

BROMSGROVE DISTRICT COUNCIL

VIRTUAL MEETING OF THE PLANNING COMMITTEE

TUESDAY, 22ND SEPTEMBER 2020, 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 Member for Councillor P. J. Whittaker) and P.L. Thomas

Officers: Mrs. R. Bamford, Ms. C. Flanagan, Mr. A. Hussain, Mr. D. M. Birch, Mr. S. Jones, Mr. M. Dunphy, Ms. K. Hanchett
Worcestershire Highways Authority, Mr. T. Sheach, Mott MacDonald, Mrs. P. Ross and Mrs. S. Sellers

33/20 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillor P. J. Whittaker with Councillor C. J. Spencer in attendance as the substitute member.

34/20 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

35/20 **MINUTES**

The minutes of the Planning Committee meeting held on 24th August 2020, were received.

RESOLVED that the minutes of the Planning Committee meeting held on 24th August 2020, be approved as a correct record.

36/20 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING**

Planning Committee Members agreed that they had received and read both Committee Update reports, that had been circulated to all Members and had also been included on the relevant page of the Council's website.

37/20 **16/0263 - HYBRID APPLICATION, COMPRISING: 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 LANE AND 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 LANE

Officers reported that the Review by Mott MacDonald, the Council's Highway Consultant and the Applicants response to that review, were detailed in Committee Update 1.

Officers further reported that additional comments had been received from the public and Bentley Pauncefoot Parish Council in respect of education contributions and construction vehicles using Cur Lane; and the responses to those comments from the relevant consultees; namely Worcestershire County Council Education, Mott MacDonald, Highways Consultant for Bromsgrove District Council and Highways Officers, as detailed in Committee Update 2.

Committee Updates 1 and 2, were provided to Members and placed on the Council's Website prior to the commencement of the meeting.

Officers reminded Members that, at the Planning Committee meeting held on 14th October 2019, the Committee resolved to grant planning permission for this application, subject to conditions and the completion of a multilateral s106 agreement.

Following on from the decision taken by Bromsgrove District Council, Planning Committee Members, the parallel planning application 2016/077 was considered at Redditch Borough Council's, Planning Committee meeting on 13th November 2019; whereby Planning Committee Members deferred the application for further consideration to consider options regarding access for construction traffic.

At Redditch Borough Council's, Planning Committee meeting on 19th February 2020, the Committee considered the proposal and additional information as supplied by the applicant and resolved to grant planning permission subject to conditions to reflect the concerns raised in respect of construction traffic routing and the completion of a multilateral s106 agreement. This then modified from the decision taken by Bromsgrove District Council, Planning Committee Members at the meeting held on 14th October 2019.

Following on from the decisions made by both Council's, Bromsgrove District Council had also sought a further legal opinion regarding the legitimacy of a request for a financial contribution towards Worcestershire Acute Hospitals Trust, which led officers to amend their position; as detailed on page 39 of the main agenda report. Officers were satisfied that following a complete review of all of the background information provided by the Trust and the developer's representative that the three tests in Regulation 22 of the Community Infrastructure Levy (CIL) Regulations 2010 had been met.

Officers highlighted that the application had been brought back for the Committee's consideration for the following key reasons, as detailed on page 6 of the main agenda report: -

- The District Council's revised position on the request from the Worcestershire Acute Hospital NHS Trust for financial contributions towards medical infrastructure.
- The additional representations received from Bentley Paucefoot Parish Council and others received since 14th October 2019.
- The update from the 19th February 2020 meeting of Redditch Borough Council, Planning Committee relating to Planning Application 2016/077/OUT and the resolution from Redditch Members in relation to that matter; to grant planning permission subject to revised conditions concerning sequencing and trigger points for access construction to manage construction traffic in the interests of residential amenity.

Officers drew Members' attention to page 48, (xiii) that a financial contribution of up to a maximum of £2,212,151 to meet the annual shortfalls in NHS Service revenue; and page 45, paragraph 7.40, which detailed the proposed sequence of Highway construction.

Officers further drew Members' attention to pages 50 and 51 of the main agenda report, which provided details of the 'Access Arrangements for Construction Traffic'.

Officers highlighted that the only recommended changes were to the conditions relating to construction traffic and the position in relation to the financial contribution being sought by the Worcestershire Acute Hospital Trust; as detailed in the preamble above. Both of which were betterments.

Officers then provided a detailed presentation of the application and in doing so reiterated that the quantum of development had not changed since Members had originally considered the application in October 2019.

At the invitation of the Chairman, Mr J. Kirby, the Applicant's Agent addressed the Committee. Councillor B. Spence, on behalf of Bentley Paucefoot Parish Council addressed the Committee in objection to the

Application. Councillor P.J. Whittaker, in whose Ward the Site was located also addressed the Committee in objection to the application.

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

Officers responded to a query from Councillor S. J. Baxter regarding a condition now being included in respect of traffic control and why Planning Committee Members were previously informed that such a condition could not be included. Officers referred to page 4 of the Planning Committee Minutes of 24th August 2020, as detailed in the main agenda report. Officers stated that it would not be practical to have ongoing monitoring of the frequency of deliveries by HGV vehicles though out the day. However, the route of construction traffic could be included as a condition element of the Construction Environmental Management Plan, for a routing plan for construction vehicles. Officers referred to page 10 of Committee Update 2: -

“The approval of a routing plan can only seek to mitigate the risk of construction vehicles arriving or leaving the site by an unauthorised route. However, it does not preclude the possibility of other mitigation / monitoring measures that do not involve the impracticality of stationing officers observing vehicle movements for hours on a daily basis”.

Worcestershire County Highways officers further commented that they were aware of the concerns raised by Bentley Paucefoot Parish Council in relation to Cur Lane and had considered their comments. However, extensive assessments had been done on this application and officers had looked at the vehicles that would continue to use Cur Lane and they were content that it was appropriate; it would not have an adverse effect on highway safety. Officers did not believe it was necessary to make it acceptable to close Cur Lane.

Planning officers had responded to the concerns raised in relation to construction vehicles on Cur Lane and had given a significant response as to how this could be controlled by including a suitably worded condition in the Construction Environmental Management Plan. It was also very important to work closely with the developer and contractor in order to achieve compliance with such a condition.

With the agreement of the Chairman; the Head of Planning and Regeneration responded to Members' questions with regards to the provision and future maintenance of the on-site play space and open space. The Council could not make the developer hand over the on-site play space and open space for the Council to manage. Discussions had taken place with the developer that Bromsgrove District Council was keen to adopt these open spaces in perpetuity and officers had included this in the draft s106 agreement, as detailed on page 48 of the main agenda report.

Officers responded to Councillor A. J. B. Beaumont with regard to using the term 'betterments' in the Conclusion, paragraph 7.43, page 46 of the main agenda report; and in doing so explained the reasoning behind this with regard to changing the conditions relating to construction traffic, as detailed on page 44 of the main agenda report, 'Managing Construction Traffic'.

With the agreement of the Chairman; the Head of Planning and Regeneration responded to Members' questions with regards to building work not being completed until 2035 and what provisions would be inbuilt for climate change and central governments initiatives to improve energy efficiency and decarbonisation of new homes, in order to help protect against climate change.

Members were informed that a lot of construction standards were managed through the building control process and that officers hoped that they would become tighter and more significant in terms of climate change over the forthcoming years and that construction would be managed from a national approach. In respect of climate change, when houses were being constructed, whatever the building control regulations were at the time of construction, they were the controls that the developer would have to adhere to. Therefore, homes built at a later stage would be constructed to different building control standards to those constructed during the earlier stages of the development.

During the debate Members raised a number of concerns in respect of sustainability and the lack of public transport access to the proposed site by potential residents.

Officers commented that it was a logistical challenge presented by the main construction access and that due to the sequencing of this, it was not possible to have a bus route though the proposed site for the first few 100 houses, but thereafter, once that was completed it would be possible.

Worcestershire County Highways officers further commented that the construction of Birchfield Road junction was quite extensive works and to undertake that and build a spine road before occupation of any residential dwellings was not possible. However, the spine road would be put in at the earliest opportunity and at that point the bus route could run into the site. As the site developed the sustainable credentials of the site would improve.

With the agreement of the Chairman; the Head of Planning and Regeneration responded to Members in respect of financial contributions to Worcestershire Acute Hospital Trust (WAHT). Members were informed that the contribution was calculated based on information received from the NHS. Officers had to look at typical admissions to hospital A & E department from new dwellings in the Redditch and Bromsgrove area, as in this case, it was considered as a blended site; therefore, officers looked at two profiles. The size of the dwellings on

the site, household size and number of people who dwelled in those houses. The calculation took into consideration population or population already resident in the district and as a consequence receiving treatment from the Trust.

There were a series of different methods and formulas, so officers had to check the information submitted by the NHS. Information on how the financial contribution was calculated was detailed on the Council's website. Information on the steps that the Trust undertook to calculate the mitigation of the impact of the new development was detailed on page 40 of the main agenda report.

With regard to the annual shortfalls in funding that the hospital received, in terms of CIL compliance, it was reasonable to ask the developer to fund this in perpetuity.

In respect of financial contributions for the demand on the wider transport network generated by the development, it was explained that in order to be CIL compliant, any money received whether it was for public transport or the wider transport network; had to be necessary, related and proportionate to the new development, it was required to make the development acceptable in planning terms.

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 Regeneration to determine the 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
- Inkfield Street Drive (B4497) / Washford Drive / Claybrook Drive

- (ii) Sustainable Infrastructure
 - Cycle infrastructure improvements £333,243.00
 - Town Centre 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: £24,2136 comprising £88,536 towards a refuse collection vehicle
Waste bins £60 per dwelling
(based on the maximum number of 2560 units)

- (vii) Planning Obligation Monitoring Fee: £19,940
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 (To be Confirmed).

- (ix) Redditch Town Centre Enhancement Works (To be Confirmed).

- (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.

- (xiii) The provision and future maintenance in perpetuity of the on-site play space and open space provision, and informal gardening/allotment space.
- (xii) The provision of a pedestrian link with the adjoining development site at Barn House Farm.
- (xiii) A financial contribution of up to a maximum of £2,212,151 to meet annual shortfalls in NHS Service revenue;
- b) that delegated powers be granted to the Head of Planning Regeneration to agree the final scope and detailed wording and numbering of conditions as set out in the summary list, and
- c) that delegated powers be granted to the Head of Planning and Regeneration, to consider any additional representations received following the resolution on the application and prior to the issuing of the Decision.

The meeting closed at 7.25 p.m.

Chairman