

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. C. Harvey 'A'	Extension of time limit for implementation of B/2007/0433 (Erection of three storey building comprising retail use on ground floor and 22 apartments above and associated works) - Land at corner of Beverley Road and New Road, Rubery	Shopping	10/0652-MT 18.10.2010

RECOMMENDATION: that **DELEGATED** powers be granted to the Head of Planning and Regeneration Services to determine the application upon receipt of a Section 106 agreement to secure contributions towards education provisions and off site play space.

MINDED TO APPROVE.

Consultations

PROW Comments received 12.08.2010: No objection.
WCC Comments received 02.08.2010: details of required contributions
(Education) towards education provisions are provided.
Publicity Site Notice posted 16.08.2010; expires 06.09.2010.
Press Notice published 05.08.2010; expires 26.08.2010.
5 Neighbour notification letter posted 30.07.2010; expired 20.08.2010.
1 letters received: concerns raised over loss of privacy.

The site and its surroundings

The application relates to a rectangular site on the corner of New Road and Beverley Road, Rubery, extending to 0.285 hectares. The site was previously occupied by Mr. B'S Market Hall which was subdivided internally into a number of small retail outlets. That building was demolished in April 2007.

At the New Road/Beverley Road junction is a small cluster of more traditional two storey units with narrower frontages and retail uses to ground floor with residential uses above. The majority of this development is however in a very poor state of repair.

The site is adjoined by a public right of way and existing retail/residential units to its western boundary and the residential properties along Beverley Road and Graham Crescent to its southern boundary.

The site is located with Rubery's defined Shopping Area.

Proposal

This application proposes to extend the time limit for the implementation of planning permission ref. B/2007/0433 for the erection of a three storey building on the corner of New Road and Beverley Road. The ground floor of the building would be used for retail and the upper two floors for residential accommodating 22 apartments (21 no. 2 bedroom and 1 no. 1 bedroom). The retail use of the proposed building is speculative (Use Classes A1 to A5) and no end users are associated with the development. All of the

10/0652-MT - Extension of time limit for implementation of B/2007/0433: Erection of three storey building comprising retail use on ground floor and 22 apartments above, and associated works - Land at Beverley Road/New Road, Rubery - Mr. C. Harvey

proposed apartments would be for sale/rent on the general market and there are no provisions for affordable housing.

This application has been referred to the Committee as it involves a major development.

Relevant Policies

WCSP SD1, SD2, SD3, SD4, SD5, CTC1, CTC9, T1, D5, D34

BDLP DS13, DS4, S3, S7, S15, S21, S28, S29, RAT5, RAT6, TR11, RUB2, ES3, ES7

Others PPS1, PPS3, PPS4, PPG13, PPG17, PPG23, SPG1, SPG11

Relevant Planning History

B/2003/0987 Residential and retail development - Outline consent - PPG 11.09.2003

B/2007/0142 Demolish existing structures and construct three storey development of retail and residential with associated external works. - Reserved Matters - Withdrawn.

B/2007/0433 Erection of three storey building comprising retail use on ground floor and 22 apartments above, and associated works - PPG 26.07.2010.

Notes

At their meeting on 16th July 2007 Members resolved to grant delegated powers to the Head of Planning and Environment Services to approve B/2007/0433 upon receipt of a Section 106 agreement to secure financial contributions towards education and off site play space. A completed Section 106 agreement was received on 26th July 2007 and planning permission was granted on the same day. Condition 1 of B/2007/0433 requires that the development is commenced within three years of the date of the permission.

The three year period for implementation expired on 26th July 2010 (during the process of this application) and no works in pursuance of the permission have commenced on the site. A new planning permission is therefore sought to replace the expired planning permission.

The Council has already determined the proposal to be acceptable and it is not therefore necessary to reassess the principles of the development here. A copy of the original report to Committee providing a full assessment of the case is provided at Appendix A. Instead Members should focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission. It is also important to consider whether there have been any changes to the site and its surroundings since the original granting of planning permission, and the implications of any such changes for the accuracy of the Council's decision.

I will update Members on the situation regarding the site, the policy framework and any other material considerations under separate headings below.

The site

Your officer can confirm that at the time of visit on 16th August 2010 there have been no significant changes to the site or its surroundings since the determination of B/2007/0433. It is noted that the buildings at 212 to 216 New Road are now in a dilapidated state but it is not considered that this would have any effect on the accuracy of the Council's original decision.

Policy

Since July 2007 the following changes have been made to the relevant framework of Development Plan policies and national policy guidance:

- The West Midlands Regional Spatial Strategy has been abolished.
- Policies SD.6, SD.7, D.1, D.2, D.3, D.4, D.9, D.11 and D.13 of the Worcestershire County Structure Plan 2001 have been deleted from the Development Plan for Bromsgrove.
- Policy S1 of the Bromsgrove District Local Plan 2004 has been deleted from the Development Plan for Bromsgrove.
- The housing moratorium associated with Supplementary Planning Guidance Note 10 (SPG10 - Managing Housing Supply) is no longer a material consideration in the determination of planning applications.
- Planning Policy Statement 6 (PPS6 - Planning for Town Centres) has been replaced with Planning Policy Statement 4 (PPS4 - Planning for Sustainable Economic Growth).
- Amendments have been made to Planning Policy Statement 3 (PPS3 - Housing).

The above changes have not introduced any new policy requirements that are of relevance to the application proposal. The publication of PPS4 has removed the requirement to demonstrate a qualitative and quantitative need for a retail development and revised the requirement to provide an assessment of a proposals impact on existing town centres. These requirements are however only applicable to retail proposals that are not located within a designated centre. In this instance the site is located in Rubery's designated Shopping Area which constitutes a 'centre' for the purposes of PPS4. The new policy requirements resulting from PPS4 are not therefore relevant to this proposal.

Other matters

Members will note that a letter of objection to the scheme has been received from the occupiers of number 10 Beverley Road to the rear of the site. Concerns are raised over the development causing a loss of privacy to these nearby occupiers. It is however noted that the new windows in the proposed development would be over 30 metres away from this property. Having regard to the guidance contained in SPG1 I consider this distance to be too great for any overlooking to occur.

Members will note that B/2007/0433 involved a S106 agreement to secure financial contributions towards education provisions and off site play space. It is necessary to link that agreement with any new planning permission granted as a result of this application. Furthermore, since the completion of that agreement Worcestershire County Council's table of charges for education contributions has changed. A new S106 agreement is

10/0652-MT - Extension of time limit for implementation of B/2007/0433: Erection of three storey building comprising retail use on ground floor and 22 apartments above, and associated works - Land at Beverley Road/New Road, Rubery - Mr. C. Harvey

therefore required in relation to this application. The applicant is aware of this requirement but to date a revised agreement has not been received by the Council.

Conclusion

Since the approval of B/2007/0433 there have been no material changes to the site and its surroundings or the relevant framework of Development Plan policies and national policy guidance. It is therefore considered that there are no justifiable reasons why Planning Permission ref. B/2007/0433 should not be replaced with a new permission. However, Members will note the requirement for a new Section 106 agreement to be completed. Planning permission should not be granted until such an agreement has been received by the Council. Members will note that the determination period for the application does not expire until after the meeting of the Planning Committee. It is therefore recommended that Delegated Powers are granted to the Head of Planning and Regeneration Services to determine the application.

RECOMMENDATION: that **DELEGATED** powers are granted to the Head of Planning and Regeneration Services to determine the application upon receipt of a Section 106 agreement to secure contributions towards education provisions and off site play space.

MINDED TO APPROVE.