

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Grace Sadler	Application Reference Number: 21/00778/FUL Date of Decision: 13/10/2021 Condition Number(s): 2, 8 Variation of condition 2 (plans approved) and 8 (wording of Construction Environmental Management Plan) Longbridge East And River Arrow Development Site, Groveley Lane, Cofton Hackett, Worcestershire,	15.03.2022	21/01666/S73

RECOMMENDATION: That planning permission be approved subject to conditions

Consultations

Cofton Hackett Parish Council

These are very minor changes to the application, Cofton Hackett Parish Council has no objections.

Housing Strategy

No objection.

Birmingham City Council

No comments to the proposal.

Highways - Bromsgrove

No objection since the variation of condition No. 2 does not impact on any highway matters.

Birmingham City Council - Highways

No objections.

Environment Agency

We have no comment to make on the variation of conditions No. 2 and No.8 and reiterate our previous comments to the original application (21/00778/FUL). This includes our groundwater monitoring/contaminated land recommendations to which condition no. 13 secures/relates.

North Worcestershire Water Management

No comments to make on this application.

Severn Trent Water Ltd

Would ask that the drainage related condition is imposed.

Waste Management

No objection.

WRS - Contaminated Land

No objection to the condition variations, however I would request that condition 11 to 14 from the previous permission (21/00778/FUL) relating to contamination are maintained in any new decision notices.

WRS - Noise

No objection to the proposed variation of condition 2 and 8 in terms of any noise / nuisance issues. The submitted CEMP appears satisfactory in terms of the proposed working hours and the measures to monitor and mitigate any potential nuisance from noise, vibration and dust emissions. However, in terms of vibration from piling activities, the submitted CEMP states a vibration trigger / action level at the nearest sensitive receptors of 10mm/s PPV. This is a high level of vibration and would result in complaints from nearby residents. Therefore, when piling activities commence the applicant should submit vibration monitoring results for the first day of piling activities for comment / approval.

WRS - Air Quality

No objection to the condition variations, however we would request that conditions 4 and 5 from the previous permission (21/00778/FUL) relating to electric vehicle charging points and secure cycle parking respectively are maintained in any new decision notices.

West Mercia Constabulary

No objection.

Community Safety

No further comment to make.

Public Consultation

Site notice erected 25.01.2022

Press notice 28.01.2022

Neighbour consultation 18.1.22

1 letter of comment received stating no objection.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP3 Future Housing and Employment Development

BDP6 Infrastructure Contributions

BDP7 Housing Mix and Density

BDP12 Sustainable Communities

BDP19 High Quality Design

BDP21 Natural Environment

BDP24 Green Infrastructure

BDP25 Health and Well Being

Others

Longbridge Area Action Plan

Bromsgrove High Quality Design SPD

Lickey and Blackwell and Cofton Hackett Neighbourhood Plan
SPG11 Outdoor Play Space
NPPF National Planning Policy Framework (2021)
NPPG National Planning Practice Guidance
National Design Guide

Relevant Planning History

21/00778/FUL Residential development comprising 109 dwellings together with access, parking, landscaping and associated works
Approved 13 October 2021

Proposal Description

Proposal seeks to vary condition No. 2 (plans approved) and No. 8 (wording for CEMP) of planning approval reference 21/00778/FUL.

Site Description

The site forms part of the former MG Rover Works known as Powertrain. A considerable amount of remediation work has taken place in this area in order to make the site suitable for residential development. Mature and substantial tree planting exists along the western and southern boundaries of the site.

Assessment of Proposal

Members will recall that planning permission was granted in October 2021 for 109 dwellings to be erected on Phase 3 of the East Works site at Longbridge. A copy of the committee report is attached as Appendix A at the end of this report.

This application, made under the provisions of Section 73 of the Town and Country Planning Act 1990, seeks to vary conditions No.s 2 and 8 of planning application 21/00778/FUL.

Variation of condition No. 2

Condition 2 lists the approved plans/ drawings/ documents that the development must be carried out in accordance with. The approved plans show a substation to be provided next to plot 1. It has become apparent through the construction design process that a substation is no longer required and as result, the applicant would like to reconfigure this area of the application site and amend 3 No. 2 bedroom units to 3 No. 3 bedroom units to make efficient use of the site.

Variation of condition No. 8

This variation relates to the wording of condition 8 which currently reads as follows:-

The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:

- o Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway.*
- o Details of site operative parking areas, material storage areas and the location of site operative's facilities (offices, toilets etc).*
- o The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.*

- o Details of any temporary construction accesses and their reinstatement.*
- o A highway condition survey, timescale for re-inspections, and details of any reinstatement.*

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

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

Since the issue of the decision notice 21/00778/FUL, there has been the submission of a discharge of condition application in October 2021 that relates to condition 8, the relevant CEMP details have been approved and as such the applicant would like the approved document to form part of the revised condition 8 to read as follows:-

“The development hereby approved shall be carried out in accordance with the Construction Management Plan (Ref. St Modwen Homes/Groveley Lane, Longbridge Phase 3, Rev. 4), unless otherwise agreed with the Local Planning Authority.”

The revision to the house types to vary condition No. 2 is considered to be acceptable and the repositioning of the plots enables them to have an equal provision of garden space.

The revision of condition 8 has resulted in a query from WRS – Noise, in respect to piling during construction. At the time of drafting this report, clarification is currently being sought on this matter and an update will be provided on the day of Committee.

In respect to condition No. 8 officers would suggest that the condition reads as follows for clarity:-

The development hereby approved shall be carried out in accordance with the Construction Management Plan (Ref. St Modwen Homes/Groveley Lane, Longbridge Phase 3, Rev. 4), unless otherwise agreed with the Local Planning Authority.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

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

Members will recall that a planning obligation formed part of the approval of 21/00778/FUL for 109 dwellings. The obligation also refers to any new planning applications that may be granted under Section 73 of the 1990 Act, and that the obligations applied shall be related and bind to all subsequent planning permissions pursuant to Section 73 without the need to enter into a subsequent deed of variation or new agreement under S106 or 106A of the 1990 Act.

RECOMMENDATION: That planning permission be granted subject to the following conditions:-

Conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years from 13 October 2021.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings/ Documents listed in this notice:

To be defined.

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

- 3) 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.

- 4) The Development hereby permitted shall not be first occupied until each dwelling have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

REASON: To encourage sustainable travel and healthy communities.

- 5) The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking be provided in accordance with details as shown Site Layout Plan Dwg. (to be defined) within garages and sheds that form part of the plot. The cycle parking shall be kept available for the parking of bicycles only.

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

- 6) The Travel Plan (prepared by Phil Jones Associates) that forms part of this application and required to promote sustainable forms of access to the development will thereafter be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator and thereafter implemented as updated.

REASON: To reduce vehicle movements and promote sustainable access.

- 7) The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plans have been properly consolidated, surfaced, drained and otherwise constructed in accordance with the approved details Dwg. (to be defined) and these areas shall thereafter be retained and kept available for those users at all times.

Reason:- In the interests of highway safety.

- 8) The development hereby approved shall be carried out in accordance with the Construction Management Plan (Ref. St Modwen Homes/Groveley Lane, Longbridge Phase 3, Rev. 4), unless otherwise agreed with the Local Planning Authority.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

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

- 9) The landscaping details including proposed fencing, screen walls etc. shown on Dwg. No.s (to be defined) shall be implemented within 12 months from the date when any of the building(s) hereby permitted are first occupied or in accordance with a phased implementation plan to be agreed in writing with the Local Planning Authority. Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site.

- 10) All trees to be retained within the development are afforded full protection in accordance with BS5837:2012 throughout any ground or construction works on site.

Reason: In order to protect the trees which form an important part of the amenity of the site.

- 11) Unless otherwise agreed by the Local Planning Authority, first occupation must not commence until conditions 1 to 3 have been complied with:
1. The approved remediation scheme must be carried out in accordance with its terms prior to the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.
 2. 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.
 3. 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.

- 12) 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.

- 13) A scheme of groundwater monitoring and any further remediation requirement shall be carried out and undertaken in accordance with the PJA Report; "St. Modwen Developments Ltd. East Works, Longbridge Ongoing Monitoring Strategy" dated October 2019. Document Ref: 03787-OUT-0007, including the following component parts:
1. Physical and Chemical monitoring of the aquifer and reporting of the results shall be undertaken in accordance with the PJA Report; "St. Modwen Developments Ltd. East Works, Longbridge Ongoing Monitoring Strategy", dated October 2019. Document Ref: 03787-OUT-0007.
 2. If monitoring in 1 identifies a deterioration in groundwater or surface water indicators, then further risk assessment will be undertaken in accordance with the PJA Report; "Technical Note; East Works, Longbridge, Remediation Strategy. St. Modwen Developments Ltd. Version: A". Doc Ref: 03787-OUT-0009, Dated October 2019.
 3. If the further assessment of risks in 2 identifies the plume is no longer in a stable condition or if the modelling predicts levels of contaminant migration away from the

Site that may put the identified receptors at significant risk then a 'remediation options appraisal' will be undertaken in accordance with the PJA Report; "Technical Note; East Works, Longbridge, Remediation Strategy. St. Modwen Developments Ltd. Version: A". Doc Ref: 03787-OUT-0009, Dated October 2019.

4. (a) The most effective remediation option developed from 3 shall be agreed in writing with the Local Planning Authority (LPA) in consultation with the Environment Agency. Once agreed a detailed remediation strategy (including a 'verification plan') for this option will be submitted to the LPA for approval, in consultation with the Environment Agency.

(b) Any 'verification plan' shall provide details of the data that will be collected in order to demonstrate that the works set out in (4a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

5. A verification (validation) report demonstrating completion of the works set out in the approved remediation strategy (part 4). The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for any longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Any changes to these components require the express written consent of the Local Planning Authority, in consultation with the Environment Agency. The scheme shall be implemented as approved.

REASON: To ensure groundwater monitoring and implementation, where necessary, of a remediation strategy to protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).6 of 21

- 14) If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

REASON: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

- 15) The proposed boundary treatments (except for any required acoustic boundary treatment under condition 16) as indicated on Dwg. No. (to be defined) shall be implemented before the respective dwelling to which it serves is first occupied.

Reason:- In the interests of residential amenities.

- 16) The development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority documentation detailing the proposed implementation of the noise mitigation recommendations of the Hoare Lea Noise Assessment Rev. 4 dated 4.5.21 with respect to glazing, ventilation and acoustic boundary treatment for the proposed residential dwellings. These measures shall be implemented as approved prior to the occupation of the respective dwelling to which they relate and shall be retained in perpetuity.

Reason: In the interests of residential amenities.

- 17) No works or development above foundation level shall take place until a finalised scheme for foul and surface water drainage, along with a maintenance plan for this drainage scheme, has been submitted to, and approved in writing by the Local Planning Authority. This should include the following details :-
- o A for construction drainage plan detailing :-
 - o private connections
 - o All finalised porous paving areas
 - o Relevant underdrains which connect to the main surface water drainage system
 - o Calculations indicating the offsite discharge rate and any flooded volumes indicated.

The approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

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