

PLANNING PERMISSION

Part I- Particulars of application

Application No : 11/0345	Date of application 14th April 2011
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Agent c/o Mr alan smith 2mill lane feckenham redditch Worcestershire b96 6hy United Kingdom	Applicant : Rowanmoor Trustees and Mr and Mrs Mason c/o 15 - 23 Hagley Road Stourbridge West Midlands DY8 1QW
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Site and particulars of development: 2 and part of 4 and 6, Hartle Lane, Belbroughton Stourbridge DY9 9TG. Partial demolition, and part conversion of existing industrial buildings to form 12 dwellings, associated access road, car parking and amenity space (7 x two bed, 4 x three bed and 1x 4 bed).

Part II- Particulars of decision

Bromsgrove District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning General Development Procedure Order 1995 that **permission has been granted** for the carrying out of the development referred to in part I hereof in accordance with the application and plans submitted subject to the following conditions:

- 1 The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to 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 listed in this notice:

Site Location Plan@1:1250 (Ref: 1507.01),
Proposed Site Plan (Alternative)@1:200 (Ref: 1507.02B),
Existing Floorplans@1:100 (Ref: 1443.03),
Land Survey (Ref: 2567-03),
Demolition Plan@1:200 (Ref: 1507.03),
Existing Elevations@1:100 (Ref: 1443.04),
Existing and Proposed Block Plans@1:500 (Ref: 1507.04A),
Proposed Plans and Elevations (Retained Existing Block)@1:100
(Ref: 1507.05), Proposed Plans and Elevations (Block A and B),
(Ref: 1507.06B),Block C Plans and Elevations and Proposed Street Elevations@1:100 (Ref: 1507.07B),
Artists Impressions Views (Ref: 1507.08A). Received 14.04.2011.

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

- 3 Details of the form, colour and finish of the materials to be used externally on the walls, roofs, window, door, railings and gates shall be subject to the approval, in writing, of the local planning authority before any work on the site commences.

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Reason: To protect the visual amenity of the conservation area in accordance with policies S36 and DS13 of the Bromsgrove District Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001.

- 4 The windows to be installed at first floor level in units 4 and 7 on the approved plans shall be fitted with obscure glazing and any opening lights shall be at high level and top hinged only. The obscure glass shall be maintained in the said windows in perpetuity.

Reason: To protect the amenities of neighbouring residents in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.

- 5 The disposal of storm and foul water shall be by means submitted to and approved in writing by the Local Planning Authority and be operational before building works commence.

Reason: In order to secure the satisfactory drainage conditions in accordance with policy DS5 of the Bromsgrove District Local Plan 2004.

- 6 Before the commencement on site of any works which are the subject of this permission, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-

- a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;
- b) full details of all proposed fencing, screen walls, hedges, floorscape, tree and shrub planting where appropriate. The approved scheme 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.

Reason: In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.

- 9 Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the trees or hedgerows which are shown retained on the approved plans both on and adjacent to the application site shall be protected with fencing around their Root Protection Areas. This fencing shall be constructed as detailed in Figure 2 and positioned in accordance with Section 5.2.2 of British Standard BS5837:2005 and shall be maintained as erected until all development has been completed.

Reason: In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.

- 10 No other development (hereby permitted) shall commence until visibility splays have been provided on each side of the proposed access on a line joining a point 2.4 metres back from the nearside edge of the adjoining carriageway measured along the centreline of the access, to a point 43 metres in each direction measured along the nearside edge of the carriageway from the centre of the new access. Nothing shall be planted, erected and/or allowed to grow which exceeds a height of 0.6metres on the triangular area of land so formed in order not to obstruct the visibility described above.

Reason: In the interests of highway safety and to comply with policy TR11 of the Bromsgrove District Local Plan 2004.

- 11 Prior to the occupation of the development hereby approved the driveway and/or vehicular turning area shall be consolidated, surfaced and drained in accordance with details to be

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submitted to and approved in writing by the Local Planning Authority at a gradient not steeper than 1 in 8.

Reason: In the interests of highway safety and to comply with policy TR11 of the Bromsgrove District Local Plan 2004.

- 12 The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority 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 and to comply with policy TR11 of the Bromsgrove District Local Plan 2004.

- 13 Prior to the first occupation of any 3 bedroom dwelling hereby approved secure parking for 16 cycles to comply with the Council's standards shall be provided within the curtilage of the application site and these facilities shall thereafter be retained for the parking of cycles only.

Reason: To comply with the Council's parking standards and policy TR11 of the Bromsgrove District Local Plan 2004.

- 14 The development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision be retained and kept available during the construction of the development.

Reason: To prevent indiscriminate parking in the interests of Highways safety and to comply with policy TR11 of the Bromsgrove District Local Plan 2004.

- 15 The development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing a welcome pack that promotes sustainable forms of access to the site with the Local Planning Authority.

Reason: To reduce vehicle movements and promote sustainable access in accordance with policy DS13 of the Bromsgrove District Local Plan 2004.

- 16 A preliminary risk assessment must be carried out. This study shall take the form of a desk top 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.

- 17 Where necessary a scheme for detailed site investigation and risk assessment must be submitted to and approved in writing by the Local Planning Authority. 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"

- 18 Where necessary detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report is subject to the written approval of the Local Planning Authority. 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"

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- 19 Where 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. 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. Where necessary 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.
- 20 Where necessary, 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. 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.
- 21 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 (17-22) 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 [in accordance with policy ES7 of the adopted Local Plan (January 2004)].

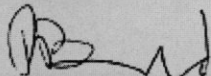
- 22 Prior to the commencement of the development hereby approved, the existing buildings shown hatched on the demolition plan Ref:1507.03 shall be demolished and all resultant materials removed from the site.

Reason: In order to protect the openness of the Green Belt in accordance with policy DS2 of the Bromsgrove District Local Plan 2004.

DATED

19 OCT 2011

Signed



Ruth Bamford
Head of Planning and Regeneration

Informative(s)

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

WMSS QE1, QE2, QE3, QE5, QE7, CF4
WCSP SD.3, CTC.1, CTC.19, CTC.15, CTC.20, D.12, D.16, D.38, D.39, D.43, T.1, IMP.1

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BDLP	DS2, DS5, DS11, DS13, S35A, S36, S45, C27, C27A, TR8, TR11, RAT5, RAT6, BEL1
Others	PPS1, PPS3, PPS9, PPG13, PPG15, SPG1, SPG11, Belbroughton Village Design Statement

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.

Notes:

1. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to the Worcestershire County Council's Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845 607 2005), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.
2. No work on the site should be commenced until engineering details of the improvements to the Public Highway have been submitted to and approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.
3. If it is the Developer's intention to request the County Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to the County Council's Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act, 1980, entered into.
4. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, the County Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways. The applicant is, therefore, advised to submit the Engineering details referred to in this conditional approval to the County Council's County Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP at an early date to enable surface water disposal arrangements to be assessed.
5. 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.
6. 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.

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7. The applicants 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 agreed with the Highway Authority and their design shall include any necessary amendments to the existing system. The design brief should be discussed with the Highway Authority prior to the commencement of the design.
8. This consent does not authorise the erection of temporary direction signs on the Public Highway. Should the applicant wish to direct traffic to the development site they should seek the consent of the Highway Authority. All temporary directional sign proposals should be submitted to the Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No signs should be erected with out the consent of the Highway Authority.
- 9 The attention of the applicant is drawn to the programme of ecological enhancements shall be carried out to the satisfaction of the Local Planning Authority as outlined on pages 10 and 11 of the Protected Species Survey (Received 14.04.2011). These shall include the provision of suitable Bat and Bird boxes in accordance with the recommendations.
- 10 The development hereby approved is subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 in respect of Education and Play Space Contributions.**

It is important that you read the following notes

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development or to grant permission or approval subject to conditions, they may appeal to the Department of the Minister for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice (appeals must be made on a form which is obtainable from The Planning Inspectorate, Registry/Scanning, Room 3/01 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Minister for Communities and Local Government is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. The Minister does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by the Minister.
2. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Minister for Communities and Local Government and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the Council of the District on which the land is situated a purchase notice requiring that Council to purchase their interest in the land on accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to Conditions by the Minister for Communities and Local Government on appeal or on a reference of the application to the Minister. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.