



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE PLANNING COMMITTEE**

MONDAY 29TH APRIL 2019  
AT 6.00 P.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE,  
WORCESTERSHIRE, B61 8DA

**PLEASE NOTE THAT AFTER 5PM, ACCESS TO THE PARKSIDE SUITE IS VIA THE MAIN ENTRANCE DOOR ON THE STOURBRIDGE ROAD. PLEASE ALSO NOTE THAT THERE IS NO PUBLIC PARKING AVAILABLE FOR THE NEW PREMISES. THE NEAREST PARKING IS THE PARKSIDE (MARKET STREET) PAY AND DISPLAY CAR PARK.**

**MEMBERS:** Councillors R. J. Deeming (Chairman), P.L. Thomas (Vice-Chairman), C. Allen-Jones, S. J. Baxter, M. T. Buxton, C.A. Hotham, S. R. Peters, S. P. Shannon, M. A. Sherrey, C. J. Spencer and P. J. Whittaker

Updates to the Reports of the Head of Planning and Regeneration Services will be available in the Council Chamber one hour prior to Meeting. You are advised to arrive in advance of the start of the Meeting to allow yourself sufficient time to read the updates.

Members of the Committee are requested to arrive at least fifteen minutes before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting.

### **AGENDA**

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 11th March 2019 (Pages 1 - 8)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 18/01209/FUL - Proposed residential accommodation with care (Class C2) comprising 67 apartments with communal facilities, landscaping and parking - Former Fire Station and Library Building, Windsor Street, Bromsgrove, Worcestershire, B60 2BJ - Mr. A. Taylor (Pages 9 - 32)
6. 19/00062/FUL - Material change of use of land for stationing of caravans on 3 pitches for residential use with facilitating development (hard standing, access track, creation of access, utility blocks) and keeping of horses (Part Retrospective) - Land Off, Billesley Lane, Portway, Worcestershire, B48 7HF - Ms. C. Stokes and Mr. B. Stokes (Pages 33 - 50)
7. 19/00222/FUL - Single storey car port adjacent to the existing garage - Cedar Haven, 96-98 Barkers Lane, Wythall. Worcestershire, B47 6BS - Mr. A. Dixon (Pages 51 - 56)
8. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS  
Chief Executive

Parkside  
Market Street  
BROMSGROVE  
Worcestershire  
B61 8DA

17th April 2019

# BROMSGROVE DISTRICT COUNCIL

## PLANNING COMMITTEE

### Information for Members of the Public

The Planning Committee comprises 11 Councillors. Meetings are held once a month on Mondays **at 6.00 p.m.** in the Parkside Suite, Parkside, Market Street, Bromsgrove, B61 8DA - access to the Parkside Suite after 5pm is via the main entrance door on the Stourbridge Road. The nearest available public parking for the new premises is Parkside (Market Street) Pay and Display. .

The Chairman of the Committee, who is responsible for the conduct of the meeting, sits at the head of the table. The other Councillors sit around the inner-tables in their party groupings. To the immediate right of the Chairman are the Planning Officers. To the left of the Chairman is the Solicitor who provides legal advice, and the Democratic Services Officer who takes the Minutes of the Meeting. The Officers are paid employees of the Council who attend the Meeting to advise the Committee. They can make recommendations, and give advice (both in terms of procedures which must be followed by the Committee, and on planning legislation / policy / guidance), but they are not permitted to take part in the decision making.

All items on the Agenda are (usually) for discussion in public. You have the right to request to inspect copies of previous Minutes, reports on this agenda, together with the background documents used in the preparation of these reports. Any Update Reports for the items on the Agenda are published on the Council's Website at least one hour before the start of the meeting, and extra copies of the Agenda and Reports, together with the Update Report, are available in the public gallery. The Chairman will normally take each item of the Agenda in turn although, in particular circumstances, these may be taken out of sequence.

The Agenda is divided into the following sections:-

- Procedural Items

Procedural matters usually take just a few minutes and include: apologies for absence, approval of the Minutes of the previous meeting(s) and, where necessary, election of a Chairman and / or Vice-Chairman. In addition, Councillors are asked to declare whether they have any disclosable pecuniary and / or other disclosable interests in any items to be discussed. If a Councillor declares a disclosable pecuniary interest, he/she will withdraw from the meeting during the discussion and voting on that item. However, it is up to the individual Councillor concerned to decide whether or not to declare any interest.

- Reports of the Head of Planning and Regeneration

(i) **Plans and Applications to Develop, or Change of Use** - Reports on all applications will include a summary of the responses received from

consultees and third parties, an appraisal of the main planning issues and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view in full via the Public Access facility on the District Council's website [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk). Recent consultee and third party responses will be reported at the meeting within the Update Report.

Each application will be considered in turn. When the Chairman considers that there has been sufficient discussion, a decision will be called for. Councillors may decide that, in order to make a fully informed decision, they need to visit the site. If this is the case, then a decision on the application will be deferred until the next meeting of the Committee. Alternatively, a decision may be deferred in order that more information can be presented / reported. If the Councillors consider that they can proceed to making a decision, they can either accept the recommendation(s) made in the report (suggesting any additional conditions and / or reasons for their decision), or they can propose an amendment, whereby Councillors may make their own recommendation. A decision will then be taken, usually by way of a show of hands, and the Chairman will announce the result of the vote. Officers are not permitted to vote on applications.

Note: **Delegation** - All items are presumed to be matters which the Planning Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply, an appropriate indication will be given at the meeting.

Any members of the public wishing to make late additional representations should do so in writing, or by contacting their Ward Councillor(s) well in advance of the Meeting. You can find out who your Ward Councillor(s) is/are at [www.writetothem.com](http://www.writetothem.com).

Members of the public should note that any application can be determined in any manner, notwithstanding any (or no) recommendation being made to the Planning Committee.

- (ii) **Development Control (Planning Enforcement) / Building Control** - These matters include such items as to whether or not enforcement action should be taken, applications to carry out work on trees that are the subject of a Tree Preservation Order, etc.. 'Public Speaking' policy does not apply to this type of report, and enforcement matters are normally dealt with as confidential items (see 'Confidential / Exempt Business' below).

- Reports of the Head of Legal and Democratic Services

These reports relate to, for example, cases where authority is sought to commence legal proceedings for non-compliance with a variety of formal planning notices. They are generally mainly concerned with administrative and legal aspects of planning matters. 'Public Speaking' policy does not apply to this type of report, and legal issues are normally dealt with as confidential items (see 'Confidential / Exempt Business' below).

- Urgent Business

In exceptional circumstances, and at the discretion of the Chairman, certain items may be raised at the meeting which are not on the Agenda. The Agenda is published a week in advance of the meeting and an urgent matter may require a decision. However, the Chairman must give a reason for accepting any "urgent business". 'Public Speaking' policy would not necessarily apply to this type of report.

- Confidential / Exempt Business

Certain items on the Agenda may be marked "confidential" or "exempt"; any papers relating to such items will not be available to the press and public. The Committee has the right to ask the press and public to leave the room while these reports are considered. Brief details of the matters to be discussed will be given, but the Committee has to give specific reasons for excluding the press and public.

### **Public Speaking**

Where members of the public have registered to speak on planning applications, the item will be dealt with in the following order (subject to the discretion of the Chairman):-

- Introduction of item by the Chairman;
- Officer's presentation;
- Representations by objector;
- Representations by applicant (or representative) or supporter;
- Parish Council speaker (if applicable) and / or Ward Councillor;
- Consideration of application by Councillors, including questions to officers.

All public speakers will be called to the designated area by the Chairman and will have a maximum of 3 minutes to address the Committee.

Feedback forms will be available within the Council Chamber for the duration of the meeting in order that members of the public may comment on the facilities for speaking at Planning Committee meetings.

### **NOTES**

Councillors who have not been appointed to the Planning Committee but who wish to attend and to make comments on any application on the attached agenda are required to inform the Chairman and the relevant Committee Services Officer before 12:00 noon on the day of the meeting. They will also be subject to three minute time limit.

Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officer(s) in order to avoid unnecessary debate on such detail at the meeting. Members of the Committee are requested to arrive at least one hour before the start of the meeting to read any additional representations and to ask questions of the

Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting. Councillors should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.

Councillors are respectfully reminded that applications deferred for more information should be kept to a minimum and only brought back to Committee for determination where the matter cannot be authorised to be determined by the Head of Planning and Regeneration Services.

In certain circumstances, items may be taken out of the order than that shown on the agenda and, therefore, no certain advice can be provided about the time at which any item may be considered. However, it is recommended that any person attending a meeting of the Committee, whether to speak or to just observe proceedings and listen to the debate, be present for the commencement of the meeting at 6.00 p.m.

#### LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - SECTION 100D

1. All applications for planning permission include, as background papers, the following documents:-
  - a. The application - the forms and any other written documents submitted by the applicant, the applicant's architect or agent, or both, whichever the case may be, together with any submitted plans, drawings or diagrams.
  - b. Letters of objection, observations, comments or other representations received about the proposals.
  - c. Any written notes by officers relating to the application and contained within the file relating to the particular application.
  - d. Invitations to the Council to comment or make observations on matters which are primarily the concern of another Authority, Statutory Body or Government Department.
  
2. In relation to any matters referred to in the reports, the following are regarded as the standard background papers:-

Policies contained within the Local Plan below, and Planning Policy Statements, specifically referred to as follows:-

BDP	-	Bromsgrove District Plan 2011-2030
SPG	-	Supplementary Policy Guidance
NPPF	-	National Planning Policy Framework
NPPG	-	National Planning Practice Guidance
  
3. Any other items listed, or referred to, in the report.

Note: For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, "background papers" in accordance with Section 100D will always include the Case Officer's written report and any letters or memoranda of representation received (including correspondence from Parish Councils, the Highway Authority, statutory consultees, other 'statutory undertakers' and all internal District Council Departments).

### **Further information**

If you require any further information on the Planning Committee, or wish to register to speak on any application for planning permission to be considered by the Committee, in the first instance, please contact Pauline Ross, Democratic Services Officer, at [p.ross@bromsgroveandredditch.gov.uk](mailto:p.ross@bromsgroveandredditch.gov.uk), or telephone (01527) 881406

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## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE PLANNING COMMITTEE**

**MONDAY, 11TH MARCH 2019, AT 6.00 P.M.**

PRESENT: Councillors R. J. Deeming (Chairman), C. Allen-Jones, S. J. Baxter, M. T. Buxton, C.A. Hotham, R. J. Laight, S. R. Peters, S. P. Shannon, C. J. Spencer and P. J. Whittaker

Officers: Mrs. T. Lovejoy, Mr. D. M. Birch, Mr. S. Jones, Mr. P. Lester, Miss. C Wood and Mrs. P. Ross

67/18

#### **APOLOGIES**

Apologies for absence were received from Councillors M. A. Sherrey and P. L. Thomas, with Councillor R. J. Laight present as substitute for Councillor P.L. Thomas.

68/18

#### **DECLARATIONS OF INTEREST**

Councillor C. A. Hotham declared in relation to Agenda Item 7 (Application 18/01209/FUL – Former Fire Station and Library Building, Windsor Street, Bromsgrove, Worcestershire, B60 2BJ), in that he was a member of Hereford and Worcester Fire and Rescue Service (HWFR). Councillor Hotham withdrew from the meeting prior to the consideration of the item and took no part in the Committee's consideration or voting on the matter.

69/18

#### **MINUTES**

The minutes of the meeting of the Planning Committee held on 4th February 2019 were received.

**RESOLVED** that the minutes of the meeting of the Planning Committee held on 4th February 2019, be approved as a correct record.

70/18

#### **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING AND CIRCULATED PRIOR TO THE START OF THE MEETING**

The Chairman confirmed with Members that they had received and read the update which had been published and circulated prior to the commencement of the meeting.

Following comments received from Planning Committee Members with regard to the comprehensive contents of the Update sheets for Agenda Item 9, Application 18/01596/S73 – Redditch Gateway Infrastructure Limited; the Chairman agreed to a ten minute adjournment of the meeting prior to the Committee's consideration of the item.

71/18

**18/00860/OUT - OUTLINE APPLICATION FOR DEMOLITION OF GARAGE AND DWELLING AND ERECTION OF 5 DETACHED DWELLINGS AND 1 BUNGALOW. ACCESS AND LAYOUT TO BE CONSIDERED. ALL OTHER MATTERS RESERVED - HAGLEY SPECIALIST CARS, 5 WORCESTER ROAD, WEST HAGLEY, STOURBRIDGE, WORCESTERSHIRE, DY9 0LF - MR. P. HEAD**

Officers clarified that the Application had been brought to the Planning Committee for consideration at the request of Councillor S. R. Colella, Ward Member.

Officers reported that the site had been in the Applicant's ownership since 1986 and that the Applicant had continued to develop and maintain a successful business. However, supporting information submitted by the Applicant indicated that the garage site and showroom was no longer viable due to internet sales and competition from manufactures retail wholesale outlets. The business had suffered from vandalism and theft from the garage forecourt resulting in a reduction in the out of hour's display of cars which had also affected sales.

Officers further reported that the application had been amended during the application process. Originally it was proposed to use the right of access the site had to Milestone Drive to access a number of the proposed dwellings. Following an objection from County Highways that element of the proposal had been removed. All of the proposed dwellings would not use Milestone Drive for access and would use Worcester Road.

Following concerns from Officers that 7 dwellings constituted an over development of the plot and that the stand-alone bungalow unit was particularly out of context with the character of the surrounding area; the proposed development was amended to reduce the number of dwellings from 7 to 6.

At the invitation of the Chairman Ms. M. Head, the Applicant and Councillor S. R. Colella, in whose Ward the Site was located, addressed the Committee.

The Committee then considered the Application, which Officers had recommended be granted. Officers further clarified that Hagley Parish Council had not been re-consulted with on the amended proposed development, which had been amended to reduce the number of dwellings from 7 to 6. Officers indicated that as outlined in the report, the Parish Council considered that they could not support any more than 3 dwellings on the site so had not been re-consulted.

Members discussed the application in detail and Officers responded to a number of queries raised with regard to the density and numbers of the proposed development being quite high. Members noted the comment from Worcestershire County Highways that the proposal was a lower trip generator than the existing garage use.

Officers clarified that Worcestershire County Council would be responsible for maintaining the public right of way.

Having considered the Application and all of the information provided, the Committee was minded to grant Outline Planning Permission.

**RESOLVED** that Outline Planning Permission be granted, subject to Conditions, as detailed on pages 15 to 18 of the main agenda report.

72/18

**18/01036/FUL - ERECTION OF 1 THREE-BED DWELLING HOUSE - LAND ADJOINING 171 SALWARPE ROAD, CHARFORD, BROMSGROVE, B60 3HT - MR. R. HALL**

Officers clarified that the Application had been brought to the Planning Committee for consideration at the request of Councillor S. P. Shannon, Ward Member.

Officers reported that the proposal was for a three bedroom dwelling, which would be situated between No's 169 and 171 Salwarpe Road and would incorporate part of the former rear garden of 61 Humphrey Avenue.

At the invitation of the Chairman, Mr. D. Hateley, on behalf of Mr. and Mrs. Hateley, addressed the Committee in objection to the Application. Ms. D. Farrington addressed the Committee on behalf of the Applicant.

The Committee then considered the Application, which had been recommended for refusal by Officers. Members commented that the Site Visit had proved useful. Having considered the Application and all of the information provided, Members of the view that the proposed dwelling would be overbearing and would have a detrimental impact on property No's 169 and 171 Salwarpe Road. The separation distance fell short of the required 12.5m and the increased density per hectare would make the development appear cramped.

**RESOLVED** that Planning Permission be refused for the reasons set out on page 25 of the main agenda report.

73/18

**18/01209/FUL - PROPOSED RESIDENTIAL ACCOMMODATION WITH CARE (CLASS C2) COMPRISING 67 APARTMENTS WITH COMMUNAL FACILITIES, LANDSCAPING AND PARKING - FORMER FIRE STATION AND LIBRARY BUILDING, WINDSOR STREET, BROMSGROVE, WORCESTERSHIRE, B60 2BJ - MR. A. TAYLOR**

# Agenda Item 3

Planning Committee  
11th March 2019

Officers reported that the Applicant had spent a considerable amount of time in seeking pre-application advice from Officers and had addressed concerns raised regarding previous schemes. The proposed development would be setback from the URC Church, the listed building along Windsor Street, in order to avoid dominance over the church.

At the invitation of the Chairman Mr. M. Norton, addressed the Committee in objection to the Application, and Mr. R. Gaskell, the Applicant's agent, addressed the Committee.

Consideration was then given to the application which had been recommended for approval by Officers. Members raised a number of queries with Officers with regard to the storage and collection of the communal waste bins; and the relevant planning history, as detailed on page 34 of the main agenda report.

Members commented that they were pleased to see that a mobility scooter store had been included in the proposed extensive communal facilities; and that having conducted a Site Visit were of the view that the development would be an enhancement to the area.

Whilst Members welcomed the proposed development, Members expressed their concerns that Redditch and Bromsgrove Clinical Commissioning Group (CCG) was not seeking a contribution from the developer. Officers confirmed that the response, as detailed on page 30 of the main agenda report, was the full response as received from the CCG. Officers further clarified that they had contacted the CCG on two separate occasions to confirm that they would not be seeking a contribution from the developer; to which the CCG had responded that their original comment stood. Members were informed that Redditch and Bromsgrove CCG was not a statutory consultee.

Members were of the opinion that the proposed development would create extra demand on local health services in the area, more specifically with GP surgeries becoming increasingly overloaded and the potential for GP appointment waiting times to be increased.

Officers reported that the proposed development would have a high level of flexible care built in and that the scheme would allow residents to receive more acute care as their needs intensified. Occupancy restriction would be to those aged 55 years or older who were assessed to be in need of care, as detailed on pages 27 and 43 of the main agenda report.

Having considered the Application and all of the information and having sought clarification from Officers; Members accepted and understood that the scheme would provide an element of care and acute care for potential residents. However, the Committee expressed deep concerns, as highlighted during their in depth discussion, with regard to the CCG not seeking any contribution from the developer.

Members were of the view that their concerns were paramount and that a response should be sought from Redditch and Bromsgrove CCG with regard to the concerns raised by Committee Members. The comment received from the CCG appeared to Members to be ambivalent.

## **RESOLVED**

- a) that this matter be deferred to enable Officers to have further discussions with Redditch and Bromsgrove CCG, in order to reiterate the concerns raised by Committee Members and to establish full reasons for them not seeking a contribution from the developer of this proposed care home; and
- b) that the outcome of those discussions be brought back to a future meeting of the Planning Committee for consideration.

74/18

## **18/01210/FUL - PROPOSED DEMOLITION OF EXISTING DWELLING AND ERECTION OF 2 NO. DWELLINGS - 1 PLYMOUTH DRIVE, BARNT GREEN, BIRMINGHAM, WORCESTERSHIRE, B45 8JB - MR. S. STOKES**

Officers clarified that the Application had been brought to the Planning Committee for consideration at the request of Councillor C. B. Taylor, Ward Member.

Officers reported that the application followed a number of applications on this site, including application reference 16/0412 for the construction of 1 dwelling in the garden of No. 1 Plymouth Drive which was refused and dismissed at Appeal, and extant planning permission reference 16/00150 for the demolition of existing dwelling and the construction of two dwellings on site.

The amendments from the previously approved scheme altered the design of the dwellings fenestration and re-orientated the dwellings within the plot and retained an access off Plymouth Drive. Given the siting and orientation of the proposed dwellings it was not possible to part implement both schemes on site.

Officers drew Members' attention to the fact that it was acknowledged that the position of the dwellings were closer to the previously refused application reference 16/0412 and therefore it was important to ensure that the concerns raised at that appeal were overcome and not recreated with this amendment.

Officers clarified that the previous planning application 16/0412 was refused and dismissed at appeal. Officers apologised for not including this information on page 50 of the main agenda report.

At the invitation of the Chairman Mr. J. Watson, addressed the Committee in objection to the Application, and Councillor C. B. Taylor, in whose Ward the Site was located, addressed the Committee.

The Committee then considered the Application, which had been recommended for approval by Officers. Having considered the Officer's report and all representations made, Members were of the view that even though the dwellings had been re-orientated and were of architectural value, the proposal would still represent over-development of the site; the close proximity of the proposed dwellings would result in the development appearing cramped due to the gap being smaller.

The Committee agreed that the reasons in paragraphs 6 and 7 of the Planning Inspector's previous decision applied to the previous Application 16/0412 and were therefore minded to refuse the application for the reason detailed in the resolution below.

**RESOLVED** that Planning Permission be refused for the following reason:

- 1) by virtue of the plot size, siting and scale of the proposed dwellings, the proposal would create a cramped and contrived form of a development at odds with the established character and the identified low density of the locality, contrary to policies BDP1, BDP7 and BDP19 of the Bromsgrove District Plan 2011-2030; the provisions of SPG1, The Lickey and Blackwell Village Design Statement and the NPPF.

**Further to concluding the above application the Chairman adjourned the meeting for 10 minutes to allow Committee Members to read the Update Sheets.**

75/18

**18/01596/S73 - VARIATION OF CONDITIONS 2 AND 8 TO AMEND THE PARAMETERS OF DEVELOPMENT FOR THE NORTHERN DEVELOPMENT PARCEL, AND PHASE 1 GROUND ENGINEERING WORKS (AND CHANGES TO CONDITIONS 12,16,18,21,29,31,32, 36 AND 37 TO ALLOW HEDGEROW AND TREE REMOVAL PRIOR TO THE COMING INTO EFFECT OF THE RELEVANT CONDITION, AND CONDITIONS 28 AND 29 TO RELATE TO UPDATED FLOOD RISK ASSESSMENT) IN RESPECT OF HYBRID PLANNING PERMISSIONS 17/01847/OUT (STRATFORD REFERENCE NUMBER), 17/00700/OUT (REDDITCH REFERENCE NUMBER), AND 17/00701/OUT (BROMSGROVE REFERENCE NUMBER) DATED 11 JUNE 2018. ORIGINAL DESCRIPTION OF DEVELOPMENT (FOR 17/01847/OUT, 17/00700/OUT, 17/00701/OUT): 'HYBRID APPLICATION COMPRISING: OUTLINE PLANNING APPLICATION (WITH MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT, SCALE AND DETAILS OF INTERNAL CIRCULATION ROUTES RESERVED) FOR THE DEVELOPMENT ON A PHASED BASIS OF 32HA OF EMPLOYMENT LAND FOR BUSINESS/INDUSTRIAL USES (USE CLASSES B1, B2, B8). THE DEVELOPMENT SHALL INCLUDE: LANDSCAPING, PAR**

# Agenda Item 3

Planning Committee  
11th March 2019

Members were reminded that the original Hybrid Outline Planning Application 17/00701/OUT was considered at Planning Committee on 5th February 2018.

Officers provided updates which detailed further consultation responses from the BDC Conservation Officer, Warwickshire County Council Ecology and further Officer comments and Conditions; as detailed in the published Update Report, copies of which were provided to the Committee and public gallery prior to commencement of the meeting.

Officers reported that the Variation of Conditions 2 and 8 were confined to the northern development parcel and did not impact on Redditch or Stratford. In order to accommodate a building of the floorspace and aspect ratio required, a larger single development platform was required than could be accommodated within the employment zones approved through the original hybrid consent. In order to achieve the specific requirements of the potential corporate occupier, the development zones in the northern development parcel needed to be amended.

At the invitation of the Chairman, Mr. L. Quartly, on behalf of Winyates Green Residents Association, Mappleborough Green Parish Council and Mappleborough Green School, addressed the Committee in objection to the Application. Mr. P. Rouse addressed the Committee on behalf of the Applicant.

Members discussed the application in detail and Officers responded to a number of queries raised with regard to the Northern development parcel as AMENDED, which detailed that the maximum building height not to exceed AOD 12.3 and that the original Area 1 maximum building height detailed not to exceed AOD 121.0.

Officers clarified that the Variation of Condition 2 was to reflect the amended Phase 1 Ground Engineering works which would facilitate the first development plateau.

With the agreement of the Chairman, Mr. P. Rouse addressed the Committee in order to provide further clarification.

Members discussed the proposed Variations in some detail and expressed their concerns that enabling works could take place, which would include the removal of hedgerow, veteran trees and more importantly the rerouting of Blacksoils Brook, in order to accommodate a potential corporate occupier; with the possibility that the potential corporate occupier may not proceed, resulting in the unnecessary loss of those features.

Following further discussion and clarification from Officers regarding enabling works, Members agreed that rather than defer the item, they were in agreement that, the Planning Committee Chairman to agree a specifically worded Condition that would limit the commencement of enabling works (including hedgerow, veteran trees and the rerouting of

Blacksoils Brook) until the reserved matters had been granted for that parcel.

**RESOLVED:**

- a) that subject to the prior agreement of a Condition by the Planning Committee Chairman, to ensure that the removal of hedgerow, veteran trees and rerouting of Blacksoils Brook could not be commenced before reserved matters have been approved for that parcel; and
- b) that authority be delegated to the Head of Planning and Regeneration to grant permission following agreement of final sequence, scope and wording of other conditions, but subject to the prior agreement of a) as detailed above.

76/18

**18/01620/FUL - VARIATION OF CONDITION 2 OF 17/00761/FUL (RESIDENTIAL DEVELOPMENT OF 148 DWELLINGS (AMENDMENT TO 15/0687)) - ALTERATIONS TO APPROVED LAYOUT AND REMOVAL OF TWO DWELLINGS - FORMER POLYMER LATEX SITE, WESTON HALL ROAD, STOKE PRIOR, WORCESTERSHIRE - MR. M. ELLIOT**

Officers reported on a Variation of Condition 2 of 17/00761/FUL (Residential development of 148 dwellings (Amendment to 15/0687)) – Alterations to approved layout and removal of two dwellings.

Members were informed that Condition 2 of 17/00761/FUL agreed drawings / plans by which the development would be implemented, that Barratt Homes had amended the layout of the approved scheme due to a legal right of access over an area of land for Corbett House. This had resulted in amendments to the scheme and the loss of two dwellings, which had been identified as affordable housing. To ensure that this provision was retained it was proposed to relocate these affordable housing to another part of the site.

Further changes proposed in the form of plot substitutions were detailed on page 119 of the main agenda report.

**RESOLVED** that authority be delegated to the Head of Planning and Regeneration to determine the Planning Application:

- a) following the satisfactory completion of a Second Supplemental agreement to the S106 legal agreement 17/00761/FUL; and
- b) subject to Conditions set out on pages 119 to 123 of the main agenda report.

The meeting closed at 9.46 p.m.

Chairman

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Adrian Taylor	Proposed residential accommodation with care (Class C2) comprising 67 apartments with communal facilities, landscaping and parking  Former Fire Station And Library Building, Windsor Street, Bromsgrove, Worcestershire, B60 2BJ		18/01209/FUL

## **RECOMMENDATION:**

- (a) Minded to **APPROVE PLANNING PERMISSION**
- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following the satisfactory completion of a S106 planning obligation ensuring that:
- (i) A financial contribution of £14,600 to be provided towards improvements to the bandstand infrastructure at Sanders Park, Bromsgrove
  - (ii) A financial contribution of £7320.47 for the provision of recycling and refuse waste bin facilities
  - (iii) Occupancy restriction to those aged 55 years or older who are assessed to be in need of care
  - (iv) A financial contribution of £139,930 towards Worcestershire Acute Hospitals NHS Trust

## **Consultations**

### **Waste Management**

Access for the proposed bin store area is satisfactory. The 67 apartments would require a total of 32,160 litres of waste storage. This equates to 29x 1100ltr Euro bins, with a recommended split of 13x recycling and 16x domestic waste.

### **NWWM**

No objection to the proposed development subject to conditions regarding

- Foul and surface water drainage

### **Housing Strategy**

No objection

### **Conservation Officer**

The applicant has submitted a detailed Heritage Statement, which identifies the significance of the surrounding designated heritage assets including the listed buildings; 126 -130 High Street, the URC Church and Sunday School, all Grade II, and the Bromsgrove Town Centre Conservation Area. It also includes a setting assessment following the Historic England Guidance found in 'The Setting of Heritage Assets' Historic Environment Good Practice Advice in Planning: 3. The applicant has clearly attempted to

take on board the comments raised by the Inspector in respect of the appeal against the decision for an earlier application, 15/0836. The Inspector stressed the importance of S66 (1) and S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of new development preserving or enhancing the setting of listed buildings and the character and appearance of the Conservation Area. It was agreed by all parties that the existing buildings do neither. The Inspector also highlighted, regarding the earlier scheme that only preserving the current situation would mean that the current negative situation would continue. Weight was also attached to Paragraphs 64 and 131 of the NPPF (now paragraphs 130 and 192 of the revised NPPF, July 2018), stating that planning permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area and the way it functions and that account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness.

The applicant in the Heritage Statement highlights that the proposed scheme reflects the terracing found in the Conservation Area, and the clear vertical rhythm and well-proportioned fenestration is more sympathetic to the listed buildings in the High Street. The use of the setback in respect of the south west end of the front building also allows clear views of the URC Church along Windsor Street, and due to this part of the building being only one storey higher it would be less dominant in terms of the listed building. The return wing is set back from the listed building also to avoid dominance over the URC Church.

I would agree that this is a much improved scheme and the applicant does appear to have taken on board not only the comments made in respect of the previous scheme but also the detailed comments made by the Inspector.

I do have some areas of concern which are as follows

1. I welcome the choice of different red bricks to break up the elevations. I am not so convinced by the proposed use of stone which with the exception of the Church is generally used for detailing rather than for entire facades. I would also object to the use of the proposed timber, which does not sit comfortably in this form with the local vernacular.
2. I have concerns about the proposed balconies, which do not have the appearance of a detail which is integrated with the scheme, but look more like an add on.

Subject to the clarification of the above points I would hope that this scheme will comply with the statutory requirements set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Historic Environment policies in the Bromsgrove Local Plan.

Updated Comments 24<sup>th</sup> January 2019

1. I welcome the use of slightly different coloured bricks, and this will provide some variety to the appearance of the building. It is however difficult to assess the actual final appearance of the bricks from the photographs provided. The appearance will also depend on the colour of the mortar, and this would not yet appear to have been decided upon. I therefore think that it would be appropriate for sample walls to be constructed on site with the choice of mortar, before a final decision is made. This element of the application could therefore be conditioned.

2. I have concerns about the use of shot blasted masonry rather than using render. The applicant has correctly identified that render and painted brick are used in Bromsgrove, however as I said in my earlier comments, stone is not used except in the Church. The shot blasted masonry appears to be constructed in concrete blocks, and I have concerns that over time this element of the building will lose any uniform appearance it might have had when newly constructed and will look like a concrete block building. I would have no objection to a rendered finish, for this element, in an appropriate colour.
3. I do feel that using a different brick bond to stretcher bond adds interest to the appearance of the building, and I consider that this has been successful not just with the Waitrose building but also in the new library extension. I would like to see the applicant reconsider this point.

I note that the applicant has not altered the design of the balconies. I would reiterate that I would prefer to see a design which is integrated with the building, rather than appearing as a bolt on.

### **Bromsgrove Strategic Planning**

Whilst the proposal is contrary to the application site's intended use in Policy BDP17 of the adopted District Plan, the application is considered to effectively justify a relatively longstanding lack of comparison retail demand to occupy this site. Furthermore with the recent redevelopment of other town centre sites for retail uses, which offer potentially more preferable locations to attract any market demand that does currently exist for larger format comparison retail, it is considered that the context surrounding the original BDP allocation of the Windsor Street site has changed sufficiently to alter what could be considered the most appropriate use of this site.

In combination with the social, and to a lesser extent economic, benefits to be delivered to Bromsgrove from the proposed residential use, it could be argued the departure from Policy BDP17 is outweighed by these material considerations.

### **North Worcestershire Economic Development and Regeneration**

Whilst it is clear that the proposal is against the adopted policy position (BDP17), the information contained in the retail statement, coupled with our experience of the retail market and involvement in the other sites in the town centre, would suggest that their conclusions are relatively sound.

Despite the proposal being against policy it is considered that it would offer a number benefits, as follows:

- The proposal would result in residential development within close proximity to Bromsgrove town centre. This increase in population within this area will help to support all of the businesses and services within the town, which is an important economic benefit;
- Provide the redevelopment of a largely vacant site with the resulting development providing an active use and a more attractive site for the town, which is important for investor confidence;

## **Redditch & Bromsgrove CCG**

Following the deferral of the application at 11<sup>th</sup> March Planning Committee, Redditch & Bromsgrove CCG have provided further justification for the CCG's initial response together with evidence to support the CCG's decision not to ask for a contribution in this instance.

The full response for the CCG has been included in Appendix 1. In summary, the existing GP practices have capacity to accommodate the additional growth resulting from the proposed development. The development will not give rise to a need for additional primary healthcare provision to mitigate any impacts arising from the development.

## **Worcestershire Acute Hospital NHS Trust**

The Trust has requested a contribution of £139,930, which will be used directly to provide additional services to meet patient demand. The Trust is currently operating at full capacity in the provision of acute and planned healthcare. This development imposes an additional demand on existing over-burdened healthcare facilities and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. The contribution is necessary to maintain sustainable development. Furthermore the contribution is carefully calculated based upon specific evidence and fairly and reasonably related to the scale and kind of the development.

## **Public Health**

Public Health have assessed the proposal and note that the demographics for Bromsgrove reveal an older population and there are already 22 similar types of accommodation specifically for the over 50's within the local area. It would be beneficial for the health and wellbeing of all ages if the town has accommodation for younger and older people. Meeting older people is important for young people's long-term health and vice versa. If the application is granted the developer should note that Bromsgrove has recently been recognised as a Dementia Friendly Community; it would be appropriate that any building or planning application take into account the requirements and additional considerations to make the building "Dementia Friendly".

They make a number of recommendations to the developer in relation to site traffic, access to health facilities, noise, access to green space, air quality, renewable energy, crime and disorder. They have also requested a Health Impact Statement be provided by the applicant.

## **Senior Community Safety Project Officer**

No objection, but makes a number of recommendations that the applicant should consider regarding car park, external lighting, perimeter, building access control, security, mail delivery and noise nuisance.

## **Hereford & Worcester Fire and Rescue**

No objection

## **Highways - Bromsgrove**

No objection

The site has been subject to several previous planning applications for care facilities which have been revised in part for transportation reasons and the proposals subsequently dismissed at appeal. This application has taken on board the previous concerns and the comments of the planning inspectorate and as a result this application is considered to be acceptable overall, but minor modifications are needed to bring the proposal in line with the current streetscape design guide but these can be address through the use of a suitably worded planning condition. The matters for the applicant to address either as part of this application or as part of the condition discharge process are. The number for cycle parking spaces falls below the required levels, a provision of 19 spaces (10 Sheffield racks) is needed across the site either through external provision with shelter or designed into the building.

The travel plan is acceptable subject to registration with [www.starsfor.org](http://www.starsfor.org) and the details uploaded, a welcome pack being provided for residents and staff, and a shower / changing facility with lockers being provided for staff.

The applicant has shown that the proposed car parking levels are suitable and the evidence presented is considered to be acceptable. The access is existing and given the low traffic generation that care homes produce is does not require any modification. Finally the Highway Authority has previously raised concerns about the refuse vehicle waiting on Stratford Road, this matter has been considered in the previous appeal and the inspector concluded that it was acceptable.

Finally the application generates fewer trips that the previous uses, so in that light it is not necessary or appropriate to require any financial contributions to be made.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be a severe impact and therefore there are no justifiable grounds on which an objection could be maintained.

- Conformity with Submitted Details
- Existing access closure
- Construction Environmental Management Plan
- Electric vehicle charging point
- Accessible Parking Provision
- Motorcycle Parking Provision
- Cycle Parking
- Employment Travel Plan

## **Mott MacDonald Highway Consultants**

Mott MacDonald (MM) has been commissioned by BDC to provide a review of this planning application.

MM agrees with the transport statement and accepts the principle that the proposed development will generate fewer traffic trips than the extant use.

MM conclude that the data shows that there is sufficient parking provided within the site to accommodate the expected demand with a low risk that demand will exceed supply resulting in parking overspill. MM are satisfied that a suitable level of parking provision is proposed. MM are satisfied with the strategy to manage refuse collection with vehicles stopping on street from Stratford Road. The pedestrian provision provides connections to Bromsgrove Centre, Windsor Road and Stratford Road and as such is accepted by MM.

MM propose that the applicant should provide more information on the design of the site access junction with Stratford Road, prior to their approval on highway matters.

### **Worcestershire Archive and Archaeological Service**

No objection subject to conditions.

1. Written scheme of investigation
2. Completion of written scheme of investigation

### **WRS - Contaminated Land**

No objection subject to a tiered investigation condition.

### **WRS - Noise**

No objection subject to conditions

1. Specification of windows
2. Details of extraction for kitchen

### **WRS – Lighting**

No objection subject to lighting condition

### **Urban Designer**

The development is supported with some areas needing to be addressed prior to approval. It is felt that the scale, massing and design of the built form is acceptable and supported to where this would benefit and respond to its surrounding context. The amended development proposal is positively developed in light of the previous refusal.

### **Arboricultural Officer**

No Objection subject to conditions

- Tree protection measures
- Landscaping Plan

### **Leisure Services Manager**

The landscaping appears to be of good quality and is appropriate for the nature of the development for those requiring different levels of care providing good access linkage throughout the scheme along with areas for informal and formal contemplation.

Should this development fall short of providing the onsite requirements for open space provision, Leisure Services would seek contributions to improve the facilities and provision for the appropriate age range/s (55+) at the nearest park (Sanders Park, Kidderminster Road):

Of site contribution would be used for improvements to the Bandstand infrastructure which currently provides a variety of popular bandstand events specifically aimed at 55+ age ranges within the community. We propose improved circular pathway/s with seating surrounding the bandstand which would improve access for elderly, less mobile residents

to enjoy the events and facilities within the park. This will be constructed of block paving as shown on the attached plan for a guided cost of £11,000. The completed circular pathway would include 6 benches which would provide seating for enjoyment of the facilities at estimated £600 per bench - total £3,600.

## **Publicity:**

103 letters sent on the 27<sup>th</sup> September 2018 (expired 21<sup>st</sup> October 2018)

1 site notice posted on the 8<sup>th</sup> October 2018 (expired 1<sup>st</sup> November 2018)

Press Advert published in the Bromsgrove Standard on the 5<sup>th</sup> October 2018 (expired 22<sup>nd</sup> October 2018)

## **Neighbour Responses**

7 responses have been submitted. 1 of these supports the proposal and makes the following comments:

- Current state the site is very unattractive and there is a desperate need for it to be developed
- Careful consideration has been given to all areas of the development

1 representation was made raising the following issues:

- Parking for construction and contractor vehicles
- Following the operation of development whether an assessment of whether adequate parking provision has been provided.
- Highway improvements as the result of development

4 letters of objection were received stating the following:

- Too many retirement developments in the vicinity of this site
- Site could be used for an alternative use, such as a cinema
- Access via Stratford Road is extremely flawed due to busy road
- Increase in traffic
- No improvement from previous scheme
- Negative impact on the attractiveness of the town due to the number of older residents
- Impact that the development could have on bar and restaurants in the area due to noise complaints
- The apartments should be available to all the community
- Overlook and dominate the rear aspects of the houses along Stratford Road, resulting in loss of privacy
- Extra burden on existing facilities and infrastructure, including GPs

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles  
 BDP2 Settlement Hierarchy  
 BDP6 Infrastructure Contributions  
 BDP7 Housing Mix and Density  
 BDP10 Homes for the Elderly  
 BDP16 Sustainable Transport  
 BDP17 Town Centre Regeneration  
 BDP19 High Quality Design  
 BDP20 Managing the Historic Environment  
 BDP21 Natural Environment  
 BDP22 Climate Change  
 BDP23 Water Management  
 BDP24 Green Infrastructure  
 BDP25 Health and Well Being

### **Others**

NPPF National Planning Policy Framework (2019)  
 NPPG National Planning Practice Guidance  
 SPG1 Residential Design Guide  
 SPG11 Outdoor Play Space in the District of Bromsgrove

## **Relevant Planning History**

16/0191	Demolition of existing buildings and erection of Retirement Living Housing for the elderly (category II type accommodation), including communal facilities, landscaping and car parking and affordable housing. Resubmission of application ref 15/0836	Refused (Appeal Dismissed 14.12.16)	10.05.2016
15/0836	Demolition of existing buildings and erection of 49 Retirement Living Apartments (category II type accommodation) including communal facilities, landscaping and car parking and 37 affordable apartments	Refused (Appeal Dismissed 14.12.16)	10.12.2015

## **Assessment of Proposal**

### **The Site and its Surroundings**

The application site is located within Bromsgrove Town within the defined Town Centre Zone. The site consists of Bromsgrove library, the former fire station building and associated offices. The site has 2 separate accesses; one off the Stratford Road serving

the library and the other off the Stratford Road serving the fire station building. A car repair business is located to the north of the site with residential properties located to the east on the Stratford Road. The High Street is located to the west with the current fire station facing the rear of a number of High Street units. The Bromsgrove United Reformed Church (URC) is positioned on the southern boundary and Weldron House and Day Centre are located to the south east.

## **The Proposed Development**

This is a full application that seeks residential accommodation with care for 67 self-contained apartments (Class C2) for persons aged 55 years and over who are in need of care (following assessment). The development has extensive communal facilities including a lounge, coffee bar, restaurant, assisted bathroom, guest suite, hair salon, activities and therapy suite, mobility scooter store, 41 car parking spaces and outside landscaped amenity space. The breakdown of accommodation is as follows; 24 x one-bed units, 35 x two-bed units and 8 x three-bed units arranged predominantly over 4 storeys. The development will create 16-20 full time equivalent jobs as well as further jobs in the supply chain for the development.

## **Background on Developer and Care Offer**

Gladman Retirement Living has built over 40 Care and Nursing Homes throughout the UK. Their aim is to meet the current and future needs of older people who are in need of care, by constructing specialist developments that will enhance the local environment and contribute to the attainment of mixed and balanced communities. The scheme offers an alternative to residential care for older people by combining the advantages of high quality, self-contained and secure accommodation, with the provision of flexible care services on a day to day basis to those in need of care. The service enables older people to retain control over their own lives while receiving the care and support they need allowing residents to remain as independent as possible for as long as possible. The scheme allows residents to receive more acute care as their needs intensify. Importantly, residents are required to be 55 years of age in need of some form of care package. The applicant indicates that the average age of occupants to be 81, with the relatively young age of 55 relating to those unfortunate enough to be suffering with medical issues such as early onset dementia, Multiple Sclerosis or other such debilitating diseases.

The Planning Statement indicates that the model of care to be offered promotes independent living, is suitable for residents with dementia, could attract residents from existing care homes, maintains those who are self-funding their care and has the potential to reduce the financial burden on the Councils Adult Social Services. The accommodation, circulation space, internal and external communal areas are specifically designed to meet the needs of residents who have a variety of care needs. Overall, it complies with the overarching requirements of the Care Quality Commission.

The main issues to be considered in assessing the application are the following:

- The principle of the proposed development
- Residential Amenity
- Street Scene & Character Impact

- Access, Highways & Parking
- Ecology
- Landscape and Trees; and
- Planning Contributions

## **The Principle of the Proposed Development**

As identified on the Proposals Map the site is located within the Town Centre Zone. The site is allocated by Bromsgrove District Plan Policy BDP17.13 (TC6) as a major mixed use development opportunity which has the ability to enhance and expand the town's retail offer. The proposed development is therefore contrary to the development plan and should be refused unless material considerations indicate otherwise. The applicant has provided supporting information (within their Planning Statement and the Retail Market and Town Centre Policy Statement) which seeks to demonstrate that material considerations exist which outweigh the departure from the development plan.

The application is considered to effectively justify a relatively longstanding lack of comparison retail demand to occupy this site. Furthermore with the recent redevelopment of other town centre sites for retail uses, which offer potentially more preferable locations to attract any market demand that does currently exist for larger format comparison retail, it is considered that the context surrounding the original BDP allocation of the Windsor Street site has changed sufficiently to alter what could be considered the most appropriate use of this site.

The proposal directly responds to the need for specialist accommodation for the older residents. There is a pressing need for this form of development across the country and in Bromsgrove. The Worcestershire Extra Care Housing Strategy (2012-2026) has identified a significant need for Extra Care accommodation. In 2017 the strategy identified a provision of only 92 units in Bromsgrove, with a need of 792 by 2026. This clearly demonstrates a significant need for specialist extra care accommodation in the District. The strategy breaks this down as an additional 680 extra care/enhanced sheltered units, 151 dementia housing units, and 53 units for those diverted from residential care, all by 2026. Combined, this equates to a need of approximately 56 units of extra care housing per year to 2026. This ensures that it complies with BDP10 Homes for Elderly. Concern has been raised regarding the number of retirement developments in the vicinity of this site. While there have been a number of recent development in Bromsgrove town centre, as outlined in BDP2 Settlement Hierarchy, Bromsgrove is the principal preferred location for growth with the Authority and proposal and other retirement development are in the correct location based upon this policy.

A key issue in consideration of the principle of the proposal is the nature of the residential accommodation proposed. If the proposal was considered to fall within the C3 Use Class, the provision of affordable housing would be required by BDP8. The applicant has adequately justified that the proposal is a C2 use. There are a number of pertinent points to consider in these matters, which are as follows:

- This kind of development offers much more than a C3 use.
- The Independent living accommodation is one element of the scheme, but that would be provided alongside a range of communal facilities that are inextricably linked.

- The scheme/apartments are designed to meet the needs of the occupants. This includes a range of specialised features and adaptations such as wheelchair accessible doors and electric sockets, level threshold showers and a 24 hour emergency alarm system. All of these features would not necessarily be found in other housing stock and facilitate assisted living as well as social well-being.
- Care would also be provided, specifically tailored to the needs of the occupant who having been assessed by the care manager, are deemed to be in need of personal care. Whilst some primary occupants of the development might, upon taking up residence, require only the minimum level of personal care there is likely to be a mix of care need at any one time and those with limited need may well require additional care in the future.
- The service charges for this type of development are very high (around double that of standard older persons development development). Residents are paying a premium for this type of development this would deter prospective occupants who are not in need of such facilities and can be further control by planning condition or planning obligation as is proposed by this applicant restricting the age of primary occupants and ensuring that a minimum level of care is needed and taken up by future residents.

There are also a large number of appeal decisions where other Councils have considered this type of development to be C3. These appeals have been dismissed and this adds significant weight to the justification that the use class is C2 and not C3.

Therefore it is clear that the residential development proposed would provide accommodation and care for residents in need of care and is therefore considered to fall within the C2 Use Class, for which affordable housing provision is not required.

The restriction of the use of the proposed development within the C2 Use Class and a restriction of occupation of the proposed accommodation for residents who would be at least 55 years old and in need of care and would be controlled by way of a legal agreement.

## **Residential Amenity**

Policy BDP1: Sustainable Development Principles requires that in considering new development, regard will be had to: 'e) *Compatibility with adjoining uses and the impact on residential amenity*'

The development is bounded by built form on all sides. However, the only residential development is located to the north east on Stratford Road. The application site shares a boundary with No's 4, 6 and 8 Stratford Road.

The proposed location of the development on the site, orientation and size of windows and reduced height from 4 storeys to 3 storeys is considered to ensure that effects on residential amenity are minimised, taking into consideration separation distance between existing properties and the proposed apartment block.

For developments of 3 storeys or more a minimum separation distance of 27.5m is recommended to 2-storey dwellings. There will be two balconies on the north east corner of the development and 3 windows on the front elevation of the third floor where this

distance is not quite achieved. These are all main habitable windows serving bedrooms and living room where distances of between 25m and 26m are achieved. However, the shortfall is not substantial. This level of visual separation is considered to be acceptable to maintain levels of privacy for the occupiers of No's 4, 6 and 8 Stratford Road.

The existing library building is located closer to the properties on the Stratford Road. However, due to its current use it does not create the same level of overlooking. The library and offices would only be occupied during the daytime and most importantly is only 2-storeys high close to the residential properties.

It is also important to consider the amenity levels that would be experienced by both the occupiers of the proposed development. The 67 individual private apartments would have sufficient access to natural light as well as a communal lounge, other communal facilities and garden areas throughout. This would provide a pleasant private space for residents to enjoy.

The proposed development would not have an overbearing or visually intimidating impact upon nearby properties. It is considered that daylight to existing habitable rooms would not be prejudiced and that no loss of privacy would occur.

In conclusion, the proposal would not cause substantial harm to residential amenity in accordance with SPG1 and Policy BDP1.

## **Design & Character Impact**

The site is located in Bromsgrove Town Centre in area that has a number of designated heritage assets. The site is adjacent to the United Reformed Church (URC) Chapel (Grade II), Sunday School (Grade II) and Bromsgrove Town Centre Conservation Area. It is also in close proximity to Wendron House (Grade II). It is necessary to consider whether the proposal retains or enhances the character and setting of the adjacent listed buildings and Conservation Area in accordance with policies S35A and S39 of the BDLP and the Conserving and enhancing the Historic environment section of the NPPF.

Windsor Street runs parallel with the High Street, with the rear elevations and service buildings of the High Street premises, fronting the west side of Windsor Street. The High Street itself sits slightly lower than Windsor Street, and comprises buildings of varying heights, generally two to four storeys. South west of the site on the corner of Windsor Street and Chapel Street is the listed URC Church. On the other corner is the associated Sunday School. Further up Chapel Street there are some two storey Victorian buildings. The High Street and Chapel Street both fall within the Bromsgrove High Street Conservation Area. East of the site the land rises quite steeply through a carpark to Wendron House another listed building, and the residential area around College Road. To the north of the site is the Stratford Road where there are two storey houses, as well as a car repair workshop on the corner of Stratford Road and Windsor Street.

The Conservation Officer and Urban Design Consultant both agree that the existing fire station and library buildings like many of the rear service buildings to the High Street contribute little to the street scene in terms of architecture. In contrast the URC Church and its Sunday School, together with the other Victorian buildings in Chapel Street

comprise an attractive group. The site therefore provides an opportunity to improve the setting of the various historic assets adjacent to the site.

The proposal seeks to construct a predominantly four storey linear building with a staggered frontage facing Windsor Street, with sections at either end of three storeys. The south west end is more definitively set back. To the rear is a further wing, at right angles to the Windsor Street elevation which is partly four storey with a three storey section at the rear. The building is proposed to be flat roofed, and the elevations are broken up into bays with use of different materials and the use of setbacks, creating the staggered appearance. In addition there are projecting metal balconies. Access to the scheme will be from Stratford Road, where a new access road will be constructed, this road will also give access to Wendron House to the rear.

The applicant has submitted a detailed Heritage Statement, which identifies the significance of the surrounding designated heritage assets including the listed buildings; 126 -130 High Street, the URC Church and Sunday School, all Grade II, and the Bromsgrove Town Centre Conservation Area. It also includes a setting assessment following the Historic England Guidance found in 'The Setting of Heritage Assets' Historic Environment Good Practice Advice in Planning: 3. The applicant has clearly attempted to take on board the comments raised by the Inspector in respect of the appeal against the decision for an earlier application, 15/0836. The Inspector stressed the importance of S66 (1) and S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of new development preserving or enhancing the setting of listed buildings and the character and appearance of the Conservation Area. It was agreed by all parties that the existing buildings do neither. The Inspector also highlighted, regarding the earlier scheme that only preserving the current situation would mean that the current negative situation would continue. Weight was also attached to Paragraphs 64 and 131 of the NPPF (now paragraphs 130 and 192 of the revised NPPF, July 2018), stating that planning permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area and the way it functions and that account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness.

The applicant in the Heritage Statement highlights that the proposed scheme reflects the terracing found in the Conservation Area, and the clear vertical rhythm and well-proportioned fenestration is more sympathetic to the listed buildings in the High Street. The use of the setback in respect of the south west end of the front building also allows clear views of the URC Church along Windsor Street, and due to this part of the building being only one storey higher it would be less dominant in terms of the listed building. The return wing is set back from the listed building also to avoid dominance over the URC Church.

Overall it is considered by the Conservation Officer to be a much improved scheme. The officer has highlighted some concerns regarding the design of the building (use of balconies) and the choice of materials. However, in terms of the NPPF any harm which is considered to occur would amount to less than substantial harm and would have to be weighed against the public benefits of the scheme in accordance with Paragraph 196. The significant public benefits in this case include:

- Efficient and effective re-use of a brownfield site in a sustainable area of Bromsgrove.

- Contributing to the Council's 5 year land supply and towards the housing allocated to Bromsgrove in the adopted development plan.
- Releasing existing housing stock to the open market.
- Helping to meet the need for Specialist Accommodation for the elderly
- Reducing the financial burden on Adult Social Care and NHS budgets.
- Creating 16-20 full-time equivalent jobs as well as job in the supply chain.
- Economic benefits through the construction phase and once completed.
- Social Benefits through 67 apartments with care.
- Environmental benefits of providing increased green infrastructure on site and a net gain in terms of biodiversity

Taking into consideration the impact of the scheme on heritage assets, by virtue of the developments location, layout, design and scale, any harm to the significance of the heritage asset is considered to be outweighed by the significant public benefits identified.

The Urban Designer comments that the proposed layout responds well to pre-application discussions as well as taking on board feedback for the previously refused schemes for this site. The layout, positioning and offsets from both Windsor Street and the listed Chapel are acceptable and relate back to both the urban grain and site constraints. The busy arrangement in terms of layout and elevation creates a building which responds to its context.

In terms of the elevations, the varying breakdown of the buildings elevations is supported in principle. The application of flat roofs and varying heights provides a strong character to the development which responds to its direct context. Concern had been raised regarding the use of timber for part of the development. This has now been removed from the proposal.

In terms of street scene and offset from Windsor Street provides enough open space to contribute positively to Windsor Street. The combination of building offset, high quality boundary treatment and tree planting will all aid in the success of the development, both of these can be conditioned.

Overall it is considered that the submitted streetscene plans and site elevations demonstrate that the development can assimilate well with the surroundings. I am of the view that the proposal responds well to the appearance of the street scene, which has a varied architectural character and a range of style and scale of buildings. A palette of facing materials has also been submitted and additional soft landscaping would further aid the appearance of the proposal within the street scene. The design is therefore considered acceptable and complies with BDP19.

## **Access, Highways & Parking**

Policy BDP1: Sustainable Development Principles taken from the Bromsgrove District Plan requires that in considering new development, regard will be had to: '*Accessibility to public transport options and the ability of the local and strategic road networks to accommodate additional traffic*'. Policy BDP16: Sustainable Transport taken from the requires that '*Development should comply with the Worcestershire County Council's Transport policies, design guide and car parking standards, incorporate safe and convenient access and be well related to the wider transport network*'.

A single vehicular point is proposed to be taken from Stratford Road (A448) in the location of the former library access. This will serve the whole development and will provide access for vehicular traffic, pedestrians, and cyclists. The access road also provides a secondary access to the south of the site to the Wendron House and Day Centre which provides Council led social services. The primary vehicular access to Wendron House and Day Centre which is taken from Chapel Street will remain unaffected.

The site is within the town centre and therefore offers an alternative to the use of the car by walking and cycling. There are a number of bus stops in the vicinity with the nearest being located on Stratford Road.

The pedestrian access provides connections to Bromsgrove Centre, Windsor Road and Stratford Road, the approved access is considered to be a benefit of the scheme.

WCC Highways consider that the application has taken on board the previous concerns and the comments of the planning inspectorate and as a result this application is considered to be acceptable, subject to planning conditions. The access is existing and given the low traffic generation that care homes produce it does not require any modification.

WCC Highways have confirmed that no objections are raised to the proposals in terms of highway safety. Mott MacDonald (MM) has been commissioned to independently assess the merits of the application in terms of highway impact. They raise no objection subject to the applicant providing more detail regarding then site access junction with Stratford Road.

The applicant has provided a Parking Statement (PS) with their application. The PS provides details of the applicant's completed Specialist Accommodation for the Elderly schemes and associated level of parking provision. Occupation of the development is restricted by age and most importantly for those to be assessed to be in need of care. The restrictions result in an average age of residents being over 80. The PS provides details of the levels of known resident parking of 16 consented schemes and the demand for resident, staff and visitor parking. The level of parking demand reduces over time for a number of reasons, including awareness of other modes of transport, health issues precluding car usage and increased use of onsite facilities (restaurant, hair salon, gardens etc). From their experiences of other schemes, the applicant considers that the amount of parking proposed will provide an appropriate balance, providing sufficient spaces for the initial needs of residents, regular needs in the long term, the aspirations of sustainable development and, avoiding under provision which can create pressure and conflict on existing off-site parking.

Both WCC Highway and MM has assessed this work and conclude that the evidence presented is acceptable and sufficient parking will be provided. MM go onto say that there is a low risk that demand will exceed supply resulting in parking overspill.

It has been concluded that parking to be provided for the development would comply with policy requirements having regard to the sustainable nature of the location and the availability of on-street parking opportunities within the vicinity of the site. The

requirement for motorcycle and cycle parking can be accommodated within the scheme if users demand.

Subject to the imposition of the planning conditions as recommend by WCC highways, no objections are raised to the application in terms of highway impacts.

## **Ecology**

The local authority has a duty to consider whether proposals will have an impact on protected species. The applicant has undertaken an Extended Phase 1 habitat survey which considered the potential for presence of a variety of protected species including bats, birds and badgers.

The submitted Ecology Appraisal concludes that the development would have no adverse impact on any statutory or non-statutory designated sites, habitats present on-site were overall considered to be of very limited conservation value, comprising mainly hardstanding and building habitat with areas of species-poor amenity grassland. The loss of such habitats from the site is not considered to comprise a significant biodiversity loss and can be mitigated for within the scheme for example via the inclusion of flowering shrubs and spring bulbs within raised beds in areas of public space.

In summary it is considered that subject to conditions the proposals would not have an adverse impact on ecology and the proposal therefore accords with paragraph 118 of the NPPF.

## **Landscaping and Trees**

A Landscaping Strategy accompanies the application. This outlines a series of pathways leading to formal sitting out areas including a gazebo, and garden seats within grassed areas, flowers beds and tree and shrub planting. The Strategy also shows the proposed boundary treatments, which include a mix of brick walls, railings, and close boarded fencing. Boundary treatments will be critical to the overall success of the scheme and can be appropriately conditioned to ensure good detailing, good quality copings and high quality materials. The landscaping is considered acceptable subject to relevant planning conditions.

The application proposes the removal of a number of small trees but these are of minimal amenity value. The footprint of the proposed building falls close to the line of mature trees just outside the south-east boundary of the site. The root system of these should be protected from damage by the retention of the existing retaining wall but some pruning back of the canopies will likely be required to accommodate the building. The Tree Officer raises no objection to the removal of the small trees and the pruning back subject to a number of conditions including a scheme of replacement tree planting.

## **Flood Risk and Drainage**

The site is located in Flood Zone 1 and is at low risk of flooding. A site drainage strategy has been submitted as part of this application which has been examined by North Worcestershire Water Management who raise no objection subject to condition.

## Planning Contributions

In accordance with Paragraph 56 of the NPPF and Section 122 of the CIL regulations, planning contribution have been sought to mitigate the impact of this major development, if the application were to be approved.

The obligations in this case would cover:

- Contributions towards off-site open space enhancement at Sanders Park, Bromsgrove, due to increased demand from future residents, required in compliance with SPG11.
- Contributions for refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy.
- Contribution for acute and planned healthcare (Worcestershire Acute Hospitals NHS Trust).

## Conclusion

This is a brownfield site in a sustainable location. The provision of accommodation in this central location for persons aged 55 years and older and in need of care would contribute to the recognised and growing need for this type of specialised accommodation in the District and this represents a considerable social benefit of the scheme. There would undoubtedly be economic benefits arising during construction, from the creation of jobs once operational and from additional spending power in the local economy. The proposal would clearly result in the regeneration and environmental improvement of this prominent site. The impacts of the development have been assessed and no adverse impacts would outweigh the benefits of the scheme. The proposal would deliver sustainable development within the terms of the NPPF.

## RECOMMENDATION:

- (a) Minded to **APPROVE PLANNING PERMISSION**
- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following the satisfactory completion of a S106 planning obligation ensuring that:
  - (i) A financial contribution of £14,600 to be provided towards improvements to the bandstand infrastructure at Sanders Park, Bromsgrove
  - (ii) A contribution of £7320.47 for the provision of recycling and refuse waste bin facilities
  - (iii) Occupancy restriction to those aged 55 years or older who are assessed to be in need of care
  - (iv) A financial contribution of £139,930 towards Worcestershire Acute Hospitals NHS Trust

## Conditions

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

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 approved shall be carried out in accordance with the following plans, drawings and documents:

09996-P1-101 Location Plan  
09996-P1-103 Rev A Site Plan  
09996-P1-121 Building Layout General Arrangement (1)  
09996-P1-122 Building Layout General Arrangement (2)  
09996-P1-131 Rev A Building Elevations  
09996-P1-141 Rev A Landscape Strategy  
Materials Statement P1- Jan 2019

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

- 3) Prior to the installation of boundary walls along Windsor Street and Stratford Road, details of the appearance and materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the new boundary walls shall be erected as approved and shall thereafter be permanently retained and maintained.

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

- 4) The development hereby approved shall not be occupied until the existing vehicular pedestrian access onto Windsor Street has been permanently closed.

Reason: To ensure the safe and free flow of traffic using the adjoining highway.

- 5) 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:

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

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

- 6) The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 09996-P1-103 Rev A Site Plan.

Reason: To ensure conformity with submitted details.

- 7) The development hereby approved shall not be occupied until 4 electric vehicle charging spaces and points have been installed. Thereafter such spaces and power points shall be kept available and maintained in perpetuity.

Reason: To encourage sustainable travel and healthy communities.

- 8) The Travel Plan hereby approved, dated September 2018 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason: To reduce vehicle movements and promote sustainable access.

- 9) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- a) The programme and methodology of site investigation and recording.
  - b) The programme for post investigation assessment.
  - c) Provision to be made for analysis of the site investigation and recording.
  - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation

- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework.

- 10) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (9) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework.

- 11) Previous reports submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. Prior to the commencement of development, other than required to carry out remediation, a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. 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. A 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.

Where identified as necessary a detailed remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

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.

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) 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) Prior to the occupation of the development, equipment to control the emission of fumes and smell from the kitchen shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.

Reason: To safeguard the amenities of the adjoining properties and the surrounding area.

- 14) Notwithstanding the details within the noise assessment, prior to the installation of glazing, details of the specification of glazing to be installed shall be submitted and approved by the Local Planning Authority in order to demonstrate that they meet or exceed the sound reduction specification detailed in the noise assessment. The glazing shall be installed in full accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the propose development.

- 15) Notwithstanding the details within the Landscape Strategy, prior to the occupation of the development, a landscaping plan and specification shall be submitted to, and approved by the Local Planning Authority in writing. The approved scheme shall be implemented within 12 months from the date which any of the building hereby permitted is 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: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area.

- 16) All trees to be retained within the site and any within influencing distance of the work on any adjoining land are to be afforded full protection in accordance with BS5837:2012 recommendations throughout any demolition, ground or development work on the site and as recommended within the FPCR Environment and Design "Arboricultural Assessment and Method Statement" supplied with the application.

Reason: In order to protect the trees, hedges & landscape features which form an important part of the amenity of the site and adjacent properties.

- 17) No works or development shall take place until a scheme for foul and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of infiltration and SuDS, and shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.

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.

- 18) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site shall be submitted to and approved in writing by the local planning authority. Any such external lighting as approved shall be installed in accordance with the approved drawings.

Reason: To safeguard the amenities of the adjoining properties and the surrounding area.

- 19) Prior to their first installation, a sample panel of the proposed brickwork demonstrating the texture, bond and pointing shall be erected on site for inspection by the Local Planning Authority. The Local Planning Authority shall approve in writing the colour, texture, bond and pointing of the brickwork prior to their first installation. 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.

**Case Officer:** Mr Paul Lester Tel: 01527 881323  
Email: paul.lester@bromsgroveandredditch.gov.uk



The Coach House  
John Comyn Drive  
Worcester WR3 7NS

Mr P Lester  
Case Officer  
Bromsgrove District & Redditch Borough Councils  
Town Hall  
Walter Stranz Square  
Redditch  
Worcestershire B98 8AH

Planning Ref: 18/1209/FUL

28 March 2019

Dear Sir / Madam

**Proposed residential accommodation with care comprising 67 apartments with communal facilities, landscaping and parking**  
**Location: Former Fire Station and Library Building, Windsor Street, Bromsgrove, Worcestershire**

Further to my letter dated 24 December 2018 and your email dated 12 March 2019, please find below the justification for the CCG's initial response together with the evidence to support the CCG's decision not to ask for a contribution in this instance.

## **1.0 Introduction**

- 1.1 Thank you for consulting NHS Redditch and Bromsgrove Clinical Commissioning Group (CCG) on the above planning application.
- 1.2 I refer to the above planning application and advise that, further to a review of the applicant's submission, the following comments are with regard to the primary healthcare provision on behalf of Redditch and Bromsgrove CCG.

## **2.0 Existing Healthcare Position Proximate to the Planning Application Site**

- 2.1 The proposed development is likely to have an impact on the services of 7 GP practices. The GP practices have capacity for the additional growth resulting from this development.

## **3.0 Review of Planning Application**

- 3.1 Redditch & Bromsgrove CCG acknowledges that the planning application does include a Health Impact Assessment (HIA).
- 3.2 The proposal is for 24 single, 35 double and 8 three-bed units (total 118 beds) for people over the age of 55.
- 3.3 This proposal would generate a requirement of 8.1m<sup>2</sup> additional space, calculated using actual bed numbers assuming full occupancy and based on 120m<sup>2</sup> per 1,750 patients (this is an optimal list size for a single GP) – space requirement aligned to Department of Health guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services".

## **4.0 Assessment of Development Impact on Existing Healthcare Provision**

- 4.1 The existing GP practices have capacity to accommodate the additional growth resulting from the proposed development.

- 4.2 The primary healthcare service directly impacted by the proposed development and the current capacity position is shown in Table 1.

**Table 1: Summary position for primary healthcare services within catchment (or closest to) the proposed development**

PRACTICE	Weighted List Size <sup>1</sup> (as at 1.1.19)	NIA (m <sup>2</sup> ) <sup>2</sup>	Capacity <sup>3</sup>	Spare Capacity (NIA m <sup>2</sup> ) <sup>4</sup>
New Road Surgery, Bromsgrove	12,075	730	828	-98
Davenal House Surgery	9,247	368	634	-266
BHI Parkside - Churchfields Surgery & St John's Surgery	25,667	3199	1760	1439
<b>Totals</b>	<b>46,989</b>	<b>4,297</b>	<b>3,222</b>	<b>1075</b>

**Notes:**

1. The weighted list size of the GP Practice based on the Carr-Hill formula, this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.
2. Current Net Internal Area occupied by the Practice
3. Based on 120m<sup>2</sup> per 1750 patients (this is an optimal list size for a single GP). Space requirement aligned to DH guidance within "Health Building Note 11-01: Facilities for Primary and Community Care Services"
4. Based on existing weighted list size, negative numbers show capacity shortfall

- 4.3 The development would have an impact on primary healthcare provision in the area but this is containable within existing provision at the Parkside site (Churchfields and St John's Surgeries). The location of the proposed development is around 250-300m in a direct line from BHI Parkside.

## **5.0 Conclusions**

- 6.1 In its capacity as the primary healthcare commissioner, Redditch and Bromsgrove CCG has identified that the development will not give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.
- 5.2 The above refers only to capacity within Primary Care premises and does not take account of needs arising from the development in the NHS Acute Hospital Trust or the Health & Care Trust which will respond separately if they have identified a requirement.
- 5.3 Assuming the above is considered in conjunction with the current application process, Redditch and Bromsgrove CCG would not wish to raise an objection to the proposed development.
- 5.4 The terms set out above are those that Redditch and Bromsgrove CCG deem appropriate having regard to the formulated needs arising from the development.
- 5.5 Redditch and Bromsgrove CCG look forward to working with the applicant and the Council to satisfactorily address any other issues arising from the development.

Yours faithfully

Jo Hall  
Primary Care Commissioning Manager

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Ms C Stokes and Mr B Stokes	Material change of use of land for stationing of caravans on 3 pitches for residential use with facilitating development (hard standing, access track, creation of access, utility blocks) and keeping of horses (Part Retrospective)  Land Off, Billesley Lane, Portway, Worcestershire, B48 7HF	18.03.2019	19/00062/FUL

Councillor Taylor has requested that this application be considered by the Planning committee rather than be determined under delegated powers.

**Recommendation:**

- 1) Mindful to **REFUSE FULL PLANNING PERMISSION**
- (2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following:
  - (a) The expiry of the consultation period on 6<sup>TH</sup> May 2019 and in the event that further representations are received, that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

**Consultations**

**WRS - Contaminated Land**

The proposed site is within 250m of Portway South landfill site, the planning application includes the construction of three utility buildings, according to the plans they will include toilet and washing facilities and therefore used on a daily basis. As a precaution WRS recommend that a gas protection measures condition be imposed on to any permission that is given.

**Private Sector Housing**

Where planning permission is granted, an application for a Mobile Home Site Licence would be required and the site owner would need to comply with a number of conditions.

I am unable to advise whether the applicants for this planning application have applied or are registered on the Council's Housing waiting list for social housing or any offers of accommodation due to data protection.

Applicants are able to apply to join the Council's housing register subject to meeting the eligibility criteria should they wish.

## **North Worcestershire Water Management**

No objection, but would like to request that an informative should be attached to the permission relating to land drainage consent.

## **WRS - Noise**

Due to the proximity of the proposed development to the Alcester road it is recommended that a noise assessment is undertaken in accordance with:

<http://www.worcsregservices.gov.uk/media/4210767/WRS-technical-guidance-document-for-Planning-V51.pdf> (paragraph 5: Noise and Vibration technical guidance).

It is also recommended that the assessment should propose mitigation measures (where necessary) to control excessive noise exposure.

## **Worcestershire Wildlife Trust**

Recommend a background data search from the WBRC to help inform your decision.

Whilst I accept that the site may have been substantially cleared prior to the current owners moving in this does not alter or reduce the need for appropriate biodiversity mitigation and enhancement in line with planning guidance, your duties under Section 40 of the NERC Act 2006 and in common with other developments across the district.

## **Highways - Bromsgrove**

No objection subject to conditions relating to: the access, visibility splays, access gates, parking provision, provision of electrical parking points, cycle parking and conformity with submitted details.

## **Arboricultural Officer**

No objection.

## **Beoley Parish Council**

Object to the application on the following grounds:

- Harmful Development in the Green Belt
- Highway Safety
- Sustainability
- Harm to wildlife and Habitat
- Visual impact of the proposed development

They have also raised concerns in relation to the retrospective nature of the application, and the disregard the applicants have had to the planning process. Particularly in relation to the House of Commons briefing paper entitled Gypsies and travellers; Planning Provisions (published in October 2017).

## **Stratford on Avon District Council**

No objection. However considers that the following issues need to be considered as part of the assessment of this application:

- Green Belt
- Need for Gypsy and traveller Sites in the District and the compliance Planning Policy for Traveller Sites
- Loss of trees and hedgerow and Biodiversity and Ecology
- Highway Safety

## **Severn Trent Water Ltd**

No objection to date. Further comments awaited.

## **Publicity**

A total of 6 neighbour notification letters were sent on 23.01.2019 expired 16.02.2019

A further 7 notifications sent out on 08.04.2019 expires 9am 23.04.2019

Site notices were displayed on 25/01/2019 expired on 18.02.2019

The development was advertised in the Redditch Standard on 01/02/2019 and expired 18.02.2019

## **Representations**

Twenty-nine objections (including from 3 planning consultants on behalf of residents and Portway BRAID and a County Councillor) have been received and summarised as below (the majority of the comments were submitted anonymously):

- **Green Belt :**
  - Inappropriate development in Green Belt and lack of justification and information for proposal
  - significant adverse impact on the openness of the Green Belt, compared to that of its former agricultural use
  - by virtue of its size, prominence and nature and expansion of what is otherwise only a sporadic, linear form of development along the A435, would have a significant adverse impact on the Green Belt and clearly encroaches into the countryside
  - the 'special circumstances' put forward by the applicants do not justify outweighing the significant harm caused to the openness and purposes of including land within the Green belt and all other harm
  - This development is contrary to all planning and guidance at local and national levels. Accurate evidence that the landowner has 'special circumstances' to compel BDC to give permission to this application is- so far- unproven and unreliable.
  - It is surely not a breach of Article 8- European Convention on Human Rights (referred to in the application), that someone from a traveller community is met with the same stringent planning laws and Green Belt restrictions that would apply to a resident from the settled community.
  
- **Sustainability:**
  - Contrary to Policy BDP11 and fails to constitute a sustainable form of development
  - The occupation of the site would be wholly reliant on the use of the private motor vehicle adding to congestion and contrary to the spirit and principles of sustainability.
  
- **Character and appearance:**
  - Removal and loss of hedgerows and trees from the site, particularly the mature hedgerow at front to create/ widen access which has exposed a hard landscape with caravans now clearly seen from both the pub, restaurant, neighbours and from A435
  - the replacement of mature hedgerows with non-indigenous conifer planting

- Effect of development on character and appearance of area and lane
- Harm to the intrinsic character and beauty of Green Belt in Portway
- **Other matters:**
  - Highway safety, traffic and creation of access
  - Policy BDP11.3 makes clear that "If additional sites are required land will be identified through a Local Plan Review". As such I submit that the application process is not the appropriate vehicle by which such provision should be met
  - Whilst I note the criticisms made by the Applicants agent as to the methodology of the approach taken leading to the adoption of this policy what is clear is that the policy itself was the subject of an extensive public consultation process as part of the Local Plan and in the words of the Inspector "No substantive criticisms were raised in respect of either the methodology of the study or its conclusions". As such given the relatively recent adoption of the Development Plan there is no justification for departing from its terms.
  - Impact on wildlife, ecology and failure to carry out an ecology survey before works began on site
  - Drainage and flooding impacts of development in area
  - Lack of foul drainage
  - Future use of the site
  - Retrospective nature of the application and the fact that intentional unauthorised development, is a material consideration in the determination of retrospective planning applications
  - Use of land for equine purposes, is there enough land
  - Health of family and need for a permanent site
  - This site could set precedent for other sites in area
  - Antisocial behaviour
  - There is a Travelling Showmen's site already established in Portway. Approval of this application will disrupt the current balance with settled residents.
  - Consultee Comments so far by road, water and wildlife agencies have been hastily prepared without site visits or appropriate surveys undertaken. Their evidence base is weak and at odds with the experience and knowledge of settled residents.
  - Temporary permission will not deliver any certainty to the landowner
  - Public health- site has been used for a number of years for off run of a number of house septic tanks and therefore maybe a threat to health.
  - It appears that education and healthcare requirements are yet to be established
  - Compatibility with adjoining uses and the impact on residential amenity
  - We are all subject to the law and planning law in this case has clearly been broken. I urge Bromsgrove District Council to be robust in refusing this application.
  - ambiguities and uncertainty within the application submitted
  - family circumstances- availability of council/ social housing in the district

Other non-material planning considerations have also been raised; these do not form part of the assessment of the proposal.

Councillor Taylor (acting on behalf of ward councillor) - Given the public interest and contentious nature of this application, I request that this application is brought in front of the committee.

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP11 Accommodation for Gypsies, Travellers and Showpeople

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP20 Managing the Historic Environment

BDP21 Natural Environment

BDP23 Water Management

### **Others**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

PPTS Planning Policy for Traveller Sites

GTAA Worcestershire Gypsy and Travellers Accommodation Assessment 2014

GTAA Gypsy and travellers Accommodation Assessment Addendum 2019

The House of Commons briefing paper entitled Gypsies and Travellers; Planning Provisions October 2017

SPG1 Residential Design Guide

## **Relevant Planning History**

**None**

## **Assessment of Proposal**

### **Site description and proposal**

The site is situated on Billesley Lane, Portway within an area of open countryside which is designated as Green Belt. Billesley Lane is long a narrow unlit country lane, with no pavements. The site is situated on the eastern end of the lane approximately 50 metres west of the junction with the A435 and a further 220 metres south of junction 3 of the M42.

The site was previously an undeveloped agricultural field with no vehicular access, fully screened from Billesley Lane by an established hedgerow.

In the vicinity of the site there are a variety of uses, including residential dwellinghouses, a public house with a large car park and a vacant restaurant building. There is also wooded area situated to the west of the site and undeveloped agricultural fields situated to the north west of the site.

The proposal is for the material change of use of land for stationing of caravans on 3 pitches for residential use with facilitating development (hard standing, access track, creation of access, utility blocks) and keeping of horses. The proposal is part retrospective as the applicants and their family have already occupied the site and carried out some of the proposed development.

The proposed development would be spreading across the site and would include;

- removal of part of the existing established hedgerow to create a access into the site (part retrospective);
- the laying of areas of hard standing- approx. 1875 sq. metre (part retrospective);
- the erection of 3 day rooms- 1 with a floor area of 30sqm and a height of 4 metres and 2 with a floor area of 20 sq. metre and a height of 3.56 metres;
- the siting of 3 mobile homes;
- the siting of 3 touring caravans (retrospective);
- erection of a bin store,
- the use of some of the land as a paddock,
- the use of some of the land as an amenity/ play area (part retrospective),
- erection of boundary fencing and gates; and (part retrospective),

The planning statement submitted with this application did set out that part of the proposal was to repair and reuse the existing piggery building located towards the rear of the site, for the sheltering of horses and storing of their feed. The applicants have however withdrawn this element of the proposal. As such I confirm that this element of their original submission no longer forms part of this application and is not being considered as part of the Council's assessment.

### **Gypsy Traveller Status**

The definition of 'gypsies and travellers' is set out in Annex 1 of the Planning Policy for Travellers Sites (PPTS) as: *'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'*

Although the proposal is for a permanent settled base, the submission sets out that the applicants and their family have no intention of abandoning their nomadic way of life. As such it is considered that the applicants do fall within this definition as Travellers.

### **Green Belt**

Policy E of the planning policy for travellers sites (PPTS) covers traveller sites in the Green Belt and sets out that travellers sites are inappropriate development in the Green Belt. As set out in paragraph 143 of the NPPF, inappropriate development in harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 144 of the NPPF sets out that substantial weight should be given to any harm to the Green Belt and the PPTS makes it clear that, subject to the best interest of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

### **Openness and the purposes of the Green Belt**

The essential characteristics of the Green Belt are their openness and their permanence. There is no definition of “openness” in the NPPF. However, in *Turner v. SSCLG & East Dorset council* ([2016] EWCA Civ 466) the Court of Appeal held that the openness of the Green Belt does have both a volumetric aspect and visual dimension. Lord Justice Sales found that the concept of openness of the Green Belt was not narrowly limited to a volumetric approach. Visual impact is implicitly part of the concept of openness and openness has an important visual dimension. The Court of Appeal held that the word “openness” is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs in the context of which, volumetric matters may be a material concern, but are by no means the only one.

The proposed development would introduce a substantial amount of development to the site, which was previously an undeveloped agricultural field in the open countryside. Given the size of the access that has been created and the topography of the land in the area, the site is highly visible from along Billesley Lane and can be clearly seen from the A435.

Given the scale of the proposed development and the fact that the development would be highly visible, it is considered that openness of the Green Belt would be significantly impacted.

The proposed development would add further development to this area of the countryside, thereby detracting from its overall rural setting. This would be in conflict with the purpose of the Green Belt relating to safeguarding the countryside from encroachment as set out in the NPPF.

It can also be argued that the proposal would not assist with purpose (e) of the Green Belt which is to assist in urban regeneration, by recycling derelict and other urban land. This proposal uses a previously undeveloped agricultural field whilst a site may exist in a non-Green Belt location in the urban area.

Overall it is considered that the proposal would harm the Green Belt in terms of both inappropriateness and actual harm in relation to the purposes of the Green Belt and impact on openness both spatially and in visual terms. It is considered that this harm is significant and should be afforded substantial weight.

Paragraph 144 of the NPPF sets out that substantial weight should be given to any harm to the Green Belt and the PPTS makes it clear that, subject to the best interest of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

### **Need and supply of sites and pitches**

The purposes of the GTAA addendum April 2019 was to identify the accommodation requirements of Gypsies and Travellers across Bromsgrove District to update the finding of the 2014 GTAA. This report sets out that there is an identified need for pitches in the District over the five year period 2019/20 to 2023/24. This need is for stated as being for 14 pitches.

Paragraph 27 of the PPTS sets out that if a Local Planning Authority cannot demonstrate an up to date 5 year supply of deliverable sites, that this should be a significant material consideration in any subsequent planning decision, when considering applications for grant of temporary planning permission. The exception to this is where the proposal is on land designated as Green Belt or other protected areas.

At present there are no available pitches or allocated sites in the District. Policy BDP11 sets out those additional sites will be identified through a Local Plan Review, which is currently underway. It is possible that this review process could identify appropriate sites outside the Green Belt.

### **Location of site**

Part d of Policy H of the PPTS sets out that all applications that come forward on unallocated sites should be assessed using the local criteria used to guide the allocation of sites in the local plan. Policy BDP11 of the Bromsgrove District Plan sets out how locations for gypsy and travellers sites will be assessed, with BDP 11.2 stating: Proposed sites should be in sustainable locations that provide good access to essential local facilities e.g. health and education. Sites should accord with the sustainable development principles set out in BDP1.

Paragraph 13 of the PPTS expects Local Planning Authorities to ensure that Gypsy and Traveller sites are sustainable: economically, socially and environmentally- by amongst other matters promoting peaceful and integrated communities, access to health and educational facilities and providing settled bases, that reduces the need for long distance travelling.

The application site is not located within or near to a settlement as identified in Policy BDP2 of the Bromsgrove District, and as such the site is not situated near to essential facilities such as health and education. There is a public house located opposite the site, and there are other commercial properties situated within Portway on the A435 (Alcester Road). There is also a petrol station with a shop situated north of junction 3 of M42, approximately 750 metres from the site. As well as the nearby commercial properties, there are also other residential properties situated along Billesley Lane and the A435. The proposed site is not therefore considered to be situated in an isolated location.

The nearest settlement to the site that would contain essential facilities would be Beoley or Wythall. Wythall; which is identified as a large settlement and contains schools, doctors and shops, is located approximately 2.7km from the site. There is a bus stop located to the front of the Public House on the A435, approximately 140 metres from the site. There are 3 bus services that use this stop. The 150 service runs into Birmingham, via Wythall and in the opposite direction does into Worcester via Redditch. This service runs hourly from approximately 0630 until 1930 Monday to Friday and 0730 until 1930 on Saturdays. The 517 and 519 services are less frequent, running once a day, with a lot of stops being by request only. Although Billesley lane has no pavements and is unlit, the A435 is located approximately 50 metres from the site and does have pavements and is lit.

In 2017 a Planning Appeal; Reference: APP/P1805/C/16/3163441 was allowed for a new dwelling on Billesley Lane. In this case, the Planning Inspector found that whilst occupiers would be likely to rely on private motor vehicles for access to facilities and services, the

Inspector found that the property was not in a wholly unsustainable location for access to public transport and that the residential occupation of the property would not be materially unsustainable. Below is an extract from the above mentioned appeal decision dated 14 December 2017:

*“19. The use of The Studio as independent residential accommodation by Mr and Mrs Turvey would result in an increase in residential use of Billesley Farm as a whole; the farmhouse would be rented out. The property is in a rural location but there is cycling access to a railway station and walking access, albeit along an unlit country lane without pavements, to bus services. Whilst tenants would be likely to rely on private motor vehicles for access to facilities and services the property is not in a wholly unsustainable location for access to public transport. The proposed use of the building and the consequent additional residential occupation of the property would not be materially unsustainable... (4-5)”*

The proposed site is situated nearer to the A435, and therefore closer to the railway station and bus services than this appeal site was. As such although the occupiers would be likely to rely on private motor vehicles for access to facilities and services, in line with the Inspector's decision, it would seem reasonable to conclude that the application site would not be in a materially unsustainable location despite not being in a sustainable location as envisaged by Local Plan Policy BDP11.

### **Community Cohesion**

Given the location, it is considered that the occupiers of the site would have the opportunity to integrate with the local community. There is a travelling showpeople site situated on the Alcester Road in Portway. However, given the scale of the proposed site and the existing travelling showpeople site; it is not considered that these sites would dominate the settled community in this area.

### **Character and appearance**

Objections have been received in relation to the impact of the development on the rural character and appearance of the area.

The site lies within an area of open countryside on Billesley Lane which is long a narrow unlit country lane, with no pavements. The site is situated on the eastern end of the lane approximately 50 metres west of the junction with the A435 and a further 220 metres south of junction 3 of the M42. The site was previously an undeveloped agricultural field with no vehicular access, fully screened from Billesley Lane by an established hedgerow.

In the vicinity of the site there are a variety of uses, including residential dwelling houses, a public house with a large car park and a vacant restaurant building. There is also a wooded area situated to the west of the site and undeveloped agricultural fields situated to the north west of the site.

The proposed development would introduce a substantial amount of development to the site, which would include: the creation of a large access with gates into the site, the laying of a large amount of hardstanding, erection of fences, the sitting of 3 mobile homes and 3 touring caravans, parking of vehicles, construction of 3 large amenity buildings and a bin storage area.

The works that have been undertaken on the site so far include the removal of a large section of the hedgerow to widen the existing unauthorised access into the site from Billesley Lane and the reduction in its height across the width of the site. Objections have been received in relation to the works to this hedgerow. The Council's Tree Officer has not raised any objection to the removal of the hedgerow, or additional works that would be necessary to lower an additional section of the hedgerow to achieve the required visibility splays. The Council's Tree Officer has also set out that the hedgerow affected does not satisfy any criteria as set out in the 1997 Hedgerow Regulation as to qualify as a hedge of importance.

Due to the topography of the landscape in this area, the reduction and removal of the hedgerow at the front of the site, has opened up clear views into the site from Billesley Lane, the public house and car park opposite the site, and from wider views across the A435. The proposed site plan does indicate that additional landscaping would be planted along the front of the site, and in other areas of the site. However, due to the width of the access and the required visibility splay, it is not considered that additional landscaping would be able to provide sufficient screening of the site. The proposed pitches and all of their associated paraphernalia would therefore be highly prominent in this location.

It is acknowledged that traveller sites can sometimes be acceptable in rural locations and that it would not be appropriate to require them to be completely hidden from view. Nevertheless, in this case due to the siting, design and form of the proposed development, and the topography of the area and the wide ranging views the site achieves, it is considered that the proposal would result in a prominent form of development that would not integrate into the existing landscape and character of the area.

Overall therefore it is considered that the proposal would detract from the existing character, appearance and landscape of the area, which would be contrary to policy BDP19 of the Bromsgrove District Plan.

## **Highways**

Objections have been received in relation to highway safety in the area.

Following comments from the Highway authority, and to ensure that required visibility splays could be achieved from the access a speed survey was undertaken. Following the submission of this speed survey and information relating to visibility splays, the County Council Highways Authority have confirmed that subject to conditions they would have no objection to the proposed development as they do not consider that the proposal would have an unacceptable highways impact.

## **Ecology**

A preliminary ecology survey has been submitted, and a further email from the applicants ecologist has been provided. However Worcestershire Wildlife trust have provided comments on this information, which sets out that they recommend that a background data search from the Worcestershire Biological Records Centre (WBRC) is carried out by the applicants ecologist to help inform the Councils decision. To date this has not been provided.

Due to the submission of insufficient information, the local planning authority is unable to discharge its legal duty under paragraph 40 of the Natural Environment and Rural Communities Act 2006 to determine whether the development would be inconsistent with the aims of Policy BDP21 of the Bromsgrove District Plan adopted January 2017 and the NPPF which seek to conserve and enhance biodiversity. As such the full impact of the development cannot be properly assessed.

As such at this stage it is considered that insufficient information has been provided to demonstrate that adequate assessment of the site has been carried out to definitively establish whether protected species and or their habitats would be affected by the proposed development. Due to this it is considered that the local planning authority is currently unable to discharge its legal duty under paragraph 40 of the Natural Environment and Rural Communities Act 2006 and that the development would be inconsistent with the aims of Policy BDP21 of the Bromsgrove District Plan adopted January 2017 and Paragraph 118 of the NPPF which seek to conserve and enhance biodiversity. This is afforded substantial weight.

### **Drainage**

Objections in relation to flooding and foul drainage concerns have been received in relation to this application from local residents.

However, North Worcestershire Water Management have confirmed that the site is at low risk of flooding and that the documents which were submitted with the planning application suggest that the three caravan plots proposed will be made up of porous surfacing (to allow water to infiltrate into the ground, albeit at a limited rate, but this will not be any worse than the existing ground arrangements as the clay soils will already have a high runoff rate), and therefore there is unlikely to be any significant increase in impermeable areas. This coupled with no (at the time) flooding reports in the area means that no conditions relating to drainage are required.

Overall therefore North Worcestershire Water management have not raised any objection to the proposal.

Seven Trent Water have also been consulted on the application. They have not raised any objection to date with the application and have not recommended that any conditions are appended to any permission that maybe granted. I am however awaiting future comment from STW regarding concerns that have been received with the pumping station.

### **Residential Amenity**

Worcestershire Regulatory Services have requested that a noise assessment be provided in relation to this application, to demonstrate that exposure to the road noise from the A435 would not have an adverse impact on health and the quality of life of the occupiers of the site.

To date no noise assessment has been submitted in relation to this application. As such at this stage it is not possible to ascertain whether noise exposure would have an adverse impact on the occupiers of the site, or whether any mitigation measures could overcome these impacts, in line with the NPPF and Policy BDP1 of the Bromsgrove District Plan adopted 2017.

The site is located adjacent to a residential property known as Crossways, which is situated on the corner of the A435 and Billesley Lane. Crossways is orientated with its side elevation facing into the site. The proposed site plan illustrates that the proposed amenity space would be situated adjacent to the boundary with Crossways, with the nearest mobile home being situated approximately 20 metres from its boundary and the nearest amenity block situated approximately 30 metres from its boundary.

Currently there is only a low level fence on the boundary between the site and this property. The applicants have however planted a row of coniferous trees along this boundary. It is also noted that under permitted development a 2 metre high fence could be erected along this boundary.

The separation distances between the windows in the side elevation of Crossways and the mobile home and the amenity blocks would exceed 21 metres, which is the required separation distances set out in SPG1- residential design guide. It is not therefore considered that the proposal would give rise to overlooking concerns.

### **Bests interest of children and personal circumstances**

Information in regards to some of the personal circumstances of the occupants of the three proposed pitches has been submitted with this application. The applicant has however requested that not all of this information should be published on the Council's website, due to its sensitive nature

From the information that has been submitted it is clear that the proposed pitches are for an extended family who are residing on the site, and have been since the 20<sup>th</sup> January 2019. The occupants do include children, some of whom are at school age. Some of the occupants have medical conditions and learning disabilities.

Article 8 of the European Convention on Human Rights states that everyone has the right to respect for their private and family life, home and correspondence. Where the article 8 rights are those of children, they must be seen in the context of article 3 of the United Nations Convention on the Rights of the Child (UNCRC), which requires a child's best interest to be a primary consideration. It is however important to note that a child's best interest is not determinative of the planning issue and may be outweighed by the cumulative effect of other considerations provided that the adverse impact on the child of any decision is proportionate.

The information that has been submitted sets out that the potential occupants of the site have a personal need for a permanent base. This is because the families have nowhere else to go, and can no longer cope living on road side encampments with the various medical conditions that the occupants have.

The submission which includes statements from their planning agent, doctor and consultants letters and a letter from the applicant indicates that two of the occupants (two of the daughters of the applicant aged 16 and 21) have complex medical conditions and severe learning disabilities which requires them to be cared for around the clock by their mother: Ms Stokes and to have ready access to health facilities and care. The submission indicates that the lifestyle and conditions that is afforded by roadside camping

and constant travelling is detrimental to their health and that as such it is important that they have a permanent settled base.

In total there would be 4 children residing on the site; aged 6 months, 12, 14 and 16 years. The 16 year old child has complex medical and severe learning disabilities as mentioned above. Although the applicant's children do not appear to be currently attending schools in the area, from the information submitted it would seem their youngest son (12 years old) has recently benefitted from some home tutoring with a former teacher in Wythall, and some of the children have been registered at a Doctors surgery in Wythall.

The Planning statement sets out that it would be in the best interests of any child to have a home and be able to access and facilities that the settled community. It sets out that the children have only attended school intermittently when they have returned to Ireland for short spells. It is therefore clear that in this case the best interest of the children would be to have a settled base where they can access education and health facilities.

The children's best interests are a primary consideration and no other consideration must be given greater weight than the interests of the child. In this case, it is also clear that the personal circumstances of one of the children and one of the adult daughters, means that it is important for their health that they have a settled base with good access to health and care facilities.

### **Intentional unauthorised development**

It is now government planning policy that intentional unauthorised development is a material consideration that should be weighed in the determination of planning applications and appeals. The House of Commons briefing paper entitled Gypsies and travellers; Planning Provisions (published in October 2017) also makes it clear that, if a site is intentionally occupied without planning permission, this would be a material consideration in any retrospective planning application for that site.

It is clear that the development that has taken place so far on the application site has been carried out in the knowledge that planning permission was required, and is therefore intentional unauthorised development. It is therefore considered that some weight should be afforded to this.

### **Other matters**

An objection has been received in relation to the suitability of the submission. Although it is acknowledged that further information has been requested as part of this application; some of which has not been received, the information that was submitted with the application originally, was considered to be sufficient to proceed with consideration of the application.

It has however been brought to our attention, that the land to the front of the site, where the access has been created has not been included in the red line on the location plan. It has also become apparent that this area of land, where the access has been created does not fall within the ownership of the applicant; it is a Highway verge, owned by Worcestershire County Council.

If any of the land that falls within the application site is not owned by the applicant, then under article 13 and 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 the appropriate notice must be served on the owner to give them notice of the application, and evidence of this must be provided to the LPA. Although it is accepted that Highways are aware of the application and have brought it to our attention, this does not forgo the applicants responsibility to comply with the relevant legislation by serving notice on Worcestershire County Council as the land owner.

Evidence that the appropriate notice has been sent to Worcestershire County Council has now been provided, as has the amended location plan. The notice was sent to Worcestershire County Council on 15<sup>TH</sup> April 2019. This means that the overall consultation period for this notice will be the 6<sup>TH</sup> May 2019.

An objection have also been raised in relation to the family circumstances and whether they have been offered or applied for accommodation of planning permission in Cambridge, where the some of the applicants' children are registered with Doctors. No information to indicate this has been provided by the applicants, and due to data protections laws it is not possible to obtain this information. The planning statement does however indicate that the family have never lived in housing or on a council run site, and that they have no intention of abandoning their nomadic way of life. Information has also been provided which indicates that the family did apply to Central Bedfordshire Council last year for a pitch last year, which was unsuccessful. Central Bedfordshire Council did however indicate that they would keep their application on file for any future vacancies.

This objection did also refer to the availability of council/ social housing in the district, and whether the applicants eligibility for such housing has been considered or whether the applicants have registered for housing in the District. Due to Data protection laws, it is not possible to obtain information as to whether the applicants have ever applied for Council Social Housing within this District or any other area. Although the applicants are able to apply to join the Councils housing register should they wish, which would be subject to them meeting the eligibility criteria.

It is however important to note that bricks-and mortar accommodation is not always suitable for gypsy and traveller families. Some will have a cultural aversion to conventional properties, and the adverse reaction they might experience by being placed in this type of housing may make bricks and mortar accommodation 'unsuitable' within the homelessness legislation framework.

An objection has also been received relating to the lack of justification for the proposed amenity blocks, especially given that the site is within the Green Belt. It is however noted that amenity blocks, are a standard facility that are provided on Gypsy and Traveller pitches, including the other Gypsy and Traveller sites within Bromsgrove District.

An objection has also been made in relation to the proposed equine use of part of the site, and whether there would be enough land. Although the British Horse Society recommends a ratio of two horses per hectare, it is understood that this recommendation is only ever a guide, as it is subject to numerous factors such as: the size and type of horses, time of year and the quality of the pasture and it is managed. I raise no objection to this element of the scheme.

## **Planning Balance**

Policy E of the PPTS sets out that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. Unlikely should not be read to mean that these considerations will never clearly outweigh the harm, and any decision must take account of the weight afforded both the harm and the other considerations.

The proposal is considered to be inappropriate development in the Green Belt that would harm the openness of it and conflict with two of the purposes of including within it. Substantial weight has been afforded to this definitional and actual harm to the Green Belt. It is also considered that the proposal would affect the character and appearance of the landscape in the area. This harm is afforded significant weight. The intentional unauthorised development of this site by the applicants; given its Green Belt location, is also afforded some weight.

As well as this, the applicant has not submitted sufficient information with the application to enable an assessment of the full impact of the development on protected species and the biodiversity of the area, which is afforded substantial weight. The applicant has also submitted insufficient information to enable up to assess the full impact of the development on the occupiers of the site, in relation to noise exposure. This is afforded moderate weight.

It is not disputed that there is an identified unmet need for sites and there are no alternative traveller sites currently available in the district. However, Policy BDP11 does make it clear that additional sites will be identified through a Local Plan Review, which is currently underway. It is also considered that it is possible that this review process could identify appropriate sites outside the Green Belt.

The best interests of the children are a primary consideration in this case, and it is clear that no other consideration must be given greater weight than the interests of the child. As such, it is considered that the best interests of the children should be afforded substantial weight. It is also clear that the personal circumstances of some of the occupiers means that it is important for their health that they have a settled base and good access to health and care facilities. This is afforded significant weight.

By refusing this application it is evident that the family lives and the best interests of the children involved would be affected, as the refusal of this application could lead to the applicants returning to roadside camping and travelling. This could undoubtedly represent an interference with their human rights under Article 8. It could also put the two occupants; one of whom is a child, at risk of increased harm and illness due to their medical conditions and learning disabilities. However, this interference and harm must be weighed against the wider planning considerations and public interest, as these factors are not determinative on their own.

In this case, it is considered that the harm that the a permanent site would cause to the Green Belt, and any other harm including harm to openness, purposes of Green Belt, character and appearance of area, amenity and the unknown harm to protected species would not be clearly outweighed by the unmet need, lack of supply of sites or the

circumstances put forward in this case in terms of the best interests of the children and the personal circumstances of the family.

Whilst the applicants would like a permanent consent, they have acknowledged in their submission that they would accept a temporary consent until such time as the Local Planning Authority have identified alternative sites in the District. It is however considered that the harm that the proposal would cause to the Green Belt and any other harm; even it were for a temporary period, would not be clearly outweighed by the best interest of the child, the personal circumstances of the family, or the unmet need and lack of alternative sites.

On balance therefore it is considered that very special circumstances have not been demonstrated in this case, to outweigh the harm to the Green Belt and any other harm to grant either a permanent or a temporary permission.

## **Recommendation:**

- (1) Minded to **REFUSE FULL PLANNING PERMISSION**
- (2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following:
  - (a) The expiry of the consultation period on 6<sup>TH</sup> May 2019 and in the event that further representations are received, that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

## **Reasons for Refusal**

### 1. Green Belt:

The proposed development would be inappropriate development in the Green Belt, which by definition would harm the Greenbelt. The proposal would also harm the openness of the Green Belt and conflict with two of purposes of including land within it, which are to safeguard the countryside from encroachment and assist in urban regeneration. It is considered that this harm would be substantial. Circumstances (including best interest of the child and personal circumstances) have been submitted by the applicant; however it is not considered that these would amount to very special circumstances to clearly outweigh the harm that the proposal would cause to the Green Belt. The proposal is therefore considered to be contrary to policy BDP4 of the Bromsgrove District Plan adopted January 2017, Planning Policy for Traveller sites August 2015, NPPF and NPPG.

### 2. Character and appearance:

By reason of the sitting, design and form of the proposed development, and due to the topography of the area and the wide ranging views the site achieves, it is considered that the proposal would result in a prominent form of development which would not integrate into the existing landscape of the area. Overall therefore it is considered that the proposal would detract from the existing character,

appearance and landscape of the area, which would be contrary to policy BDP19 of the Bromsgrove District Plan.

3. Ecology :

Insufficient information has been provided to demonstrate to the Local Planning Authority that adequate assessment of the site has been carried out to definitively establish whether protected species and or their habitats would be affected by the proposed development. As such the full impact of the development cannot be properly assessed. In this respect the local planning authority is unable to discharge its legal duty under paragraph 40 of the Natural Environment and Rural Communities Act 2006 and the development would be inconsistent with the aims of Policy BDP21 of the Bromsgrove District Plan adopted January 2017 and Paragraph 118 of the NPPF which seek to conserve and enhance biodiversity.

4. Noise:

Insufficient information has been provided to demonstrate to the Local Planning Authority that noise exposure caused by road noise from the A435 would have an adverse impact on the heath and the quality of life of the occupiers of the site. Or that the noise exposure could be adequately mitigated to avoid noise giving rise to adverse impacts on heath and the quality of life of the occupiers of the site. The proposal is therefore contrary to the NPPF (paragraph 170 and 180) and Policy BDP1 of the Bromsgrove District Plan adopted January 2017.

**Case Officer:** Claire Gilbert Tel: 01527 881655  
Email: [claire.gilbert@bromsgroveandredditch.gov.uk](mailto:claire.gilbert@bromsgroveandredditch.gov.uk)

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# Agenda Item 7

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Alan Dixon	Single storey car port adjacent to the existing garage.  Cedar Haven , 96-98 Barkers Lane, Wythall, Worcestershire, B47 6BS	17.04.2019	19/00222/FUL

**RECOMMENDATION:** that planning permission be **Refused**

Councillor Denaro has requested that this application be considered by Planning Committee rather than being determined under delegated powers.

## Consultations

**Wythall Parish Council** Consulted 28.03.2019

No objection

## Publicity

2 neighbours notified 28.03.2019, expires 18.04.2019: No response received.

1 site notice was posted 02.04.2019, expires 26.04.2019: No response received.

## **Councillor Denaro**

Would like members to consider the very special circumstances put forward by the applicant.

## Relevant Policies

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP19 High Quality Design

NPPF National Planning Policy Framework (2019)

## **Relevant Planning History**

18/00537/FUL	Retrospective Application - Car Port structure adjacent to the existing garage Refused	21.06.2018	APPEAL DISMISSED 16.10.2018.
08/0779	Two Storey Front extension and detached garage Approved	29.10.2008	
B/2007/0692	Two storey extension to main dwelling and single storey extension to garage. Approved	20.08.2007	

Plan reference

- B/1998/0230      Three bedroom dormer bungalow and garage - resubmission of application B97/0743.  
Approved 20.01.1999
- B/1992/0203      Brick built dwelling replacing two existing dwellings.  
Approved 17.10.1997

## **Assessment of Proposal**

The main issues are:

- (a) Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework;
- (b) The effect on the openness of the Green Belt;
- (c) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
- (d) Impact on neighbouring amenity

A previous application for a development of the same footprint with a pitched roof was refused and dismissed at appeal as it was considered to be inappropriate development. The proposal is now for a flat roofed car port.

## **Green Belt Policy**

Paragraphs 143-145 of the National Planning Policy Framework (the Framework) makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics, those being openness and permanence. Paragraph 143 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings are to be regarded as inappropriate development, subject to the express exceptions outlined in paragraphs 145.

One such exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. In this case the original building is the dwelling.

Policy BDP4 of the Bromsgrove District Plan (BDP) (2017) is more specific and states that inappropriate development will not be allowed in the Green Belt unless justified by very special circumstances.

Criterion (c) allows extensions to existing residential dwellings up to a maximum of 40% increase of the original dwelling or increases up to a maximum total floor space of 140m<sup>2</sup> (original dwelling plus extensions) provided that the scale of development has no adverse impact on the openness of the Green Belt. For the purposes of calculating floorspace, the explanatory text to Policy BDP4.4(c) of the Bromsgrove District Plan (DP) refers to curtilage buildings within 5 metres of an original dwelling as being treated as forming part of a dwelling. The carport is within predominantly 5 metres of the dwelling and the

implication of the policy is that it is treated as being an extension to the dwelling. The carport has been erected and comprises a tiled pitched roof supported on steel columns. It has 2 open sides and the other sides comprise an existing boundary wall and the side elevation of the garage. The development has the character and appearance of a canopy but the definition of a building includes any structure or erection. The main difference of the current proposal is that the roof will be removed and replaced with a flat polycarbonate roof. However, the Inspector noted that even with 2 open sides and irrespective of its use, the carport has a degree of permanence by being fixed to the ground and the garage, coupled with the nature of the structure itself, contribute to it being a building. There would be nothing to prevent filling in the sides if approved and creating a more permanent building.

The planning history of extensions at the property since its original construction in 1996 has been considered. This confirms that there have been a number of previous extensions to the property and that these, amount to an increase in the original footprint of around 44%. The proposal adds a further 27.6 square metres that almost links the existing detached garage to the dwelling. It follows that there would be an increase in the volume and mass of the overall building totalling approximately 55% which cannot be considered to be proportionate to the original building.

The proposal cannot be considered to fall within the exceptions listed in the Framework and is, therefore, inappropriate development and consequent harm arising in accordance with paragraph 143-5 of the Framework. The development is also in conflict with Policy BDP4 of the BDP.

## **Openness**

As set out above, the essential characteristics of the Green Belt are its openness and permanence. Openness is in effect the absence of buildings and so the introduction of the proposed extension, with its substantial footprint, scale and mass would be at odds with this, consolidating the built form to a previously open area. As such, the development would harm the openness of the Green Belt. The harm to openness adds to the Green Belt harm that has been identified above.

The Appeal Decision (ref APP/P1805/D/18/3207736) relating to 18/00537/FUL stated that "The increased bulk of the building's roof closes the gap which existed between the garage and both the bungalow and other garage. The closing of the gap is evident from the road and has the effect of consolidating the built forms of development within the curtilage of Cedar Haven. For these reasons it is concluded that the appeal scheme visually and physically reduces the openness of the green belt but, by reason of the carports context the degree of harm is only limited".

The new application for the flat roof car port does not physically close the gap between the buildings and can no longer be seen from the road, Barkers Lane or be seen from any immediate neighbours. As such it does not have the effect of consolidating the built forms of the development. However, in terms of openness it would still create a loss of openness and larger scale and mass of the dwelling and associated out-buildings overall.

There is no concern about the design of the extension in character and appearance terms and a flat roof would have a reduced impact, all within the existing enclosure of boundary

walls and gates surrounding the property. This is, however, distinct from the matter of openness.

## **Very Special Circumstances**

The agent has put forward very special circumstances stating that the enclosure is required for security of additional vehicles at the property where 4 adults reside, as the existing garages are in use for garaging 2 cars and storage purposes.

Members should note that this matter was considered at the appeal and Paragraph 19 of the appeal decision states: "The appellant claims that the proposed development has some benefits, including covered and secure parking on an already surfaced area and the provision of additional storage. Both uses are incidental to the use of the dwelling. However, no details are provided why these benefits cannot already be met from the existing garages and store. For these reasons, only limited weight is given to these matters in the determination of this appeal".

The Inspector did not accept the very same point to be very special circumstances in the appeal and I consider Members should follow this approach. Therefore, as before, these circumstances are not considered to outweigh the harm caused to the principle of inappropriate development in the Green Belt. Members are also reminded that these arguments could be cited time and time again in many cases to attempt to achieve additional built development. The test is not just special circumstances but very special circumstances.

## **Impact on Amenity**

The extensions would not impact adversely on the adjacent dwelling, Tall Trees, being over 20 metres away and divided by a fence. It is not considered that an unduly detrimental impact will occur and this is therefore in accordance with policy BDP19 of the Bromsgrove District Plan and SPG1; Residential Design Guide.

## **Conclusion and Balance**

It is considered that the proposal amounts to inappropriate development in the Green Belt. Inappropriate development is, by definition harmful to the Green belt. Although very special circumstances have been put forward and the scheme is an improvement on the previous scheme with no visual impact externally due to the surrounding boundaries and existing buildings; it is not considered that these would outweigh the harm that would be caused to the Green Belt. A limit of 40% is applied to extensions and the proposal together with previous extensions would amount to a 55% increase. The proposal is therefore considered contrary to the provisions of Policy BDP4 of the Bromsgrove District Plan 2017, and the provisions of the NPPF.

**RECOMMENDATION:** that planning permission be **REFUSED**

- 1) It is considered that the proposal amounts to inappropriate development in the Green Belt because the impact of the proposal would be of a scale and mass that would unacceptably harm the openness of the Green Belt. Inappropriate development is, by definition harmful to the Green Belt. No very special circumstances exist that would outweigh the harm that would be caused to the openness of the Green Belt. The proposal is therefore considered contrary to the provisions of Policy BDP4 of the Bromsgrove District Plan 2017, and the provisions of the NPPF.

**Case Officer:** Sally Price Tel: 01527 548425  
Email: [sally.price@bromsgroveandredditch.gov.uk](mailto:sally.price@bromsgroveandredditch.gov.uk)

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