

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>A. E. Beckett &amp; Sons (Developments) Limited 'A'</b>	Removal of Condition 16 attached to B/2006/1333 - Heath Farm, Alcester Road, Wythall	GB	<b>B/2007/0823</b> 19.10.2007

**RECOMMENDATION:** that permission be **GRANTED**.

### Consultations

WCC(HP)	<p>Consulted - views received 05.09.2007:</p> <ul style="list-style-type: none"> <li>• A sign would have to be on the applicants land and would have no enforcement as there would not be a Traffic Regulation Order supporting it. On a self-enforcing basis there is no highway objection, but if you asked for a formal order to make it unlawful we would not support it.</li> <li>• Worcestershire County Council does not support the introduction of orders to serve private accesses, therefore such a proposal would fail. The applicant could install a sign on their land, but the police would be unable to prosecute if some one ignored.</li> </ul>
Highways Agency	<p>Consulted 10.09.2007: views received 24.09.2007:</p> <ul style="list-style-type: none"> <li>• The proposal is located north of M42 Junction 3 and is therefore located on a de-trunked section of the A435. Consequently the A435 south of the motorway junction (which is still trunk road, though due for de-trunking next year) is unlikely to be affected by this proposal.</li> <li>• The Highways Agency therefore offers no comment on the removal of condition 16 from the planning consent.</li> </ul>
Wythall Residents Association	<p>Views received 07.08.2007:</p> <ul style="list-style-type: none"> <li>• We understand that this refers to the installation of an automatic ground barrier to prohibit exit from the Chapel Lane entry / exit from the site.</li> <li>• If permission is granted we suggest that a No Right Turn sign be erected at the approach to the exist so that traffic should only turn left onto Chapel Lane, if exit cannot be prohibited altogether.</li> <li>• We understand there have been accidents from traffic turning right there, whereas turning left seems to be safer.</li> </ul>
Wythall PC	<p>Consulted - views received 22.08.2007:</p> <ul style="list-style-type: none"> <li>• Strongly objects.</li> <li>• When development took place on this site several years ago it understood, at that time, that the opening on the Middle Lane boundary was for "in only" and was never intended to act as an exist.</li> <li>• The Parish Council queried why it was being used for both "in" and "out" and was eventually told that a Section 106 had never been</li> </ul>

completed and the situation appeared not to have been remedied.

- Despite the statement made in the Design and Access Statement supporting the application my Council are aware of many "near misses" at this location and would strongly object to the use of the opening onto Middle Lane for both "in" and "out" bearing in mind that when leaving the site to go round Wythall Island or the By-Pass you have to cross over the lane leading from the Island where motorists are entering Middle Lane at speeds of around 70 mph.
- It is also difficult crossing where vehicles are entering the site from the opposite side of Middle Lane travelling from the Chapel Lane direction and the writer has personally almost been struck broadside whilst waiting on Middle Lane in traffic by vehicles coming out of the site and crossing to the "refuge" to gain access to the Island.
- Having read the supporting documentation and the statistics provided comparing accident rates on the A435 and Middle Lane, there does not appear any serious accidents, particularly on the A435 involving the main entrance / exit to the site, indeed those details on the A435 appear to have taken place at the roundabout (seven) rather than the access / exit point into Becketts and we would, therefore, dispute that the Middle Lane "exit" is necessary.
- Should the Committee decide to allow the removal of the Condition then my Council would like to suggest that the exit onto Middle Lane be for a left turn only and vehicles not allowed to cross Middle Lane at this point to gain access to Wythall Island or the By-Pass.

#### Publicity

1 site notice posted 02.08.2007: no response received (expires 23.08.2007).

1 press notice published 10.08.2007: no response received (expires 31.08.2007).

#### The site and its surroundings

The application site is located on the western side of Alcester Road, with Middle Lane running to the northern boundary. The established complex at Heath Farm contains a wide variety of uses including an existing shop and restaurant, office building with food processing on the ground floor, staff house, industrial / warehouse units including tyre / exhaust centre and cash-and-carry warehouse and a golf driving range. Works to extend the main existing shop and restaurant building approved under B/2006/1333 are currently in progress. The site is served by a large car-park which is accessed from the northbound carriageway of Alcester Road and Middle Lane. The site is located within recognised Green Belt.

#### Proposal

This application is seeking to delete Condition 16 attached to B/2006/1333 relating to the installation of a traffic management system to prevent vehicles exiting out of the site onto Middle Lane.

Condition 16 on B/2006/1333 states:

*Prior to the commencement of development, a one-way raised plate mechanism to prevent vehicles exiting out of the site onto Middle Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management mechanism shall be implemented prior to the occupation of the building and maintained as such thereafter.*

The reason for the Condition is stated as:

*To provide effective traffic management and contribute to highway safety in accordance with Policy T.1 of the Worcestershire County Structure Plan and Policy TR11 of the Bromsgrove District Local Plan.*

A highways statement has accompanied the application and is available in the planning file should Members wish to view it.

#### Relevant Policies

WMSS    QE1, QE3  
WCSP    D.38, SD.2, T.1  
BDLP    DS2, DS13, TR11  
Others   PPS1, PPG2, PPS7, PPG13

#### Relevant Planning History

B/2006/1333    Erection of extension to existing shop to provide ground floor restaurant and shop extension and first floor offices. Approved 07.03.2007

B/2005/1129    Demolition of existing industrial buildings, and alterations and extensions to motel permitted under planning permission reference B/2000/0786 to provide an additional 17 bedrooms. Approved 07.06.2006

B/2002/0578    Removal of existing vertical timber cladding and replacement with corrugated box profile steel sheeting. Approved 09.07.2002

B/2001/1148    Demolition of existing poultry buildings and erection of motel with associated leisure facilities - resubmission of B/1999/0516. Withdrawn 31.10.2005

B/2001/1147    Agricultural store - Notification: Details not required 06.11.2001

B/2000/0786    Conversion of office / food processing building to motel accommodation. Approved 16.10.2000

B/2000/0505    Use of existing approved recreational land as golf driving range and erection of driving range building. Approved 17.12.2001

B/1999/0517    Change of use to classes B1(c), B2 and B8. Approved 24.01.2000

B/1999/0516    Demolition of existing poultry buildings and erection of motel, golf driving range building, animal farm extension and garden centre. Withdrawn 10.10.2001

B/1999/0086    Agricultural storage barn - Notification: Planning permission required 01.03.1999

B/1995/0106    Shop / restaurant and flat. Approved 15.11.1996

B/1993/0628    Location of bottle banks / recycling centre. Approved 13.09.1993

## Notes

The main issue relating to this application relate to whether the deletion of Condition 16 on B/2006/1333 is acceptable given the implications for highway safety and egress.

Circular 11/95 sets out a number of 'tests' which Conditions are required to comply with as part of their use in planning legislation. These are that Conditions must be:

1. Necessary
2. Relevant to planning
3. Relevant to the development permitted
4. Enforceable
5. Precise
6. And reasonable in all other aspects

With respect to the current application, Paragraph 15 of this Circular states that in dealing with an application to remove a condition, that a condition should not be retained, unless there are sound and clear cut reasons for doing so.

Highway safety is detailed in policy TR11 of the Bromsgrove District Local Plan. This policy requires that all development incorporates safe means of access and egress appropriate to the nature of the local highway network.

The applicant's agent has pointed out that the site has functioned for many years with vehicles using the two-way access onto Middle Lane. No restriction was imposed in respect of other developments within this the Heath Farm complex, including the conversion of buildings to B1/B2/B8 use (currently occupied by Sima Discount Warehouse and Wythall Tyres), the construction of a golf driving range, and the permission to extend and convert the existing office building on site to a 33 bedroom motel (yet to be completed and brought into use).

The submitted highways statement recommends that the existing road layout is retained to safeguard the operation and safety of the road network. In paragraph 2.4.4 of this statement, it is stated that prohibiting movements onto Middle Lane necessitates all traffic to use the A435 northbound. Paragraph 2.4.5 states that the introduction of the planning condition implies that the manoeuvre to the A435 is safer than movements from Middle Lane and goes on to state that speeds are higher on the A435, and traffic flows are also significantly higher and the current statistics indicate evidence of a poor accident record attributed largely to approach speeds.

Although I note the views of the Wythall Residents' Association and the Parish Council, the WCC(HP) has raised no objection to the scheme. I would be concerned that the enforcing of any traffic regulation detailed in any signage erected on the site to prevent traffic turning right out of the site would not meet the key tests advocated by the Condition Circular 11/95. Members will also note the views of the WCC(HP) and the Highways Agency on this issue.

Given the views of the WCC(HP) and the contents of paragraph 15 attached to Circular 11/95, I consider the deletion of Condition 16 attached to B/2006/1333 to be reasonable.

**RECOMMENDATION:** that permission be **GRANTED**.

No Conditions required.

### **Notes**

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

WMSS	QE1, QE3
WCSP	D.38, SD.2, T.1
BDLP	DS2, DS13, TR11
Others	PPS1, PPG2, PPS7, PPG13

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.