

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>REDMAN HEENAN PROPERTIES LIMITED 'A'</b>	Modification of Condition 2 attached to B/2007/0356 to permit a phased implementation of Reserved Matters - Cofton Centre, Groveley Lane, Cofton Hackett	GB	<b>B/2007/1176</b> 24.10.2007

**RECOMMENDATION:** that permission be **APPROVED** for the modification of Condition 2 attached to B/2007/0356.

### Consultations

WCC (HP)	Consulted - views received 05.11.2007: <ul style="list-style-type: none"> <li>No objection.</li> </ul>
Highways Agency	Consulted - views received 15.11.2007: <ul style="list-style-type: none"> <li>No objection.</li> </ul>
EHO	Consulted 25.10.2007: views awaited.
EHO	Views received 30.10.2007:
Contaminated Land	<ul style="list-style-type: none"> <li>No objection.</li> </ul>
Planning Policy EDO	Consulted 25.10.2007: views awaited. Consulted - views received 30.10.2007: <ul style="list-style-type: none"> <li>Economic Development supports the application.</li> </ul>
Network Rail	Consulted - views received 01.11.2007: <ul style="list-style-type: none"> <li>No objection.</li> </ul>
Worcestershire County Council	Consulted 25.10.2007: views awaited.
Rights of Way	
Ramblers Association	Consulted 25.10.2007: views awaited.
British Waterways	Consulted - views received 13.11.2007: <ul style="list-style-type: none"> <li>No objection.</li> </ul>
Cofton Hackett PC	Consulted - views received 13.11.2007: <ul style="list-style-type: none"> <li>No objection.</li> </ul>
Publicity	4 letters sent 29.10.2007: no response received (expire 19.11.2007). 2 site notices posted 08.11.2007: no response received (expire 29.11.2007). 2 press notices published 02.11.2007: no response received (expire 23.11.2007).

### The site and its surroundings

The application relates to a plot of land some 11.8 hectares located to the south of Groveley Lane. The site forms part of the former MG Rover works at Longbridge known as the Cofton Centre and is accessed via Groveley Lane, with this access shared with the existing buildings (storage and distribution uses) to the northern aspect of the Cofton

Centre. The site is bounded to the west by the main Birmingham to Bristol railway line, beyond which is the former East Works which is currently undergoing site clearance. To the east and south is open countryside located in designated Green Belt. To the north of the site across Groveley Lane, the site adjoins the main outer urban area of Birmingham, including to the north west across a railway bridge, other parts of the former Longbridge works site, much of which in this part of the site is occupied by the Nanjing Automotive Company.

The application proposals relate to the southern most part of the Cofton Centre which is almost entirely hard surfaced and was previously used for the storage of completed motor vehicles prior to despatch and distribution. The site is formed by two plateaus with a narrow landscaping strip of limited quality and value separating the two. Much of the site is surrounded by an existing landscaped bund.

The site is located in an employment zone.

### Proposal

This application is seeking to modify Condition 2 attached to outline consent B/2007/0356 relating to the timescales for the subsequent submission of Reserved Matters.

Condition 2 on B/2007/0356 states:

*Before any development is commenced, approval shall be obtained from the Local Planning Authority in writing of the details of the appearance, layout, scale and landscaping proposals (hereinafter called "the Reserved Matters") of the remainder of the site (illustratively annotated Unit 5 and Unit 6 on the approved site layout plan Drawing 03 Revision P3).*

The reason for the Condition is stated as:

*Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.*

### Relevant Policies

WMSS UR3, PA1, PA3, PA6, QE1, QE3, QE9, T1, T2, T7  
WCSP SD.2, SD.3, SD.4, CTC.1, CTC.5, CTC.8, CTC.9, TR.1, TR.11, TR.12  
BDLP DS13, E7, E9, TR1, TR11, ES1, ES3, ES4, ES5, ES6, ES7, ES14  
Others PPS1, Longbridge Area Action Plan: Issues and Options Report, Circular 11/95

### Relevant Planning History

B/2007/1115 Erection of industrial / warehouse unit (Unit 6): Reserved Matters to B/2007/0356: pending  
B/2007/0539 Earthwork regrading; approved 15.08.2007.  
B/2007/0356 Industrial and warehouse units with use classes B1(a) and (c), B2 and B8 with associated access, parking, service yards and landscaping (outline); approved 02.08.2007.

## Notes

Members will recall that outline consent B/2007/0356 refers to an application for industrial and warehouse units within Use Classes B1(b) (research and development of products or processes) and B1(c) (for any industrial process), B2 and B8. The scheme does not relate to the provision of B1(a) offices, other than those ancillary to the principal uses. Within this scheme, all matters were reserved for future consideration except access to the site and except the full details of the first phase of the proposed development comprising the two employment Units 3 and 4. This application represents a hybrid application.

The main issue relating to this application relate to:

- Justification for varying Condition 2 attached to B/2007/0356.
- Implications for varying the Condition 2 attached to B/2007/0356.
- Suggested amended wording of the Condition.

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 condition should not be retained, unless there are sound and clear cut reasons for doing so.

### *Justification*

The applicant's Agent has pointed out that the outline consent effectively granted planning permission in full detail for Unit 3 and Unit 4 and in outline for the remaining two units (Unit 5 and Unit 6). This common approach normally allows the applicant to progress the implementation of the full approved element of the application but flexibility over future phases of the development which would be brought forward at a later stage through Reserved Matters applications, when precise details and requirements for the buildings and their future occupants are known.

As currently drafted, Condition 2 could be read to restrict all development on the site, including Unit 3 and Unit 4 until such time as the Reserved Matters for Unit 5 and Unit 6 are approved. Whilst the Reserved Matters application for Unit 6 has been submitted (pending planning application B/2007/1115), the Agent is of the view that Reserved Matters for Unit 5 could still be some time away before being in a position to submit.

### *Variation of Condition Wording*

The applicant's Agent has suggested the following revision to Condition 2:

*With the exception of approved Units 3 and 4, before any development is commenced on each of the respective Units 5 and 6, approval shall be obtained from the Local Planning Authority in writing of the details of the appearance, layout, scale and landscaping proposals (hereinafter called "the Reserved Matters") of each Unit (illustratively annotated Unit 5 and Unit 6 on the approved site layout plan Drawing 03 Revision P3).*

### *Implications*

The variation to Condition 2 will eliminate the restriction to the phased implementation of the development and early construction of Unit 3 and Unit 4 and ultimately Unit 6 when approved.

### *Conclusions*

Given the employment status of the site, the provisions of the outline consent and the contents of paragraph 15 attached to Circular 11/95a, I do not consider the proposed variation to Condition 2 attached to B/2007/0356 will create any further issues not considered at the initial outline stage and to be reasonable.

**RECOMMENDATION:** that permission be **APPROVED** for the modification of Condition 2 attached to B/2007/0356 and its replacement with:

*With the exception of approved Units 3 and 4, before any development is commenced on each of the respective Units 5 and 6, approval shall be obtained from the Local Planning Authority in writing of the details of the appearance, layout, scale and landscaping proposals (hereinafter called "the Reserved Matters") of each Unit (illustratively annotated Unit 5 and Unit 6 on the approved site layout plan Drawing 03 Revision P3).*

### **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	UR3, PA1, PA3, PA6, QE1, QE3, QE9, T1, T2, T7
WCSP	SD.2, SD.3, SD.4, CTC.1, CTC.5, CTC.8, CTC.9, TR.1, TR.11, TR.12
BDLP	DS13, E7, E9, TR1, TR11, ES1, ES3, ES4, ES5, ES6, ES7, ES14
Others	PPS1, Longbridge Area Action Plan: Issues and Options Report, Circular 11/95

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.