

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan. Ref Expiry Date |
|--|---|--------------------|---------------------------------|
| LE Gallais Company 'B' | Erection of two No. B1/B2/B8 units with ancillary car parking and servicing areas (Extension of time for B/2007/0265) - Plot 10, Acanthus Road, Redditch, B98 9EX | Emp | 10/0212-DK 08.06.2010 |

RECOMMENDATION: that permission be **GRANTED**.

Consultations

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| Beoley PC | Consulted: 17.03.2010. Response received: 15.04.2010. No objection in view of the fact that Bromsgrove District Council approved the original application. |
| WH | Consulted on: 17.03.2010. Response received: 12.04.2010. No objection to the grant of permission subject to the same conditions be applied as per the previous application. |
| ENG | Consulted 17.03.2010. Response received: 25.03.2010. No objection. |
| EHO | Consulted 17.03.2010. Response received: 17.03.2010. No objection. The business carried out on site will be required to comply with food and/or health and safety legislation. |
| EDO | Consulted 13.04.2010. No response to date. |
| Worcestershire Wildlife Trust | Consulted 17.03.2010. Response received 19.04.2010. No objection. The applicant needs to be advised of the updated requirements of PPS9 and their duties under the NERC Act 2006. |
| LP | Consulted 17.03.2010. No response to date. |
| Tree Officer | Consulted 17.03.2010. No response to date. |
| Publicity | Press Notice published 25.03.2010, expires 15.04.2010. Site Notice posted 07.04.2010, expires 28.04.2010. I response received 28.04.2010 as follows: Heller Machine Tools Limited will need assurances from the developers that the development of the site will not have the potential to increase the flood risk to the surrounding land. |

The site and its surroundings

The application site is currently undeveloped and extends to 2.68 hectares located to the north side of Acanthus Road opposite the junction with Hedera Road. The site is located in a designated employment zone.

Proposal

The proposal is for an extension of time for permission B/2005/0265 for the erection of of two No. B1/B2/B8 units with ancillary car parking and servicing areas.

Relevant Planning History

- B2005/0265 Erection of two No. B1/B2/B8 units with ancillary car parking and servicing areas Granted 26.04.2007.
- B/2001/0781 Engineering operations comprising earthworks. Granted 03.09.2001.
- B/1991/0223 Development of site as Business Park to include Class B1, B2 and B8 uses and associated access works, car parking and landscaping. Refused. Appeal allowed.

Relevant Policies

- WMSS QE1, QE2, QE3.
- WCSP SD.2, SD.3, SD.4, SD5, SD.6, SD.7, CTC.1, T.1
- BDLP DS13, C4, C17, E4, E9, TR11, ES4, ES7.
- Others PPS1, PPS4, PPG14, PPS23, PPG24, SPG3.

Notes

The development consists of the erection of two units for employment purposes. Unit 1 contains 7,990m² of floorspace in a building finished with a mix of horizontal and vertical profiled cladding. The unit will be served by 113 No. car parking spaces and 12 No. lorry spaces. Unit 2 has a floorspace of 2,067m² and has a similar design and appearance to Unit 1.

Members should note that the application under consideration is purely for an extension of time of an existing planning permission (B/2005/0265). The merit of the proposal, its acceptability in terms of the provisions of the development plans and material considerations have been examined in this application which was considered by Planning Committee on 23rd April 2007.

The Town and Country Planning (General Development Procedure) (Amendment No. 3) Order 2009 was introduced on 1st October 2009 in order to provide greater flexibility in terms of the implementation of planning permissions. One of the amendments was the provision to allow the time limit for unimplemented consents to be extended through an application. There does not appear to be an established approach towards the assessment of such applications so I will refer to the Department for Communities and Local Government (DCLG) publication: Greater Flexibility for Planning Permissions: Guidance. The outcome of a successful application will be consent with a new time limit attached. Conditions can be varied if there has been a significant change in policy since the original application. In the event of conditions having been discharged on the original consent, these will not be reapplied.

Assessment

The site is situated in land designated for employment purposes within the BDLP and the principle of employment related development has been established through the granting of outline application B/1991/0223. The main development plan policies considered with the application were policies E9, DS13 and TR11 of the BDLP as well as policy T1 of the WCSP. I consider that these policies would still apply to the proposal and it would accord.

National Planning Policy Guidance has been updated with the introduction of PPS4 which supports a coordinated approach to employment development. Policy EC10 of PPS4 states, all planning applications for economic development (which includes development within the B Use Classes as stated in paragraph 4) should be assessed against the following impact considerations:

- whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to climate change
- the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured
- whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions
- the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives
- the impact on local employment

It should be noted that this application seeks to extend the time of the permission and is not a renewal of an expired consent. As such, it would not be appropriate to impose additional conditions in respect of the limitation of carbon emissions. In terms of the choice of means of transport, I note that a condition requiring the provision of a Travel Plan (Condition C37) was attached to the original consent and this would meet the requirements of PPS4 in this respect.

In terms of biodiversity issues, I note the comments from WWT. In terms of the original application, I note that the provisions of PPS9 and Circular 06/05 (Biodiversity and Geological Conservation) were considered.

I do not consider that granting an extension of time for the implementation of the permission would have any greater impact on the natural environment and biodiversity resources on the site than the current implementation of the extant permission. I note the comments received on the application in terms of flooding. However, these comments relate to drainage issues and the Drainage Engineer has raised no objections.

Members should note that the site remains undeveloped at the present time and since there is no significant change in the planning policies which apply to the site, permission should be granted for an extension of time. The original consent was for three years (granted 26th April 2007) and I refer to the DCLG Guidance which allows the Local Planning Authority discretion in making decisions on applications to extend time on permissions. Therefore, a three year extension is reasonable.

I note that conditions 3, 4, 18, 20, 21, 22, 23 and 36 attached to the original permission B/2007/0265 have been discharged and will not be placed on the new permission.

RECOMMENDATION: that permission be GRANTED subject to the following conditions:

1. C1 (3 years)

2. No mezzanine floor areas, other than those shown on the approved drawings, shall be provided within the building hereby approved without the prior written consent of the Local Planning Authority.
3. The soft landscape concept detailed on drawing BCPlanning.dwg 02 Rev C from Barry Chinn Associates shall be implemented within 12 months from the date when any of the buildings hereby permitted are first occupied. 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.
4. C9
5. C11
6. C12
7. C13
8. C14
9. C15
10. C16
11. C17
12. C18
13. C19
14. C21
15. Prior to the commencement of development hereby permitted, a method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall relate directly to the ecological mitigation measures as set out in the Ecological Mitigation Strategy and Biodiversity Enhancement Scheme document (January 2007). The method statement shall clarify how the management of the site will be tailored to benefit the species present and how it will provide benefit in addition to any legally required mitigation
16. The management of retained trees during the construction period shall be carried out in accordance with the approved arboricultural method statement dated 26th March 2007. The recommendations contained in Section 5 and 6 of this document shall be implemented in full with no deviation, unless otherwise agreed in writing by the Local Planning Authority
17. Prior to the commencement of development hereby permitted, a scheme for arboricultural monitoring shall be submitted to and approved in writing by the Local Planning Authority. This should comprise a schedule for visiting the site in order to monitor tree protection measures to ensure the maintenance and compliance with the tree protection scheme/root protection areas or other areas excluded from construction related activity
18. Prior to the commencement of development hereby permitted, a scheme for the routing and positioning of construction traffic, machinery and plant shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out as approved with no deviation, unless otherwise agreed in writing by the Local Planning Authority
19. A site investigation for the site shall be designed using the information obtained from the desk top study. This should be submitted to, and approved in writing by, the Local Planning Authority prior to the investigation being carried out. The investigation must be comprehensive enough to enable:
 - (a) a risk assessment to be undertaken relating to the proposed end uses of the site and other receptors on and off the site that may be affected, and
 - (b) refinement of the conceptual model, and

(c) the development of a Method Statement detailing the remediation requirements.

The site investigation shall be carried out in accordance with details approved by the Local Planning Authority and a risk assessment undertaken.

20. A method statement detailing the remediation requirements using the information obtained from the site investigation shall be submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to the remediation being undertaken. The development of the site should be carried out in accordance with the approved Method Statement.
21. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed by 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, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement
22. Upon completion of the remediation detailed in the Method Statement a Validation Report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report
23. No development shall be commenced until an investigation of the site has been undertaken to ascertain whether the site is affected by the presence of landfill gas.
 - (a) The investigation shall be undertaken in accordance with a brief which shall first be submitted to and approved in writing by the Local Planning Authority. The results of the investigation shall be provided to the Local Planning Authority and shall include a scheme for precautionary measures to ensure that no build up or ingress of gas occurs within the development
 - (b) The Local Planning Authority may require further investigatory works to be carried out and results submitted to them if the results are inconclusive
 - (c) No development shall take place until the Local Planning Authority have approved the scheme for precautionary measures
 - (d) The scheme once approved in writing by the Local Planning Authority shall be implemented in full and written evidence to confirm the completion of the work provided to the Local Planning Authority before the development is occupied.
24. Prior to the commencement of works hereby permitted, full details (to include elevational drawings) of the gate house shall be submitted to and approved in writing by the Local Planning Authority
25. Prior to the commencement of development, a directional signage scheme for the management of traffic utilising the site shall be submitted to and approved in writing by the Local Planning Authority. The approved signage scheme shall be implemented prior to the occupation of the buildings and maintained as such thereafter.
26. H13
27. H21
28. H27
29. The development hereby permitted shall not be brought into use until the applicant has submitted to and had approved in writing by the Local Planning Authority a

travel plan that promotes sustainable forms of access to the site. This plan will thereafter be implemented and updated in agreement with Worcestershire County Council's Travel Plan Co-ordinator.

Notes

The applicant is reminded of the responsibilities for biodiversity under the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006.

The applicant is encouraged to undertake a bat survey to determine whether any bats are present in any of the trees to be removed. If bats are identified within the site the applicant is reminded that a licence from DEFRA will be required to undertake the removal of any trees containing bat roosts and a detailed mitigation strategy will be required to be submitted to Natural England for consideration.

This consent does not permit the erection of any additional form of advertisement on the site.

The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

The applicant's attention is drawn to the requirement that, in all cases where an Agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the Developer of the site in accordance with the design brief issued by the Highway Authority and their design shall include any necessary amendments to the existing system.

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

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| WMSS | QE1, QE2, QE3 |
| WCSP | SD.2, SD.3, SD.4, SD5, SD.6, SD.7, CTC.1, T.1 |
| BDLP | DS13, C4,C17, E4, E9, TR11, ES4, ES7 |
| Others | PPS1, PPS4, PPG14, PPS23, PPG24, SPG3 |

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.