

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.

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 Paucefoot 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.

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.

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

- £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 500th 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

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