

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Mark Elliot	Variation of Condition 2 of 17/00761/FUL (Residential development of 148 dwellings (Amendment to 15/0687)) - Alterations to approved layout and removal of two dwellings  Former Polymer Latex Site, Weston Hall Road, Stoke Prior, Worcestershire,	23.04.2019	18/01620/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 following the satisfactory completion of a Second Supplemental agreement to the S106 legal agreement 17/00761/FUL.

### **Consultations**

#### **Stoke Parish Council**

The Parish Council had no comment to make on this amendment.

#### **Highways - Bromsgrove**

No objection

### **Publicity**

One site notice was posted opposite the site on 5<sup>th</sup> February 2019, which expired on 1<sup>st</sup> March 2019.

One press notice was published on 1<sup>st</sup> February 2019, which expired on 18<sup>th</sup> February 2019.

No comments were received.

### **Relevant Policies**

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP7 Housing Mix and Density

BDP8 Affordable Housing

BDP14 Designated Employment

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP20 Managing the Historic Environment

BDP23 Water Management

BDP24 Green Infrastructure

18/01620/FUL

BDP25 Health and Well Being

### **Others**

NPPF National Planning Policy Framework (2019)  
SPG1 Residential Design Guide

### **Relevant Planning History**

17/00761/FUL	Residential development of 148 dwellings (Amendment to 15/0687)	Approved	21.12.2017
15/0687	Residential development of 202 dwellings	Approved	29.04.2016
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

### **Assessment of Proposal**

The application site is located on the southern side of Stoke Prior and was formerly occupied by Polymer Latex. The site is now being built out by Barratt Homes.

The principle of this development has been established by the previous permissions and therefore it is before the committee to consider the amendments to the original scheme. A second supplemental agreement to the s106 is required to ensure that the obligations relating to affordable housing, refuse, education, open space and highways that have previously been agreed apply to this new application.

When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. New issues may arise after planning permission has been granted, which require modification of the approved proposals, and under section 73 of the Town and Country Planning Act 1990 an application can be made to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

Condition 2 of 17/00761/FUL agreed drawings / plans by which the development would be implemented. Barratt Homes have amended the layout of the approved scheme due

to a legal right of access over an area of land for Corbett House. This has resulted in amendments to the scheme and the loss of two dwellings from the proposal. These two dwellings were identified as affordable housing and therefore to ensure that this provision is retained it is proposed to relocate these affordable housing to another part of the site.

As part of the application further changes are proposed in the form of plot substitutions replace 15 Kingsley (detached 4 bedroom properties) with 15 Chester (detached 4 bedroom properties) and replace 1 Kingsley and 1 Collaton with 2 Andover (detached 3 bedroom properties).

While the proposal does result in the loss of two dwellings from the overall total that will be built, it will not result in the loss in the number or type of affordable housing being provided (32 in total for shared ownership and social rent) as part of the development. It is considered that the minor layout and elevational changes that are a result of the amendments are acceptable.

Technical matters regarding the number of affordable housing, viability, flood risk, drainage, ecology and biodiversity, air quality, noise and vibration, conservation and contaminated land were assessed in detail on the previous applications and were considered acceptable (subject to relevant conditions). Officers consider the changes to the plans under this application do not result in any material change to these matters, subject to relevant conditions being imposed.

Therefore, in conclusion, the application is recommended for approval, subject to conditions and a Section 106 agreement.

#### **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 following the satisfactory completion of a Second Supplemental agreement to the S106 legal agreement 17/00761/FUL.

#### **Suggested Conditions**

- 1) This permission must be implemented before the time limit imposed on planning permission 17/00761/FUL, which is 21<sup>st</sup> December 2020.

Reason: Required to be imposed pursuant to 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) Rev I  
Refuse Vehicle Tracking (ref: 15021-120B)  
House Type - Washington (ref: B6398(HT)01)  
House Type - Folkstone (ref: B6398(HT)02)  
House Type – Maidstone (ref: B6398 (HT) 03)

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) Rev A  
House Type - T22 (ref: B6398(HT)101) Rev A  
House Type - Malton & Amble Elevations (ref: B6398 (HT) 109)  
House Type - Malton & Amble Plans (ref: B6398 (HT) 110) Amended windows  
Received 10.10.2017  
House Type - Bromwich Elevations (ref: B6398(HT)105)  
House Type - Bromwich Plans (ref: B6398(HT)106)  
House Type – T28 (ref 2010/H/328/C13 Rev B Ground Floor)  
House Type – T28 (ref: 2010/H/328/C14 Rev A First Floor)  
House Type – T28 (2010/H/328/C02 Rev C Elevations)  
House Type - T24 (ref: B6398(HT)108) Rev A  
House Type - House Types (ref: B6398(HT)HA)  
Location Plan - (ref: B6398(PL)01)  
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.4917-11B)  
Tree retention, loss and protection plan (ref: BIR4917-12B)  
Pump Station Layout (ref: STD1016)  
House Type - T20 (ref: B6398(HT)100) Rev A  
Composite Site Layout – Corbett House Replan (ref: B6398(PL)303) Rev H  
Materials and Boundary Treatments Plan (ref: B6398(HT)104) Rev S  
House Type – Chester (ref: B6398(HT)111)  
House Type – Andover (ref: B6398(HT)112)

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

- 3) Following the completion of the measures identified in the Georisk Management Geoenvironmental Assessment; Report ref: 14247/1 and the Georisk Management Remediation Method Statement & Validation Plan; Report Ref: 14247/3, Dated: July 2017, 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 dwellings.
- 4) 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: (3-4) These are required 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.

- 5) 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 validatory 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: 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.

- 6) 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.

- 7) The measures set out in the approved Construction and Environmental Management Plan dated 20.04.2017 shall be carried out and complied with in full during the construction of the development.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

- 8) Prior to the first occupation of any dwelling hereby approved the existing vehicular access onto the adjoining highway shall be permanently closed. Details of the means of closure and reinstatement of this existing access shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on the development hereby approved.

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

- 9) The development hereby permitted shall not be occupied until the accesses shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with the Worcestershire Highways Design Guide and these areas shall thereafter be retained and kept available for those users at all times.

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

- 10) Prior to the first occupation of any dwelling hereby permitted the residential unit shall be fitted with an electric vehicle charging point. Such apparatus shall be retained and maintained in perpetuity.

Reason: To encourage sustainable travel and healthy communities.

- 11) The development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing a residential travel plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator.

Reason: To reduce vehicle movements and promote sustainable access to the site.

- 12) No dwelling hereby permitted shall be occupied until the applicant has submitted to and had approved in writing a welcome pack that promotes sustainable travel for future residents with the Local Planning Authority.

Reason: To reduce vehicle movements and promote sustainable access to the site.

- 13) During the course of any site clearance and development, the hours of work for all on-site workers, contractors and sub-contractors shall be limited to between;  
0730 to 1800 hours Monday to Friday  
0800 to 1300 hours Saturdays  
and NO WORKING shall take place at any time on Sundays, Bank Holidays or Public Holidays or at any time outside of the above permitted working hours unless first agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of neighbouring occupiers.

18/01620/FUL

- 14) The proposed side elevation windows serving bathrooms/ensuites/WC's shall be obscure glazed and top hung opening and remain so in perpetuity.

Reason: In order to protect the amenity of adjoining occupiers.

**Case Officer:** Mr Paul Lester Tel: 01527 881323  
Email: paul.lester@bromsgroveandredditch.gov.uk