provided an updated Air Quality Assessment and this is being reviewed by WRS.

In terms of all of the other consultation responses, conditions have been imposed where they are necessary and appropriate. The applicant has applied to discharge some of the

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conditions imposed on the previous application 15/0687; the matter is under consideration and the suggested conditions below may be subject to amendment.

The reference in the public comments to the potential for displacement parking should be noted. The views of Worcestershire Highways are awaited and no objection was received in relation to the previous application, subject to conditions, similar to the previous application.

## **Conclusion**

The site is previously developed land and the NPPF encourages the effective use of such sites (core planning principles, para 17). The housing proposed on the site will make an important contribution to the Council's five year housing land supply, obviating the need to release Green Belt sites for development. The ecological and environmental characteristics of the site have been carefully considered in the submitted information and mitigation measures are proposed for any significant effects on the wider environment as a result of the development. Taking all matters into account, the proposed development is acceptable.

## **RECOMMENDATION:**

- (a) MINDED to APPROVE FULL PLANNING PERMISSION
- (b) that DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application *subject* to the satisfactory views of Worcestershire Highways, Worcestershire Regulatory Services, North Worcestershire Water Management and the receipt of minor design amendments and provision of waste management facilities, and:
- c) following the receipt of a suitable and satisfactory legal mechanism in relation to:
  - (i) The provision of 21 affordable housing units
  - (ii) A contribution of £436,361 towards the provision of enhanced education facilities at Stoke Prior First School, Shared Aston Fields and St John's Middle and South Bromsgrove High
  - (iii) A contribution to public transport improvement measures including bus stops on Shaw Lane and cycle parking provision at Ryefields Road
  - (iv) The provision and maintenance in perpetuity of the proposed on site public open space, Local Equipped Area of Play and areas for habitat enhancement
  - (v) The provision of and maintenance in perpetuity of the proposed drainage facilities on the site (including the balancing ponds and pumping station)

## **Conditions:**

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

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Reason:- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Proposed Site Layout & Drainage Strategy (ref:1K)  
Refuse Vehicle Tracking (ref: 15021-120A)  
House Type - Washington (ref: B6398(HT)01)  
House Type - Folkstone (ref: B6398(HT)02)  
House Type - Ennerdale (ref: B6398(HT)04)  
House Type - Collaton (ref: B6398(HT)05)  
House Type - Eskdale (ref: B6398(HT)06)  
House Type - Kingsville (ref: B6398(HT)07)  
House Type - Kingsley (ref: B6398(HT)08)  
House Type - Alderney (ref: B6398(HT)09)  
House Type - Hesketh (ref: B6398(HT)10)  
House Type - Hale (ref: B6398(HT)11)  
House Type - T20 (ref: B6398(HT)100)  
House Type - T22 (ref: B6398(HT)101)  
House Type - Malton & Amble Elevations (ref: B6398(HT)103)  
House Type - Malton & Amble Plans (ref: B6398(HT)104)  
House Type - Bromwich Elevations (ref: B6398(HT)105)  
House Type - Bromwich Plans (ref: B6398(HT)106)  
House Type - T27 (ref: B6398(HT)107)  
House Type - T24 (ref: B6398(HT)108)  
House Type - House Types (ref: B6398(HT)HA)  
Location Plan - (ref: B6398(PL)01)  
Site Layout - (ref: B6398(PL)03)  
Materials and Boundary Treatments Plan - (ref: B6398(PL)04)  
Street Elevations - (ref: B6398(PL)05)  
Soft Landscape Proposals - (ref: Bir.4917-02D)  
Soft Landscape Proposals - (ref: Bir.4917-03G)  
Soft Landscape Proposals - (ref: Bir.4917-04E)  
Soft Landscape Proposals - (ref: Bir.4917-05E)  
Soft Landscape Proposals - (ref: Bir.4917-06G)  
Soft Landscape Proposals - (ref: Bir.4917-07H)  
Soft Landscape Proposals - (ref: Bir.4917-08E)  
Soft Landscape Proposals - (ref: Bir.4917-09D)  
Soft Landscape Proposals - (ref: Bir.4917-10E)  
Soft Landscape Proposals - (ref: Bir.4917-11B)  
Tree retention, loss and protection plan (ref: BIR4917-12B)  
Pump Station Layout (ref: STD1016)

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

- 3) Previous reports submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and

approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. 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".

- 4) 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"
- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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.

Reasons (3-8) These are required pre commencement conditions 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.

- 9) Full details of any soil or soil forming materials brought on to the site for use in garden areas, soft landscaping, filling and level raising must be provided. Where



the donor site is unknown or is brownfield the material must be tested for contamination and suitability for use on site. Full donor site details, proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site.

The approved testing must then be carried out and validity evidence (such as laboratory certificates) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought on to site.

Reason: This is required as a pre commencement condition 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.

- 10) The retained trees on the application site shall be afforded full protection in accordance with BS5837:2012 recommendations throughout any ground or development work on the site and as highlighted within the Method Statement and plan as shown on the Pegasus Landscape Design Tree Retention / Loss and Protection Proposal Plan number Bir.4917\_12B. Where the road network incurs into the BS5837:2012 recommended RPA of trees, a full specification of the no dig method of construction shall be provided to and approved in writing by the Local Planning Authority.

Reason: In order to protect the existing trees in accordance with policies BDP1 and BDP19 of the Bromsgrove District Plan 2017.

- 11) Prior to the commencement of the development hereby approved, storm drainage design, including modelling outputs, are to be submitted to and approved in writing by the Local Planning Authority.

Reason: This is required as a pre commencement condition to ensure satisfactory drainage and no increase in flood risk elsewhere as a result of the development.

- 12) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a construction management plan. The plan shall include (a) areas within the site to be used for loading, unloading and manoeuvring, (b) areas within the site to be used for storage of materials and equipment including fuels, (c) wheel washing at the site and leaving the site to reduce mud and spoil on the highway, (d) proposals to minimise dust from construction, (e) construction noise suppression, (f) areas within the site to be used for parking for site personnel, operatives and visitors (g) construction traffic routes, (h) piling techniques, (i) programme of works (including measures for traffic management and operating hours, (j) provision of boundary hoarding and lighting (k) full protocols in relation to the import/export of materials from the site.

The development shall be carried out in accordance with the approved management plan.

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Reason: To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of adjacent occupiers.

- 13) Prior to the commencement of development, details of the proposed boundary treatments including wall repairs, new fencing and access to the canal towpath shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details.

Reason: To comply with the requirements of the National Planning Policy Framework and in order to ensure that the integrity of the waterway infrastructure is not compromised, future maintenance has been identified and agreed and the proposed materials and appearance of these features does not have a detrimental impact on the appearance of the waterway corridor in accordance with policy BDP20 of the Bromsgrove District Plan.

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