

# BROMSGROVE DISTRICT COUNCIL

Mr Michael Fletcher  
Ravensbury Limited  
C/O Mr Michael Fletcher  
Ravensbury Limited  
Cooper House,  
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B60 4EA

## Grant of Planning Permission subjection to Section 106 Agreement

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<b>APPLICATION:</b>	18/00119/OUT
<b>LOCATION:</b>	Brine Pump Cottage, Weston Hall Road, Stoke Prior, Bromsgrove
<b>PROPOSAL:</b>	Residential development comprising 14 units providing a mixture of 2-4 bed homes
<b>DECISION DATE:</b>	14 <sup>th</sup> December 2018

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Bromsgrove District Council as the Local Planning Authority grants planning permission subject to section 106 agreement in accordance with the Town and Country Planning Act 1990 and The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) for the proposal described above. This permission is subject to conditions which must be complied with and are set out below:

### **Conditions**

- 1) Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
  - i. The expiration of three years from the date of this permission; or
  - ii. The expiration of two years from the final approval of the reserved matters;or,
  - iii. In the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) Approval of the details of the design and external appearance of the development, access arrangements, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and

approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3) This permission shall relate to the submitted application forms and supporting information, and the following plan:

Site Plan 1802/P01

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 4) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

- 5) No development above ground floor slab level shall take place until full details of all timber door and windows and their reveals and cills including 1:20 scale elevational drawings and 1:5 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development.

- 6) The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

Reason: In the interests of highway safety.

- 7) The Development hereby approved shall not be occupied until an area has been laid out within the curtilage of the dwelling for the following:

- 3 car parking spaces per 4 bed dwelling
- 2 car parking spaces per 2 & 3 bed dwelling

All at a gradient not exceeding 1 in 8. This area shall thereafter be retained for the purpose of parking a vehicle only.

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

- 8) The development hereby permitted shall not be occupied until an electric vehicle charging point to serve each dwelling has been provided. Such apparatus shall be retained and maintained in perpetuity.

Reason: To encourage sustainable travel and healthy communities.

- 9) The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's parking standards.

- 10) Existing visibility splays to be retained as minimum visibility splays to be retained to provide from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m from the edge of the carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

- 11) The Development hereby approved shall not be occupied until the access, turning area and parking facilities with the changes requested have been provided. These areas shall thereafter be retained and kept available for their respective approved uses at all times.

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

- 12) Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 6 have been complied with:

1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.

2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. 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"

3. 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"

4. 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.

5. 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.

6. 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.

7. 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.

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

- 13) No works or development shall take place until a site drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. The strategy shall include details of surface water drainage measures, including for hard-standing areas, and shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS). The development shall be

implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 14) No development shall take place until an Ecological Construction Method Statement has been submitted to, and agreed in writing by the Local Planning Authority. This statement shall be informed by recommendations made in the submitted Ecological Appraisal by ED, in particular section 5.3 and 5.4.

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for new native shrub planting and diverse grassland seeding in the green space on site, the maintenance and provision of the new reptile hibernacula and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To minimize impact of the development on the biodiversity.

- 15) The applicant shall provide a hard and soft landscaping plan for approval. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason: In the interests of the visual amenity of the area.

- 16) No development within a relevant phase shall be occupied until details of the external lighting to be used have been submitted to and approved in writing by the Local Planning Authority. Such plans shall include scaled plans and drawings illustrating the design of the light units and columns. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in accordance with the approved details and shall be maintained as approved.

Reason: To ensure the satisfactory appearance of the development in the interests of safeguarding and enhancing the character and appearance of the area.

- 17) 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 NPPF 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.

- 18) No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the AMS.

Reason: To ensure adequate protection to trees in the interests of the visual amenities of the area.

### **Reason**

This proposal has been assessed against the following documents

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles  
BDP2 Settlement Hierarchy  
BDP3 Future Housing and Employment Development  
BDP7 Housing Mix and Density  
BDP8 Affordable Housing  
BDP14 Designated Employment  
BDP19 High Quality Design  
BDP20 Managing the Historic Environment  
BDP 21 Natural Environment  
BDP22 Climate Change

#### **Others**

NPPF National Planning Policy Framework (2018)  
NPPG National Planning Practice Guidance

The application was considered at the Bromsgrove Planning Committee meeting held on Monday 6<sup>th</sup> August with a recommendation for approval, subject to conditions and a section 106 agreement.

It was resolved to grant outline planning permission subject to the receipt of suitable and satisfactory legal mechanism and conditions outlined in the committee report.

The application was subsequently considered at the Bromsgrove Planning Committee held on Monday 10<sup>th</sup> September to add a requirement for an education contribution to the previously agreed resolution. It was resolved by members to add this obligation.

## **Informatives**

1. The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.
2. This application is subject to a Legal agreement dated 13<sup>th</sup> December 2018.

## **Canal & River Trust**

1. The applicant/developer is advised to contact the Works Engineering Team in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust".
2. Canal & River Trust offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

## **Highways**

Alteration of highway to provide new or amended vehicle crossover

This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email [worcestershirevehicle.crossing@ringway.co.uk](mailto:worcestershirevehicle.crossing@ringway.co.uk). The applicant is solely responsible for all costs associated with construction of the access.

No Drainage to Discharge to Highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

## **Noise**

In order to minimise any nuisance from noise, vibration and dust during the demolition / construction phase(s) the applicant should refer to the WRS Demolition & Construction Guide (attached) and ensure its recommendations are complied with.

## **For your information**

### **Appealing the planning conditions**

If you feel that the conditions are not acceptable you can appeal to the Secretary of State through the Planning Inspectorate. This appeal should be made by 14<sup>th</sup> June 2019 unless supported by special circumstances. The appropriate form and further information on how to appeal can be found at

<http://www.planningportal.co.uk/planning/appeals/planningappeals> or by contacting the planning Inspectorate Customer Services Team on 0303 444 5000.

## **Purchase Notices**

If Bromsgrove District Council or the Secretary of State has refused planning permission or granted it conditionally, the landowner may claim that the land is incapable of reasonable beneficial use, and for this reason may serve the District Council a purchase notice requiring them to purchase the land. In certain circumstances, a claim may be made against Bromsgrove District Council for compensation. Further information about purchase notices can be found at:  
<http://www.legislation.gov.uk/ukpga/1990/8/part/VI>