



## **BROMSGROVE DISTRICT COUNCIL**

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

**MONDAY 9TH DECEMBER 2019**  
**AT 6.00 P.M.**

**PARKSIDE HALL, 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. J. Whittaker (Vice-Chairman), S. J. Baxter, A. J. B. Beaumont, S. P. Douglas, A. B. L. English, M. Glass, S. G. Hession, J. E. King, P. M. McDonald and P.L. Thomas

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 14th October and 31st October 2019 (Pages 1 - 16)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 19/01213/FUL - Demolition of the existing buildings and the construction of a 72 bedroom care home (Use Class C2) and associated access works, parking, tree planting, landscaping and provision of site infrastructure - 466 Lickey Road, Cofton Hackett, Birmingham, Worcestershire, B45 8UU - c/o Agent (Pages 17 - 34)
6. 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

29th November 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, 14TH OCTOBER 2019, AT 6.00 P.M.**

PRESENT: Councillors R. J. Deeming (Chairman), S. J. Baxter, A. J. B. Beaumont, S. P. Douglas, A. B. L. English, M. Glass, S. G. Hession, J. E. King, P. M. McDonald, C. J. Spencer (substitute) and P.L. Thomas

In attendance: Mr. R. Williams and Mr. N. Kirby, Worcestershire Regulatory Services, Mr. O. Hague and Mr. T. Sheach, Mott MacDonald

Officers: Mrs. R. Bamford, Mr. A. Hussain, Mr. D. M. Birch, Mr. M. Dunphy, Mr. S. Jones, Mr. S. Hawley and Ms. K. Hanchett (Worcestershire Highways Authority) and Mrs. P. Ross

#### 41/19 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillor P. J. Whittaker, with Councillor C. J. Spencer present as substitute for Councillor P. J. Whittaker.

#### 42/19 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### 43/19 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING (TO BE CIRCULATED PRIOR TO THE START OF THE MEETING)**

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

With the agreement of the Chairman the meeting stood adjourned from 18:02 hours to 18:04 hours in order for Councillor S.P. Douglas to finish reading the Supplementary Update sheets.

#### 44/19 **16/0263 - HYBRID APPLICATIONS COMPRISING OF: 1) OUTLINE APPLICATION (WITH ALL MATTERS RESERVED WITH THE EXCEPTION OF VEHICULAR POINTS OF ACCESS AND PRINCIPAL ROUTES WITHIN THE SITE) FOR THE DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF: UP TO 2,560 DWELLINGS (CLASS C3); LOCAL CENTRE INCLUDING RETAIL FLOORSPACE UP TO 900 SQ METRES (CLASSES A1, A2, A3) HEALTH AND COMMUNITY FACILITIES OF UP TO 900 SQ METRES (CLASS D1); A**

**3FE FIRST SCHOOL (CLASS D1) (UP TO 2.8HA SITE AREA) INCLUDING ASSOCIATED PLAYING AREA AND PARKING AND ALL ASSOCIATED ENABLING AND ANCILLARY WORKS. 2) DETAILED APPLICATION FOR THE CREATION OF A MEANS OF ACCESS OFF BIRCHFIELD ROAD, CUR LANE, FOXLYDIATE LANED EMERGENCY, PEDESTRIAN AND CYCLE ACCESS TO PUMPHOUSE LANE. THE CREATION OF A PRIMARY ACCESS ROAD, INCLUDING ASSOCIATED CUT AND FILL WORKS AND OTHER ASSOCIATED EARTHWORKS, LANDSCAPING, LIGHTING, DRAINAGE AND UTILITIES, CROSSINGS AND SURFACE WATER ATTENUATION/DRAINAGE MEASURES - LAND TO THE WEST OF FOXLYDIATE LA**

Officers reported that further representations had been received from Worcestershire Acute Health Trust, Bentley Paucefoot Parish Council, NHS Clinical Commissioning Group, as detailed in the published Update Report 1; with five further representations being received and clarification from the NHS Clinical Commissioning Group, along with Worcestershire County Council's Highway Authority response to Bentley Paucefoot Parish Council's comments on Highway issues, as detailed in the published Update Report 2. Both published Update Reports were provided to Committee Members and the public gallery prior to the commencement of the meeting.

Officers from Worcestershire County Council Highways Authority, Worcestershire Regulatory Services and representatives from Mott McDonald were also present at the meeting, should clarification be needed and to respond to questions from the Committee.

Officers highlighted that the application was submitted in hybrid form seeking both full (detailed) and outline planning permission (with all matters reserved with the exception of vehicular points of access and principal routes within the site), as detailed on page 27 of the main agenda report. Should permission be granted, subsequent reserved matters applications would be required to deal with the details of those matters approved in outline.

A new site access on Foxlydiate Lane had been proposed and would serve as the access to and early phase of development which would ultimately connect to the spine road and the local centre. The new site access had been designed against actual vehicle speeds and had been shown to be acceptable. It had been recognised that there would be a significant engineering operation to form a temporary access and that earth from within the site would be needed to create this. A Construction Environment Management Plan (CEMP) would limit the impact to residents. It was noted that the CEMP had not been agreed so there would be an opportunity to control the construction phase.

The site was predominantly within Bromsgrove district and located on the northwest edge of Redditch and primarily comprised agricultural land.

# Agenda Item 3

Planning Committee  
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Officers further informed the Committee that storey heights had been amended to up to 2 storeys and that the site plan had been amended to show that the middle zone north was the Esso Oil pipeline.

Officers drew Members' attention to the revised Recommendation, as detailed on pages 10 and 11 of the supplementary agenda papers - Update 1.

At the invitation of the Chairman, Mr. Glainger and County Councillor R. Lunn addressed the Committee objecting to the application. Mr J. Kirby (the Applicant's agent), addressed the Committee. Councillor R. Bewsher (on behalf of Bentley Pouncefoot Parish Council) and Councillor P. J. Whittaker, in whose Ward the application site was located, also addressed the Committee.

With the agreement of the Chairman; the Head of Planning and Regeneration informed the Committee that the Council had a duty to co-operate on planning issues that crossed administrative boundaries, particularly those which related to the strategic priorities.

Bromsgrove and Redditch Councils had worked through the duty to co-operate to find and assess possible locations to meet the potential shortfall that Redditch Borough Council would be unable to meet. The result of this joint working was the proposal of two large sites to the northwest of Redditch, but within Bromsgrove district, that were the most suitable and sustainable sites. The Foxlydiate site being one of the sites identified. Both of the identified sites were removed from the Green Belt and allocated for development, as detailed in the Bromsgrove District Plan (BDP) 2011-2030.

The Head of Planning and Regeneration further informed the Committee that the Council had sought Counsel's advice with regard to the planning obligations requested by the Worcestershire Acute Hospitals Trust (NHS Trust); whereby it was determined that such requests did not meet the Community Infrastructure Levy (CIL) Regulations 2010 Regulation 122 tests, as detailed on pages 1 to 5 of the supplementary agenda papers - Update 1.

As detailed on page 1 of the supplementary agenda papers - Update 2, the NHS Clinical Commissioning Group – GP Surgeries; the contribution to be used either/or, for the improvement of CCG facilities in Redditch town centre/the onsite provision of CCG facilities.

The Head of Planning and Regeneration reported that the Health and Safety Executive (HSE) had subsequently formally confirmed, in their representation of 5th September 2019, that they had no objection to the development as proposed (which included some residential development within the 15m-36m zone); subject to the imposition of a planning condition restricting the number of dwellings which could be constructed within that zone.

# Agenda Item 3

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Members were further informed that Worcestershire Highways had no objections or concerns, subject to Conditions, financial obligations and off site highway improvements, as detailed on pages 3 to 9 of the main agenda report.

With the agreement of the Chairman the meeting stood adjourned from 19:20 hours to 19:30 hours in order for Members and Officers to take a comfort break.

Having reconvened and with the agreement of the Chairman, the Head of Planning and Regeneration reported that, with regard to Leisure Services off-site sports provision; that there would be an on-site play space and open space provision for informal ball games. Formal, on-site (isolated) sport pitches could often be under-utilised.

The Committee then considered the Application, which Officers had recommended for approval.

Officers provided further clarification with regard to reserved matters and the mechanism for any issues raised by the Committee to be incorporated in the detailed information as part of the reserved matters.

Members expressed their concerns and the concerns raised by the objectors, with regard to the high pressure gas pipeline, more specifically the construction of dwellings proposed in the middle zone (15m-36m) from the pipeline and the potential risk to future residents. Officers provided further clarification on the initial objection from the HSE of 23rd April 2018 and the subsequent letter of 5th September 2019, as detailed on pages 46 and 47 of the main agenda report.

In response to questions from Members with regard to the future maintenance in perpetuity of the on-site play space and open space provision. Members questioned the use of a management company to maintain these provisions. Officers reported that this was at the request of the Council's Leisure Services and that it was not a material consideration, should the application be granted, parameters would be attached to ensure the future maintenance of the on-site play space and open space provision.

With the agreement of the Chairman, the Council's Legal Adviser informed the Committee that there was no legal basis to compel the developer to transfer title of the open space to the Council.

The Head of Planning and Regeneration responded to questions from the Committee with regard to affordable housing and sustainability.

The County Council's Highways Officer responded to questions from the Committee and provided clarification with regard to vehicles turning right out of Birchfield Road; points of access and the 'trigger' points for S106 monies to be paid.

# Agenda Item 3

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Members expressed further concerns that, due to the size of the proposed development, that existing residents would be expected to be disrupted for a very long period of time.

Members further questioned the duty to cooperate and what value the development would add for Bromsgrove residents. Members raised a number of questions with regard to the evidence on housing needs matters for Redditch Borough and Bromsgrove District Councils.

The Head of Planning and Regeneration clarified that a change in the 2018 National Planning Policy Framework (NPPF) had been a new methodology to help inform the number of homes that should be identified in plans. This was known as the standard method for assessing local housing needs, as detailed on page 33 of the main agenda report. The Bromsgrove District Plan 2011-2030 was adopted prior to this change and had identified the site for development through extensive technical work and consultation to ensure that the most suitable and sustainable sites had been selected.

Members went on to further debate the issues and concerns raised by the public speakers in more detail.

A motion to defer consideration of the Application, in order to seek further information and detail, was lost on the vote.

With the agreement of the Chairman the meeting stood adjourned from 20:20 hours to 20:25 hours in order for Officers to access the specific presentation slides, with regard to the representations received from the HSE, as requested by the Committee.

Having reconvened, Officers referred to the presentation slides which detailed the comments received from the HSE with regard to the construction of dwellings proposed in the middle zone (15m-36m) from the high pressure gas pipeline.

Officers reported that electric vehicle charging points and the provision of a community hall had been referred to on page 11 of the supplementary agenda papers - Update 1.

Having considered all of the information provided, Members were still concerned with regard to the construction of dwellings proposed in the middle zone (15m-36m) from the high pressure gas pipeline; and were of the opinion that there should be no dwellings constructed. Having sought clarification from Officers with regard to the impact the development would have on existing residents, the Committee were mindful that a robust Construction Environment Management Plan (CEMP) would limit the impact to residents.

The Committee was therefore minded to approve the application, subject to an additional Condition that there would be no dwellings built within the 15m-36m middle zone of the high pressure gas pipeline.

**RESOLVED** that, hybrid planning permission be granted subject to the following:

- a) authority be delegated to the Head of Planning and Regeneration to determine the outline Planning Application following the receipt of a suitable and satisfactory legal mechanism in relation to the following:
- (i) £5,162,243 to mitigate for the additional demands on the wider transport network generated by the development.

This contribution will specifically contribute to the following highway infrastructure:

- A38 Route Enhancement Programme Contribution – £2,030,099.86
- Junction Improvements - £3,132,143.14

as follows:

Hewell Road / Windsor Road  
Rough Hill Drive / Woodrow Drive / Greenlands Drive  
Woodrow Drive / Washford Drive / Studley Road  
Washford Drive / Old Forge Drive  
Icknield Street Drive (B4497) / Washford Drive / Claybrook Drive

**(ii) Sustainable Infrastructure**

- Active travel infrastructure: £1,005,067.00
- Public transport services: £1,434,900

**(iii) Personal Travel Planning**

- £200 Per Dwelling with in each dwelling per Reserved Matter Phase

**(iv) Education Infrastructure**

- £7,471,000.00 towards the provision of fully serviced land for a new first school with up to 3 forms of entry (3FE)
- A middle school contribution calculated on a per plot basis for each reserved matters application:
  - £708 open market 2 or more bedroom flat
  - £1,769 open market 2 or 3 bedroom dwelling
  - £2,654 open market 4 or more bedroom dwelling

**(v) Off-site teen and adult play and sports facilities and play pitch improvements: £1,200,000**

**(vi) Waste Management Contribution: comprising**

- £88,536 towards a refuse collection vehicle

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- £25.49 per 240 litre standard capacity grey receptacle (waste)
- £26.75 per 240 litre standard capacity green receptacle (recycling)
- £252.43 per 1100 litre communal usage receptacle

**(vii) Planning Obligation Monitoring Fee:** (Contribution amount to be confirmed)

Revised Regulations have been issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met. The fee/charge is subject to confirmation following authorisation to proceed with this provision at the meeting of Full Council on 25 September 2019.

**(viii) GP Surgery Contribution** £968,990

**(ix) Redditch Town Centre Enhancement Works** comprising  
Public Realm Improvement Works £380,000  
Regeneration of key Strategic Town Centre Sites £1,000,000

**And:**

- (x)** The securing of a 40% provision of on-site affordable dwelling units (up to a maximum of 1024 units based 2,560 dwellings being built)
- (xi)** The land on which the First School will be provided being up to 2.8 ha in area
- (xii)** The provision and future maintenance in perpetuity of the SuDs facilities Plan reference
- (xiii)** The provision and future maintenance in perpetuity of the on-site play space and open space provision, and informal gardening/allotment space
- (xiv)** The provision of a pedestrian link with the adjoining development site at Barn House Farm
- (xv)** The provision of a community hall (prior to approval of 500<sup>th</sup> dwelling)
- b) authority be delegated to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions as set out in the summary list (set out in the main agenda and with additional conditions below):-

**Revised Conditions**

**Full Planning Permission**

# Agenda Item 3

Planning Committee  
14th October 2019

## **Environment**

- Lighting Strategy

## **Outline Planning Permission**

- Electric Vehicle Charging Points – residential and local centre

**the following amended Condition regarding development adjacent to the high pressure gas pipeline:**

- (xvi) that no dwellings be constructed in the middle zone (15m-36m) of the high pressure gas pipeline.

The meeting closed at 8.45 p.m.

Chairman



## **BROMSGROVE DISTRICT COUNCIL**

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

**THURSDAY, 31ST OCTOBER 2019, AT 6.00 P.M.**

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), S. J. Baxter, A. J. B. Beaumont, S. P. Douglas, M. Glass, S. G. Hession, C.A. Hotham (substitute), J. E. King, P. M. McDonald and P.L. Thomas

Invitees: Mr. O. Hague and Mr. T. Sheach, Mott MacDonald

Officers: Mrs. R. Bamford, Mr. D. M. Birch, Mr. M. Dunphy, Mr. A. Hussain, Mr S. Hawley, Ms. K. Hanchett and Ms. E. Barker, Worcestershire County Council, Highways, Mr. R. Williams, Worcestershire Regulatory Services and Mrs. P. Ross

45/19 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

An apology for absence was received from Councillor A. English, with Councillor C. A. Hotham present as substitute.

46/19 **DECLARATIONS OF INTEREST**

Councillor C. A. Hotham declared an other disclosable interest in respect of Minute No. 48/19 stating that his wife was a General Practitioner (GP).

47/19 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING (TO BE CIRCULATED PRIOR TO THE START OF THE MEETING)**

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

48/19 **16/1132 - OUTLINE PLANNING APPLICATION FOR: SITE A (LAND OFF WHITFORD ROAD) PROVISION OF UP TO 490 DWELLINGS, CLASS A1 RETAIL SHOP (UP TO 400 SQUARE METRES), TWO NEW PRIORITY ACCESSES ONTO WHITFORD ROAD, PUBLIC OPEN SPACE, LANDSCAPING AND SUSTAINABLE URBAN DRAINAGE; AND SITE B (LAND OFF ALBERT ROAD) - DEMOLITION OF GREYHOUND INN PUBLIC HOUSE, PROVISION OF UP TO 15 DWELLINGS, NEW PRIORITY ACCESS ONTO ALBERT ROAD, PROVISION FOR A NEW ROUNDABOUT, LANDSCAPING AND SUSTAINABLE DRAINAGE -**

## LAND AT WHITFORD ROAD/ALBERT ROAD, BROMSGROVE - CATESBY ESTATES LIMITED AND MILLER HOMES LIMITED

The Development Management Manager explained the format of the meeting, as agreed with the Chairman prior to the commencement of the meeting, as follows:-

- As Case Officer, he would present his report and presentation slides.
- Public Speaking, which the Chairman had extended to 15 minutes per category as follows:-
  - Objectors
  - Applicant
  - Ward Member
- As agreed with the Chairman, a ten minute comfort break would follow.

Members would then have the opportunity to seek any points of clarification from Officers of the Council, Worcestershire County Council Highways Authority and Worcestershire Regulatory Services and representatives from Mott McDonald; should clarification be needed.

The Development Management Manager reported that the Application had been submitted in outline, with internal access, layout, scale, appearance and landscaping reserved for subsequent approval. The development related to an Outline Planning Application for:

**Site A** (Land off Whitford Road), which was currently used as agricultural land; the provision of up to 490 dwellings, Class 1A retail shop (up to 400 square metres), two new priority accesses onto Whitford Road, public open space, landscaping and sustainable urban drainage; and

**Site B** (Land of Albert Road), demolition of the Greyhound Public House, provision of up to 15 dwellings, a new priority access onto Albert Road, provision for a new roundabout, landscaping and sustainable drainage. There was a separate frontage onto Albert Road which also included a now disused point of access.

At this point in the proceedings, the Chairman announced an adjournment, due to technical issues being experienced with the live streaming of the meeting, into the Committee Room and Room 54, Parkside.

The meeting stood adjourned at 18:11 hours to 18:50 hours.

Having reconvened, the Chairman announced that members of the public seated in the Committee Room and Room 54, Parkside, had been unable to hear the Development Management Manager's report or see the presentation slides clearly. Therefore the Development

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Management Manager would start his report and present the slides from the beginning, as detailed in the preamble above.

Following on from this, the Development Management Manager further reported that although access for Site A and Site B was being considered in detail, the application contained a substantial amount of information on the proposals for site development, including an illustrative site layout plan.

Members' attention was also drawn to paragraph 2.6 in the report, which provided further clarity for Committee Members, detailing what the proposed development would consist of; and paragraph 2.8 in the report, which detailed the highway mitigation measures external to Site A and Site B.

The Development Management Manager drew Members' attention to page 36 of the main agenda report, which detailed the relevant planning history. Paragraph 4.11 in the main agenda report stated that "This application as it relates to Site A, seeks to address the concerns raised by the Inspector in the appeal, principally in the context of striking a balance between:

1. The need for housing; and
2. The need to provide adequate transport infrastructure, including reasonable standards of safety and ease of movement, for both future and existing residents."

The Development Management Manager highlighted that with regard to all matters except access, that the Master Plan should be treated as purely illustrative but if necessary, other elements could be secured by suitable conditions.

Members' attention was drawn to pages 41 to 52 of the main agenda report, which provided specific details on Site A and Site B, Planning Appraisals.

The Development Management Manager reported on:-

**Committee Update 1** - 30 additional representations had been received objecting to the scheme. There were no new matters or issues raised above those already contained in the published report. Mott MacDonald (acting as Transport Planning Advisors to Bromsgrove District Council) had provided a further Technical Note and that further comments had been received from The Bromsgrove Society; as detailed in the published Committee Update 1 Report, copies of which were provided to Committee Members and the public prior to the commencement of the meeting.

**Committee Update 2** - 201 additional representations had been received objecting to the scheme. There were no new matters or issues raised above those already contained in the published report. 2

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additional representations had been received supporting the scheme, no new new matters or issues raised above those already contained in the published report. Comments had been received from Catshill and North Marlbook Parish Council and further comments from Councillor L. Mallett, District and County Councillor. Report clarification with regard to highway matters. Section 106 agreement, report corrections and a revised Recommendation, as detailed in the published Committee Update 2 Report, copies of which were provided to Committee Members and the public prior to the commencement of the meeting.

At the invitation of the Chairman, Mr. A. Bailes (on behalf of Whitford Vale Voice) addressed the Committee in objection to the Application. Mr. P. Brocklehurst, Mr. D. Dixon and Ms. K. Young, acting as the Applicant and Councillor L. Mallett, District Councillor and County Councillor, in whose Ward the Site was located also addressed the Committee.

The meeting stood adjourned at 19:50 hours to 20:00 hours, in order for Committee Members to take a comfort break.

Having reconvened and at the invitation of the Chairman, Officers from Worcestershire County Council Highways Authority provided clarification on the following matters:-

- Road safety audits;
- Section 278 agreement;
- Transport Technical Note 4 and Cumulative Assessment Report, which provided clarity in respect of the comments received from third parties;
- Mitigation measures, which had been comprehensively audited;
- Contribution to specific highways infrastructure, which included the Town Centre active travel infrastructure;
- Loss of parking spaces in front of the existing shop on Rock Hill;
- 'Standalone assessment' for the Whitford Road scheme;
- Cumulative impact of all sites (BROM2, BROM3 and Foxlydiate); and
- Rat running.

At the invitation of the Chairman, Mr. T. Sheach, Mott McDonald further explained that they had considered all of the evidence presented and each and every point raised by Whitford Vale Voice, Worcestershire County Council Highways Authority and the Applicant. They had taken a balanced approach and had concluded that the residual impact was not severe and that there were no grounds for objection on highways and transport related matters in respect of the Application.

The Committee then considered the Application, which had been recommended for approval by Officers.

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Members raised further questions with regard to Road Safety Audits and a Section 278 (S278) agreement.

Officers from Worcestershire County Council, Highways Authority provided further clarification and highlighted that Road Safety Audits were conducted under guidelines and following best practice and that Road Safety Audits were only mandatory on trunk roads and motorways, as specified within the Design Manual for Roads and Bridges (DMRB). Should Members be minded to approve the Application a Road Safety Audit would be conducted, however, there was no requirement at this point in time to conduct one.

All junctions would be safety audited through the technical approval process associated with a S278 agreement should the development be granted approval.

The new roundabout at the junction of Fox Lane / Rock Hill had been through a Stage 1 and 2 safety audit, as the junction had been technically approved, as the developer had submitted detailed designs through the Worcestershire County Council, Highways Authority, Early Technical Approval process.

Further debate followed whereby Members expressed their concerns that they were being asked to consider an 'Indicative' Masterplan and not a detailed plan. Approval was being sought for access (ingress and egress) to the proposed site on the 'Indicative' Masterplan; and that, as highlighted by the Development Management Manager, the Application had been submitted in outline with all matters except access reserved for future detailed applications.

Members also debated and expressed their concerns with regard to the extensive views received from Worcestershire Acute Hospital NHS Trust, with specific reference to paragraph 11 on page 17 of the main agenda report.

With the agreement of the Chairman, the Development Management Manager responded and reported that the Council had sought Counsel's advice with regard to the planning obligations requested. It was determined that such requests did not meet the Community Infrastructure Levy (CIL) Regulations 2010 Regulation 122 tests, as detailed on page 62 of the main agenda report.

The Committee questioned if a tripartite discussion was possible with regard to seeking funding for the Worcestershire Acute Hospital NHS Trust.

Members briefly questioned the comments made by the Urban Designer with regard to paragraph 5.3.7 of the Design and Access Statement, which proposed that the land form in some parts of the site should be regraded, as detailed on pages 9 and 35 of the main agenda report.

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In response to further questions from Members, the Development Management Manager clarified that a number of representations had made reference to the Application constituting inappropriate development in the Green Belt. Site A was taken out of the Green Belt and identified as an Area of Development Restraint (ADR) in the 2004 Bromsgrove District Local Plan. With the subsequent adoption of the Bromsgrove District Plan in 2017, the site was then confirmed as a residential development site.

Officers from Worcestershire County Council, Highways Authority provided further clarification with regard to MOVA (Microprocessor Optimised Vehicle Actuation), the Transport Assessment carried out in January 2018; and responded to questions from Members with regard to the Western Relief Road.

The Development Management Manager reported that the proposed open space would not be adopted by the Council's Leisure Services.

Members raised concerns with regard to the location of the proposed open space area and questioned if this would prevent any future development of the Bromsgrove Western Distributor/Bypass; and if the proposed location of the open space area could be moved to the top area of the development.

Having considered all of the information provided, the Committee agreed to defer further consideration of the Application. The Committee had raised an extensive number of concerns during the course of the meeting and were of the opinion that further detailed information was required.

Members reiterated that, as stated during the course of the meeting, that they were being asked to approve an 'Indicative' Masterplan and not a detailed plan. Members were therefore minded that the matter be deferred for the reasons and concerns raised during the course of the meeting.

Officers sought clarification from the Committee with regard to the Committee continuing with the meeting in order to consider other aspects of the Application, as detailed on pages 43 to 51 of the main agenda report, which included: Air Quality, Noise, Geology, Ecology etc.

Members clarified that the Application be deferred and that the Application would be considered in its entirety alongside the detailed information as requested by the Committee during the course of the meeting.

**RESOLVED** that

- a) this matter be deferred in order for further discussions to take place between Council and Worcestershire County Council Highways Officers, Mott McDonald, the Applicants and other third parties as

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necessary; in order to seek further detailed information to address the concerns raised by the Committee during the course of the meeting, as detailed in the preamble above; and

- b) the detailed information, as requested by the Committee be provided to a future meeting of the Planning Committee.

The meeting closed at 9.47 p.m.

Chairman

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| Name of Applicant | Proposal   | Expiry Date | Plan Ref.    |
|-------------------|--|-------------|--------------|
| c/o Agent         | Demolition of the existing buildings and the construction of a 72-bedroom care home (Use Class C2) and associated access works, parking, tree planting, landscaping and provision of site infrastructure.<br><br>466 Lickey Road, Cofton Hackett,<br>Birmingham, Worcestershire, B45 8UU | 10.12.2019  | 19/01213/FUL |

## **RECOMMENDATION:**

(1) Minded to **APPROVE FULL PLANNING PERMISISON**

(2) That **DELGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following;

(a) The satisfactory completion of a S106 planning obligation ensuring that:

- i. £11,362 capital contribution for NHS Primary Care Commission to mitigate primary care impacts arising from the development which would be used for medical infrastructure. The funds will be used to resolve the existing shortfall of space at New Road and Cornhill Surgeries in Rubery.
- ii. £11,000 contributions to Worcestershire County Council for community travel to serve the Rubery area to maximise the opportunities for residents to travel to and from outside the immediate community.
- iii. Planning Obligation Monitoring Charge.

## **Consultations**

**Cofton Hackett Parish Council** Consulted 20.09.2019

Objection;

- Insufficient Parking provided on site
- The proposed building is too close to the road
- The proposed building is completely out of character with adjacent buildings, too high
- Development would put extra strain on local GPs which is an already overloaded system

**Conservation Officer** Consulted 20.09.2019

No objection.

**Arboricultural Officer** Consulted 20.09.2019

No objection subject to landscaping condition

**North Worcestershire Water Management** Consulted 20.09.2019

No objection raised subject to a condition requiring final scheme for surface water drainage including assessment of a sustainable drainage system to be submitted to the Council.

Plan reference

**Worcestershire Regulatory Services - Contaminated Land** Consulted 20.09.2019  
No objection

**Worcestershire Regulatory Services - Noise** Consulted 20.09.2019  
No objection subject to conditions relating to specified glazing and acoustic fencing.

**Worcestershire Regulatory Services - Air Quality** Consulted 20.09.2019  
No objection subject to conditions relating to cycle storage, provision of electric vehicle charging points and low emission boilers.

**Highways - Bromsgrove** Consulted 20.09.2019  
No objections subject to conditions and financial obligations.  
The suggested conditions cover the following matters;

- Access, parking and turning facilities as per drawing No.
- Electric Charging Points
- Compliance and monitoring of submitted Travel Plan with revised plan to be submitted should targets fail to be met
- Construction Environmental Management Plan

The suggested financial contribution - £11,000 contribution for community travel to serve the Rubery area. The purpose of this contribution is to maximise the opportunities for residents to travel to and from outside the immediate community.

**Waste Management** Consulted 20.09.2019  
No objection given waste will be undertaken by private contractors.

**Joe Holyoak** Consulted 20.09.2019  
The design is broadly acceptable.

- The site is currently occupied by a redundant car showroom. The building is an eyesore, a very poor design, and its removal will be a great improvement.
- Making an L-shaped building, filling the street frontage as much as possible, and enclosing a garden behind, is a sound decision.
- I consider that the height of the proposed building is acceptable in the context of its surroundings. It is taller than its existing neighbours, and the increase in height needs to be accompanied by an articulation of the form into smaller elements. The proposal achieves this to an extent.
- I think that the architects should not be afraid to limit their vocabulary, and have a simple but varied pattern of brick gables along Lickey Road, of varying heights, and with slight recession and projection. The two gables remaining in the current scheme are awkwardly fenestrated in an off-balanced way.
- Because the ground floor presumably has to be on one level, this results in its being considerably higher than the street at the southern end of the site, resulting in a dissociation from the street. This is a pity, but presumably unavoidable. There could be some compensation for this in the way in which the boundary is designed. At present it is unimaginative.

**Ecology** Consulted 20.09.2019  
No objection subject to conditions relating to lighting, landscaping and bat and bird boxes.

Plan reference

**Birmingham City Council** Consulted 20.09.2019

No objection.

**NHS Clinical Commissioning Group** Consulted 20.09.2019

No objections if a developer contribution of £11,362 is secured for the following reasons;

- New Road and Cornhill Surgery in Rubery have an existing shortfall of space
- Nursing homes provide care for conditions that would otherwise have necessitated an in-patient stay
- In their experience residents have multiple co-morbidities that require above average medical input
- In local GPs experience the care is likely to significantly increase their home visit commitment
- In local GPs experience the nursing support on site does not usually reduce the number of requests to the surgery
- Many residents are likely to be social services funded and placed outside of their previous GP area
- The practices do not have premises that would support an increase to the number of doctors working there
- The practices have data to support the fact that A&E admissions are increased above CCG averages for patients in care homes, usually due to capacity/staffing issues
- The local GPs feel that the increased workload that would result from having to take medical responsibility for this care home would, in their opinion, be to the detriment of their current patients and not in the best interests of the proposed care home."

**NHS Acute Hospitals Worcestershire** Consulted 20.09.2019

No Comments Received To Date

**Housing Strategy** Consulted 20.09.2019

As this is an application for class C2 nursing home affordable housing is not required.

**Bromsgrove Strategic Planning And Conservation** Consulted 20.09.2019

Taking the relevant policies into consideration and given that the site is currently a vacant brownfield site within a sustainable local centre, we raise no objection in principle to this proposal.

**Economic Development And Regeneration Service** Consulted 20.09.2019

As the car show room has been vacant for some time, we have no objections to this application.

**Senior Community Safety Project Officer Community Safety** Consulted 20.09.2019

Views awaited

**Cadent Gas Ltd** Consulted 07.10.2019

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that

proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

## **Publicity**

One site notice was placed on site on 20<sup>th</sup> September and expired 14<sup>th</sup> October 2019. An advert was placed in the Bromsgrove Standard on 27<sup>th</sup> September and expired on 14<sup>th</sup> October 2019.

## **Representations**

5 representations have been received. The comments received have been summarised as follows;

### Design

- Large, unattractive building
- Building not in character with area
- Impact on street scene
- Building sited too close to street
- Building gives poor impression of Lickey Hills

### Highways

- Overspill of parking/insufficient parking provided on site
- Existing shortage of parking on street
- Highway safety concerns

### Other issues

- Existing sewer issues locally
- Plans appear out of scale

### New Road GP Surgery (Rubery) practice Manager

- GP practice has been previously extended due to growing waiting lists
- GP surgery already stretched and development would make worse
- Development would result in requirement to further extend practice

## **Cllr Deeming**

My concerns are as follows;

- The inadequacy of the proposed parking provision Visitors/staff/health workers may overflow on to an already very busy Lickey Road which already has parking issues for Local business.
- Medical Health Care in our Area is already at saturation point
- Waste/environmental access for these vehicles could be a major problem as there is a pedestrian crossing very close by
- The Design does not fit in with the village scene, dwarfing the surrounding properties. A smaller scheme perhaps 2 storey set further back with less amenity space and more parking may benefit.

I am not against this development but these points have to be addressed.

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP6 Infrastructure Contributions

BDP10 Homes for the Elderly  
 BDP12 Sustainable Communities  
 BDP16 Sustainable Transport  
 BDP18 Local Centres  
 BDP19 High Quality Design  
 BDP20 Managing the Historic Environment  
 BDP21 Natural Environment

## Others

NPPF National Planning Policy Framework (2019)  
 NPPG National Planning Practice Guidance  
 Lickey & Blackwell and Cofton Hackett Neighbourhood Plan

## Relevant Planning History

|              |  |          |            |
|--------------|--|----------|------------|
| B/2005/0978  | To amend the colour of the building cladding, window frames, doors and new render to brickwork.                  | Approved | 21.11.2005 |
| B/2000/0101  | Fascia symbol to existing fascia and lettering.  | Approved | 11.04.2000 |
| B/1994/0843  | Use of graded site area for temporary vehicle parking for 12 months.   | Refused  | 13.02.1995 |
| B/18334/1989 | Refurbishment of existing petrol filling station.  | Approved | 09.10.1989 |
| B/18335/1989 | Display of advertisements on shop, pumps and forecourt.  | Approved | 09.10.1989 |
| B/13202/1985 | Installation of 3000 gallon underground diesel tank and provision of auto diesel dispenser.                      | Approved | 12.08.1985 |
| B/7913/1980  | Erection of motor vehicle showroom with ancillary storage/utility room and new reception/office                  | Approved | 15.09.1980 |
| B/9129/1981  | Erection of extensions including caretakers flat, office, parking stores, showroom, reception and staff offices. | Approved | 17.08.1981 |
| B/4863/1978  | Erection of testing station, offices.  | Approved | 14.08.1978 |

## **Assessment of Proposal**

### **Site description**

The application site is located within the Local Centre of Cofton Hackett and was occupied by the former Rolls Royce and McLaren dealership and a BMW motorbike showroom and is currently vacant. The site has an area of approximately 0.6 hectares and consists of a two/three storey commercial building with central parking forecourt. The site is currently accessed from Lickey Road to the north of the site and egressed onto Lickey Road near the south of the site.

There is a mix of commercial, retail and residential in the area with the Lickey Hills Country Park located to the west of the site. The western boundary consists of dense vegetation and adjoins the base of the Lickey Hills which slopes up steeply. The Lickey Road (B4120) links South Birmingham to Barnt Green, Cofton Hackett and Lickey with access to regular bus services to Birmingham, Droitwich, Rubery & Redditch.

### **Proposal**

The proposed development is for the redevelopment of the site to provide a 72 bedroom care home and associated works. The proposed building will consist of a 3-4 storey building with a parking area to the north providing 30 spaces. The building includes facilities such as; dining rooms, café, bar, cinema, lounges, spa, balconies and nursing stations.

Hamberley Care Homes will operate the site and have a number of care homes throughout the UK. The home will provide a mix of care to physically and/or frail residents and would constitute a C2 planning use. The care home will provide for a range of care services for people with many conditions including; dementia, multiple sclerosis, strokes and motor neurone disease and therefore will provide accommodation for people of all ages.

### **Main issues**

The main issues in this application are;

1. Principle of development in this location having regards to BDP18
2. Whether the proposed development represents high quality design in accordance with the Development Plan
3. The compatibility with the adjoining users and impact of living conditions on future residents
4. Effects of highway safety and parking provision
5. Heritage matters
6. The effect of the proposal in terms of the effect of the increased population on infrastructure, facilities and services.

### **Principle of development in this location having regards to BDP18**

The application site is located within a Local Centre in a residential area in Cofton Hackett on the edge of Birmingham with Green Belt to the south and west. The proposed development is for the redevelopment of the site to provide a 72 bedroom care home and associated works. The proposed building will consist of a 3-4 storey building with a

parking area to the north providing 30 spaces. The existing building on site is a 2-3 storey vacant car dealership and showroom.

The National Planning Policy Framework (NPPF) emphasises the need to deliver housing of different sizes, types and tenure for different groups in the community. This is further supported by Policy BDP10 in the Bromsgrove District Plan which encourages the provision of housing for the elderly and for people with special needs, where appropriate whilst avoiding an undue concentration in any location. Policy BDP10.3 further states that the Council will, through the identification of sites and/or granting of planning consents in suitable locations, provide a wide range of elderly accommodation including the development of residential care homes, close care, 'extra care' and assisted care housing; and in particular continuing care retirement communities which encompass an integrated range of such provision. Sites should be sustainable by virtue of their location and there will be a preference for sites within defined settlements.

Policy BDP18.3 Local Centres identifies that it may be considered appropriate for a non-retail developments, where there is a proven need and where the development has overwhelming benefits for the local for the local centre and the community. Applications for alternative uses of land or buildings will be treated on their individual merits having regard to market signals and the relative need for different land uses to support sustainable Local Centres and their communities. In this instance given that the site is currently vacant and the positive employment opportunities the development will provide, it is considered this proposal will bring benefits to the local centre in line with Policy BDP18.

Paragraph 8.16 of the Lickey and Blackwell and Cofton Hackett Neighbourhood Plan (NDP) outlines support for development that provides a mix of accommodation, in particular housing for older people which is in demand locally. Furthermore paragraph 11.5 of the NDP states that planning support sustainable economic growth and should operate to encourage and not act as an impediment to sustainable growth.

The site is within a built up area with a number of local facilities such as shops, takeaways and Public Houses. The road also has a regular local bus service connecting Bromsgrove to Birmingham. Taking all these matters into consideration the principle of development in this location and the loss of the existing commercial use is considered to be acceptable in this sustainable location.

### **Whether the proposed development represents high quality design in accordance with the Development Plan**

The proposed building will be a dominant feature in the street scene and therefore thought has been incorporated into the design to address the slope in land level when travelling from north to south on Lickey Road. Although this is a large building and is greater in height than the existing, the use of broken frontage, dormer windows and stepped height soften its overall appearance. Although some objection has been received locally on this matter, it is noted that the Urban Designer has not objected to the size of the building. It is considered that the proposed building is of relatively good design for its dominance within the street scene. Furthermore it is considered its central position within the shopping area can accommodate a large building. Concerns have also been received locally in respect of how close the building will be to the footpath. The properties to the

south of the site are sited hard on the footpath and the buildings to the north are set slightly back with a parking forecourt. It is noted that the south section of the existing building is sited hard on the boundary in line with the properties to the south. The proposed building is set 2-3 metres away from the footpath and will have a low lying wall along the boundary and some planting in this space to create interest and screening. This layout has achieved a good level of external amenity space to the rear of the property, which is welcomed and does create a staggered building line connecting the rest of the street scene.

The Councils Urban Designer has suggested a number of elements that could improve the scheme including the use of breaks in the front elevation and some interest at pedestrian level. The applicant has responded to these matters and highlighted in an addendum to the Design and Access Statement the breaks in the front elevation and have addendum the front wall to include pillars to add some interest. Having regards to this, and the use of materials reflects the character of buildings found locally, the proposed design and size of the building is considered appropriate in this location.

### **The compatibility with the adjoining users and impact of living conditions on future residents**

There is a mix of commercial, residential and retail uses locally. The properties on the southern boundary of the site do not have any openings on their northern elevation. The existing building currently sits very close to this boundary and having regards to blank elevation and the proximity of the existing use, the proposed development is not considered to cause any harm to the occupiers of these properties.

To the north of the site there is a parade of shops and this will be separate by the proposed parking area. To the east and west of the site there is predominately green and undeveloped land. In terms of the living conditions of future occupiers, WRS have raised no objections in terms of noise subject to a suitable glazing condition and given the surrounding uses and green space, the proposed use would be considered compatible with its surroundings.

### **Effects of highway safety and parking provision**

The proposed development will close the existing southern access point from Lickey Road and will retain the northern access as a single vehicular entry point into the site. The proposal has included a parking area to the north of the site comprising of 30 parking spaces, an ambulance drop off and turning zone and cycle parking. Comments have been sought from Worcestershire County Council (WCC) on this application and no objection has been raised subject to conditions and a financial contribution.

WCC have outlined that a care home is typically a low trip generating use and those trips are normally off peak. The proposal will replace an existing car sales garage which is currently unoccupied but capable of being reused. Therefore consideration has been made on the net impact of the two different uses and any site specific considerations. The proposed use will generate fewer trips than could take place under the existing use on site and therefore there is no objection in principle to the proposal. Additionally, the application seeks to alter the access arrangement to consolidate them into a singular



dropped kerb arrangement which is considered to be appropriate for a development such as this.

The proposal has provided 30 car parking spaces with 2 disabled spaces and cycle storage for 6 bicycles. Objection has been raised by the Ward Member, Parish Council and local residents that insufficient parking has been provided on site. The applicant has submitted a Transport Statement in support of this application that has been considered by the Highways Authority. The applicants have calculated that of the 29 staff on site at one time, 21 are likely to drive. This has been calculated having regards to the 2011 Census data. This therefore leaves some left over parking for visitors in addition to provisions for cycling and motorcyclists. The applicant has also provided a Travel Plan which has been conditioned with a requirement for this plan to be monitored and updated if necessary. Paragraph 11.4 of the NDP requires new developments minimise any adverse impacts on local road networks and suitable parking provision should be provided. Having regards to this, the proposal is considered to comply with Policy BDP16 Sustainable Transport, BDP 19 High Quality Design and Policy B1 of the NDP.

Concerns have been raised in respect of the access point and its proximity to the existing traffic crossing however this is an existing vehicular access to the site and the proposed parking area has allowed for sufficient turning space to ensure that larger vehicles can leave the site in forward gear. This matter has not been raised as a concern by the Highways Authority.

## **Heritage matters**

The site is located in the wider setting of the locally listed former tramlines and the non-designated former Rednal Tram Terminus (both located within the Birmingham City Boundary) and therefore any impact on the setting of these historic assets should be considered. Birmingham City Council and the Council's Conservation Officer have not raised any concerns in respect of the siting and design of this proposal in respect of its relationship with these heritage assets and therefore the proposal would comply with the provisions of the NPPF (2019) and the Bromsgrove District Plan (2017).

## **The effect of the proposal in terms of the effect of the increased population on infrastructure, facilities and services**

### Medical Infrastructure

Objection have been raised by the Local Ward Member, Parish Council and local residents on the extra strain the development will place on local GPs. The Council have sought comment from the NHS Primary Care Commission on this matter and they have outlined that there is an existing shortfall of GP space locally. The NHS Primary Care Commission has requested a financial contribution of £11,362 to mitigate primary care impacts arising from the development which would be used for medical infrastructure. The funds will be used to resolve the existing shortfall of space at New Road and Cornhill Surgeries in Rubery.

A consultation has been sent to Worcestershire Acute Hospital NHS Trust (NHS Trust) and no comments have been received at the time of drafting this report. In the event that a request is made for financial contributions Members should note that The Council have sought legal advice on this matter. Although no need has been put forward at this stage,

any need should be considered as material and is more than *de minimus*. The Council's legal advice however has outlined that financial contributions requested by the NHS Trust requiring the developer to make up for annual shortfalls in the National Health Service revenue would likely be unlawful. Such requests would not meet the Community Infrastructure Levy (CIL) Regulations 2010 Regulation 122 tests: the requests are contrary to policy as they do not serve a planning purpose and/or do not fairly and reasonably relate to the proposed development. Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet the tests in Regulation 122 of the CIL Regulations.

### Worcestershire County Highways Community Transport

Members will note that Worcestershire County Council have requested contributions of £11,000. This will maximise the opportunities for residents to travel to and from outside the immediate community. This request is considered acceptable.

As of 1<sup>st</sup> September 2019, revised Regulations were issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the agreement are met. The applicant has agreed to this fee in principle.

The applicant has engaged with the Local Authority towards a prospective Section 106 agreement. Once this agreement has been completed this would constitute a further positive in the planning balance and would be in compliance with BDP6.

### **Other issues**

Noise Taking account of the comments from Worcestershire Regulatory Services it is accepted, in principle, that the site is suitable for residential occupation. The submitted noise assessment concludes that with the installation of appropriate glazing and ventilation products the recommended internal noise levels can be achieved with windows closed. In terms of external noise in the proposed rear garden areas the assessment states that noise levels are likely to be below 55dB LAeq, 16hr which is the upper limit recommended in BS8233:2014. A condition has been imposed relating to suitable glazing and ventilation measures. WRS has also suggested an acoustic fence be erected on the southern elevation of the site in order to minimise noise in the external garden area. The proposed garden area is to the rear of the building and along the southern boundary is a run of cottages that extend along the entire southern boundary of the site. Given this existing enclosure of the garden area, I do not believe it is necessary to require a condition for an acoustic fence in this position. WRS has also suggested that the second floor balcony is provided with some acoustic screening from the road. An acoustic fence in this location would be highly prominent from the street scene and interrupt the design of the scheme. Furthermore, given there are a number of other outside areas, including a landscaped garden, balcony and terrace on first floor, I do not believe this condition would be necessary given the occupiers will have other external opportunities to reside should they prefer.

Air Quality It is not considered that the low emission boiler condition requested from Worcestershire Regulatory Services can be imposed in this application. However an appropriate informative will be placed on the Council's decision in order to encourage the installation of this feature. WRS have also requested electric charging points by condition

and provision of cycle parking. Given the proposed use onsite it is not considered reasonable to place a cycle condition on this recommendation however in line with Worcestershire Highways Authority a condition for electric charging points can be imposed.

Waste The applicant will use a contractor for both general waste and clinical waste and have shown an area for bin storage in the south west corner of the proposed parking area.

Ecology The applicants have provided a Preliminary Ecological Report by Crestwood Environment dated 11<sup>th</sup> October 2018 and a further Ecological Walkover Survey by Crestwood Environment dated 30 October 2019. These documents confirm that no protected species will be impacted by the proposed development and set out some recommendations and enhancement measures which will be imposed by condition. Furthermore to provide a net gain in biodiversity some further enhancement such as more bat and bird boxes and swift bricks have been further conditioned.

Drainage The proposed development is located in the catchment of the River Arrow. It is classified as flood zone 1 and the risk to the site from surface water flooding is indicated as low based on the EA's flood mapping. There is some surface water risk indicated to the west of the existing building on the site. This risk can be mitigated by suitably finished levels and drainage provided by the proposed scheme. An objection has been raised by a local resident in regards to existing sewer issues locally. The drainage condition as attached to this recommendation is considered sufficient to resolve any issues on this matter.

Plans Comments have been received outlining that the plans do not appear accurate in respect of the surrounding dwellings. Having reviewed the plans and having undertaken a site visit I am of the opinion that the plans appear to be an accurate representation of what exists onsite.

## Conclusion

The proposed development would be an acceptable use, in principle, in this location. The replacement building would provide a betterment onsite to the existing showroom and the design and scale of the proposed building is considered to be acceptable having regards to the street scene and character locally. Living conditions, highways impacts, parking provision and the impact on community infrastructure are all considered acceptable subject to conditions and planning obligations.

## RECOMMENDATION

- (1) Minded to **APPROVE FULL PLANNING PERMISISON**
- (2) That **DELGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following;
  - (a) The satisfactory completion of a S106 planning obligation ensuring that:

- i. £11,362 capital contribution for NHS Primary Care Commission to mitigate primary care impacts arising from the development which would be used for medical infrastructure. The funds will be used to resolve the existing shortfall of space at New Road and Cornhill Surgeries in Rubery.
- ii. £11,000 contributions to Worcestershire County Council for community travel to serve the Rubery area to maximise the opportunities for residents to travel to and from outside the immediate community.
- iii. Planning Obligation Monitoring Charge.

## **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 premises shall be used for the purpose specified in the application (Residential Care Home) and for no other purpose (including any other purpose in Class C2 Use Class of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).

Reason: The application has been considered on the basis of occupation by persons in Class C2 accommodation and the Local Planning Authority wishes to consider any future changes to occupation of the building that would be detrimental to the character of the area and the amenities of occupants of adjoining premises.

- 3) The development hereby approved shall be carried out in accordance with the following plans and drawings:

3369 102 - Boundary Treatment Plan  
P5149 - 1100 - Planning - Location Plan  
3369 101B - Landscape Layout  
3369 103A - Roof Terraces Plan  
3369 201 - Planting Plan  
P5149 - 1200 B - Proposed GA Site Layout Plan  
P5149 - 1201 B - Proposed GA Ground Floor Plan  
P5149 - 1202 B - Proposed GA First Floor Plan  
P5149 - 1203 B - Proposed GA Second Floor Plan  
P5149 - 1204 B - Proposed GA Roof Space Plan  
P5149 - 1205 A - Proposed GA Roof Plan  
P5149 - 1350 A - Proposed GA Elevations Sheet 01  
P5149 - 1351 A - Proposed GA Elevations Sheet 02  
P5149 - 1352 A - Proposed GA Elevations Sheet 03  
P5149 - 1353 A - Proposed Coloured Elevation & Street Scene  
P5149 - 1700 A - Visual - Elliot Gardens  
P5149 - 1701 A - Visual - Oak Tree

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

- 4) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

- 5) Prior to occupation of the proposed dwellings, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-

- a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;

- b) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.

The approved scheme shall be implemented within 12 months from the date when any of the units hereby permitted are first occupied.

Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

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

- 6) No works or development above foundation level shall take place until a final scheme for 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 a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff treatment. This scheme should be indicated on a drainage plan and the approved scheme shall be completed prior to the first use of the development hereby approved.

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

- 7) 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 proposed development.

- 8) Prior to the first occupation of the development, equipment to control the emission of fumes and smell from any commercial 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

- 9) Prior to installation, any proposed external lighting details shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that external lighting does not have a detrimental impact on the amenity of the area or the surrounding uses.

- 10) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing P5149\_1200.

Reason: To ensure conformity with submitted details.

- 11) The Development hereby approved shall not be brought into use until 3 number 7kw electric vehicle charging spaces have been provided and thereafter such spaces and power points shall be kept available and maintained for the use of electric vehicles as approved.

REASON: To encourage sustainable travel and healthy communities.

- 12) The Employment Travel Plan RT114099-02 hereby approved, dated August 2019 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 travel to and from the site. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details

REASON: To reduce vehicle movements and promote sustainable travel.

- 13) 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.

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.

- 14) Prior to occupation, the development shall provide a net gain in biodiversity by the provision of two schwegler bat boxes or equivalent, two bird boxes and a swift brick. These shall be placed on site in suitable locations at least 3 metres above ground level facing to the south or east and kept thereafter in perpetuity.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Local Plan and Paragraph 170 of the NPPF.

- 15) All proposed works shall be carried out in accordance with the recommendations as set out in the Preliminary Ecological Report by Crestwood Environment dated 11<sup>th</sup> October 2018 and the Ecological Walkover Survey by Crestwood Environment dated 30 October 2019.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard BDP21 of the Bromsgrove District Plan and Paragraph 109 of the NPPF.

- 16) Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until Parts 1 to 6 have been complied with:

Part 1.

A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual

model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.

## Part 2.

Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

## Part 3.

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. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".

## Part 4.

Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## Part 5.

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.

## Part 6.

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.

## Part 7.

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.

## **Informatives**

- 1) The local planning authority is aware of the requirement in the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with applicants in a positive and proactive manner, seeking solutions to problems arising from applications.

In this case the applicant:

- o sought detailed pre-application advice from the authority and acted upon this advice in advance of the application submission

The proposal therefore delivers a policy compliant sustainable form of development.

- 2) The granting of this planning permission does not remove any obligations on the applicant to undertake a technical design check of the proposed highway works with the Highway Authority, nor does it confirm acceptance of the proposal by the Highway Authority until that design check process has been concluded. Upon the satisfactory completion of the technical check the design would be suitable to allow conditions imposed under this permission to be discharged, but works to the public highway cannot take place until a legal agreement under Section 278 of the Highways Act 1980 has been entered into and the applicant has complied with the requirements of the Traffic Management Act 2004.
- 3) The applicant is urged to engage with the Highway Authority as early as possible to ensure that the approval process is started in a timely manner to achieve delivery of the highway works in accordance with the above mentioned conditions.
- 4) The applicant should be aware of the term 'highway works' being inclusive of, but not limited to, the proposed junction arrangement, street lighting, structures and any necessary traffic regulation orders.
- 5) It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particular reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work.
- Minimising the impact of deliveries, parking and work on the public highway.
- Contributing to and supporting the local community and economy.
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principle contractor will engage with the local community, this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for a site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing Legislation.

- 6) Worcestershire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils Travel Plans Officer. As part of this process the applicant must register for Modeshift STARS Business and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored. Worcestershire County Council can assist applicants with this process should they need.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at [www.modeshiftstars.org](http://www.modeshiftstars.org)

- 7) The installation of Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh in line with IAQM benchmarks is recommended by Worcestershire Regulatory Services for this development.

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