

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
------------------------------------------	----------	--------------------	--------------

- | | | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| 12. | The development hereby permitted shall not commence until drainage works for the disposal of both foul and storm water have been submitted to and approved in writing by the Local Planning Authority. The approved drainage systems shall be implemented and operational before the buildings hereby approved are first occupied. | | |
| 13. | H3 (4.5M X 33M) | | |
| 14. | H6. | | |
| 15. | H9. | | |
| 16. | H13. | | |
| 17. | H20. | | |
| 18. | H21. | | |
| 19. | H27. | | |

Reasons

- | | | | |
|-----|-------------------------------------------------------------------------------------------------------------|--|--|
| 9. | To ensure the amenity of surrounding residents is protected in accordance with Policy DS13 of the BDLP2004. | | |
| 10. | R008 | | |
| 11. | To ensure the amenity of surrounding residents is protected in accordance with Policy DS13 of the BDLP2004. | | |
| 12. | RO11 | | |

NOTES

- | | | | |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| 1. | There is no public surface water sewer available and no surface water will be allowed to discharge to the foul sewer. There will be a need to deal with surface water disposal and extensive land drainage systems may be required which must be designed as to not adversely affected neighbouring dwellings. | | |
| 2. | The disposal of foul sewage may require a gravity feed or pumping depending on the outfall and appropriate easements. | | |
| 3. | HN1. | | |
| 4. | HN7. | | |
| 5. | HN8. | | |
| 6. | HN5. | | |
| 7. | HN10 | | |

DODD HOMES 'B'	Residential and Retail development – Outline Consent as Amended by Transport Statement, Design Statement and plans received 27.04.04, augmented by plans received 23.07.04 (Site /sewer survey) and supplementary transport statement received 14.10.04. and amended plans received 10.11.04 and 11.11.04. at Land at junction of New Road and Beverley Road, Rubery, Rednal.	SHOP P	B/2003/0987 17.07.04
---------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------	--------------------------------

RECOMMENDATION that subject to an appropriate legal agreement to include contributions for;

1. education provision,
2. an appropriate community initiative,
3. and the upgrading of pedestrian crossing.

Outline planning permission be **GRANTED**

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
<u>Consultations</u>			
WCCHP	Recommends deferral to establish size of development and impact on highway safety. 12.08.03.		
	<u>Reconsulted on additional information 14.05.04.</u>		
	Recommends deferral for additional parking provision on site and for the comments of WCC on the Traffic Assessment. 01.07.04.		
	<u>Additional comments sent 16.07.04.</u>		
	Recommends deferral to enable additional parking spaces, provision of covered cycle stands, demonstration of visibility splays, a Traffic Impact Assessment in connection with the suitability of the junction at Beverly Road/New Road to accommodate the additional traffic, including capacity calculations, clarification of a financial contribution to upgrade existing crossing. 22.07.04.		
	<u>Following receipt of supplementary transport statement on 14.10.04</u>		
	No objections, subject to conditions and Legal Agreement to secure upgrade of existing pedestrian crossing. Bus shelters to be replaced/provided under Section 278 of the Highways Act 1980. 21.10.04		
	<u>Consulted on amended plans 12.11.04.</u>		
	Recommends conditions and Section 106. 18.11.04.		
PROW	No response received, consulted 22.07.03.		
RA	Highlights that the impact of development on a public footpath is a material consideration and refers to circular 2/93 highlighting that development cannot obstruct a public right of way. 28.07.03.		
WMC	Asks that all dwellings conform to secure by design standards. 29.07.03.		
	<u>Consulted on amended plans 12.11.04.</u>		
	Asks for dwellings to conform to secured by design, for lighting to confirm to BS and control on access gates. 19.11.04.		
Economic Dev	<u>Consulted on amended plans 12.11.04.</u>		
	Economic development does not get involved in residential schemes. Insofar as this scheme involves retail development and the promotion of new shops, Economic Development supports the application. 16.11.04.		
SAA	<u>Consulted on amended plans 12.11.04.</u>		
Head	of <u>Consulted on amended plans 12.11.04.</u>		
Leisure			
Services			
Birmingham	No comments to make. 13.08.03.		
City Council	<u>Reconsulted on additional information 14.05.04.</u>		
	No response received		
CEHO	Improvements are welcomed, but recommend conditions with respect to working hours, site clearance and construction work. 24.07.03.		
CEHO	The proposed development is on the site of a former garage and could therefore be contaminated. Recommends condition requiring an assessment of any potential on site contamination to be submitted prior to the commencement of development. 07.08.03		
ENG	No objections, subject to conditions and surveys. 15.08.03		
STW	No objection, subject to conditions. 22.08.03		
WCC	Lists relevant S106 figures for education contribution. 05.08.04.		
(Education)			
LP	Lists relevant policies, as outline detailed assessment is difficult, however principle of development appears acceptable, retail element should be integrated to existing frontage and on ground floor. Retail should be the primary use and the development should not lead to the loss of retail units. The proposal represents an opportunity to improve the visual appearance		

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
	<p>of the area. 04.08.04. <u>Reconsulted on additional information 14.05.04.</u> Scheme is acceptable in light of RUB2. Need to clarify subdivision of unit and total floor areas. Considers scheme would enhance area. Should be 30% Affordable Housing. Need provide play space in accordance with RAT6 – Commuted sum may be necessary. Private Amenity needed and should reflect advice in PPG3. 19.05.04. Clarified no need for full retail impact assessment. 01.10.04. <u>Consulted on amended plans 12.11.04.</u></p>		
Publicity	<p>Site notices displayed 29.07.03, expired 19.08.03. Press notices displayed 31.07.03, expired 21.08.03. Ten neighbours notified, expired 13.08.03 and 30.08.03. 28 objections received (26 of which were from residents of Graham Crescent using a pre printed letter which was signed by individual residents) on the grounds of;</p> <ol style="list-style-type: none"> 1. Increased traffic levels and pedestrians using the right of way along side dwellings. 2. Noise and light pollution. 3. Loss of trees on the site and skyline and light. 4. Detrimental impact on quality of life in Graham Crescent 5. Development would reduce benefits of living in this location 6. Harm to character of this part of Rubery to the detriment of residents 7. Overlooking to rear of dwelling which will impinge on quality of life. <p>Bromsgrove Society Object The development should be restricted to five replacements only, the existing car park is needed in this area. 15.08.03.</p> <p><u>Reconsulted on additional information 14.05.04.</u> 19 Objections received on the grounds of;</p> <ol style="list-style-type: none"> 1. Overlooking as a result of the three storey height 2. Three storey development will look out of place 3. Concerns over size and extent of building 4. Disturbance from traffic using carpark, especially at night. 5. Increase in dirt and pollution, especially during construction 6. No control over use of carpark 7. Devalue property values 8. Increase in traffic levels adding to volume of traffic using access adjacent to Kwik Save and market garden, already weight restriction in this area and will create a dangerous junction, concerns over deliveries to Kwik Save and size of attendant vehicles 9. On street parking would be affected as would access to some driveways 10. Peaceful area and development would be out of character in road and reduce quality of life, have a devastating effect. 11. Proposed bin area abuts residential boundary and adjacent to parking area for mobile business. 12. Noise from flats, unsure if flats for rent or council owned, litter will be a problem 13. Over development of site, developers only interested in profit. 14. Concerns over all residents in area not having received letter 		

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
	15. Safety of children would be at risk 16. Disruption from shops, concerns over type of shops proposed, if fast food would be litter and noise problems especially at night. 17. Loss of employment and rented accommodation on the site at present 18. Why are more retail units when places are empty in the town centre?.		

The site and its surroundings

The application relates to a rectangular site on the corner of New Road and Beverley Road, Rubery.

The site is currently occupied by Mr. B'S Market Hall which operates as an indoor Market and Café and is subdivided internally into a number of small outlets. This building is a flat roofed two storey structure when viewed from New Road which has an unattractive external appearance and which makes little positive contribution to the appearance of the area. At first floor and accessed from the rear are four residential flats.

To the rear of the Market is a vehicular access to the site leading off Beverley Road. This serves a rear access to the market hall, which extends back into the site using a single storey building with a rounded roof and the ground floor of an existing two storey building, which is vacant at first floor. These buildings run along the west-facing boundary and back onto a footpath leading from New Road into Graham Crescent.

On the corner of the site 212-218 New Road are more attractive and traditional two storey units with retail uses at ground floor and residential uses above. The corner site being occupied by Funeral Directors which has recently been incorporated within the site boundary.

The site extends to 0.27 hectares and is within the Shopping Area as defined by the BDLP.

Proposal

The application was submitted in Outline form with all matters reserved for future consideration. The Council considered that additional information was required in order to address the merits of the application and therefore requested details of access, siting and design as well as information to establish the balance between residential and retail, on 8th August 2003.

The agent for the application has changed since that time and significant delays have been experienced in collecting the relevant information.

On 27th April 2004 additional information was submitted including a Planning Statement, a Design Statement, a Transport Assessment, a Drainage Assessment and plans and elevations of the proposal as well as a covering letter from a Planning Consultant. The planning statement and site plan are included in APPENDIX 2.1 as is the conclusion presented with respect to the supplementary transport statement received 14.10.04. That scheme related to a three storey building which include 24 one bed roomed and 12 two bed roomed units.

That scheme has since been amended. Details were submitted on 10th and 11th November 2004 and the scheme now includes ;

1. The entire demolition of all buildings on the site.

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
	2. The erection of a new retail area at ground floor and fronting onto New Road. This will effectively fill the front half of the site with parking spaces extending down the east and west-facing boundary.		
	3. To the rear and using a similar access to existing, 42 parking spaces are proposed.		
	4. Two floors of residential units over the retail area are proposed. This area will have arranged in a shallow 'u' shape around a central communal space at first floor level in the form of a decked area. The resultant building will have a three storey form and the submitted elevations show the ridge height of the structure sitting below the existing three storey development to the west of the site. The development will be made up of 14 two beds, 8 one beds and two studios.		

The applicant's architects have confirmed in writing their acceptance to a commuted sum for Education Provision (Received 08.07.04). As well as contributions to the upgrading of the existing pedestrian crossing (Rec. 03.09.04) and a contribution for off site play space (Rec 18.11.04).

Relevant policies

WCSP	SD1,SD2,SD3,SD4,SD5,SD6,SD7,CTC1,CTC9, T1,D1,D2,D3,D4,D5,D9, D11, D13, D34
BDLP	DS13, DS4, S1, S3, S7, S15, S21, S28, S29, RAT5, RAT6, TR11, RUB2, ES3, ES7.
Others	PPG1, PPG3, PPG6, PPG7, PPG13, PPG17, PPG23, SPG1, Draft Planning Statement 6, RPG11.

Relevant planning history

B11918	Internally illuminated sign. 1984.
15536	Change of use from car park to display of vehicles for sale. Granted 12.10.87
B1992/0242	Change of use from garage to indoor market. Granted 15.06.92.
B1992/0748	Permanent change of use to indoor market. Granted 14.12.92.
B1993/0008	External cladding. Refused. 26.04.93
B1993/0488	External elevational alteration. Granted 23.07.93.
B1993/0499	Shop sign. Granted 23.07.93.

Notes

I consider that this application raises a number of issues;

1. The suitability of the site to accommodate the retail scheme proposed, in the light of Policy RUB2 of the BDLP and the advice in PPG6 and Draft Planning Statement 6 (DPS6)
2. The appropriateness of the site for the residential development proposed and the associated requirements for play space and amenity space.
3. The suitability of the proposed parking and serving and access for the site.

Retail Aspect

Policy D34 of the WCSP sets out that the preferred location for retail developments, primarily to meet day to day needs, will be District and Local Centres and those such proposals should be consistent with the scale and function of the centre.

Policy S21 of the BDLP sets out the sequential approach to major new retail facilities for food and non-food shopping as advocated by PPG6. This policy sets out that the first preference is for town centre sites and goes on to list the order of preference of alternative sites. The policy lists other criteria including the need for development to be well located in relation it different modes of transport, there must be no potential increase in motorized trips

and the availability of the site. The supporting text clarifies that the application site is located within a defined District Center.

Advice in PPG6 aims to sustain and enhance vitality (how busy a centre is at different times and in different parts) and the viability (the ability to attract continuing investment to maintain fabric and adapt to changing needs). The vitality and viability of a town centre will depend on:

- a) Retaining and developing a wide range of attractions
- b) Creating and maintaining attractive environments
- c) Ensuring good accessibility to and within the centre
- d) Attracting continuing investment in development and refurbishment of buildings. (para2.2)

In addition I am mindful of the advice in DPPS6. Para 1.8 recognizes that housing will be an important element in most mixed use – multi storey developments. Para 3.4 states that Local Planning Authorities should require applicants to demonstrate ;

- a) the need for the development
- b) that the development is of an appropriate scale
- c) that there are no more central sites
- d) that there are no unacceptable impacts on existing centres and
- e) that the location is accessible.

Criteria a) and c) are not relevant due to the position of the site within a defined centre. The scale and impact of the development are relevant issues, especially if the development would substantially increase the attraction of the centre which could in turn impact on other centres. The accessibility of the site is relevant. This should be attainable by a choice of methods, including public transport, walking, cycling and car. Developments should be orientated to front the street and provide level access to provide ease of access and locate parking to the rear/under. The effect of the development on local traffic levels and congestion should be considered in the light of public transport and traffic management measures.

In addition Policy RUB2 of the BDLP is also relevant and states that proposals which supports retail at ground floor (A1, A2, or A3) and retail, office or residential at first floor are likely to be acceptable. It defines the areas as a District Centre in accordance with Policy S21 and will only allow retail proposals, which are capable of being integrated within existing frontages.

The proposal relates to 1279m² net of retail floor area and the applicant suggests that the current site supports 1501m² gross (Calculated from ground floor only with first floor of market being storage and remaining buildings being office/residential). The proposed space is capable of subdivision and the amended plans received 11.11.04 show four units at ground floor with pedestrian access onto New Road with rear servicing off the parking area.

The Head of Local plans has commented that ;

While I note that the applicant states “as the proposed new retail floorspace would be a replacement for existing retail floorspace, it would have no adverse impact upon the shopping area”, this will not necessarily be the case, especially as it is also stated that “overall the new retail floorspace will be more efficient than the existing retail floorspace”.

The proposed retail unit is also one of the largest in Rubery. If the proposed retail unit were to consist of one occupier, using all of the available trading space and trading more efficiently (than the current units), this could have an adverse impact upon the vitality and viability of Rubery.

While it is accepted that a full Retail Impact Assessment is unnecessary in this instance, I believe it would be reasonable to condition the use of the proposed unit to ensure that the vitality and viability of the centre is not detrimentally affected. In particular, I believe it to be reasonable to condition the use of the unit so it is not used as one unit but rather a variety of smaller units. 01.10.04

Considering the above I am of the view that the principle of the provision of the retail aspect of the scheme in this location complies with advice in PPG6 and PPS6 as well as the policies contained in the BDLP and RUB2 in particular. I note the need to condition the extent of the unit as advised by the Head of Local plans.

Residential Aspect

Noting the context of policy RUB 2 and the location of the site, the principle of providing residential units at first and second floors is acceptable. In addition there is support from PPG3 to site new residential development within existing urban areas to ensure support for the provision of employment, leisure and retail provision within such areas and to ensure making good use of previously developed land. Local planning authorities are encouraged to make efficient use of land with housing developments of between 30 – 50 units per hectare.

Whilst the principle of the residential aspect is therefore supported, I note the criteria attached to policy S7 which are also relevant to the consideration of this application. These include considerations of the density, the form and layout of the development, reducing the loss of trees, not being harmful to amenity, no loss of open space, appropriate servicing, not being harmful to highway safety and conforming with the rest of the plan.

In this respect I note the density as being 88 units per hectare. This level of provision of new units clearly exceeds those levels advocated in PPG3 and in WCSP Policy D9. However PPG3 goes on in Para 58 to suggest that '*local authorities should seek greater intensity of development at places with good transport accessibility, such as .. local centres or around major nodes along good quality public transport corridors*'. I am aware that no guidance is given in PPG3 or Policy D9 as to a maximum density in such locations, however I am aware that the provision of higher densities does create knock on effects with respect to the provision of play space, amenity space, parking, impact on surrounding amenity etc and these are addressed within this report.

The form of the development sits close on the back of the pavement and this reflects the position of the existing market hall and the associated units on the corner of New Road, Beverley Road. Given the relationship of the site to New Road and the character of that area, I do not consider the general form or layout of the development to be harmful to the street scene or the character of the area.

The only tree growth of merit is sited along the southern boundary. These trees appear as self set specimens in close proximity to each other and of a multi stemmed form. It is your tree officers view that these trees do not warrant retention and suitable replacements should be secured.

Concerns have been raised with respect to the impact of some of the residential units on the amenity. I consider that this impact is centred on three areas; 206 New Road ,1A Beverley Road and 2 Beverley Road. I would remind Members that since that time that amended

plans have omitted two wings of development that ran down the side of the site and as such the recent amended plans reduce this impact significantly.

The properties in New Road are maisonette style dwellings where a two storey dwelling is sited above a retail use and accessed from the rear by an elevated platform and staircase. These existing dwellings are served by a sitting out area immediately behind the building line. Whilst there will be some opportunity to overlook these areas from the southern most part of the balcony of the proposed units, I note the set back nature of the windows serving the units and the fact that these are in general bathrooms and bedrooms. I also note the visually exposed nature of that amenity area, within a District Centre location and do not consider that this relationship would be so harmful to amenity as to refuse the application.

With respect to 1A Beverley Road, I note that that dwelling is a two storey property sited 20m away from the site boundary and looking directly down the flank wall of the development and onto the carpark/service area with associated single storey structures. I consider that the impact on amenity is acceptable.

With respect to 2 Beverley Road, no windows are proposed in the flank elevations. Given that the elevated decked area is 24m away from the boundary with this residential dwelling, I do not consider that there is any direct overlooking to this dwelling.

Highways Issues

Members will note that the WCCHP have requested on a number of occasion's that additional information is provided with respect to the impact of the development on the local road network. Most recently they requested in a memo dated 22.07.04 a capacity study for the junction of New Road with Beverley Road. This could not be undertaken until after the Schools had returned from Summer Holiday.

A supplementary Transport Statement was therefore prepared and submitted on 14th October. This document examined access, visibility, parking and traffic impact assessment.

With respect to visibility, provision has now been made for a 2.4m x 70m splay serving north bound traffic and 50m to the south. This access is some 20m from the secondary access serving Kwik Save's carpark.

With respect to parking, the statement highlights the comments in PPG13 with respect to 'reducing parking in new development as part of a package of planning measures to promote sustainable transport choices'.

The submission proposed 42 spaces, 24 for residential use and 18 for retail. Additional parking is available to retail users at the carpark opposite the site and linked by a Pelican Crossing. Improvements to this crossing are proposed as part of the scheme.

With respect to traffic generation a TRICS assessment has been made and a traffic count undertaken on the site. The report concludes there would be negligible queuing delays at the New Road/Beverley Road junction as a result of the development. An increase of 15% at the junction is anticipated and this does not take into account the sustainable location of the site and the likelihood that many trips would be dual purpose trips or trips generated by foot. In addition this submission was based on the earlier scheme for 36 units rather than the current scheme for 24 units.

WCCHP are satisfied with the conclusion reached by the report and concur with the view that there will be no material traffic implications for the junction and that this facility should continue to operate satisfactorily. PPG3 in Par 51 encourages mixed use development

where Local Planning Authorities allow housing development with limited or no off street parking where good transport accessibility exists. Para 59 – 62 warns against rigid standards for parking, over provision of spaces, the need to recognize changing levels of car ownership with household type and the need for lower standards in town centres with alternative transport methods, such as walking or cycling. However WCCHP remain concerned that the scheme needs to provide for a minimum of one space per residential unit. As such they require a distinction between that parking to serve the residential aspect and that for the retail. In addition 6 cycle stands are required.

As a result the users of the retail aspect of the development will use parking opposite the site (or indeed will visit Rubery on foot/cycle or by public transport or will be involved in linked trips). Agreement has been reached with the developer for a contribution to improve the operation of this pelican to the site as part of the scheme.

Provision of Play Space/Open Space

The development generates a demand for private amenity space for each dwelling (30m² as described by SPG1) and an associated play space requirement as stemming from RAT5/RAT6.

Whilst the scheme provides for a network of corridors and landings, It is my Officers view that in reality only one main area of amenity space is provided within the site in the form of the central communal space at first floor level. This equates to 340m², under 50 % of the requirement of 720m² required.

Given the location of the site within the urban area, the constraints provided by the access and parking and extent of the retail use at ground floor, I consider that whilst this provision is substandard, that the location of the adjacent open space off Whetty Lane, provides suitable opportunity for amenity for the residents of the proposed site.

With respect to play space, the constraints on site are such that no provision is proposed. RAT5/RAT6 requires 1615m² of play space with 30% being provided on site i.e. (538m²).

I have discussed this matter with the Head of Leisure Services and he has objected to the principle of accepting any reduction in play space. He considers existing levels of play per 1000 of population should be maintained and reductions in those standards (which are minimum standards) should not be acceptable. He considers allowing additional residential accommodation to be provided and so increasing demand for such facilities in the ward, that failing to provide play space on site will bring about a real reduction in the provision in the area as a whole. In addition Rubery has recently been awarded funds through the Livability Fund from the Office of the Deputy Prime Minister with £160,000 being invested in the St Chad's Park and Brook Road Park. The Head of Leisure Services is therefore of the view that were a commuted sum accepted that this should be utilized for a broader community based initiative.

In recommending to Members that a commuted sum is accepted, I am mindful of the contents of PPG3 para 54, 'Designing for Quality', which refers to thinking imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment. Para 53 refers to the need for new housing development to incorporate sufficient provision (of open space) where such spaces are not already adequately provided within easy access of new housing. PPG17 sets out in para 33 that Planning Obligations should be used as a means to remedy local deficiencies in the quality or quantity of open space and will be justified in seeking obligations where new development increases local need.

Conclusions

The application proposes a mixed retail and residential scheme within a District Centre. The use reflects advice in both PPG3 and PPG6 and the location of the site enables the principle approaches of sustainable development to be implemented. The proposal seeks to improve a visually poor part of the shopping area of Rubery and would make effective use of urban land. I consider that the application complies with the aims of Policies in both WCSP and BDLP and should be supported.

RECOMMENDATION that subject to an appropriate legal agreement to include contributions for;

1. education provision,
2. an appropriate community initiative,
3. and the upgrading of pedestrian crossing.

Outline planning permission be **GRANTED**

1. C1 (Omit reference to access, siting and design)
2. C30.
3. C37. (To include, louvers, cladding, fenestration, facing and roofing, surfacing)
4. No development, site clearance or demolition works shall be undertaken until further assessment of the nature and extent of any contamination within the application site and a remediation program based on the assessment have been submitted to and approved in writing by the Local Planning Authority.
5. Notwithstanding the submitted plans and prior to the commencement of development additional details shall be submitted and approved in writing by the LPA in connection with;
 - i. Elevations of bin stores.
 - ii. Cycle racks/space provision for 6 cycles, including design and siting.
 - iii. Boundary treatments to Beverley Road, southern site boundary and boundary with footpath leading to Graham Road and within the site.
 - iv. Layout and design of communal space at first floor.
 - v. Detailed scheme for shopfronts which includes provision of security measures behind glazing.
 - vi. Amended elevation to south facing elevation to units 12/24 to include added visual interest.
6. H3.(2.4m x 49m north bound and 70 m southbound)
7. H6
8. H27.
9. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan no; 2056AL(2)O1C have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and these areas shall be thereafter be retained and kept available for those uses at all times. Spaces 1- 24 being for residential use and 25 - 42 being for retail use.
10. The development hereby permitted shall not commence until drainage works for the disposal of both foul and storm water have been submitted to and approved in writing by the Local Planning Authority. The approved drainage systems shall be implemented and operational before the buildings hereby approved are first occupied.
11. C21.
12. Notwithstanding the submitted plans the ground floor retail area shall not be used as a single retail unit, for the life of the development hereby approved. The communal decked area shall be laid out and made available for use at the time of the first occupation of the residential aspect of the scheme.

Reasons

4. In order to safeguard the site in accordance with policy CTC9 of the WCSP and ES3 AND ES7 of the BDLP.
5. RO32
9. RO36
10. RO11
12. To protect the retail viability and vitality of Rubery in accordance with Policy RUB2 and S21 of the BDLP.
13. RO32 and in accordance with Policy S7.

Notes

This decision has been taken having regard to the policies within the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WCSP	SD1,SD2,SD3,SD4,SD5,SD6,SD7,CTC1,CTC9, T1,D1,D2,D3,D4,D5,D9, D11, D13, D34
BDLP	DS13, DS4, S1, S3, S7, S15, S21, S28, S29, RAT5, RAT6, TR11, RUB2, ES3, ES7.
Others	PPG1, PPG3, PPG6, PPG7, PPG13, PPG17, PPG23, SPG1, Draft Planning Statement 6, RPG11

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.

1. Dwellings and new commercial buildings must conform to Secured by Design Standards.
2. The applicants attention is drawn to the comments of the Ramblers Association in their consultation response dated 24.07.03 (attached) and the need to ensue that the adjacent public right of way does not become obstructed during works or as a result of the development.
3. A public sewer crosses the site. No buildings shall be erected or trees planted within 2.5m of the site. The applicant may wish to apply to STW to divert the sewer in accordance with section 185 of the Water Industry Act 1991.
4. Note that consent is subject to a legal agreement.
5. HN1.
6. HN10.
7. HN5.

MR ROBERT WHITBY "A"	Retrospective application to replace building burnt in fire for a building part stables, part agricultural repair. Additional info received 11.11.03. Augmented by plan received 20.11.03. Mousehall Farm Cottage, Bromsgrove Road, Clent, Stourbridge.	GB	B/2003/1281 10.10.03
---------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------	-------------------------------------

RECOMMENDATION; That Planning Permission be **GRANTED**

Consultations

Clent PC	Clent Parish has no objection to the granting of this application, but details of finishes should have been included on the application 06.11.03.
WCC	No objection 21.10.04.
Agricultural	The building is located within an existing complex of buildings. The