B R O M S G R O V E D I S T R I C T C O U N C I L

VIRTUAL MEETING OF THE PLANNING COMMITTEE

MONDAY, 1ST FEBRUARY 2021, AT 6.00 P.M.

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

Officers: Ms. C. Flanagan, Mr. A. Hussain, Mr. D. M. Birch, Mr. G. Boyes, Mr. T. Ball, Mr. P. Lester, Ms. K. Hanchett and Mr. N. Gorski, Worcestershire Highways Authority, Mrs. P. Ross and Mrs S. Sellers

75/20 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

An apology for absence was received from Councillor G. N. Denaro with Councillor S. A. Webb in attendance as the substitute Member.

Apologies for absence were also received from Councillors P. M. McDonald and H. Rone-Clarke. It was noted that Councillor H. Rone-Clarke should have been in attendance as the substitute member for Councillor P. M. McDonald.

76/20 **DECLARATIONS OF INTEREST**

Councillor A. B. L. English declared in relation to Agenda Item 7, (Minute No 81/20), in that she knew Mr. Bailes in her role as District Councillor from some of Alvechurch Parish Council committee meetings, however, she had not discussed planning application 19/00976/HYB – Land at Brockhill East, Weights Lane, Redditch, Worcestershire, with Mr. Bailes.

Councillor S. A. Webb declared in relation to Agenda Item 5, (Minute No 79/20, in that the site lay within her County Councillor Division.

Councillor P. J. Whittaker declared in relation to Agenda Item 7, (Minute No 81/20), in that the planning application 19/00976/HYB – Land at Brockhill East, Weights Lane, Redditch, Worcestershire, was within his district ward area.

77/20 **MINUTES**

The minutes of the Planning Committee meeting held on 21st December 2020, were received.

RESOLVED that the minutes of the Planning Committee meeting held on 21st December 2020, be approved as a correct record.

78/20 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING**

The Chairman announced that a Committee Update had been circulated to all Planning Committee Members prior to the meeting commencing.

79/20 **TREE PRESERVATION ORDER (NO. 12) 2020 - TREES ON LAND AT 19 GREEN LANE, CATSHILL, BROMSGROVE, WORCESTERSHIRE, B61 OLD**

The Committee considered a report which detailed proposals to confirm, without modification, Tree Preservation Order (No.12) 2020, relating to trees on land at 19 Green Lane, Catshill, Bromsgrove, Worcestershire, B61 0LD.

Officers provided a detailed presentation.

Officers informed the Committee that the tree in question was a mature Oak that had long predated the construction of both Beehive Close and Green Lane.

Officers drew Members' attention to the objection received and the officer's comments in relation to the points raised within the objection, as detailed on pages 10 and 11 of the main agenda report.

Officers further informed the Committee that since the TPO order had been raised, officers had received an application consenting to do work on the Oak tree; namely for a reduction in the density of the crown of the tree, this application had been granted. Officers clarified that there would be a time limit of two years for the work to be carried out; however, officers could not enforce this.

RESOLVED that Tree Preservation Order (No.12) 2020 relating to trees on land at 19 Green Lane, Catshill, Bromsgrove, Worcestershire, B61 0LD, be confirmed without modification, as detailed in the Provisional Order on Appendix 1 to the report.

80/20 **TREE PRESERVATION ORDER (NO. 13) 2020 - TREES ON LAND AT ROMSLEY MANOR FARM, BROMSGROVE ROAD, ROMSLEY, B62 0ET**

The Committee considered a report which detailed proposals to confirm, without modification, Tree Preservation Order (No.13) 2020, relating to trees on land at Romsley Manor Farm, Bromsgrove Road, Romsley, B62 0ET.

Officers provided a detailed presentation.

Officers informed the Committee that the tree in question was a very prominent feature and provided a high level of amenity value to members of the public using either the B4551 or the Green opposite Romsley Manor Farm. In addition, the tree included within the order, added greatly to the character of the area.

Officers drew Members' attention to the objection received and the officer's comments in relation to the points raised within the objection, as detailed on pages 22 and 23 of the main agenda report.

Officers further informed the Committee that the National Planning Policy Framework stated that in relation to amenity value:

"'Amenity' is not defined in law, so authorities need to exercise judgement when deciding whether it is within their powers to make an Order".

RESOLVED that Tree Preservation Order (No.13) 2020 relating to trees on land at Romsley Manor Farm, Bromsgrove Road, Romsley, B62 0ET, be confirmed without modification, as detailed in the Provisional Order on Appendix 1 to the report.

81/20 **19/00976/HYB -HYBRID APPLICATIONS 19/00976/HYB AND 19/00977/HYB FOR UP TO 960 DWELLINGS CONSISTING OF A FULL APPLICATION FOR 128 DWELLINGS ACCESSED OFF WEIGHTS LANE, NEW PUBLIC OPEN SPACE, DRAINAGE SYSTEM, ENGINEERING OPERATIONS ASSOCIATED WORKS AND AN OUTLINE APPLICATION (WITH ALL MATTERS RESERVED WITH THE EXCEPTION OF ACCESS) FOR THE CONSTRUCTION OF THE REMAINING DWELLINGS WITH ACCESS POINTS OFF COOKRIDGE CLOSE, HAWLING STREET AND WEIGHTS LANE AND INCLUDING A NEW DISTRICT CENTRE, NEW PLAY FACILITIES, NEW HIGHWAY NETWORK, PUBLIC OPEN SPACE, NEW DRAINAGE SYSTEM AND SURFACE WATER ATTENUATION, ENGINEERING OPERATIONS AND ALL ASSOCIATED WORKS INCLUDING LANDSCAPING - LAND AT BROCKHILL EAST, WEIGHTS LANE, REDDITCH, WORCESTERSHIRE - PERSIMMON HOMES LTD**

Officers reported that there were revised Recommendations and Conditions that superseded those as detailed on pages 81 to 104 of the main agenda report. The outcome of Redditch Borough Council's Planning Committee meeting on 27th January 2021, whereby Planning Committee Members were minded to grant planning permission for the hybrid planning application 19/00977/HYB. The five areas of concern raised by Bordesley Matters and the responses to their concerns from Worcestershire County Council (WCC), Highways and Mott MacDonald. Additional comments received from Councillor Monaco (Redditch Borough Council, Councillor); and 3 further representations received; as detailed in the published Committee Update Report, copies of which were provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and in doing so informed the Committee that the applications had been submitted in hybrid form comprising elements seeking both full and outline planning permission. The application site crossed the boundaries between Redditch Borough Council (RBC) and Bromsgrove District Council (BBC). The applications had been submitted to both local authorities and a decision needed to be made by both local authorities.

The full application consisted of the construction of 128 dwellings with access provided off a realigned Weights Lane, which would also provide access to other development parcels within the outline proposal.

In terms of the split between the two authorities, there was a total of 76 dwellings in Redditch and 52 dwellings in Bromsgrove, with a requirement of 30% affordable housing in Redditch and 40% affordable housing in Bromsgrove.

Officers drew Members' attention to the following presentation slides:-

- Application Site Context, as detailed on page 105 of the main agenda report.
- View of Application Site, as detailed on page 106 of the main agenda report.
- Administrative Boundaries, as detailed on page 110 of the main agenda report.
- Bromsgrove District Plan Allocation, as detailed on page 112 of the main agenda report.

Officers referred to the Strategic Planning Background, as detailed on pages 60 to 62, and in doing so informed the Committee that the result of joint working and assessment between RBC and BDC; was the proposal of two large sites to the northwest of Redditch and within Bromsgrove District as the most suitable and sustainable sites which could deliver the homes needed.

Officers further drew Members' attention to the following presentation slides – the 'Full Element of Hybrid Application, the 'Highways - Weights Lane improvement scheme', and the 'Capacity plan', as detailed on pages 119, 133 and 113 of the main agenda report.

Officers reiterated that the hybrid application for up to 960 dwellings consisted of a **Full** application for 128 dwellings accessed off Weights Lane, new public open space, drainage system, engineering operations, associated works, and an **Outline** application for a further 832 dwellings, with all matters reserved, as highlighted on page 103 of the main agenda report,

Officers highlighted that Condition 34 had been amended as follows "No more than 85 dwellings hereby approved shall be brought into use until the highway improvements to the Weights Lane corridor have been

approved"; as agreed by Members at the RBC Planning Committee meeting held on 27th January 2021, and as detailed on the Committee Update report.

Officers further informed the Committee that as part of the Weights Lane Improvement Scheme (S278), that the scheme would include a continuous footway along the south side of the Weights Lane carriageway, as detailed in Condition 34 on page 98 of the main agenda report.

Officers highlighted that both WCC Highways and Mott MacDonald had no objections to the proposals, however, the Council had received detailed objections from Bordesley Matters. Bordesley Matters was a group of local residents and their objections had been prepared by a local transportation consultant. Additional comments had also been received from Bordesley Matters and these had been summarised in the Committee Update report, as well as the responses prepared by WCC Highways and Mott MacDonald which confirmed no change to their advice.

Officers reiterated the outcome of Redditch Borough Council (RBC) Planning Committee meeting on 27th January 2021 and that this was a cross boundary planning application. RBC had considered hybrid application 19/00977/HYB, whereby Members had agreed to grant hybrid planning permission, as detailed on page 1 of the Committee Update report.

Officers highlighted that the updated Recommendations, which superseded page 83 and 84 of the main agenda report, now included the town centre contribution and the final planning obligation monitoring fee, as detailed on pages 1 to 5 of the Committee Update report.

At the invitation of the Chairman, Mr. S. Shetty, and Mr. A. Bailes, speaking on behalf of Bordesley Matters addressed the Committee in objection to the application; and Mr. D. Onions, the Applicant's agent also addressed the Committee.

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

Officers clarified that with regards to the conditions imposed by RBC on hybrid application 19/00977/HYB, that both RBC and BDC (should planning permission be granted), would issue their own individual decision notice and that the s106 agreement would refer to both decision notices.

With regards to the adoption of the open spaces, the s106 agreement would outline the provision and future management, in perpetuity, of the on-site play space, drainage and open space. This provision would also be a mechanism for the later adoption of the open space. However,

ultimately the decision to allow the Council to adopt the open space would rest with the developer.

In response to Members, officers explained that a detailed landscape appraisal had been submitted and had been considered acceptable by Worcestershire County Council (WCC).

Officers from WCC Highways further explained that the internal road network would be adopted by WCC. The concerns raised by the public speakers in respect of speeding issues on the A441, were currently being looking into, due to previous concerns raised by Alvechurch Parish Council. An ongoing study was taking place.

With regards to the construction traffic, a robust Construction Environment Management Plan (CEMP) would be conditioned to the development site, enabling WCC Highways, to review all of the details in advance before construction was started.

The internal site had been designed to be a low-speed residential area with traffic calming features.

The Dagnell End Road junction, the trigger identified of 128 dwellings to be brought into use (Condition 35), for mitigation of the scheme, was due to that fact that it would take time to go through the road safety audit stages 2, 3 and 4 and a full technical appraisal; this would take some time to complete.

The Weights Lane improvement scheme, the trigger of 85 dwellings to be brought into use (amended Condition 34), for mitigation of the scheme, was still going through technical approval. A stage 1 road safety audit had been completed and the scheme was already progressing at speed.

Officers responded to further questions from Members with regards to the provision of a Sustainable Urban Drainage System (SuDs) and the gradient and topography of the development, highlighting the constraints due to the varying levels of the development site.

Members raised a number of questions with regards to:-

- Climate Change – low / zero carbon requirements for new developments.
- Amending Conditions 35 and 35 and imposing a Grampian condition that, the dwellings could be built but not occupied until the highway improvements to the Dagnell End Road / A441 Birmingham Road junction; and Weights Lane improvement scheme had been completed.
- Imposing a timeline condition for the commencement and completion of the highway improvements.

Officers clarified that with regards to low / zero carbon requirements; any new development had to meet the increasing high standards and

inspection standards demanded through building control regulations, and any new standards introduced at the time construction was taking place.

Condition 34 had been amended by Members at RBC Planning Committee, with no more than 85 dwellings hereby approved and Condition 35 with no more than 128 dwellings hereby approved until highway improvements had been approved in writing and completed to the satisfaction of the Local Planning Authority.

WCC Highways officer further commented that the traffic impact was considered to be minimal once those dwellings were occupied.

The Council's Legal Advisor stated that she supported the comments made by officers. It was normal practice and a general business model of a developer to have dwellings occupied. It would not be a reasonable demand to condition the developer to build dwellings and leave them empty.

In response to Members, the Council's Legal Advisor further commented that the dwellings would go towards meeting RBC housing needs and BDC housing requirements within the Local Development Plan.

WCC Highways officer explained that with regards to applying a timescale for the developer to start and complete the highway improvements, WCC would not want to both sets of improvements occurring at the same time. There needed to be sufficient spacing of roadworks so that it did not give the impression that a focused area of the road network was in constant improvement. There also needed to be sufficient time to deliver the schemes. Road safety audits and full technical approval would have to be carried out and there could be some unforeseen circumstances that would need to be addressed.

Local businesses accessing their premises would also have to be factored in. Network Rail would have to be involved in any discussions. Therefore, it would be very difficult to give an exact timescale. He was confident that the applicant was going to implement the schemes as soon as possible because they would obviously want to build out their site. Other road improvements and other things happening on the road network would also need to be considered and programmed in, months in advance.

The Council's Legal Advisor commented that, it was not reasonable to expect a rigid deadline to be met, which did not allow for all of the matters and considerations as highlighted by the Highways officer. Such a condition would not meet the test of being 'reasonable'.

Having considered the officer's report, the information provided by all public speakers and the detailed responses from officers with regard to the concerns raised both by Members and public speakers; Members were minded to approve the hybrid application.

RESOLVED that hybrid planning permission be granted.

(a) that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the hybrid planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following:

i) Highways

- **Bromsgrove & Redditch IDP** £780,000 (Redditch) and £469,429.03 (Bromsgrove)
- **TRO Application** The processing cost for a TRO for Weights Lane, in seeking to change the speed limit from 40mph to 30mph.
- **Community Transport**. Contribution £40,000 over 5 years
- **Bus Service Strategy** Contribution £324,000
- **Bus Service Infrastructure** Based on 3 pairs of stops with associated shelters only in the inbound direction. Contribution £40,000.

ii) Education Infrastructure

Transfer of a strip of land adjacent the new first school site to support the expansion of the school.

First school contribution calculated on a per plot basis

- £2,307 per open market 2 or 3 bed dwelling
- £3,461 per open market 4 or more bed dwelling
- £ 923 per open market 2 or more bed flat

A Middle school contribution calculated on a per plot basis

- £2,308 per open market 2 or 3 bed dwelling
- £3,462 per open market 4 or more bed dwelling
- £ 923 per open market 2 or more bed flat

iii) Off-site Open Space £405,000

iv) Waste Management Contribution

Waste and recycling bins calculated as follows:

- Dwellings within the Redditch BC authority - Refuse bins (1 x green bin / 1 x grey bin) £31.29 per dwelling
- Dwellings within the Bromsgrove DC authority - Refuse bins (1 x green bin / 1 x grey bin) £52.24 per dwelling

v) Planning Obligation Monitoring Fee £7,500

vi) Redditch Town Centre (Enhancement Contribution) £520,320

vii) Bromsgrove and Redditch CCG Contribution £363,370

viii) Worcestershire Acute Hospitals Trust (WAHT) Contribution £459,390.86

And:

ix) The securing of a 30% provision of on-site affordable dwelling units for dwellings Redditch BC authority

x) The securing of a 40% provision of on-site affordable dwelling units for dwellings Bromsgrove DC authority

xi) The provision and future maintenance in perpetuity of the on-site play space, SuDs facilities and open space provision with appropriate mechanism (including commuted sum) to adopt the open space

xii) District Centre, outlining specification (including uses) and Marketing Plan

xiii) Explore Worcestershire County Council monitoring fee

And:

(b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of Conditions as set out in the report; with the following revised Conditions, as detailed in the Committee Update Report:-

Timeframes and Compliance

1. With the exception of Phase 3 (approved in full as part of this permission - 128 dwellings accessed off Weights Lane, new public open space, drainage system, engineering operations associated works) a detailed phasing plan for the development shall be submitted to and approved in writing by the local planning authority prior to the submission of the first reserved matters application. The phasing plan shall specify the proposed timing for delivery of the housing and other build elements of the development. The development shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority. Any subsequent amendment to the phasing of the development shall be submitted in the form of a revised phasing plan to the Local Planning Authority for approval in writing and the development shall be carried out in accordance with the approved revised details.

   Reason: In order to secure a satisfactory delivery of development.

Approved Plans

4. The development hereby permitted shall be carried out in accordance with the following approved plans and particulars:

Hybrid Scheme:

- P-01Rev A – Location Plan
- 8506-L-02 RevJ Framework Plan
- DAS RevB

Full Element:

- P-04 Rev D – Affordable Housing Plan
- P-05 Rev D – Tenure Plan
- P-06 Rev E – Storey Heights Plan
- P-08 Rev A – Gas Main Plan
- P-03 Rev B - External Materials
- P-02 Rev V- Scheme Layout
- Sub-station (SS-01)
- Pumping station (PS-01 RevA)
- Gas governor (GG-01 RevA)
- P-H-19 Gisburn
- P-H-01 Corfe
- P-H-02 Himbleton
- P-H-03 Leicester
- P-H-04 Clayton
- P-H-05 Hatfield
- P-H-06 Hanbury
- P-H-07 Alnwick
- P-H-14 Clayton Corner
- P-H-17 Dalby
- P-H-18 Lumley
- P-H-08 HQI 65
- P-H-09 HQI 79
- P-H-10 HQI 84
- P-H-11 HQI 73
- P-H-12 HQI 60
- P-H-13 HQI 50
- P-H-15 HQI 114
- P-H-16 HQI 83

Technical Drawings:

- FRA – 19039 Drainage Strategy – Sheet 1A & Sheet 2A
- 2809-12-P4 Dagnell End Road –GA
- 2809-TR-03-06 Highway Improvements Access

Reason: To define the permission and in order to secure the satisfactory delivery of the development.

Foul and surface water sewerage

15. No dwelling on any development phase shall be occupied until a drainage system to allow for the disposal of foul and surface water sewerage has been completed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable drainage system is place.

Housing Mix

28. Plans and particulars of the Reserved Matters referred to in Condition 2 shall include a plan identifying the number and location of the market housing units to be provided within each relevant phase. The plan shall confirm the size (bedroom numbers) and type of market housing. The development shall be carried out in accordance with the approved details.

Reason: To ensure the creation of a mixed and vibrant community.

Weights Lane Improvement Scheme (S278)

34. No more than 85 dwellings shall be brought into use or on completion of the s278 works whichever is the sooner, until the highway improvements to the Weights Lane corridor as shown in the PJA Drawing Ref: 02809 TR 03 Rev P6, or similar scheme acceptable to the Highway Authority, has been approved in writing and completed to the satisfaction of the Local Planning Authority (in consultation with the Local Highway Authority) and is open to traffic. The scheme is to include a continuous footway along the south side of the Weights Lane carriageway between the development site and connecting to existing footways running alongside the A441 Birmingham Road carriageway, by tying into the consented Brockhill Phase 4 footway proposals.

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

The meeting closed at 8.12 p.m.

Chairman