



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 11TH APRIL 2022

AT 6.00 P.M.

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

MEMBERS: Councillors H. J. Jones (Chairman), A. D. Kriss (Vice-Chairman), A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, A. B. L. English, M. Glass, J. E. King, P. M. McDonald, M. A. Sherrey and C. J. Spencer

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 7th March 2022 (Pages 1 - 14)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 19/00615/OUT - Application for outline planning permission with all matters reserved, apart from details in relation to access, layout and scale for the partial demolition of the building and former walled garden on site and the conversion of the remaining pub building into 12no. apartments alongside the erection of 38no. dwellings, children's play areas, landscaping and circulation space (amended description), Foxlydiate Hotel, Birchfield Road, Redditch - Whitbread PLC (Pages 15 - 72)

6. 21/01657/FUL - Proposed Demolition of Existing Buildings and Erection of 72-Bedroom Care Home, 277 Birmingham Road, Bromsgrove, Worcestershire, B61 0EP - Leo Bromsgrove Ltd, Chloe Leo Bromsgrove Ltd (Pages 73 - 116)
7. 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

1st April 2022

**If you have any queries on this Agenda please contact
Pauline Ross**

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GUIDANCE ON FACE-TO-FACE MEETINGS

At the current time, seating at the meeting will be placed in such a way as to achieve as much space as possible for social distancing to help protect meeting participants.

If you have any questions regarding the agenda or attached papers, please do not hesitate to contact the officer named above.

GUIDANCE FOR ELECTED MEMBERS ATTENDING MEETINGS IN PERSON

In advance of the Committee meeting, Members are strongly encouraged to take a lateral flow test on the day of the meeting, which can be obtained from the NHS website. Should the Member test positive for Covid-19 on the day of the meeting or up to 5 full days before the meeting then the Member is expected not to attend the Committee meeting and should provide their apologies to the Democratic Services Officer.

Whilst the Council acknowledges that it is no longer a legal requirement to wear face coverings, we would really appreciate if the Members who attend a meeting in person would consider wearing a face covering throughout the meeting unless they are exempt or speaking.

Hand sanitiser will be provided for Members to use throughout the meeting.

The meeting venue will be fully ventilated and Members and officers may need to consider wearing appropriate clothing in order to remain comfortable during proceedings.

PUBLIC ATTENDANCE

Members of the public will be able to access the meeting if they wish to do so. However, due to social distancing arrangements to ensure the safety of participants there may be limited capacity and members of the public will be allowed access on a first come, first served basis.

Whilst the Council acknowledges that it is no longer a legal requirement to wear face coverings, we would really appreciate if members of the public who attend a meeting in person would consider wearing a face covering throughout the meeting unless they are exempt or speaking. It should be noted that members of the public who choose to attend in person do so at their own risk.

Members of the public are strongly encouraged not to attend a Committee meeting if they test positive for Covid on the day of a meeting or up to 5 full days before a meeting. Should the member of the public test positive for Covid-19 on the day of the meeting or up to 5 full days before the meeting then they are expected not to attend the meeting.

PUBLIC SPEAKING

The usual process for public speaking at meetings of the Planning Committee will continue to be followed subject to some adjustments. For further details a copy of the amended Planning Committee Procedure Rules can be found on the Council's website.

The process approved by the Council for public speaking at meetings of the Planning Committee is (subject to the discretion and control of the Chair), as summarised below:-

- 1) Introduction of application by Chair**
- 2) Officer presentation of the report**
- 3) Public Speaking - in the following order:-**
 - a. objector (or agent/spokesperson on behalf of objectors);**
 - b. applicant, or their agent (or supporter);**
 - c. Parish Council representative (if applicable);**
 - d. Ward Councillor**

Each party will have up to a maximum of 3 minutes to speak, subject to the discretion of the Chair.

Speakers will be called in the order they have notified their interest in speaking to the Democratic Services Officer and will be invited to unmute their microphone and address the Committee face-to-face or via Microsoft Teams.

- 4) Members' questions to the Officers and formal debate / determination.**

Notes:

- 1) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Officer on 01527 881406 or by email to p.ross@bromsgroveandredditch.gov.uk before 12 noon on Thursday 7th April 2022.**
- 2) Advice and assistance will be provided to public speakers as to how to access the meeting and those registered to speak will be invited to participate face-to-face or via a Microsoft Teams invitation. Provision has been made in the amended Planning Committee procedure rules for public speakers who cannot access the meeting via Microsoft Teams, and those speakers will be given the opportunity to submit their speech in writing to be read out by an officer at the meeting. Please take care when preparing written comments to ensure that the reading time will not exceed three minutes. Any speakers wishing to submit written comments must do so by 12 noon on Thursday 7th April 2022.**
- 3) Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues, the case officer's presentation 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 Council's website www.bromsgrove.gov.uk**
- 4) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Bromsgrove District Plan (the Development Plan) and other material considerations, which include Government Guidance and**

other relevant policies published since the adoption of the Development Plan and the “environmental factors” (in the broad sense) which affect the site.

- 5) Although this is a public meeting, there are circumstances when the Committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded.**



INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc. is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees/Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council's Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council's Constitution

at www.bromsgrove.gov.uk

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Planning Committee
7th March 2022

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 7TH MARCH 2022, AT 6.03 P.M.

PRESENT: Councillors H. J. Jones (Chairman), S. J. Baxter (substituting for Councillor A. B. L. English), A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, J. E. King, M. A. Sherrey and M. Thompson (substituting for Councillor C. J. Spencer, during Minute No's 71/21 to 76/21)

Observers: Mr. R. Keyte, Legal Services

Officers: Ms. C. Flanagan, Mr. D. M. Birch, Mr. G. Nock, Jacobs (via Microsoft Teams), Mr. G. Boyes, Ms. S Williams, Miss C. Gilbert, Mr. P. Lester, Ms. J. Chambers (via Microsoft Teams) and Mrs. P. Ross

71/21

TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were received from Councillors A. D. Kriss, M. Glass, and P. M. McDonald.

Councillors C. J. Spencer and A. B. L. English with Councillors M. Thompson and S. Baxter in attendance, respectively as substitute Members.

72/21

DECLARATIONS OF INTEREST

Councillors S. J. Baxter declared an Other Disclosable Interest in relation to Agenda Item 10 (Planning Application 21/00873/FUL) – Land to the rear of 1-6 Smedley Crooke Place, Redditch Road, Hopwood, Worcestershire, in that she was a Member of Alvechurch Parish Council, who had been consulted on the Application. Having advised that, she had not attended any meetings or any discussions when the application was considered by the Parish Council; Councillor Baxter participated and voted on the matter.

73/21

MINUTES

The minutes of the Planning Committee meeting held on 7th February 2022, were received.

That the minutes be amended with regard to Minute No. 61/21-Declarations of Interest, as follows: -

“Councillor S. P. Douglas left the meeting room during the officer presentation and Member consideration of this item and only entered the meeting room in order to address the Committee, as Ward Councillor, under the Council’s public speaking rules.”

RESOLVED that, subject to the amendment as detailed in the preamble, that the minutes of the Planning Committee meeting held on 7th February 2022, be approved as a correct record.

74/21

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING

The Chairman announced that a Committee Update had been circulated to all Planning Committee Members and she asked all Members if they had received and read the Committee Update.

75/21

TREE PRESERVATION ORDER (14) 2021 TREES ON LAND AT 9 FAIRLIGHT DRIVE, BARNT GREEN, B45 8TB

The Committee considered a report which detailed proposals to confirm, without modification, Tree Preservation Order (14) 2021, relating to trees on land at 9 Fairlight Drive, Barnt Green, Birmingham, Worcestershire, B45 8TB.

The Senior Arboricultural Officer provided a detailed presentation, and in doing so drew Members’ attention to the recommendation, as detailed on page 17 of the main agenda report.

Officers further informed the Committee that the provisional order was raised on 8th September 2021, as detailed in Appendix 1; following an enquiry received from the owner of the property indicating that he was considering removing the trees now included within the order. In view of the enquiry a site meeting was held with the owner of the property on 23rd August 2021 in order to inspect the trees and to consider their potential removal.

During the site meeting the owner outlined that ideally, he would have liked to remove all three trees within the provisional order as he considered that they represented a high level of safety risk to persons using the garden area of the property, in light of past instances of branch failure and other general debris fall from the trees. The owner also explained that if it were not acceptable to remove all of the trees from the provisional order, would it be acceptable to remove one of the trees from the provisional order.

Officers further informed the Committee that, having considered both of the options put forward by the owner and the issues highlighted and the condition of the trees; that his opinion was that the trees were worthy of retention and protection, for the reasons as detailed on page 18 of the main agenda report.

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Officers drew Members' attention to the objection received from Mr. Peter Bridge, the owner of 9 Fairlight Drive, Barnt Green, Birmingham, Worcestershire, B45 8TB, as detailed at Appendix 2 to the report; and the officer's comments in relation to the points raised, as detailed on pages 19 and 20 of the main agenda report.

At the invitation of the Chairman, Mr. P. Bridge, the owner of 9 Fairlight Drive, Barnt Green, Birmingham, Worcestershire, B45 8TB, addressed the Committee in objection to TPO (14) 2021.

Members then considered the TPO.

Officers responded to questions with regards to 'Amenity' and in doing so stated that, whilst it was accepted that the estate of Fairlight Drive was gated, which restricted public access, there were 14 other properties on the estate some of which would benefit from being able to see at least part of the trees. There would also be a large volume of visitors to a site containing 14 properties (family, friends and service providers); many of which would benefit from the amenity value these trees provided.

In response to the concern raised by Mr. P. Bridge with regard to the distance of the trees from his property and queried by some Members, officers made reference to British Standard BS 5837 and in doing so briefly explained safe distance and safe distance with regard to new planning applications.

An alternative recommendation was proposed and seconded that provisional Tree Preservation Order (No.14) 2021, trees on land at 9 Fairlight Drive, Barnt Green, Birmingham, Worcestershire, B45 8TB, be amended to remove T2 – Pine.

Officers clarified that by removing T2 – Pine from the TPO, replanting could not be included as the tree would not have a TPO on it.

On being put to the vote, the alternative recommendation was carried.

However, further debate ensued, whereby some Members commented that Mr. P. Bridge should be able to remove all three trees, with other Members questioning the trees amenity value, stating that the trees were not really that visible and that the property was right next door to a wooded area.

A further alternative recommendation was proposed and seconded that the three trees on land at 9 Fairlight Drive, Barnt Green, Birmingham, Worcestershire, B45 8TB, should not be protected and that TPO (14) 2021 should not be confirmed.

On being put to the vote, the alternative recommendation was carried, with the Chairman using their casting vote.

RESOLVED that provisional Tree Preservation Order (14) 2021, relating to trees on land at 9 Fairlight Drive, Barnt Green, Birmingham, Worcestershire, B45 8TB, not be confirmed.

76/21

20/01568/FUL - REDEVELOPMENT AND CHANGE OF USE TO A LARGE PORTION OF AN EXISTING MIXED USE COMMERCIAL SITE KNOWN AS CUR LANE FARM, INVOLVING THE DEMOLITION OF EXISTING STORAGE BUILDINGS, AND THE ERECTION OF 7 NEW HOMES, SET OUT AROUND TWO NEW COURTYARDS, ACCESSED FROM A NEW ROADWAY INGRESS OFF CUR LANE. TWO OF THE EXISTING STORAGE BARNs WILL REMAIN TO THE NORTHERN END OF THE SITE. CUR LANE FARM, CUR LANE, UPPER BENTLEY, WORCESTERSHIRE - MR. M. FERRIS

Officers clarified that the Application had been brought to the Planning Committee for consideration because it was a major planning application in relation to the creation of new floor space.

Officers reported that since publishing the agenda papers, Leisure Services had responded that no contributions were being sought for this development. The applicant had provided a response to the refusal reasons, which were summarised in the published Committee Update, 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 drew Members' attention to the presentation slides, as detailed on pages 54 to 62 of the main agenda report.

Planning permission was being sought to redevelop the site of various commercial buildings for residential use. All the existing buildings on site were lawful following the grant of planning permission on appeal for the site as a mixed use following an appeal decision (Refence APP/P1805/C/16/3160015 dated 28th April 2017. Two single storey buildings, to the north of the site (units 3 and 4) which were approved for agricultural storage use were excluded from the development and would be retained as part of the development and would share vehicular access as the residential development.

The site lay within the Green Belt where there was a presumption against new development save for a number of exceptions outlined at Paragraph 149 and 150 of the National Planning Policy Framework (NPPF).

One of these exceptions, at paragraph 149 (g) was "the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development." This was aligned with policy BDP 4(g) of the Bromsgrove District Plan (BDP).

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Officers clarified that although the site was previously developed land, it was within the Green Belt and was outside any existing settlement. The site was not identified as one of the large expansion sites around Bromsgrove Town, and it was not in or adjacent to the large settlements identified in BDP 5B. However, it was adjacent to the Foxlydiate mixed use urban extension site identified under Policy RCBD1, the Redditch Cross Boundary Development area. As Members would be aware that permission had recently been issued for hybrid application 16/0263, as detailed on page 45 of the main agenda report.

Officers highlighted that, whilst the principle of the Foxlydiate development had been approved, the scheme and associated infrastructure/facilities/services proposed for the mixed use development were yet to be implemented on site. Whilst it was noted that the application site was adjacent to this cross boundary site, one of the main issues was whether the proposed development would provide a suitable site for housing, having regard to proximity to services and job opportunities and reliance on motor vehicles.

Members were further informed that the Highways Engineer had recommended refusal of the application on the grounds that it was a rural unsustainable location and for the reasons, as detailed on pages 45 and 47 of the main agenda report.

Officers stated that in conclusion the proposed development would not be inappropriate in Green Belt terms, as there would be a minor benefit in terms of the openness of the Green Belt due to the reduction of built development on this application site. The Council could not demonstrate a five year housing land supply and given that the proposal complied with policy for development within the Green Belt, the presumption in favour of sustainable development applied.

The provision of housing would make a small contribution to the housing supply position in the district as well as providing jobs through the construction process in the short term. However, future occupants of the proposed development would not have suitable access to local services and facilities and as such would be heavily reliant on a private motor vehicle.

It was considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Whilst new dwellings in this location would bring some benefits, these would be largely limited and were outweighed by the significant harm caused by virtue of the unsustainable location of the application site.

At the invitation of the Chairman, Mr. M. Layland addressed the Committee on behalf of the Applicant.

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The Council's Principal Solicitor, read out a speech on behalf of Bentley Paucefoot Parish Council, in objection to the Application.

The Committee then considered the application, which Officers had recommended be refused.

Officers responded to questions from the Committee with regard to replacing existing buildings, prematurity and Vacant Building Credit (VBC) and in doing so, explained that VBC did not apply, as the existing buildings were being used and were therefore not empty buildings. With regard to prematurity and potential future infrastructure, Members should be mindful to assess and determine the proposed application on its own merits and the current infrastructure available, not on any future infrastructure.

Members raised questions in respect of the applicant offering to purchase properties (off site) within Bromsgrove to be offered to Bromsgrove District Housing Trust (BDHT) to be made available as social rented accommodation.

Officers reiterated that as detailed in the report, Policy BDP 8 of the BDP required 30% affordable housing on brownfield sites accommodating less than 200 houses. The proposal would generate the need for 2 affordable dwellings to be provided on site.

On being put to the vote it was

RESOLVED that Planning Permission be refused for the reasons as detailed on page 51 of the main agenda report.

77/21

21/01666/S73 - APPLICATION REFERENCE NUMBER: 21/00778/FUL, DATE OF DECISION: 13/10/2021, CONDITION NUMBER(S): 2, 8 - VARIATION OF CONDITION 2 (PLANS APPROVED) AND 8 (WORDING OF CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN), LONGBRIDGE EAST AND RIVER ARROW DEVELOPMENT SITE, GROVELEY LANE, COFTON HACKETT, WORCESTERSHIRE, - GRACE SADLER

Officers drew Members' attention to the published Committee Update, which provided information on the justification for the removal of the electricity substation. A revised Construction Environmental Management Plan (CEMP) had been submitted which addressed the comments from Worcestershire Regulatory Services regarding noise, as detailed on page 64 of the main agenda report. Copies of the published Committee Update were provided to Members of the Committee and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and in doing so commented that Members may recall that planning permission was granted in October 2021 for 109 dwellings to be erected on Phase 3 of the East Works site at

Longbridge. A copy of the committee report was attached at Appendix 1 to the report.

This application sought under the provisions of Section 73 of the Town and Country Planning Act 1990, sought to vary conditions numbers 2 and 8 of planning application 21/00778/FUL; as detailed on pages 65 and 66 of the main agenda report.

RESOLVED that Planning Permission be approved, subject to the Conditions as detailed on pages 67 to 71 of the main agenda.

78/21

21/01354/FUL - FIRST FLOOR SIDE EXTENSION TO PROVIDE EN-SUITE BATHROOM AND SINGLE STOREY SIDE EXTENSION TO PROVIDE GROUND FLOOR UTILITY AREA, 10 MONUMENT LANE, LICKEY, BIRMINGHAM, WORCESTERSHIRE, B45 9QQ - MR. B. DAS

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

Officers reported that since publishing the agenda papers the following revised documents had been received: -

- Revised Proposed Floor Plan, reference 20-825-2-P4 dated August 2021 was received on 22nd February 2022.
- Revised Design and Access Statement received on 22nd February 2022. Reference was made in this document to the need for an assisted bathroom, and it was noted that the Statement references that 'there would not be adequate space for an assisted bathroom within the existing bedroom.' However, no evidence had been provided on this point.

The following key measurements had been taken: -

- a) Wheelchair turning circle diameter 1.7 metres.
- b) Proposed Master Bedroom En-suite shower room is 2.1 metre width by 3.6 metre length.
- c) Existing 'Granny Annexe' shower room is 2.3 metre width by 3 metre length, and the existing 'lobby' between the bedroom and landing area is 2.2 metres width. The wheelchair turning circles are not included on the existing plans, however, based on the indicated 'wheelchair circles', it is considered that the existing bedroom and shower room appear to be of a sufficient size to accommodate wheelchair access.

Agreement was given by the applicant, on 3rd March 2022 for a confidential letter from his GP (dated 29 October 2020), which provided personal medical information in support of his application, to be circulated to Committee Members. All of the above information had been detailed in the published Committee Update, copies of which were provided to Members and published on the Council's website prior to the commencement of the meeting.

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Officers presented the report and in doing so provided Members with additional presentation slides that detailed the proposed floor plan with wheelchair turning circles and lift.

Officers drew Members' attention to the Relevant Planning History as detailed on page 103 of the main agenda report and in doing so commented that it was not clear if the applicant's circumstances had changed since Planning Application 17/00833/FUL was refused in 2017, as detailed under Very Special Circumstances (VSC's) on page 106 of the main agenda report. Whilst mindful of, and sympathetic to the personal circumstances and medical condition of the applicant, individual personal circumstances should not outweigh the harm by way of inappropriateness, particularly in this instance.

Officers further drew Members' attention to pages 105 and 106 of the main agenda report – Green Belt; and in doing so highlighted that extensions which exceeded 40% were considered disproportionate. Disproportionate additions in the Green Belt represent inappropriate development, and inappropriate development was, by definition, considered harmful to the openness of the Green Belt. In this instance, the proposal would be contrary to Policy BDP4 of the Bromsgrove District Plan, as it was calculated that the original floor area was 219 square metres, previous extensions amounted to 229.5 square metres and the current proposals comprised an additional 19 square metres, so the cumulative floor space would amount to 248.5 square metres; representing a 113.5% increase, over and above the original floorspace. This represented inappropriate development in the Green Belt and caused significant harm to the openness of the Green Belt. (These figures took into account the detached triple garage constructed in 2008 which was within 5 metres of the dwelling).

Officers concluded that it was not considered that sufficient VSC's, by way of significant evidence of personal medical needs had been demonstrated, to outweigh the substantial weight given to the harm arising by reason of inappropriateness.

At the invitation of the Chairman, Mr. T. Kidsley, on behalf of the Applicant addressed the Committee. Councillor R. J. Deeming, Ward Councillor, also addressed the Committee.

Members then considered the application, which officers had recommended be refused.

Some Members commented that as you aged your health did deteriorate and that it was reasonable to want to remain in your own home.

In response to questions regarding the rear decking area, officers stated that it was not clear as to what would be removed, however, not all of the space could be used.

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Members further commented that pages 106 and 107 of the main agenda report provided very clear information on VSC's.

In response to questions on the previous extensions, officers explained that Members should balance the principles of the Green Belt and personal needs.

Members stated that whilst they understood the principles of the Green Belt and that previous extensions had created a large house, looking at the size of the garden, would the proposed extensions really harm the openness of the Green Belt.

The Council's Legal Advisor stated that Members should consider the impact of the previous extensions and the proposed extensions and should consider the long term future planning process and the overall effect on the building, which would become visually dominant.

Some Members highlighted that whilst being aware extensions which exceeded 40% were considered disproportionate, the applicant had been employed in a very caring profession and wanted to remain in his home and that this should be strongly considered.

Members were mindful of the information provided by both the applicant and officers with regard to VSC's.

Having considered the application, which officers had recommended for refusal; Members were of the opinion that there were Very Special Circumstances and that the medical needs of the applicant and his personal circumstances outweighed the harm to the openness of the Green Belt.

An alternative recommendation that Planning Permission be granted was proposed and seconded.

On being put to the vote, the Committee voted in favour of the alternative recommendation.

RESOLVED that Planning Permission be granted.

- a) that delegated powers be granted to the Head of Planning Regeneration to determine the conditions of the planning application to include: -
 - I. The development must be begun not later than the expiration of three years beginning with the date of the grant of this permission;
 - II. All new external walls and roofs shall be finished in materials to match in colour, form and texture those on the existing building; and
- b) that any permitted development rights be removed.

At this stage in the meeting, the Chairman announced that a brief comfort break would be taken.

Accordingly, the meeting stood adjourned from 19:41pm to 19:48pm.

79/21

21/01819/FUL - DEMOLITION OF EXISTING GARAGES AND REPLACEMENT WITH A PORTACABIN TO HOUSE TOILET FACILITIES, VICTORIA GROUND, BIRMINGHAM ROAD, BROMSGROVE, WORCESTERSHIRE, B61 0DR - MR. M. GARDINER

Officers clarified that the Application had been brought to the Planning Committee for consideration as the site was situated on Council owned land.

Officers presented the report and informed the Committee that the application sought the demolition of existing garages and replacement with a portacabin to house toilet facilities.

Members' attention was drawn to the following officer's presentation slides: -

- Site Location
- Proposed site plan, floor plan and elevations
- Site Photos

RESOLVED that Planning Permission be granted, subject to the Conditions as detailed on page 126 of the main agenda report.

80/21

21/00873/FUL - DEVELOPMENT OF 22 DWELLINGS, ASSOCIATED LANDSCAPING AND SITEWORKS AND CONSTRUCTION OF NEW ACCESS FROM EXISTING HIGHWAY ROUNDABOUT, LAND TO REAR OF 1-6 SMEDLEY CROOKE PLACE, REDDITCH ROAD, HOPWOOD, WORCESTERSHIRE - MR. D. RICKETT,

Officers reported that additional information had been received by Members of the Committee on 6th March 2022; the Applicant's Response to the Planning Officer's Report. The Committee Update provided the officer's response on the issues raised, namely, Green Belt/Fall Back, Alvechurch Neighbourhood Plan, Prematurity and Other Matters and Conclusion; as detailed on pages 3 and 4 of the Committee Update, copies of which were provided to Members of the Committee and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and in doing so explained that the application was for the development of 22 dwellings, associated landscaping and siteworks and construction of new access from the existing highway roundabout.

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Officers drew Members' attention to the presentation slides as detailed on pages 156 to 173 of the main agenda report.

Officers highlighted that Alvechurch Parish Council (APC) had objected to the application for the reasons as detailed on pages 133 and 134 of the main agenda report. Stating that the proposed development was outside of the Village Envelope, on Green Belt land and did not therefore conform to the APC's Neighbourhood Development Plan (NDP).

The full planning application was for the development of 22 dwellings, associated landscaping and siteworks and construction of new access (fourth arm) from the A441/B4120 roundabout. The development would close off the existing site access from A441 Birmingham Road and would include removal of all materials pertaining to the current use of the site.

The application proposed a range of market and affordable homes, as detailed on pages 136 and 144 of the main agenda report.

Officers further drew Members' attention to the Relevant Planning History and the applications that had previously been refused and dismissed at Appeal, as detailed on pages 135 and 136 of the main agenda report; and the Planning Inspectors assessment of the 2012 applications for 21 dwellings, as detailed on page 141 of the main agenda report.

Officers drew Members' attention to the comments received from Highways, that they had no objection to the proposed application, subject to conditions and requirements, in accordance with paragraph 111 of the Framework, as detailed on pages 147 and 148 of the main agenda report.

Highways had stated that the previous scheme (Planning Application 17/01290/OUT be refused due to the re-use of the existing access, which was close to the roundabout with the A441 and B4120, 'which were considered to be substandard and as a result failed to ensure a safe and suitable access for all users was provided'.

Officers referred to the Five Year Housing Land Supply, as detailed on pages 137 and 138 of the main agenda report: -

"The Council had identified that (inclusive of the 5% buffer required by the Framework) it could currently demonstrate a housing land supply of 4.6 years. Therefore, despite progress which had been made in identifying sites and granting planning permissions the Council still considered that it could not demonstrate a five year housing land supply.

Where a Local Planning Authority could not demonstrate a five year housing supply, Paragraph 11 (d) of the Framework was engaged. Paragraph 11 required that decisions on planning applications applied a presumption in favour of sustainable development. 11 (d) went on to

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state that where there were no relevant development plan policies, or the policies which were most important for determining the application were out-of-date, permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for restricting the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Officers concluded that the Framework and Policy BDP4, was clear that very special circumstances would not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, was clearly outweighed by other considerations. In considering such a proposal, the Framework was clear that substantial weight should be given to any harm to the Green Belt.

The Proposal would be inappropriate development in the Green Belt causing substantial harm to the openness.

Officers drew Members' attention to the reasons for refusal, as detailed on pages 152 and 153 of the main agenda report.

At the invitation of the Chairman, Mr. C. Robinson, on behalf of the Applicant addressed the Committee. Councillor C. Hotham, Ward Councillor, also addressed the Committee.

Members then considered the application, which officers had recommended be refused.

Officers responded to questions from the Committee with regard to 'Prematurity', and in doing so stated that as part of the consultation response from Strategic Planning they had raised the ongoing District Plan Review. Whilst prematurity should not be considered as a primary reason to refuse a planning application, it should be considered alongside other more pertinent matters which were contrary to the NPPF, especially when taken as a whole.

In response to questions in respect of Highways, Mr. G. Nock, Jacobs, who had acted on behalf of Worcestershire County Council (WCC), Highways Authority; commented that Members should consider the proposal before them and have regard to the design, visibility and capacity of the proposal. A supporting GG104 Safety Risk Assessment had been produced by the Applicant which considered the appropriate design standards for roundabout and the approach roads. A Road Safety Audit (RSA) Stage 1 had been carried out. County Highways had assessed this element and had concluded that the roundabout satisfied the requirement of the NPPF to ensure safe and suitable access. Enhancements in respect of safe access for pedestrians had been proposed, as detailed on page 148 of the main agenda report.

Further debate followed and officers responded to questions with regard to flooding, brown field site and the need for the Local Authority to build more homes. During the debate it was noted that, the BDP and Green Belt were under review, however, it was also noted that the proposal had to be determined at this point and under current policies.

RESOLVED that Planning Permission be refused for the reasons as detailed on pages 152 and 153 of the main agenda report.

81/21

21/00324/FUL - TIMBER HIT AND MISS CEDAR FENCE, REAR DOUBLE GATE AND UPVC CORRUGATED ROOF SHEETING TO PROVIDE SHELTER TO EXISTING EXTERNAL SEATING AREA. PARTIAL CONVERSION OF CAR PARK TO PERMANENT USE OF EXTERNAL SEATING AREA WITH CANOPY AWNING AND PROPOSED CLAD SHIPPING CONTAINER TO BE USED AS DRY STORE. RETAINING 2NO. EXISTING PARKING SPACES, CUP & BEAN, 121 WORCESTER ROAD, HAGLEY, WORCESTERSHIRE, DY9 0NG - MR. E. STRINGFELLOW

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

Officers reported that Worcestershire Regulatory Services (WRS) had confirmed that there were no open service requests relating to any complaints at the application site, as stated in the published Committee Update, 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 drew Members' attention to the presentation slides as detailed on pages 189 to 192 of the main agenda report. 22 objections had been received to the public consultation, as detailed on page 177 of the main agenda report.

The application site comprised 121 Worcester Road and land to the rear with parking/manoeuvring space beyond. Pedestrian access was gained through the building from the entrance door off Worcester Road and vehicular access off Church Street. The site was located wholly within Hagley Local Centre as defined on the Bromsgrove District Plan Proposals Map and within the urban area.

The proposal sought permission for the retention of a covered hit and miss timber structure with corrugated roof, attached to the rear of the building which was used as a covered seated area/smoking area. The retention of an external seating area to the rear of the building to include storage facilities. Proposed canopy over the external seating area and proposed partial timber clad shipping container to be used as a dry store.

The site was located within a highly sustainable location, parking restrictions and parking bays (with time restrictions) were located in the

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Planning Committee
7th March 2022

vicinity, the increase for parking associated with the proposed development would be negligible.

Highways and WRS had raised no objections.

At the invitation of the Chairman, Ms. M. Thompson, on behalf of Church Street Residents, addressed the Committee in objection to the application. The Applicant, Mr. E. Stringfellow and Councillor S. Colella, Ward Councillor, also addressed the Committee.

Members then considered the application, which officers had recommended be granted.

Members thanked the public speakers and commented that they had thoroughly read the report and had noted the issues and concerns raised by the residents and the impact on residential amenity. However, Members were also mindful that the applicant had applied due diligence to the concerns raised, as detailed on pages 183 of the main agenda report; and the officer's conclusion, as detailed on page 184 of the main agenda report.

It was also noted that, as reported by officers; that WRS had confirmed that there were no open service requests relating to any complaints at the application site. It was further noted that the temporary rights of the business to operate as a hot food takeaway would be coming to an end on 23rd March 2022.

Therefore, Members were in agreement with the officer's recommendation.

RESOLVED that Planning Permission be granted, subject to the Conditions as detailed on pages 185 and 186 of the main agenda report.

The meeting closed at 8.41 p.m.

Chairman

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Whitbread PLC	Application for outline planning permission with all matters reserved, apart from details in relation to access, layout and scale for the partial demolition of the building and former walled garden on site and the conversion of the remaining pub building into 12no. apartments alongside the erection of 38no. dwellings, children's play areas, landscaping and circulation space (amended description). Foxlydiate Hotel, Birchfield Road, Redditch	18.12.19	19/00615/OUT

Procedural Note

It became apparent at an early stage in the consideration of the application that in light of the significant site constraints, namely the existing buildings (pub, hotel and walled garden), which are acknowledged as non-designated Heritage Assets, and established mature trees, (subject to statutory protection via a TPO) which provide significant visual amenity to the area, along with significant concerns raised by a number of consultees, the application ought not to be considered separately from the reserved matters relating to means of access, layout and scale.

On the 24th May 2019, therefore, the LPA declared to the applicant that it would be unable to determine the application unless these details were submitted and, as such, required the submission to be made under the provisions of Part 3, Regulation 5 (2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015. On 1st October 2019 the applicant made their submission in response to the request by submitting their illustrative plan again, but this time elevating it to the status of being the formal submission of access, layout and scale.

RECOMMENDATION:

That the application be approved, and Outline planning permission be **GRANTED**

subject to **DELEGATED AUTHORITY** be given to the Head of Planning, Regeneration and Leisure Services to

- i) agree a suitable and satisfactory legal mechanism to secure the contributions and requirements set out in the following schedule, **and**
- ii) agree the final scope, detailed wording and numbering of the planning conditions to be imposed as set out in the following summary list, **and**
- iii) to consider the content of any representation received post-committee but prior to issuing of the decision notice (pending completion of the s106 agreement) without reference back to Planning Committee.

SCHEDULE (i)

(i) Sustainable Transport

- £56,858.96 - Sustainable Transport Schemes at location Clusters, 6,8,10
 - Dropped Crossing
 - Cycle Parking Pedestrian / Cycle Signage to Railway Station
 - Travel Information Kiosks
- £54,181.00 - Scholars Education Transport to support access to the Tudor Grange Academy from the development site
- £21,298.17 - Bus Service Improvements to Webheath currently serviced by the 47/48 service
- £10,000 - Bus Stop Infrastructure Improvements on northern side of Birchfield Road

(ii) Education Infrastructure

An education contribution for the First School Phase would be sought of:

- £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
- to support phase 1 of a new first school to be located on the Foxlydiate cross boundary development.

An education contribution for the Middle School Phase would be sought of:

- £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 sports contribution (To be Confirmed)

(iv) Waste Management Contribution:

Green bins (recycling) and Grey bins (general refuse) for 38 dwellings £2,033
3 x 1100 bins (for 12 flats) £1460.58

- Total = £3493.50

(v) Planning Obligation Monitoring Fee(s):

For both BDC and WCC (To be confirmed)

(vi) GP Surgery Contribution

£18,929 to mitigate the impacts of this proposal on existing GP practices

(vii) The securing of a 40% provision of on-site affordable dwelling units (20 units)

(viii) The provision and future maintenance in perpetuity of any SuDs facilities

(ix) The provision of pedestrian /cycle links with the adjoining development site subject to planning permission(s) 16/0263 and 2016/077

(x) Health Care Provision - Hospitals

£31,223.28 - to meet annual shortfalls in NHS Service revenue.

Consultations

Bentley Pauncefoot Parish Council **DATE Objection**

This application cannot be viewed in isolation since it is within the residential development site on the land to the west of Foxlydiate Lane and Pumphouse Lane and adjoins the substantial proposals made in Application Ref. No. 16/0263. The layout in no way acknowledges this and lacks any connectivity, appearing to have been designed in isolation. This runs counter to RCBD1 8.54 that states that developments will 'fully integrate into the existing residential areas and RCBD 1.4 V that states that walking and cycling routes should be well integrated with the Green Infrastructure Network. Site 1 Foxlydiate should make full use of existing walking and cycling routes. Given that this proposal will provide 74 units, can we expect the number of units in adjoining Application 16/0263 to be reduced by this amount?

Page 20 of the Transport Statement reads - The proposed development would generate a net increase of 20 two-way vehicle trips during the AM peak hour ' The additional morning trips would have a negligible impact on the adjacent highway network - However if 16/0263 goes ahead they are planning to prevent traffic turning right out onto to the A448 towards Bromsgrove from Birchfield Road. This would mean that all traffic from this site wishing to go that way would have to go around to Foxlydiate Lane and through the larger development, no doubt queueing to exit the site during peak hours. This could encourage drivers to take the alternative route down Cur and Copyholt Lane. Such developments are not sustainable while the A38 improvements remain incomplete.

RCBD 1.4 XII states that all development must 'respect and enhance the setting of any heritage asset. The existing Premier Inn Hotel building is listed on the Register of Buildings of Local Historic Interest for the Borough of Redditch (2009) and must therefore be respected and retained in line with the policy. Public houses, such as this represent critically important focal points for our parishioners' communities, and having recently lost The Gate Hangs Well (Ref. No: 18/01000/FUL) on the opposite south west parish boundary due to its not being refurbished, we can little afford to lose yet another on our north east side.

31-03-2020

Apart from one path, the amended site layout still lacks acknowledgement of, or adequate connectivity to, the development that will surround it on three sides and dominate its context (Hybrid application 16/0263 Land To The West Of Foxlydiate Lane And Pumphouse Lane) and therefore still runs counter to RCBD1 8.54 that states that developments will 'fully integrate into the existing residential areas and RCBD 1.4 V that states that Walking and cycling routes should be well integrated with the Green Infrastructure Network. Site 1 Foxlydiate should make full use of existing walking and cycling routes.

No site section has been supplied. This is critical even at this outline stage so that we can see how the layout relates to the site's topography and how the proposed massing sits in the landscape.

The typical house sketch elevations give absolutely no impression of their appearance. Some form of impression of the proposed design should be provided for an outline application of this scale.

Although we are relieved to see some of the important Foxlydiat Inn building included in this amended scheme, the current proposal condemns the rear wing - that makes up half of the building - to demolition, and thereby continues to ignore RCBD 1.4 XII which states that all development must 'respect and enhance the setting of any heritage asset. The building is listed on the Register of Buildings of Local Historic Interest for the Borough of Redditch (2009) and must therefore be respected and retained in line with the policy.

The plans for part of the building that is incorporated into the proposal show flats, some of which quite unnecessarily have bedrooms without windows, making no use of daylighting. It is striking how excessive the amount of parking provided for the building is - two parking spaces for each flat. This availability gives bias to unsustainable means of transport.

The council's ecologist's report makes it quite clear that the necessary bat surveys have not yet been carried out. This will not be possible until late May so their results should be supplied in June of this year and no decision made before then.

The Worcestershire County Council website

(http://www.worcestershire.gov.uk/info/20299/ecology_services/1028/ecology_planning_advice) quotes The NPPF aspiration 'to achieve 'no net loss' of biodiversity through the planning system, and to move to 'net-gain' for biodiversity where possible. The Design and Access Statement tells us that the site comprises shrubbery, trees and other forms of vegetation. Whitbread recognise the importance of retaining and enhancing the green infrastructure value of the site. Therefore, the proposed site layout has been developed in order to retain as many trees as possible. The fact that the shrubbery and vegetation are ignored in favour of the trees is deeply concerning as it is the vegetation that forms the nature pathways and connectivity upon which wildlife depends, and without which it declines. The developers priorities will therefore result in the reduced biodiversity that WCC policy seeks to avoid. It is now widely accepted that grassland and vegetation are as valuable in terms of carbon sequestration as trees and should be valued equally by the developer.

Our parishioners have mourned the loss of pubs in and around Bentley Pauncefoot - The Gate Hangs Well, The Country Girl and The Red Lion. The value of community has never been more evident than at this time. The Foxlydiat Arms is a focal point for this district and a highly valued community asset. Given the vast supply of housing that is to be created at Foxlydiat, the removal of a few of the proposed units will be negligible and the need for such an asset will be greater than ever. The parish council requests that the pub be retained and refurbished as part of the proposals.

06/06/2021 - Bentley Pauncefoot Parish council objects to the proposals.

The NPPF states that planning policies and decisions should: plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; guard against the unnecessary loss of valued facilities and

services, particularly where this would reduce the community's ability to meet its day-to-day needs; and ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community;

In the last few years our community has lost The Gate Hangs Well, The Country Girl and The Red Lion, and now this development proposes the erasure of yet another treasured local pub. Months of social distancing and isolation make such meeting places more valuable at this time than ever before. We urge them to ensure that the Foxlydiat Arms is retained in accordance with the NPPF and incorporated into the design.

In the Bromsgrove District Plan, RCBD1 8.54 states that developments will 'fully integrate into the existing residential areas. Apart from one 'path link' that is not drawn linking to anything, the site layout is shown in total isolation and lacks acknowledgement of - or connectivity to - the Foxlydiat Urban Extension application 16/0263 that will surround it on three sides, completely dominating the context. Before the committee can make a decision, if this proposal is to accord with the Bromsgrove District Plan, the developers must collaborate so that the two schemes are clearly and comfortably integrated.

This lack of integration and collaboration between numerous applications to the West of Redditch if individually approved will have demonstrably failed to take account of the cumulative effect on transport infrastructure, leisure amenities and the quality of life of local residents. Collaboration must also include the developers of the Barn House Farm site, particularly in relation to traffic issues.

Page 20 of the Transport Statement reads -

The proposed development would generate a net increase of 20 two-way vehicle trips during the AM peak hour ' The additional morning trips would have a negligible impact on the adjacent highway network -

However once the construction of 16/0263 begins, traffic is to be prevented from turning right out onto to the A448 towards Bromsgrove from Birchfield Road, therefore all traffic from this site wishing to go that way would have to go round to Foxlydiat Lane and through the larger development, no doubt queueing to exit the site during peak hours. This could encourage drivers to take the alternative route down Cur and Copyholt Lane. Development here is not sustainable while the A38 improvements remain incomplete.

Foxlydiat Lane is also due to become a bottleneck with construction traffic from both 16/0263 and Barn House Farm sites using the lane as their access. None of this is helped by the designer of this scheme providing 2 car parking spaces per unit for the hotel that is to be converted to flats. The design is in itself a presumption against sustainable transport and tees this development up for being a source of congestion on our roads.

Bromsgrove policy (RCBD 1.4 XII) states that all development must 'respect and enhance the setting of any heritage asset, and so does the NPPF, which asserts the positive contribution that conservation of heritage assets can make to sustainable communities. We are relieved that the applicant has incorporated the locally listed hotel frontage into their scheme, however they have not revised their intention to erase most of the walled garden. This was once the kitchen garden for Foxlydiat House that previously stood on this site. A multitude of policies in the NPPF point towards the retention of this asset, for example: To protect and enhance biodiversity and geodiversity, and to enable and

support healthy lifestyles ' through the provision of safe and accessible green infrastructure and allotments' and many many more. It would be a major break with policy to tear any of it down.

The typical house sketch elevations give absolutely no impression of their appearance, and no massing model or outline site section have been provided. Some form of impression of the proposed design and how it sits in the landscape should be provided for an outline application of this scale. The applicant suggests that the reserved matters stage presents a suitable opportunity for the dwellings to be designed with a finish to reflect 'character areas'. The layout comprises clusters of houses and presents the opportunity for their eventual appearance to reflect appropriate architectural styles.

The applicant must define 'appropriate architectural styles', perhaps with input from the conservation officer, before this application proceeds. The drawings that make up this application are striking for their lack of context, evidence of design or spatial awareness. No sense of what it will be like to inhabit the proposal is supplied. This renders the application incomplete.

Until the applicant can show that they have collaborated with the developers of the encircling applications, proposed means of sustainable transport, integrated both the pub and all heritage assets and, critically, contextualised the design, this application remains both incomplete and in contravention of both the Bromsgrove District Plan and NPPF. It should be refused.

BDC Strategic Planning 14-04-2020

No objection

This planning application sees a small part of the RBCD1 allocation being realised, with the majority of the residential development proposed through the larger planning application 16/0263 (Land to the West of Foxlydiate Lane and Pumphouse Lane). From a strategic planning perspective, the additional housing through application 19/00615/OUT at the Foxlydiate Hotel would provide a welcome contribution to housing supply, both in helping the Government's goal of significantly boosting the supply of housing, and to assist Redditch Borough Council in delivering the homes needed to support their adopted plan and maintain a 5 year supply of housing land. However, this should not result in either the current community facility or heritage assets being lost without sufficient justification. I would wish to see further evidence of the marketing of the current pub and hotel premises before I am satisfied that policy BDP12 has been complied with, and with regard to BDP20, sensitive incorporation of the non-designated heritage assets into the scheme would be entirely preferential over their complete loss.

Redditch Borough Council 17-07-2019 (RBC Planning Committee)

That the principle of housing on the site be supported, however objection is raised to the demolition element of the planning application. The loss of the Foxlydiate Hotel, which is a non-designated heritage asset and a community facility, appears to have not been fully justified. The conversion of the building could provide an element of the much needed housing.

North Worcestershire Economic Development –

No objection

03-12-2020

*Figures provided corroborate the information included in the accompanying planning statement and suggest that there were concerns about the ongoing viability of the business. Furthermore, it is worth noting that these figures were from pre-Covid times and we know the pandemic has had a devastating impact on the hospitality sector and would have only likely exacerbated the issue that the business was facing.

23-11-2020

From our perspective, the key issue for consideration in terms of this particular application is the loss of the community asset at the site. Given the proposals outlined, it is our understanding that the application would need to be considered against Policy BDP.12 of the Local Plan regarding Sustainable Communities. The main issue is whether the marketing statement submitted by the applicants provides the rationale for considering alternative uses of the site. Taking into account the requirements of this policy we would offer the following thoughts in relation to resisting the loss of existing community facilities, and the criteria associated with this:

Resisting the loss of existing facilities unless it can be demonstrated that:

i) There is no realistic prospect of the use continuing for operational and/or viable purposes

In order to satisfy this criteria, the marketing statement provides a general overview of the hotel and leisure market and some of the current trends. Whilst this is useful background and outlines some of the challenges facing this particular industry, it is not specific to the site in question. However, the more detailed information is contained within the planning statement at para. 6.26 where a site specific narrative is included. This section highlights the decline in trade at the site, and the numbers provided outline the difficulty faced by the current operator and its decreasing profit margin. These figures show the challenging trading conditions which are faced by the business and throw into question the viability of the continuing use in its current form. Whilst the information provided in this section is useful, it would be considered prudent for the Council having sight of these figures on a confidential basis to ensure the narrative provided can be corroborated*. Furthermore, the figures contained in the report are from 15/16 and 17/18 year end and so a more updated position from recent years would help to see if this trend has continued or if these years were poor trading conditions.

In addition to the above, the marketing statement does identify that there have been offers to continue the use in its current form, as at least one bid came for a competitor. Whilst on the face of it, this might suggest there is a prospect that the use could continue, the issue is really a financial one and whether the offer can be considered realistic in order to allow the existing use to continue. The difficulty here is that the site is in private ownership and despite there being interest from other operators to continue the current use, which might suggest that there is a 'realistic prospect' that it could continue, this is at a value which is not acceptable to the owners and, therefore, by its very nature is unviable.

Given the above narrative, it is considered there is a case that - the continuing use of the current business might be challenging in the future for both operational uses and due to concerns about its ongoing viability.

ii) The service or facility can be provided in an alternative manner or on a different site

We do not have any comments on this particular criteria as it is not for us to judge if the service or facility could be provided in an alternative manner or on a different site.

iii) The site has been actively marketed for a period of not less than 12 months or made available for a similar or alternative type of service or facility that would benefit the local community

The marketing statement identifies that the site has been marketed for over 12 months and whilst there has been a small number of enquiries, they have identified that it would not be viable for the owner to accept these offers, as per the narrative under the first criteria. In terms of the marketing, the applicants have provided the site details which were prepared to market the opportunity and have indicated where the brochure was advertised and the interest that was shown in the building, including making clear the offers that were made for the site and the reasons as to why these have not been accepted. Furthermore, it is worth noting that the site is still live and remains advertised well in advance of the 12month minimum period that the policy identifies is required. It is not clear if the site has been considered for an alternative type of service or facility that would benefit the local community. However, the viability of these types of alternatives might be questionable given the offers that have already been made and rejected.

iv) There are no overriding environmental benefits in ceasing the use of the site
No comment.

WCC Highway Authority –19-07-2021

No objection

Context

The Highway Authority have provided a number of previous responses, with the most recent response sent on the 22nd December 2020. The wider transportation implications of the development have been previously considered. A series of financial obligations were advised in the formal response dated 14th June 2019 which remain unchanged. For completeness, these issues are set out below.

Access

The Applicant intends to utilise the existing site access from Birchfield Road where it has been demonstrated that suitable visibility splays can be achieved from the site onto the highway. The site will have a single of point of vehicular access and the other existing access will be closed.

Traffic Impact

The application has been submitted with a transport statement which seeks to demonstrate that an access can be accommodated and to review the trip generation of the existing and proposed planning uses.

The applicant has concluded that the net impact is broadly the same, this has been reviewed by the Highway Authority as part of the normal review process, including a sensitivity test.

The Highway authority does not reach the same conclusion as the applicant and does not consider the donor sites to be reflective of the Foxlydiate Arms, the sensitivity test shows that in a multimodal assessment there will be an increase in trips across the day and at the traditional AM and PM peak hours in the region of 42 two-way trips during each respective peak period (as a worst case)

However, the peak hour increases are not considered to warrant a review of junction capacity and given the local plan designation it is considered that any additional trip generation can be mitigated through planning obligations.

Internal Layout

The Applicant has produced a number of iterations of the internal layout and design of the site. The most recent response, dated 22nd December 2020, advised a number of concerns which are replicated below verbatim: -

1. Access to the private car park, adjacent to Birchfield Road, is provided from the internal site access road (egress only) and from Birchfield Road (two-way). The Highway Authority raise a concern with the number of potential conflict points this arrangement creates. Consideration should be given to a single point of access off the internal access road, with appropriate junction spacing and geometry provided;
2. Any access provided to serve the car park should be designed as a vehicle crossover and not a radius as currently shown;
3. Ecology surveys have identified common pipistrelle bat roosts in the vicinity of the site. It is therefore requested that any highway lighting is designed to be bat sensitive to the relevant species present;
4. The proposed block paving and crossings should be removed, with standard carriageway construction provided throughout the site;
5. The horizontal alignment of the main access road is not smooth; this is particularly noticeable within the vicinity of plots 37 and 38 as the road bends;
6. 25m forward visibility should be shown around the bend fronting plot 38. This radius should transition smoothly (as noted above);
7. The extension to the turning head that serves plot 3 is in excess of 26m and is contrary to the WCC Streetscape Design Guide (see paragraph 3.6);
8. The current "private" access is shown to serve a total of 12 properties. As per the WCC Streetscape Design Guide, any private access should serve no more than 6 dwellings. A revised layout is therefore requested;
9. Details of road widths and visibility splays should be provided on any revised layout plans; and
10. The absence of footway on Birchfield Road will result in pedestrians using grass verge when cross the carriageway. Consideration should be given to the provision of a footway and dropped kerbs leading from the site access.

Latest Submission

Since the most recent round of comments from consultees, a revised layout plan has been submitted. The updated layout, as shown in supporting drawing reference 2018/4447/003 (Rev P1), addresses most of the previous concerns above (Points 1, 4, 5, 6, 9 have now been addressed). Following the latest review there are some comments which the Highway Authority advise are material as they have the potential to impact upon plot positions and future road adoption matters: -

1. Access to plots 3-21 turning head extension remains in excess of the maximum 26m, as prescribed in the Streetscape Design Guide. Should the Applicant wish to retain this layout, then only the maximum size turning head limits would be considered for adoption. Therefore, the road from plot 8-21 will remain an entirely private arrangement (although the numbers would be over the 6 stated as the maximum for a private drive); and
2. Plot 24 courtyard parking should be accessed by a vehicle crossing and not a radius access.

Whilst some minor issues can be resolved through the detailed design process, it must be noted that the Highway Authority will not adopt the site in its entirety to form part of the maintainable at the public expense in light of the design shortcomings listed above.

It is noted that there is a proposed uncontrolled crossing point with tactile paving on Birchfield Road. Is it not clear from the supporting plan whether a 2m footway will be provided on the Birchfield Road extending from the radii of the new access. This is currently grassed verge. A planning condition is advised to ensure that this is constructed in an appropriate manner and form.

Ecology surveys have identified common pipistrelle bat roosts in the vicinity of the site. It is, therefore, requested that any highway lighting is designed to be bat sensitive to the relevant species present. This will be taken forward as part of the detailed design process. The lighting assessment and any subsequent design shall be in accordance with the latest version of WCC's Street Lighting Design Guide (SLDG).

Summary

The Highway Authority has undertaken a robust assessment of the planning application and, based on the analysis of all the supporting now submitted the Highway Authority has **no objection subject to conditions**.

Heads of Terms

The following heads of terms needs to be included in any planning obligation: Local Plan Infrastructure Delivery Plan, schemes as listed below –

- £56,858.96 Sustainable Transport Schemes at location Clusters, 6,8,10
 - Dropped Crossing
 - Cycle Parking Pedestrian / Cycle Signage to Railway Station
 - Travel Information Kiosks
- Scholars Education Transport to support access to the Tudor Grange Academy from the development site - £54,181.00
- Bus Service Improvements to Webheath currently serviced by the 47/48 Service - £21,298.17
- Bus Stop Infrastructure Improvements on northern side of Birchfield Road – £10,000

Conservation officer – No objection

As you are aware the original scheme proposed the demolition of both the public house and the walled garden. The applicant eventually submitted a Heritage Statement, and this accepted that the walled garden and pub were both non designated heritage assets. By the end of 2020 the applicant had agreed to the retention of the original pub building, and was proposing to convert it to flats, and the principle of this was welcomed. The applicant was however not willing to keep the walled garden as it was considered not economic to retain the structure, although I am not aware that any evidence was provided to substantiate this.

It is agreed that the significance of the walled garden is at the lower end of the scale, bearing in mind its condition, the fact that it is now incomplete and the associated structures such as the glass houses have been lost. Although glass houses are inherently ephemeral structures. The walled garden is however a rare survival, as many walled gardens became redundant following the First World War, and were lost completely, yet this one remained despite the demolition of Foxlydiat House. For this reason, it has strong historical value, as well as illustrating the workings of a country house, now unfortunately lost. It has obviously lost its context as a result of the demolition of Foxlydiat House, but this makes the walled garden all the more intriguing.

It is further agreed that the walled garden currently makes little if any contribution to the setting of the pub. It is unclear from the historic maps what the position was historically. Was part of the wall in the southerly corner removed to allow access? Historic maps from the 1950s to the 1970s are unclear. The fact that it was maintained suggests that there was a use for it when the pub was originally constructed, although that is purely conjectural. The overgrown nature of the vegetation in the gardens currently suggests a lack of maintenance and use of the walled garden in recent years.

It would appear from looking at plan WG01 AL05 REV P1 EXISTING SITE SURVEY that a significant part of the south west and south east elevations of the walled garden have been lost. This is not clear on site from the exterior due to the extent of vegetation, it may be clearer from the inside of the walled garden, but there has never been an opportunity to view the interior of the structure. It might have been useful if the Heritage Statement had clearly indicated the extent of the extant structure.

A further plan was submitted, my email of 6th January 2021 refers to a plan dated 11.12.20 which from my comments, retained the north west and north east walls of the walled garden. In my email I suggested the retention of part of the return to the south west and south east elevations. This would more clearly indicate the existence of the walled garden and would also assist with the structural stability of the retained structure. The return to the south west would appear to line up with the boundary between plots 8 and 9. The latest plans, 20210409 PROPOSED LAYOUT 2018-4447-003 P1 & 20210409 PROPOSED SITE PLAN SHOWING RETAINED BUILDING WG01 AL10 P6, now show the retention of what is assumed to be the extant stretch of the south west elevation of the walled garden, which would form the boundary wall between plots 8 & 9, as well as a small return to the south east wall adjacent to plot 1.

The only part of the structure to be lost is the remaining extant stretch of the south east wall together with some outbuildings on the outside of the wall, which appear to date from the late 19th/early 20th century.

The retention of the majority of the extant walls of the walled garden, on the basis of the information provided in WG01 AL05 REV P1 EXISTING SITE SURVEY, is welcomed. There has never been an objection to the principle of constructing houses within the walled garden, which is no longer complete. After further consideration it would have been preferred if the scheme had reflected the existence of the walls to a greater extent by moving plots 1 & 2 so that they fell within the perimeter of the structure. If the Heritage Statement had been prepared at the start of the process it might have informed the final scheme, rather than the scheme being amended several times to maintain the heritage assets.

As the majority of the extant walled garden is to be retained as well as the original pub building which is to be converted, there are no objections to the scheme from a conservation perspective. This is on the basis however that the appearance of the pub could be reinstated with the upvc windows being replaced with crittall windows resembling the originals. In terms of this building, more thought should be given to its setting, and especially the boundary treatments to the houses to the rear of the pub. High fencing would detract from the setting of the pub and the rural environment, having a more suburban appearance.

In addition, the walled garden should be recorded prior to the demolition of the south east section, which should include a recording of any features on the existing wall which relate to previous structures, as these details are likely to be lost when the wall is repaired/conserved as part of the overall scheme. It is further suggested that there should be some trial trenches to confirm the location of demolished structures within the garden.

Finally, we would expect to see well designed houses reflecting local character on the remainder of the site. It is assumed that detailed design matters will be dealt with at the full planning stage.

Worcestershire Archive and Archaeology Service 27-05-2021

No objection

The proposal is judged to impact heritage assets of archaeological interest that would be lost or damaged by the development. On this basis, it is recommended that a programme of archaeological works is secured and implemented by means of a suitably worded planning condition.

The Foxlydiate Arms is included in Redditch Borough Council's Schedule of Buildings of Local Interest and is recorded on the County Historic Environment Record (HER ref: WSM71314). Increasingly rare, the part retention and conversion of this inter-war hotel/improved public house, designed by Birmingham architect S. N. Cooke, is a welcome improvement on the original scheme proposal.

The 19th century walled garden to the north west of the Foxlydiate Arms, formally the walled garden of Foxlydiate House, is also a rare survival – as pointed out by the Conservation Officer in their comments of November 2020. Although incomplete it is a non-designated heritage asset with strong historical value both as an example of a

Victorian walled garden associated with a country house and as a likely retained element to the garden, design and setting of the Foxlydiate Arms. The proposed part retention of the wall (as a boundary treatment) is also a welcome improvement on the original scheme, which goes some way to recognising and reinforcing the individual significance and identity of this non-designated heritage asset, as well as its value to the setting of the later hotel/improved public house.

The partial demolition of the wall of the walled garden is regrettable and therefore, when considering this application, the LPA should take a balanced judgement as to whether the benefits of the scheme would outweigh the partial loss of the heritage asset, as per paragraph 197 of NPPF, Policy BDP20 Managing the Historic Environment of the Bromsgrove District Plan and RCBD1 XII of the Redditch Cross Boundary Development Strategy. In terms of below ground remains the site has moderate potential for archaeological remains associated with the former land use of the site and earlier roadside settlement (please see planning consultation letter of 4th June 2019). The part retention of the Foxlydiate Arms and walls of the walled garden is welcomed. However, the application is still judged to impact non-designated heritage assets of high local value that will be partially demolished/damaged by development. On this basis, should you be minded to grant planning permission for this scheme it is recommended that a programme of archaeological works should be secured and implemented by means of a suitably worded condition attached to any grant of planning permission. This should comprise the following,

Archaeological evaluation by trial trenching. This could potentially be followed by mitigation depending on the results of the evaluation.

Historic Building Recording to Level 3 standard, with the option of a structural watching brief (as set out in Historic England's Understanding Historic Buildings) of the original, inter-war hotel/improved public house building. Recording should be undertaken prior to conversion. Building recording and assessment will allow us to better understand and document the history of the building. It will also ensure record of any original fabric, features and fittings that may be obscured or lost as a result of the proposed works. Historic Building Recording to Level 2 Standard (as set out in Historic England's Understanding Historic Buildings) of all surviving elements of the walled garden. Recording should be undertaken prior to any part demolition.

Crime Risk Manager 26.05.2021

No objection

The backs of plots 16 to 21 are vulnerable. The drawings indicate that they will have a 1.8 metre high boundary. I suggest 1.8 metre high close boarded fence, topped with trellis which makes it difficult to climb. I suggest bushes be planted in front of the fence restricting access to it.

The plans appear to indicate that the rear of the amenity space at the rear of the flats will be secure. There are a number of gates, at the detailed planning stage I would like to know how they are to be secured. If this area is not kept secure the rear of plots 32 to 38 become vulnerable.

Urban Design 26-05-2021

Objection

The proposal does not address the significance of the two non-designated heritage assets, the pub and hotel and the walled garden; the inadequacy of the Design and Access Statement; the poor site layout; the non-connection of the development to future adjoining developments; the failure to meet requirements of the RCBD1 housing allocation; and the absence of indicators of a sustainable development.

I reported on the initial outline application, with an illustrative layout, for this site in May 2019, and again on an amended scheme in October 2019. In both reports I advised that it was a poor proposal, and concluded; I consider that this site deserves a better proposal, and is capable of rewarding a better proposal. To realise the potential of this site requires more ambition, and a greater degree of imagination and expertise, than it has been given so far.

A second revised scheme was submitted in March 2020. The major change from the previous schemes was that the front part of the Foxlydiat Arms was proposed to be retained, and converted into twelve flats, four on each floor. I reported on this amended scheme on 30th March 2020 and commented that the retention and conversion of the front part of the hotel, a non-designated heritage asset, represented a significant improvement. However, the opportunities for development represented by the other non-designated heritage asset on the site, the remains of the walled garden belonging to Foxlydiat House which previously occupied the site, continued to be ignored. A heritage assessment of the walled garden was commissioned by the applicant and was completed in August 2020. I have studied this.

A third revised scheme was submitted, and I reported on it in March 2021. I understood from the planning officer that the proposed layout is now to be considered as a detailed part of the application. Since then further amendments have been made, which are scheduled in an email from the applicant to the planning department on 9th April. For convenience, I shall refer to those changes which relate to urban design in the order in which they appear in this email. The footpaths in front of houses 24-26 have been combined. This is an improvement

Houses 16-21 have been reorientated to face their neighbours in the home zone. This is an improvement. The non-designated heritage asset of the remaining parts of the walled garden of Foxlydiat House remains a major issue. We still do not have a survey drawing of the remaining parts of the wall, and there is a continuing refusal by the applicant to engage with it as a significant element of the site. The applicant maintains that the retention of the remaining part of the south-easterly wall is not desirable as this would block the vehicular access on this side. This ignores the point I made in my March 2021 report that "a small part of it could be removed if necessary". Without a survey plan it is not possible to calculate how much would have to be removed. I have only the GoogleEarth photograph to rely on.

The applicant's statement that vehicular access to the western part of the site is insurmountable with the retention of the remaining parts of the wall appears to be based upon a misunderstanding. Where the proposed road crosses the south-easterly boundary of the walled garden, the road can remain in that place, with the removal of a small part of the wall, as stated above. Where the proposed road crosses the south-westerly boundary

of the walled garden, the road can also stay in that place. Judging from the GoogleEarth photograph, the remaining part of the south-westerly wall comes nowhere near the road. There is no threat to any of the trees proposed for retention. The applicant's assertion that the possibility of a courtyard layout inside the walled garden is nullified is baseless.

No attempt has been made to reposition any of houses 1-8 so that they relate spatially to the enclosure of the walled garden. So, the opportunity to use the walled garden to achieve a distinctive character area of the development continues not to be grasped. This failure is highlighted by the next paragraph in the 9th April email, which considers the subject of character areas. The applicant considers that because Appearance is a reserved matter in the planning application, consideration of the formation of character areas can be deferred until its detailed submission and can then be achieved by the choice of the houses' 'finish'.

This is a striking confirmation of the observation I made in my March 2021 report, that the distinctions made between character areas in speculative housing developments "are often minimal and superficial". The more fundamental and meaningful basis on which character areas can be shaped are in the layout's responses to topography and to context. Here a significant opportunity to do this is being ignored

My conclusion is as it was previously, that this application continues to be unsatisfactory. Following the initial submission, a major improvement was achieved with the retention and conversion of the non-designated heritage asset of the pub. Since then, some other minor improvements have also been made. But the major opportunity to exploit the existence of the second non-designated heritage asset, the walled garden, to the great benefit of the quality of the development, remains unrealised. I consider that it is necessary to do so in order to conform to the advice of the Council's High Quality Design SPD paragraph 4.2.10, which states Applicants should identify the features that make a place distinctive and then identify how the proposal can retain these features and enhance them.

Waste and Recycling 08-09-2021

No objection

In the event permission is granted a contribution will be required towards the provision of waste receptacles to store household waste and recyclables pending collection as set out below.

	240 bin unit price	38 dwellings	1100 bin unit price	3 1100 units
	£26.75 green	£1,016.5	£243.43 green	£730.29
	£25.49 grey	£1,016.5	£243.43 grey	£730.29
Sub Total		£2,033		£1,460.58
Total	£3,493.5			

Affordable Housing 01.11.2019

No Objection

Broadly supportive of the scheme as it will provide much needed affordable housing. However, the scheme appears to be extremely high density and the parking provision appears to be very tight in the vicinity of the proposed block of flats.

It is recognised that units will need to be identified at a later stage, but the applicant should be aware that the affordable units should be "pepper potted" around the scheme and not just bunched together.

Care should be taken as to how tenures are mixed to facilitate easier management of the site in the future.

Ecologist 25-11-2020

No objection

I have previously commented on the application in October 2019 and March 2020. My comments in this memo form part of a further consultation request in November 2020. I have reviewed the updated information provided for the application using the Council's online planning portal and additional reports supplied to me by the Council. I have made my comments based on the scheme outlined in Drawing no. WG01-AL10-P2 prepared by Alison Pyke Architects and Designers dated 9th January 2020 and the supplied Design and Access Statement V2 (undated). I welcome the revised ecological reports and the applicant's efforts to address my previous comments. My comments are based on the following documents prepared by Greengage Environmental:

1. Preliminary Ecological Appraisal- survey date August 2020
2. Badger Survey- survey period September/October 2020
3. Bat Emergence Survey- survey period September 2020
4. Biodiversity Impact Assessment- dated October 2020

The above reports have been conducted in a robust manner in accordance with industry best practice and provide a detailed understanding of the ecology related to the proposed development. Bat roosts have been confirmed as present within the existing buildings. In addition, precautionary measures have been made in relation to other protected species such as badgers and birds. I support the application in principle subject to the following issues and recommendations being addressed and/or forming part of the reserved matters.

1. General Layout. The current planned layout does not adequately respond to any of the most recent recommendations made by Greengage Environmental both in terms of required mitigation and biodiversity enhancements. Given the current proposed layout it is hard to understand the wider constraints of the site and the rationale for not including ecological enhancements within the current design proposals. I would therefore recommend that a more up to date masterplan and Design and Access Statement is prepared that addresses recommendations made for ecological matters (see item 2 below).

2. Biodiversity Net Gain. The DEFRA Metric 2.0 methodology has been used to calculate the baseline biodiversity units for the existing habitats. Biodiversity net gain, although an evolving national planning policy, is set to become common place. I would therefore recommend that any revised design/layout proposals consider opportunities for biodiversity net gain. Reference should be made to the recommendations set out in section 5.0 (page 8) of the Biodiversity Impact Assessment. As part of the reserved matters a condition should be made to update the DEFRA Metric 2.0 to demonstrate how net gain will be achieved.
3. Landscape Plan and Ecological Management Plan. As part of the reserved matters, a more comprehensive landscape plan should be provided prior to commencement on site. A Landscape and Ecological Management Plan (LEMP) should also support the landscape design proposals and set out them mechanism for realising biodiversity net gain and the landscape enhancements over a 30-year period.
4. Bats. The presence of bat roosts has been confirmed on site and there will be a requirement to obtain a European Protected Species (EPS) Licence. The proposed mitigation strategy outlined in the Bat Emergence Survey should be incorporated into any planned building design proposals as part of the permitted scheme. There should be a condition to ensure that a EPS license is determined following the planning approval.
5. Precautionary Measures. A condition should be made to ensure that precautionary measures are put in place to safeguard species such as hedgehog, reptiles, great crested newts and badgers as described within the Preliminary Ecological Appraisal. Evidence of the precaution measures such as method statements should be provided prior to construction.
6. Badgers. Badgers are known to forage and commute within the site. A condition should be made to ensure a pre commencement walk over badger survey is made prior to site stripping/demolition.

The above recommendations have been made in accordance the Local Planning Authority's duty to conserve biodiversity under Section 40 of NERC Act (2006).

Worcestershire Wildlife Trust - 07-06-2019 Objection

**[note later comments from Council's Ecologist, above]

Objects on grounds that the ecological appraisal references the need for additional bat surveys to determine the value of the existing building (especially in terms of its potential to hold a maternity colony of bats). These surveys should be completed and made available in advance of a decision being made decision because the presence of a maternity roost would elevate the ecological importance of the building and potentially affect the planning balance in terms of the need to retain it or deliver very significant mitigation in the event of its loss.

The proposed layout requires the removal of a significant amount of habitat, including trees and hedgerows. There does not appear to be sufficient mitigatory planting proposed to result in a no-net-loss situation, much less the net-gain in biodiversity required by the NPPF. It doubts that the number of dwellings proposed would ever allow for sufficient biodiversity mitigation.

There is likely to be increased risk of recreational pressure on the nearby Local Wildlife Sites. Additional public open space should be provided to help reduce the risk to the sensitive receptors, which are in very close proximity and will almost certainly become a focus for recreation without any alternative provision.

Tree Officer 01-06-2021

No objection

I have no objections to the amended description in relation to any tree issues. And as shown in drawing no (AL10 P6) by Allison Pike Architects & Designers

North Worcestershire Water Management

No objection subject to further details prior to permission being granted

08-12-2021

I would want to see some detail here around the area of new impermeable area created, so all hard standing and roof areas, and what volume of attenuation would be required to attenuate runoff to greenfield rates up to the standard 100 year +40 cc level. Main reason for asking for this information is to ensure that attenuation features required can be accommodated into the existing proposed layout before it is approved.

So I would want to see a initial proposed drainage layout for the site along with some basic calculations showing the sizing of features has been calculated and showing they can be accommodated into the layout.

The site is in flood zone 1 (low risk of modelled river and tidal flooding) and there are no records of flooding on site.

There are no drainage details provided with the application, it is not indicated in the application form how surface water will be disposed of. This needs to be determined and the location where surface water will be discharged from the site should be indicated.

The release of the latest revision of the SuDs manual in 2015 highlights that water quality, biodiversity and amenity considerations should also be a key focus of SuDs design. This needs to be considered when developing a SuDS scheme to serve the site.

Re-consultation comments 2021

This application has been commented on previously in June 2019 and March 2020. We have no further comments to make as no further details have been submitted with regards to drainage as previously requested. If this application is approved, we would again request the following condition is added to any permission.

Conditions:

No works or development above foundation level shall take place until a scheme for surface water drainage, including an FRA, 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.

Re-consultation, March 2020:

New details have been reviewed however there is no further information in relation to drainage or flood risk so there is little that can be added further to the previous comments. It is noted that the number of units has been reduced leading to increased green space available on the site, this has increased the potential for surface level features to provide attenuation to be included into the drainage design. Such features should be considered first prior to sub surface features.

Consultation, June 2019:

The development site is located in the Bow Brook catchment which is a tributary of the Avon. Within the context of the Bow Brook Catchment the site effectively located at the top of the catchment area and the vast majority of the site is classified as flood zone 1 by the national Environment Agency fluvial flood mapping. Given the location within the catchment area it is unlikely that there is any significant fluvial flood risk, however this still needs to be assessed and the results presented in an FRA.

With respect to surface water runoff flood risk, based on the EA surface water flood risk mapping there are no areas of water pooling incited on the site. However this mapping is only indicative and in high rainfall return periods there will be risk of pooling on the site subject to the finished ground landscaping. As the site has some sloping gradients care needs to be taken to ensure that ground levels for individual plots are designed appropriately, i.e. FFL and landscaping. As this is an outline application this specific detail in relation to the drainage arrangements within the individual housing plots is not required at this stage.

There are no drainage details provided with the application, it is not indicated in the application form how surface water will be disposed off. This needs to be determined and the location where surface water will be discharged from the site should be indicated. It is required that surface water runoff rate from the site is restricted to greenfield rates up to the critical 1 in 100 year storm period, including an additional 40% allowance for climate change. This will need to be supported by the calculations and the relevant .mdx file provided to the LPA for review and approval.

The release of the latest revision of the SuDs manual in 2015 highlights that water quality, biodiversity and amenity considerations should also be a key focus of SuDs design. This needs to be considered when developing a SuDS scheme to serve the site and as well as water attenuation the scheme should provide benefits with respect to these other factors.

It would be recommended that that under drained permeable pavement is provided for all parking areas and that roof drainage is discharged to the sub base via diffuser boxes. 30% of the sub base volume can be provided as attenuation volume with the remaining required, provided in sub surface storage. There will be some filtration benefits of runoff passing through the sub based before entering the surface water drainage system. We would also recommend that the surface water drainage is incorporated into the soft landscaping features such as swales or rain garden features and set in the proposed green space around the site.

Severn Trent Water 14-10-2019

No objection. - subject to the inclusion of the following condition:

The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason : This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

WRS - Noise 10-11-2020

No objection subject to conditions

The submitted noise assessment appears acceptable. The assessment predicts that with the installation of suitable glazing, ventilation and acoustic boundary fencing both internal and external noise levels will be in line with the recommendations of BS8233:2014. In terms of commercial noise the assessment predicts between a low and significant impact. However, when considering the context of the noise (section 4.8) I consider this to be acceptable. When the applicant has decided which glazing and ventilation products will be installed the applicant shall confirm, via their acoustic consultants, that the sound reduction performance of these products will meet the criteria detailed in Table 3-4 and section 3.5.2 of the assessment for approval. In terms of acoustic boundary fencing I consider that this would need to be applied to more than just the garden areas of plots 1 & 2. Therefore the applicant should submit a detailed plan showing the proposed acoustic fencing and predicted noise levels in external amenity areas for further comment.

WRS - Air quality – 17.06.2019

No objection subject to conditions

The applicant should provide mitigation measures in the form of electric vehicle charging points, cycle parking provision and low emission boilers.

WRS - Contaminated land 17.06.2019

No objection subject to condition

Contamination – the site falls within 250m of a former sand pit / quarry that has since been infilled by unknown materials and therefore has the potential for migration of ground gas (methane and carbon dioxide) onto site. It is also noted that there is a Service Station, Garage, Car Dealership and Tyre Centre located adjacent to the north western boundary. There are also likely to be significant areas of made ground on site associated with construction of the various buildings and parking areas on site. Given the above there is the potential for areas of contamination to be present on site and therefore it is considered that suitable assessment of any risks should be undertaken and mitigated where necessary, secured by way of planning conditions.

Redditch and Bromsgrove NHS CCG 02-06-2021

No objection subject to a financial contribution to mitigate impact of the development

The development of 50 dwellings would increase demand upon existing constrained services which have insufficient capacity for the additional growth result resulting from this development. A developer contribution will be required to mitigate the impacts of this proposal on existing GP practices. The level of contribution required would be £18,929. Payment should be made before the development commences.

Worcestershire Acute Hospitals NHS Trust (WAHT) 16-06-2020

No objection subject to a financial contribution to mitigate impact of the development

The Trust will receive no commissioner funding to meet each dwelling's healthcare demand in the first year of occupation due to the preceding year's outturn activity volume based contract and there is no mechanism for the Trust to recover these costs in subsequent years. Without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area. Therefore, the contribution requested for this proposed development of 50 dwellings is £31,223.28. This contribution will be used directly to provide additional services to meet patient demand.

WCC Education 15-04-2020

No objection subject to a financial contribution to mitigate impact of the development

An education contribution for the First School Phase would be sought of:

£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

The contribution will be used to support phase 1 of a new first school to be located on the Foxlydiate cross boundary development.

An education contribution for the Middle School Phase would be sought of:

£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.

The contribution will be used to support the expansion of Birchensale Middle School by 1 form of entry. A contribution will not be sought for the high school phase of education at Trinity High School.

Demand in the area for school places remains high, in addition, the proposed Foxlydiate Urban Expansion has been approved subject to signing of a S106 agreement and the Barn House Farm application has also been approved.

Worcestershire County Council will be seeking monitoring fees as part of the application for WCC infrastructure.

Publicity

A total of 39 letters were originally sent on 16th May 2019. Site notices were displayed at the application site on 17th May 2019 and 24th May 2021. The application was advertised in the Bromsgrove Standard on 24th May 2019 and 24th May 2021.

A total of 248 objections had been received at the time of preparing this report.

The objections are summarised as follows:

Residential Amenity

- The proposed location of the crossing would impact upon the privacy of the occupants of 1 Foxlydiate Cottages

Heritage

- Is a building of historical significance in a town where historic buildings are scarce and a good example of 1930s road house and popular landmark
- The building is included in the schedule of buildings of local interest
- The estimated age of the trees suggests that the site may have greater archaeological potential and this warrants further investigation

Sustainable communities

- The public house is an asset serving the needs of the community with attractive large gardens for families with children and function room facilities
- The Foxlydiate plays a huge part in the community for socialising for all ages and its loss would take the social heart out of Webheath, Headless Cross, Brockhill and Batchley
- With a growing population Webheath will be left with fewer places to meet and socialise. The Rose and Crown is the next closest pub but is much smaller and cannot offer the same facilities

Character and amenity

- More housing development in the area are adversely affecting the area's character, attractiveness and ambience
- The site has a number of preserved trees which should be protected in the interests of safeguarding the visual amenity of the area
- Residents would have to endure more traffic, construction nuisance and pressure on existing resources

Physical and social infrastructure

- The cumulative environmental and traffic impact has not been taken into account with the strategic housing allocation – Policy RCBD1
 - Has failed to consider the need for improvement in public transport required to meet needs of the strategic allocation
 - No provision made to connect with the adjoining strategic housing allocation
 - To mitigate flooding from Spring Brook, SUDs features should be used to control surface water run-off. SUDs do not feature at all on the proposed layout.
 - The submission does not demonstrate due regard to an overall Management Plan for Green Infrastructure as part of the wider Policy RCBD1 allocation
 - In the absence of any form of cumulative assessment or proportionate contribution of physical, community and social infrastructure, the application should be refused
 - Already inadequate roads and pathways, two oversubscribed schools, lack of leisure facilities, only one dentist, two small shops, no GP surgery and limited public transport
- The new residential development warrants retention of a public house

Viability of the public house

- Better management of the public house may solve profitability issues
- The public house is a popular local venue and its viability would be enhanced by the large housing commitments in the locality
- The problem is not the viability of the pub but the priorities of the landowner

Highways

- The layout is deficient in terms of parking and manoeuvring and no traffic count or speed survey for Birchfield Road has been completed.
- The proposal will bring additional traffic to the area
- Before the proposed uncontrolled pedestrian crossing with dropped kerbs and tactile pathing location is accepted a real time traffic speed survey should be conducted during peak am and pm travel times at that point on Birchfield Road.
- Once pedestrians have used the uncontrolled crossing to access the nearest bus stops they must walk up on that side of the road for the bus stop to travel into Redditch and cross over using another uncontrolled crossing to gain access for the bus stop for Bromsgrove. This is a stand-alone development and to access all the amenities that Redditch and Bromsgrove have to offer will require residents having to resort to using their vehicles putting more cars on the road.

Ecology

- The site is an important refuge for wildlife and habitat would be lost

Trees

- It is not clear who will be charged with the responsibility to maintain and up keep the trees retained on site during the development and following site completion

Other issues have been raised but these are not material planning considerations and have not been reported.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
 BDP2 Settlement Hierarchy
 RCBD1 Redditch Cross Boundary Development Plan
 BDP6 Infrastructure Contributions
 BDP7 Housing Mix and Density
 BDP8 Affordable Housing
 BDP12 Sustainable Communities
 BDP16 Sustainable Transport
 BDP19 High Quality Design
 BDP20 Managing the Historic Environment
 BDP21 Natural Environment
 BDP22 Climate Change
 BDP23 Water Management
 BDP25 Health and Wellbeing

Others

NPPF – National Planning Policy Framework (July 2021)
 NPPG – Planning Practice Guidance
 National Design Guide
 High Quality Design SPD
 SPG 11 – Outdoor Play Space (2004)

Relevant Planning History

Nomination of an asset of community value 10.07.2019

Schedule 1 of the Assets of Community Value (England) Regulations 2012 excluded hotels from listing. Legal Counsel's advice was that as a Premier Inn, it was very much likely that the premises comprise a hotel and as such was excluded from the regime.

TPO(4) 2016	Tree Preservation Order.	Confirmed	09.11.2016
B/1999/1071	Construction of a 20 bedroom extension to an existing bedroom block.	Refused	20.12.1999
B/1999/1070	Construction of a proposed playbarn with glazed link.	Refused	20.12.1999
B/1997/0024	Rendering of dutch gables to front elevation.	Refused	10.03.1997
B/1994/0209	Works to existing car park areas and boundary walls.		09.05.1994
B/1992/1007	Erection of ancillary play barn	Refused	08.03.1993

B/1992/0512	Construction of childrens playground in grounds of public house	10.08.1992
B/1991/1155	Extension and alterations to existing public house, restaurant and hotel with associated parking (As amended by plans rec`d 17.08.92)	14.09.1992
BR/778/1972	Beer store and extension to ballroom.	
BR/595/1969	Car park extension.	

Assessment of Proposal

Site and surroundings

This 1.9 hectares relatively level site is occupied by a two-storey building which was last occupied by a Premier Inn and Brewers Fayre with associated car parking.

There are mature trees within the grounds and at the site's western end is a remnant walls of the 19th century walled garden surviving from the former Foxlydiate House, which was demolished in the 1930 to make way for the Foxlydiate Hotel (subsequently extended in the 20th Century).

The site fronts Birchfield Road, which forms the administrative boundary between Bromsgrove District and the Borough of Redditch.

On the opposite side of Birchfield Road, to the north-east of the site, is a new housing development comprising 29 dwellings, and immediately beyond that is Bromsgrove Highway. To the north-west is a garage and car dealership and to the south-east a range of residential properties. To the south-west and north-west the land is currently in agricultural use but forms part of the site which benefits from a resolution to grant permission for a mixed use development including 2560 dwellings.

Proposal

The application site forms part of the strategic allocation Policy RCBD1.2 Site 1 Foxlydiate, which is to include up to 2800 dwellings, a first school and a Local Centre, including associated community infrastructure.

The application to erect 38 dwelling houses and 12 apartments, has been submitted in outline form, but also with details of the means of access, layout and scale to be considered at this stage. Amendments following submission have secured the retention and conversion of the 1930s portion of the hotel with demolition of the later additions. External appearance and landscaping are matters reserved for future consideration which would require separate approval before development could commence.

The NPPG defines 'access' as *"the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network"*

The NPPG defines 'scale' as *"the height, width and length of each building proposed within the development in relation to its surroundings"*.

The NPPG defines 'layout' as *"the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development"*

Housing Land Supply and Development Plan

The site forms part of an allocation in the Bromsgrove District Plan under Policy RCBD1 to meet Redditch Borough Council's housing needs. Whilst Redditch Borough can demonstrate an 8.9 year housing land supply, Government Policy seeks to significantly boost the supply of housing.

Paragraph 11 of the NPPF as a whole sets out a presumption in favour of sustainable development and the second part for Decision-Taking states –

"For Decision-Taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay;

In this case, the assessment to be made is whether the proposal accords with the relevant policies of the development plan.

Sustainable Communities

Policy BDP12 – Sustainable Communities, seeks to resist the loss of existing facilities unless it can be demonstrated that;

- i) There is no realistic prospect of the use continuing for operational and/or viable purposes;
- ii) The service or facility can be provided effectively in an alternative manner or on a different site;
- iii) The site has been actively marketed for a period of not less than 12 months or made available for a similar or alternative type of service or facility that would benefit the local community.

Following earlier the comments of the Council's Economic Development, the applicant produced a further marketing statement and the Council's Economic Development Officer noted that the continuing use of the current business might be challenging in the future for both operational uses and due to concerns about its ongoing viability.

The marketing statement identifies that the site has been marketed for over 12 months and whilst there has been a small number of enquiries (2), they have identified that it would not be viable for the owner to accept these offers.

I am consequently persuaded that all reasonable avenues have been exhausted to demonstrate that there is no realistic prospect of either the use continuing as it is, or in a modified form on the site; and that the site has been marketed in a way that provides full disclosure to any prospective purchaser of the set constraints and opportunities of the site.

Therefore, I consider that the proposal complies with Policy BDP12.

Heritage

The Foxlydiate Arms is included in the Redditch Borough Council Schedule of Buildings of Local Interest. I consider the building and walled garden to be non-designated Heritage Assets.

The proposal has to be considered in light of the historic environment policies in the Bromsgrove Local Plan and the NPPF. The policies in BDP 20 of the Bromsgrove District support proposals which sustain and enhance the significance of heritage assets including their setting, and emphasise that proposals should not have a detrimental impact on the character, appearance or significance of heritage assets. (BDP 20.2 & BDP 20.3).

In considering applications that directly affect heritage assets, a balanced judgement will be applied having regard to the scale of any harm or loss as a result of proposed development and the significance of the heritage asset (BDP20.14). This is supported by policies in the NPPF including,

194, 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance';

197, 'in determining applications, LPAs should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; the desirability of new development making a positive contribution to local character and distinctiveness; and

203,' The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Managing the Historic Environment - Policy BDP20.2, supports development proposals which sustain and enhance the significance of such assets and Policy BDP20.11, seeks to resist the demolition of buildings which make a positive contribution to an area's character or appearance.

In considering applications that directly or indirectly affect heritage assets, Policy BDP20.14 requires a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset.

Historic buildings and spaces are a key component of the community's shared cultural identity and a visual representation of how people used to work and live. The buildings in question are acknowledged to be of significant local historic interest and make a positive and unique contribution to the distinctiveness of the locality.

The Foxlydiate Arms is included in the Redditch BC Schedule of Buildings of Local Interest. (Its inclusion is an anomaly as the boundary between Bromsgrove and Redditch runs along Birchfield Road, and the Foxlydiate Arms is on the Bromsgrove side. However, its inclusion is taken as a reliable measure of its status). The current proposal now retains the original 1930's building as part of the scheme, removing later modern additions, and which would retain the substantive parts of the earlier 19th century walls which enclosed the former walled garden.

Policy BDP20.5 encourages the continued use of Heritage Assets and encourages proposals which provide for a sustainable future, particularly for those Heritage Assets at risk. Furthermore, NPPF Para 192 (a) requires LPAs to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses. I consider that the proposal accords with these policy requirements in so far as a new function is found for them to fulfil. The Conservation Officer raises no objection to the scheme on heritage grounds.

Highways

Sustainable transport is a fundamental part of new development and Policy BDP16 – Sustainable Transport - seeks, amongst other things, to ensure developments are safe and with convenient access.

Access

The Applicant intends to utilise the existing site access from Birchfield Road where it has been demonstrated that suitable visibility splays can be achieved from the site onto the highway. The site will have a single point of vehicular access and the other existing access will be closed.

Layout

The County Highway Authority have raised some issues with regard to adoption standards in terms of the revised layout however those shortcomings are not considered to constitute reasons for refusal on highways grounds.

Links to proposed facilities on the wider RCBD1 housing allocation

As the site forms part of the wider allocation, it should be integrated by providing walking and cycling connections to the proposed local centre and education facilities. This is

particularly important given the absence of footways on the southern side of Birchfield Road. The Council's appointed urban designer has made reference to the need for pedestrian and cycle provision across the site boundary to the larger housing allocation and associated new facilities

Policy BDP16.6 seeks to resist developments which would worsen walking and cycling access and exacerbate motor vehicle dependence. Plan number WG01 AL10 P6 shows two proposed links to the adjacent development which has the potential to address concerns about the absence of pedestrian footways on the southern side of Birchfield Road but no information has been provided to indicate what arrangements have been made with the adjacent landowners to actually secure these linkages.

Whilst the proposal now includes a crossing point to the footway on the opposite side of the road, that would not provide a convenient route to the facilities proposed within the larger part of the allocated development. The acceptability of this scheme remains reliant upon connectivity with the larger part of the scheme.

RCBD1 principle XIV states *"Any proposals for development on either* site must not individually or cumulatively jeopardise the future use of any other part of the site (s) or impede the delivery of the two sustainable communities"*

*The reference to "either" site refers to both Site 1 Foxlydiate and Site 2 Brockhill as the policy and criterion relate to both allocations.

Traffic

The Highway Authority consider that the acknowledged peak hour increases in traffic are not considered to warrant a review of junction capacity and given the local plan designation, it is considered that any additional trip generation can be mitigated through planning obligations. In this respect I find the proposal in accordance with RCBD1 principle II.

Bin Storage and access

The amended proposal indicates a location for bins stores to serve the proposed apartments and a swept path analysis has been undertaken for refuse vehicles (drawing 2018/4447/004 P1).

Design and amenity space

Policy RCDD1 – Redditch Cross Boundary Development, allocates the site for residential development as part of the cross boundary development and is also criteria based listing design principles to be adhered to achieve a sustainable new community. Requirement no. XII of the RCBD1 allocation is that:

All development must be of a high quality design and locally distinctive to its surrounding rural and urban character; contribute to the area's identity and create a coherent sense of place; and respect and enhance the setting of any heritage asset. There should be a continuous network of streets and spaces, including the provision of public open spaces, creating a permeable layout with well-defined streets.

BDP Policy 19 – High Quality Design is a criteria based policy which seeks to deliver high quality people focused space.

BDP1 – Sustainable Development Principles requires, amongst other things, that compatibility is achieved with adjoining uses and the impact on residential amenity.

The Council's High Quality Design SPD provides design guidance to assist with interpreting these policies.

The proposed layout of new houses is of a conventional suburban type, with detached and semi-detached houses with frontage car parking, along a curving road with pavements on each side. The retention of trees has enabled two significant areas of open space to be included.

Members will note the views of the Urban Designer. The site is a distinctive location with layers of history, and many advantages. The retention of the original 1930's building, converted to flats provides a suitable use for that building and subject to removal of later additions and agreement of new fenestration, provides an opportunity to enhance the appearance of that heritage asset.

The proposed layout would retain most of remaining 19th walls of the former walled garden. Whilst it relates poorly in spatial terms to the historic enclosure of the walled garden it would not detract unduly from this retained feature.

The proposed layout provides a reasonable amount of private amenity space for future occupiers consistent with the Council's requirements. Mitigation of traffic noise for the proposed development can be addressed by a planning condition.

Members will be aware this is a site allocated for housing. Having balanced the views of the Urban Designer with the other matters I have highlighted (with specific reference to the retention of the former public house building and a number of mature tree specimens, together with an acknowledgement to the remnants of the wall garden), I am of the view that the proposal is considered to comply with criterion XII of Policy RBDC1 and Policy BDP19 of the Bromsgrove District Plan and paragraphs 4.2.11 and 4.2.12 of the Council's High Quality Design SPD.

Public Open Space

Policy BDP25 Health and Being seeks to ensure all new developments meet and contribute towards the provision of POS. To accord with the Council's open space standards the site, with the type and number of dwellings proposed, should make on-site provision for 0.43ha of POS, split across the various typologies, whereas some 0.22ha is proposed. The POS is for the benefit of the future occupiers of the development regardless of what is being proposed on the wider Foxlydiate housing allocation. Whilst potential linkages are indicated on the plan, terminating at the site boundary, it is not clear how these would be secured in terms of linkage to the adjacent development although the adjacent layout for Phase 1 of the approved hybrid permission 16/0263 relating to the larger part of the local plan allocation is subject to a subsequent reserved matters approval. This matter can be addressed through the s106 agreement.

Trees and Ecology

Trees

Policy BDP19(p) seeks to ensure all trees that are appropriate are retained and integrated within new development. The NPPF also acknowledges the wider benefits from natural capital and ecosystem services – including the economic and other benefits of trees and woodland. Policy BDP 20.10 states that the removal of trees which make a positive contribution to an area's character or appearance will be resisted.

This is an established site that has remained undisturbed for many years during which time a number of trees have reached maturity and now provide significant visual amenity and natural habitat to the area. A number of the trees benefit from protected status by way of Tree Preservation Orders. The trees present a significant constraint to development, and any scheme should be sensitively designed to ensure felling is avoided and the roots and canopies of retained trees are given sufficient space to thrive.

The original layout has been revised in order to retain more trees, better preserve their setting and avoid future pressure for their removal or significant pruning by ensuring they are placed outside the curtilage of resultant residential properties and within areas of open space.

The proposal would result in the loss of a number of trees. Notable amongst these are a twin stemmed Oak situated towards the south eastern corner of the site and three other trees not protected by the existing TPO which was modified in 2016. Fifteen trees would be retained and two groups of trees situated near the site frontage .

The protected trees are an important natural asset and add significant public amenity value to the area. As such, they should feature as a fixed constraint within the development, around which the layout should be designed and positioned such that their amenity status is enhanced.

Whilst a few trees not subject to the current TPO would be lost, on balance, I consider that the proposal achieves the relevant policy objectives.

Ecology

Policy BDP21 – Natural Environment seeks to ensure the natural environment is protected and enhanced and that net gains in biodiversity are achieved. The NPPF seeks to avoid significant harm to biodiversity from a development and if it can't be adequately mitigated or compensated for, then planning permission should be refused. Contribution to and enhancement of the natural and local environment should be achieved by, amongst other things, providing net gains for biodiversity.

The Council's Ecologist notes that the requisite bat surveys carried out in autumn 2020 have been conducted in a robust manner in accordance with industry best practice and provide a detailed understanding of the ecology related to the proposed development. Bat roosts have been confirmed as present within the existing buildings. In addition, precautionary measures have been made in relation to other protected species such as badgers and birds. Accordingly, he supports the application in principle subject to conditions.

Flooding and Drainage

BDP Policy 23 – Water Management, requires amongst other things that all developments work with the Lead Local Flood Authority and that developments set aside land for Sustainable drainage Systems (SuDS).

Policy RCBD1 – Redditch Cross Boundary Development, requires surface water runoff from the development to be managed by the use of SuDS to prevent flooding on, around and downstream of the site.

There is nothing shown on the proposed site plan that suggests that SUDS is a governing principle of the layout and therefore the applicant has not currently demonstrated that the proposal is in accordance with these policies. Since approval is sought for matters of layout at this stage and the limited retained open space is constrained by the protected trees, this could impede the integration of Suds. Rather than risk compromising a drainage solution

NWWM have advised that the Local Planning Authority should require the submission of an initial drainage layout with calculations of the area of new impermeable area created, including all hard standing and roof areas and the volume of attenuation that would be required to attenuate runoff to greenfield rates up to the standard 100 year +40 cc level to ensure that there is space to accommodate attenuation features into the proposed layout before permission is granted

At the time of preparing this report discussions between the applicant's drainage consultant and North Worcestershire Water Management were on-going. Officers will provide an update on the update sheet. However, it is considered these matters can be dealt with by planning conditions.

Affordable Housing

Policy BDP8 - Affordable Housing, requires on-site provision of affordable housing of 40% on greenfield sites or 30% on brownfield sites. The application proposes 20 (40%) affordable homes. Given the site includes land in a built up area, it does not fall under the NPPF definition of previously developed land and therefore the 40% requirement has been correctly applied.

The proposed layout plan (revision P6), does not include details of which units would be affordable, so does not raise the issue of clustering vs 'pepper potting' of affordable units at this stage or whether the units are tenure blind as appearance is a reserved matter.

The proposal is therefore policy compliant in this regard.

Planning Obligations

In accordance with Paragraph 56 of the NPPF and Section 122 of The Community Infrastructure Levy Regulations 2010, planning obligations would be sought to mitigate the impact of this development, if the application were to be approved. This is also the objective of Policy BDP6 – Infrastructure.

A S106 has not been drafted at this stage. However, such an obligation in this case would cover those matters set out in the schedule at the end of this report. The applicant has confirmed acceptance of the aforementioned contributions.

Your officers are satisfied that each of the contributions sought is compliant with s122(2) of the CIL Regulations in that they are -

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Conclusion

I have given consideration to the relevant policies of the Bromsgrove District Plan and the 15 principles to be applied to the Site 1 Foxlydiate urban extension, of which this is a part. The site is significantly constrained, namely from the existing buildings (former hotel and walled garden), which are recognised Heritage Assets, and protected mature trees, which provide significant visual amenity to the area.

The provision of 32 houses and 12 apartments and enhanced housing choice of varying types including affordable homes is consistent with RCBD1.4 criterion I. The delivery of dwellings in close proximity to existing services and amenities is consistent and in accordance with BDP16

The retention of the 1930's building (with modern additions demolished) and the remnant walls of the 19th Century walled garden are benefits, albeit conversion of the former hotel to residential use, would represent an overall reduction in social and economic sustainability albeit the applicant has demonstrated to the satisfaction of the Council's planning and economic development officers that there is not a reasonable prospect of the former use remaining viable in the long term.

Notwithstanding the comments of the Council's urban designer consultant, the proposed layout and scale of development are considered to be in accordance with criterion XII of Policy RBDC1 and Policy BDP19 of the Bromsgrove District Plan and paragraphs 4.2.11 and 4.2.12 of the Council's High Quality Design SPD.

There is also a policy requirement for surface water runoff to be managed by Sustainable Drainage Systems, Subject to recommended conditions NWWM and your officers are satisfied the proposal would comply with the relevant policy requirements.

It is considered that the proposal is in general accordance with the relevant policies of the development plan as supported by the NPPF and should therefore be approved.

RECOMMENDATION:

That the application be approved, and Outline planning permission be **GRANTED**

subject to **DELEGATED AUTHORITY** be given to the Head of Planning, Regeneration and Leisure Services to

- i) agree a suitable and satisfactory legal mechanism to secure the contributions and requirements set out in the following schedule, **and**
- ii) agree the final scope, detailed wording and numbering of the planning conditions to be imposed as set out in the following summary list, **and**
- iii) to consider the content of any representation received post-committee but prior to issuing of the decision notice (pending completion of the s106 agreement) without reference back to Planning Committee.

SCHEDULE (i)

(i) Sustainable Transport

- £56,858.96 - Sustainable Transport Schemes at location Clusters, 6,8,10
 - Dropped Crossing
 - Cycle Parking Pedestrian / Cycle Signage to Railway Station
 - Travel Information Kiosks
 - £54,181.00 - Scholars Education Transport to support access to the Tudor Grange Academy from the development site
 - £21,298.17 - Bus Service Improvements to Webheath currently serviced by the 47/48 service
 - £10,000 - Bus Stop Infrastructure Improvements on northern side of Birchfield Road

(ii) Education Infrastructure

An education contribution for the First School Phase would be sought of:

- £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
- to support phase 1 of a new first school to be located on the Foxlydiat cross boundary development.

An education contribution for the Middle School Phase would be sought of:

- £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 sports contribution (To be Confirmed)

(iv) Waste Management Contribution:

Green bins (recycling) and Grey bins (general refuse) for 38 dwellings £2,033
3 x 1100 bins (for 12 flats) £1460.58

- Total = £3493.50

(v) Planning Obligation Monitoring Fee(s):

For both BDC and WCC (To be confirmed)

(vi) GP Surgery Contribution

£18,929 to mitigate the impacts of this proposal on existing GP practices

- (vii) **The securing of a 40% provision of on-site affordable dwelling units** (20 units)
- (viii) **The provision and future maintenance in perpetuity of any SuDs facilities**
- (ix) **The provision of a pedestrian /cycle link** with the adjoining development site subject to planning permission(s) 16/0263 and 2016/077
- (x) **Health Care Provision - Hospitals**
£31,223.28 - to meet annual shortfalls in NHS Service revenue

(ii) Summary List of CONDITIONS

Details Required

1) Details of the appearance, and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development commences and the development shall be carried out as approved.

Reason: To comply with Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (or any Order revoking and re-enacting that Order) and to ensure a comprehensive layout in the interests of proper planning of the area.

Time Scale for submission

2) Applications for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

Reason: To comply with the provisions of Sections 91-95 of the Town and Country Planning Act, 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2002).

Time limit for commencement

3) The development shall commence not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Sections 91-95 of the Town and Country Planning Act, 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2002).

Approved Plans

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

2018-4447-003 P1 - PROPOSED LAYOUT
2018-4447-004 P1 - SWEPT PATH ANALYSIS

WG01 AL10 P6 - PROPOSED SITE PLAN SHOWING RETAINED BUILDING
WG01 AL18 P1 - PROPOSED FLAT PLANS TO PUB
WG01 AL13 REV P1 - TYPICAL HOUSE SKETCH ELEVATIONS
WG01 AL12 REV P2 TYPICAL HOUSE FLOOR PLANS TYPES E TO G WITH SKETCH SECTIONS/ ELEVATIONS

Reason: To define the permission and to ensure that the development meets the design quality and environmental requirements of the Development Plan

Demolition

5) Demolition of buildings and structures shall be limited to that indicated to be demolished on the approved plans.

Reason: To preserve the historic integrity of the non-designated Heritage Assets on site.

Demolition and Repairs to remnant walls from 19th Century walled garden

6) The details submitted pursuant to condition 1 shall include a detailed schedule of defects and repairs relating to the retained walls of the former 19th century walled garden. The schedule shall include a specification of all the materials and techniques to be employed in the repairs, which shall prioritise the re-use of any materials which can be salvaged from those areas of walls which are to be demolished. The works shall be carried out in accordance with the approved schedule before any dwelling which has a wall within its curtilage, or adjacent to it, is first occupied.

Reason: To preserve the historic integrity of this non-designated Heritage Asset, and to ensure that any requisite repairs are completed prior to occupancy of the dwellings whose curtilage they would be situated within or adjacent to.

Retention and Future Maintenance of walls from 19th Century walled-garden

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 2, Class A (or any provision equivalent to that Class in any Statutory Instrument, replacing, revoking and/or re-enacting that Order) there shall be no demolition or alterations to any of the remnant walls of the former 19th century walled garden detailed on drawing WG01 AL10 P6. Details of any subsequent repairs to the remnant walls of the former 19th century walled garden shall be submitted to and approved in writing by the Local Planning Authority before any such repair work is undertaken.

Reason: To safeguard the future survival of this non-designated Heritage Asset, and to ensure consistency of maintenance in the event that control is transferred to individual home owners.

Ecological Surveys

8) No development shall commence on any part of the site until a rolling programme for ecological update surveys has been submitted to and approved in writing by the Local Planning Authority.

The rolling programme shall identify which species and habitats will be subject to on-going survey, the methods to be employed, where the surveys will be carried out and the season during which such surveys need to be undertaken.

The agreed update survey programme should ensure that necessary surveys are undertaken in advance of the development of a particular part of the site (e.g. as may be covered by a Reserved Matters applications or other individual scheme) and with sufficient lead in time to fully inform the preparation of such applications.

The ecological update surveys shall be carried out and the results submitted to the Local Planning Authority for agreement in writing, accompanied by a comprehensive assessment to identify changes, if any, in the conservation status, abundance and/or distribution of protected species and their habitats likely to be affected by later phases of development.

Reason: To protect and enhance wildlife habitat within and adjacent to the development site and prevent impact upon a protected species under The Wildlife and Countryside Act 1981 as amended.

Habitat Management Plan

9) No development shall commence until a Habitat Management Plan for the management and long-term maintenance of that part of the site has been submitted to and approved in writing by the local planning authority. The Habitat Management Plan shall identify the impact that the development would have on local ecology and set out how this will be mitigated. The plan shall also detail timing and provision for implementing the plan. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To protect and enhance wildlife habitat within and adjacent to the development site and prevent impact upon a protected species under The Wildlife and Countryside Act 1981 as amended.

Programme of archaeological work

10) No development shall commence until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing and site investigation has been undertaken and completed. The scheme shall include an assessment of significance and research questions; and:

- a) The programme and methodology of site investigation and recording
- b) The programme for post investigation assessment.
- c) Provision to be made for analysis of the site investigation and recording.
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

Reason: In accordance with the requirements of paragraph 194 of the National Planning Policy Framework.

Archaeological site investigation and post investigation assessment

11) No development shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (11) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured

Reason: In accordance with the requirements of paragraph 194 of the National Planning Policy Framework.

CEMP Construction Environment Management Plan

12) No demolition works or development shall commence on site until a Construction Environmental Management Plan, to include details of –

- i) The name, e-mail and direct telephone number for the site manager
- ii) A programme of works
- iii) The type, volume and frequency of construction traffic movements
- iv) Construction traffic routing and how it will be monitored and enforced
- v) The proposed point(s) of access/egress for construction traffic
- vi) Measures to segregate construction traffic from other traffic utilising the site
- vii) The origin, amount, and nature of any imported soils
- viii) The maximum number of staff anticipated to be working on site and the number, location, and delineation of parking spaces for site operatives and visitors
- ix) The location for the loading and unloading of plant and materials
(including delivery times and swept path analysis for those vehicles
- x) The location, security and means of storage of plant and materials used in constructing the development
- xi) Measures to control the deposition of mud onto the local road network
- xii) Measures to control the emission of dust, dirt, noise and vibration during construction
- xiii) Measures to protect watercourses and soil from pollution
- xiv) Locations and measures to control the emissions where in situ bioremediation or soil washing takes place.
- xv) A travel plan for the workforce including the promotion of car sharing
- xvi) Measures to avoid the inadvertent entrapment of wildlife during construction.

The approved details shall be implemented throughout the duration of construction

Reason: In order that the Local Planning Authority can properly consider the effect of the works on the environment

Hours of Working

13) Demolition/groundworks/construction work and deliveries shall not take place outside the following hours:

Monday to Friday 07:00 - 18:00 hrs

Saturdays 08:00 - 13:00 hrs

And there shall be no working or deliveries on Sundays or Bank Holidays

Reason: In the interests of residential amenity.

Foul and Surface Water Drainage (subject to change pending details)

14) The details submitted pursuant to condition 1 shall include a scheme for foul and surface water drainage. If infiltration techniques are used, then the scheme shall include the details of field percolation tests. The peak runoff rate from the development for the 1 in 1-year rainfall event and the 1 in 100-year rainfall event plus a 40% allowance for climate change must never exceed the peak runoff rate for the same event. The scheme shall be designed so that flooding does not occur on any part of the site for a 1 in 30-year rainfall event and not in any part of any building for the 1 in 100-year rainfall event plus climate change. Flows resulting from rainfall in excess of a 1 in 100-year rainfall event shall be managed in exceedance routes that minimise the risk to people and property. The scheme shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first occupation 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.

SuDS (subject to change pending details)

15) The details submitted pursuant to condition 1 shall include a SuDS management plan which will include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework has been submitted to the Local Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. No dwelling shall be occupied until the submitted details have been approved in writing by the Local Planning Authority. The approved SuDS management plan shall be implemented in full in accordance with the agreed terms and conditions.

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

Remediation of any Land Contamination

16) No development (other than that required to be carried out as part of an approved scheme of remediation), shall commence until the following requirements have been complied with:

- a. A preliminary risk assessment (a Phase I desk study) submitted to the Local Authority in support of the application has identified any unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any

contamination and must be led by the findings of the preliminary risk assessment. 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".

- b. The detailed site investigation and risk assessment must be undertaken in accordance with the approved Scheme and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place.
- c. Where the site investigation identifies that remediation is required, 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 approved by the Local Planning Authority prior to development taking place. 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.
- d. 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.
- e. 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 be subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
- f. 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.

Scheme for Tree and Hedgerow Protection

17) The details submitted pursuant to condition 1 shall include a scheme for tree and hedgerow protection. The scheme must include details of the erection of - protective fencing in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. No development shall commence until the approved a scheme for the

protection of all existing trees and hedges to be retained on site has been put in place in accordance with those approved details. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered, or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until the development has been completed and all equipment, machinery and surplus materials have been removed.

Reason: In order to ensure the protection of trees on site in accordance with the standards set out within the British Standard BS5837: 2012, a Guide for Trees

Finished Floor Levels

18) The details submitted pursuant to condition 1 shall include details of the finished ground floor levels of all the approved buildings and the finished ground levels for all other areas of the site. The sections shall show the development relative to the ground levels adjoining the site. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is carried out at suitable levels and in relation to adjoining land and buildings and in the interests of amenity and highway requirements.

Soft Landscaping Retention and Planting Details

19) The details submitted pursuant to condition 1 shall include full details of retained and proposed soft landscape works incorporating a plan and accompanying planting schedule which shall include all those trees, hedgerows, shrubs or existing features of the land to be retained, removed and/or treated, new planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. The landscape works shall be carried out in full compliance with the approved landscape plans, planting schedule and implementation timescales.

All such planting shall be maintained to encourage its establishment for a minimum of five years following contractual practical completion of the development. Any trees or significant areas of planting which are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.

Reason: In the interests of visual amenity and to enhance the quality of the living environment of future residents.

Hard Landscaping Details

20) The details submitted pursuant to condition 1 shall include full details of all proposed hard surface areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall include proposed finished levels or contours, car parking layouts, other vehicle and pedestrian footpaths/access and circulation areas, hard

surface materials. Development shall be carried out in accordance with the approved details. The approved hard landscaping plan shall be implemented within two years from the date when any of the dwellings are first occupied.

Reason: In the interests of visual amenity and to enhance the quality of the living environment of future residents.

Boundary Treatments

21) The details submitted pursuant to condition 1 shall include a plan indicating the positions, design, materials and type of boundary treatments to be erected. Boundary treatments shall include measures to facilitate the migration of wildlife between gardens. The boundary treatments shall be completed in accordance with the approved details and prior to the occupation of the dwelling to which the boundary relates

Reason: In the interests of visual amenity and to avoid barriers to the movement of native species

Landscape Management Plan

22) The details submitted pursuant to condition 1 shall include a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than domestic gardens (including landscaped open space and structural planting to include perimeter landscaped buffer zones) The landscape management plan shall be carried out as approved.

Reason: In order to secure a well-planned development in accordance with Policy RCBD1 of the Bromsgrove District Plan 2011-2030

Public Open Space

23) The details submitted pursuant to condition 1 shall include, full details of the treatment and finishes to all areas of communal public open space and the timing of their implementation have been submitted to and approved in writing by the Local Planning Authority. Such details shall include areas of grass seeding/turfing, soft landscaping, construction of footpath details and details of the appearance, siting and finish to any boundary and their location and physical features to be installed. The development shall be carried out in accordance with the approved details and shall thereafter be so maintained. Those areas identified as communal public open space shall be retained as such in perpetuity and shall not be used for any other purpose unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to enhance the quality of the living environment of future residents.

LEAPs

24) The details submitted pursuant to condition 1 shall include, where appropriate, until a full specification for the Local Equipped Areas of Play (LEAPs) has been submitted to be submitted to and approved in writing by the Local Planning Authority. The development of the LEAPs shall be undertaken in accordance with Fields In Trust 'Guidance for Outdoor Sport and Play' 2015 and in accordance with the approved details.

Reason: In order to ensure the provision of local play facilities on site.

Details of new fenestration to former hotel

25) The details submitted pursuant to condition 1 shall include, details of all the new windows to be installed in the retained section of the former hotel shall be submitted to and approved in writing by the Local Planning Authority. These details shall include drawings in elevation and cross section at a scale of 1:10 detailing the position and configuration of opening lights, glazing bars and the relative position of each window type within their respective reveals. The style and materials of the approved windows shall be retained in perpetuity.

Reason: The proposal will inevitably entail the replacement of the existing windows (which are not original or based upon the original configuration). Details are required, in order to preserve and enhance the integrity and appearance of this non-designated heritage asset and ensure windows of a sympathetic and appropriate form and design are installed.

Storage of domestic waste pending collection

26) The details submitted pursuant to condition 1 shall include details of the facilities for the storage of domestic waste awaiting collection for any apartments within the development. No individual apartment shall be occupied until approved storage facilities to serve that unit of accommodation have been provided in accordance with approved details.

Reason: To ensure the proposed dwellings have adequate refuse storage facilities and that such facilities ensure that the Local Authority refuse bins do not detract from the character and appearance of the development through failure to provide a space for their storage between collections

Noise Mitigation

27) The details submitted pursuant to condition 1 shall include a scheme for the mitigation of noise from traffic on Birchfield Road which shall include glazing specifications for window openings and boundary fencing to private gardens

Reason: In the interests of residential amenity

External Lighting Details

28) The details submitted pursuant to condition 1 shall include details of external lighting. The approved details shall be implemented as approved prior to first occupation of the development and thereafter retained in that approved form.

Reason: To protect the visual amenity within the locality, avoid harm to nocturnal wildlife and to minimise the light pollution affecting the night sky.

Water Efficiency Measures

29) The details pursuant to condition 1 shall include a scheme for the implementation of water efficiency measures. All residential dwellings shall incorporate water efficiency measures to a level of 110 litres per person per day. No development shall be occupied until the approved scheme has been implemented in accordance with the approved details.

Reason: To minimise impact upon water resources, in accordance with Water Framework Directive objectives and policy BDP23 of the Bromsgrove District Plan adopted January 2017.

Electric Vehicle Charging Points

- 30)** a) Appropriate cabling and an outside electrical socket shall be supplied for each dwelling to enable ease of installation of an electric vehicle charging point (houses with dedicated parking) and be operational before the respective dwelling is first occupied.
- b) For the flats, at least 3 EV charging points (as a minimum) shall be provided and be operational before the respective building is first occupied/brought into use.
- i) The charging points shall be provided in addition to, the requisite parking spaces and marked / signposted to indicate their reservation for vehicle charging only.
- ii) The charging points must comply with BS:7671. The sockets shall comply with BS:1363, and shall be provided with a locking weatherproof cover if located externally to the building.

The EV charging points required by this condition shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging equipment shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable transport modes by ensuring development is designed to enable charging of plug-in vehicles in safe, accessible and convenient locations in accordance with Paragraphs 110 and 112 of the NPPF.

Secure Cycle Parking

31) The details submitted pursuant to condition 1 shall include, details of the secure location and type of cycle parking for each residential and non-residential building shall be submitted the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved cycle facilities shall be available for use prior to the first occupation of any building.

Reason: To ensure adequate parking facilities to serve the development for vehicles including for persons with mobility impairments and cycles.

Access and Pedestrian Crossing

32) The Development hereby approved shall not be occupied until the access, and pedestrian crossing only have been provided as shown on drawing 2018/4447/003 P1. Access visibility splays, as shown in the drawing, must be maintained in perpetuity.

Reason: To ensure safe and suitable access.

Closure of Vehicular / Pedestrian Access

33) The development hereby approved shall not be occupied until the existing (redundant) vehicular / pedestrian access on Birchfield Road (south-east of the retained access) has been permanently closed in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority.

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

Provision of footway

34) Prior to occupation of the development, details of a 2m footway on Birchfield Road from the site connecting to the proposed crossing must be submitted and approved in writing by the Local Planning Authority; and the development shall not be occupied until the footway has been constructed in accordance with the approved details.

Reason: to ensure safe and suitable access for all road users.

Travel Plan

35) The Development hereby approved shall not be occupied until the applicant has submitted a travel plan in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and this has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator and thereafter implemented as updated.

Reason: To reduce vehicle movements and promote sustainable access.

Welcome Pack

36) The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

Reason: To reduce vehicle movements and promote sustainable access.

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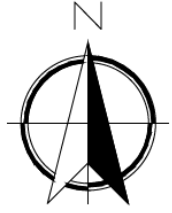
19/00615/OUT

Application for outline planning permission with all matters reserved, apart from details in relation to access, layout and scale for the partial demolition of the building and former walled garden on site and the conversion of the remaining pub building into 12no. apartments alongside the erection of 38no. dwellings, childrens play areas, landscaping and circulation space (amended description).

Foxlydiate Hotel, Birchfield Road, Redditch, B97 6PX

Recommendation:

Outline Permission is GRANTED



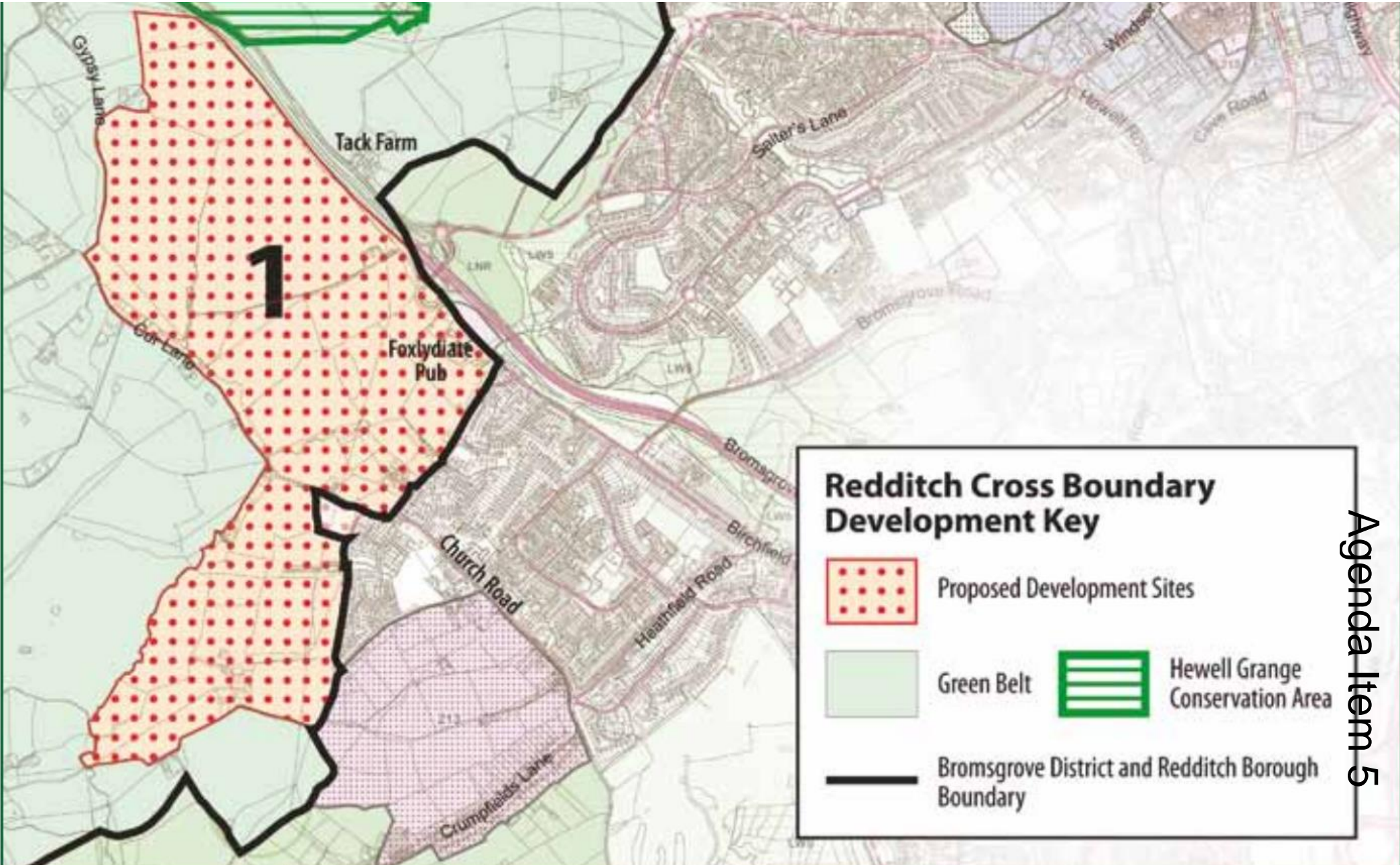
Aerial View



RCBD1 Redditch Cross Boundary Development Map

Extract from Local Plan

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Proposed Site Plan



Page 64



- 100% PARKING
- EXISTING ACCESS RETAINED
- VISITOR PARKING
- SECURED BY DESIGN REQUIREMENTS

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH TREE CARE CONSULTANCY DRAWING NUMBERS TCC-1078-1 AND 1078-2 AND ASSOCIATED TREE SCHEDULE

- INDICATES CATEGORY A TREES RETAINED
- INDICATES CATEGORY B TREES RETAINED
- INDICATES CATEGORY C TREES / HEDGES RETAINED
- INDICATES CATEGORY A,B,C TREES REMOVED FOR DEVELOPMENT
- ROOT PROTECTION ZONES
- INDICATES NEW TREES

- INDICATE AREA OF PRIVATE LANDSCAPING
- INDICATE AREA OF AMENITY SPACE WITH SPECIES RICH GRASSLAND AND WILDLIFE FRIENDLY PLANTING
- INDICATE AREA OF NATIVE SPECIES RICH HEDGEROW
- BLUE INDICATE EXISTING WALLED GARDEN TO BE RETAINED
- YELLOW INDICATE EXISTING WALLED GARDEN TO BE REMOVED

- INDICATE AREA OF PRIVATE LANDSCAPING
- INDICATE AREA OF AMENITY SPACE WITH SPECIES RICH GRASSLAND AND WILDLIFE FRIENDLY PLANTING
- INDICATE AREA OF NATIVE SPECIES RICH HEDGEROW
- BLUE INDICATE EXISTING WALLED GARDEN TO BE RETAINED
- YELLOW INDICATE EXISTING WALLED GARDEN TO BE REMOVED

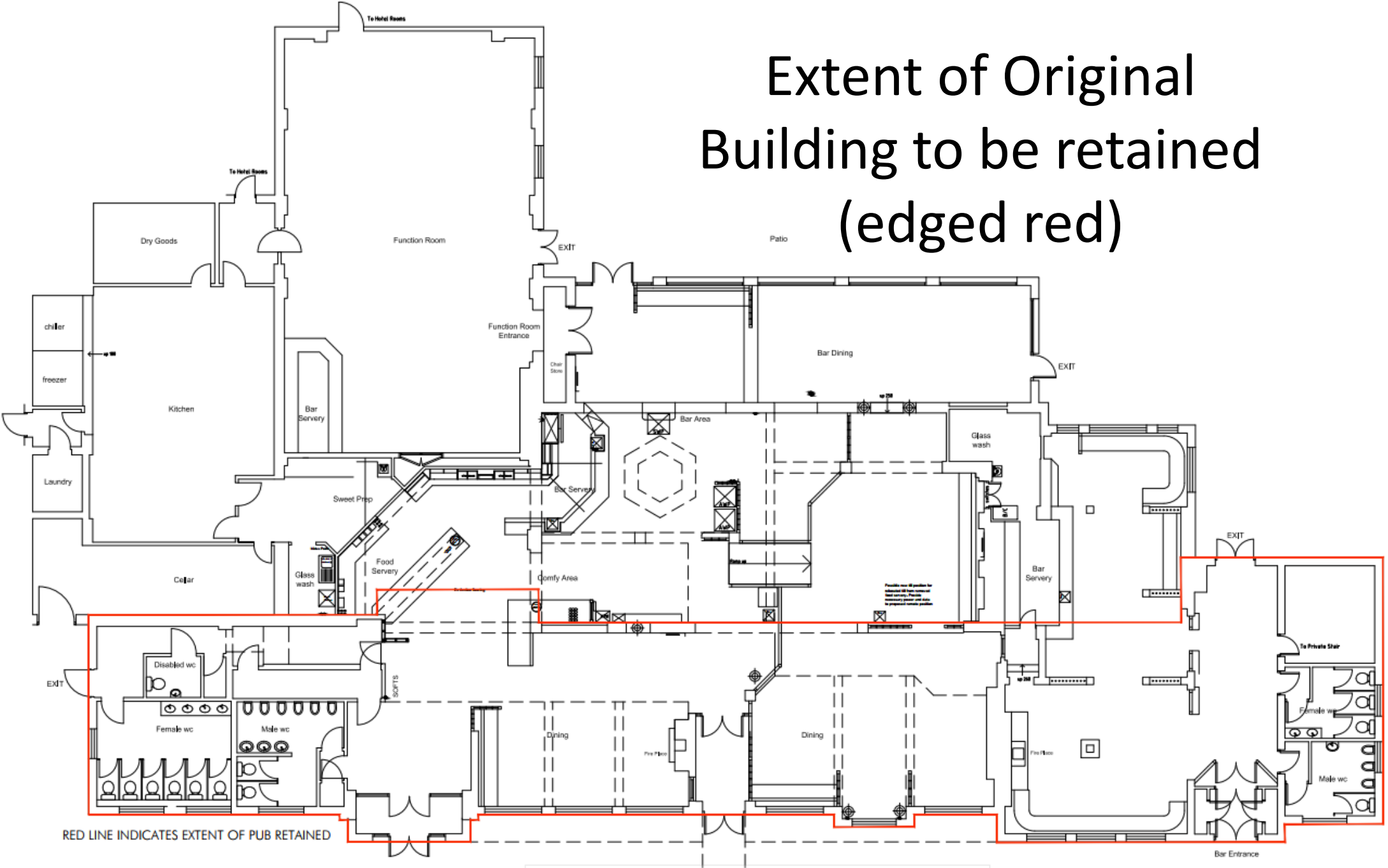
SCHEDULE OF PROPERTIES
ALL HOUSES - SITE 1

NO	PROPERTY	INVESTIGATION NO	PARKING
(A)	4B 6P HOUSE - 100 SQ M	5	
(B)	3B 5P HOUSE - 91 SQ M	5	
(C)	3B 5P HOUSE - 89 SQ M	11	
(D)	2B 4P HOUSE - 82 SQ M	2	
(E)	2B 4P HOUSE - 77 SQ M	4	2
(F)	2B 4P HOUSE - 72 SQ M	11	
(G)	GARAGES	10	
(H)	2B 3/4P FLATS- 70 SQ M	12	24
	TOTAL UNITS	50	

LAP - AREA 1 - 2270 SQ M
- AREA 2 - 1780 SQ M
TOTAL - 4045 SQ M

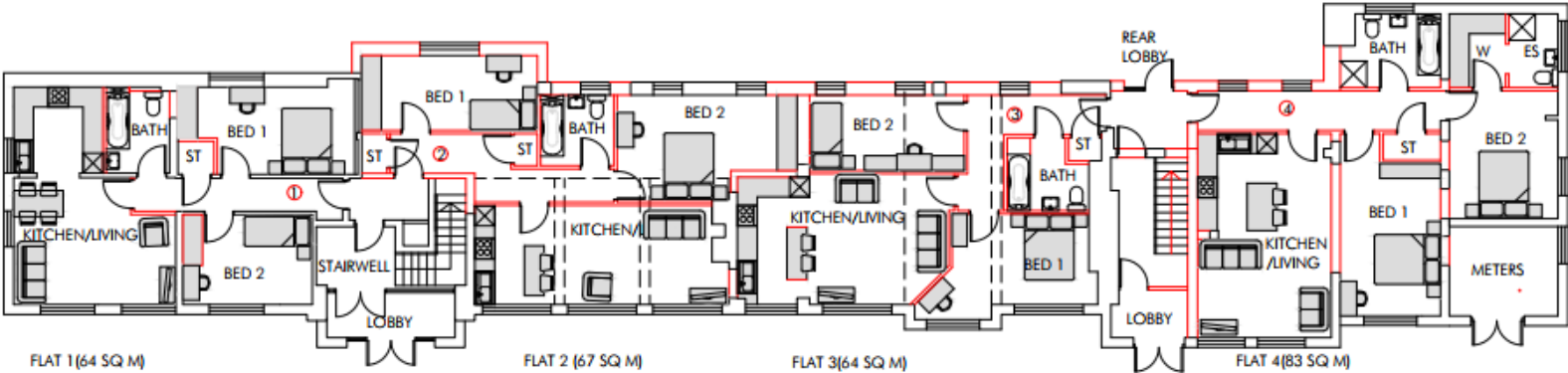
Agenda Item 5

Extent of Original Building to be retained (edged red)

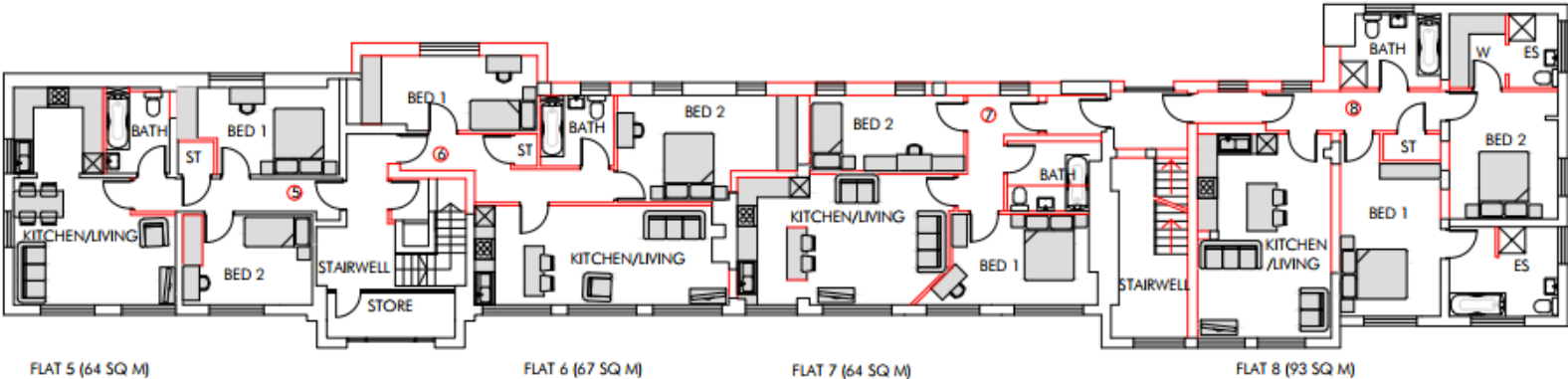


Proposed floor plans for residential conversion of retained section of original building

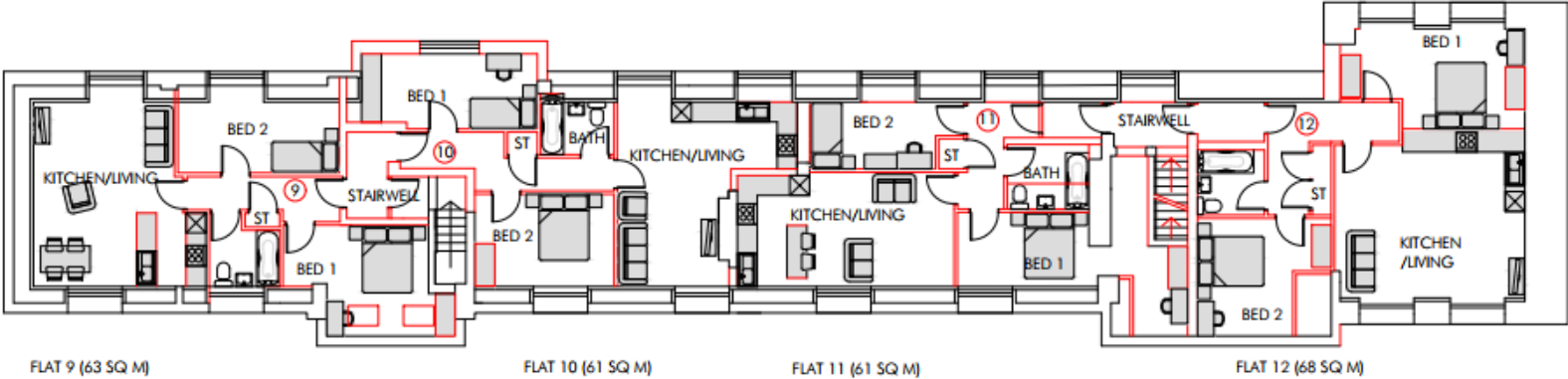
Page 66



PROPOSED GROUND FLOOR PLAN



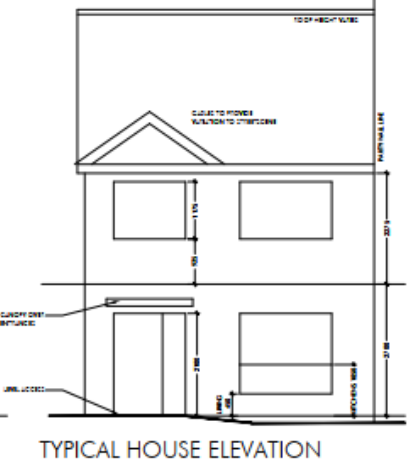
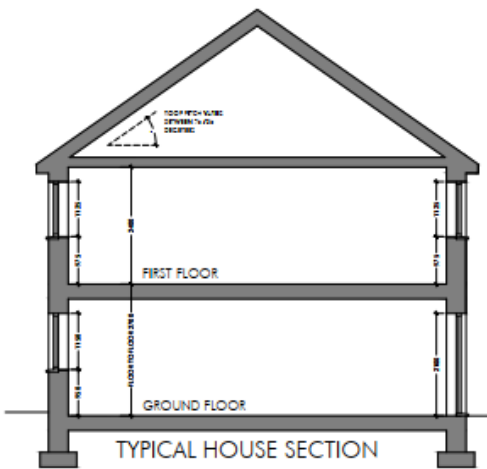
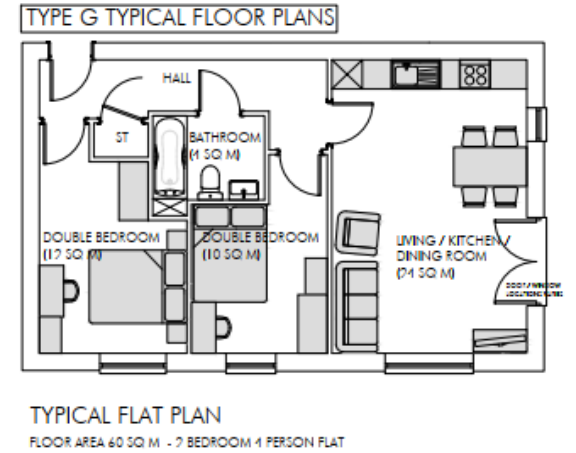
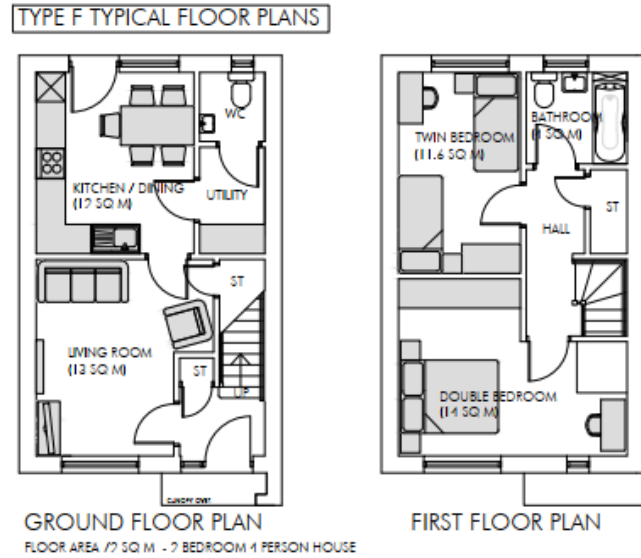
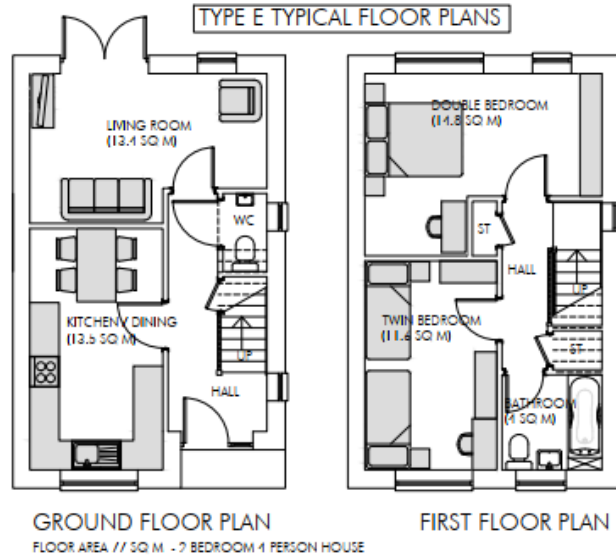
PROPOSED FIRST FLOOR PLAN



PROPOSED SECOND FLOOR PLAN

Agenda Item 5

Typical House Floor Plans



NOTE HANDING OF HOUSES, WINDOWS AND DOOR LOCATIONS MAY DIFFER DEPENDING ON LOCATION ON SITE PLAN, TO SUIT LEVELS AND OVERLOOKING



10	11 - 10/17 FARMINGTON LANE	12/01/17
10	11 - 10/17	12/01/17
10/01/17	10/01/17	10/01/17

AP ALLISON PIKE ARCHITECTS & DESIGNERS

7 Hunter Street, West, Sydney, New South Wales, 2042
 Telephone: 02 9439 7633
 Fax: 02 9439 7634
 Email: info@allisonpike.com.au

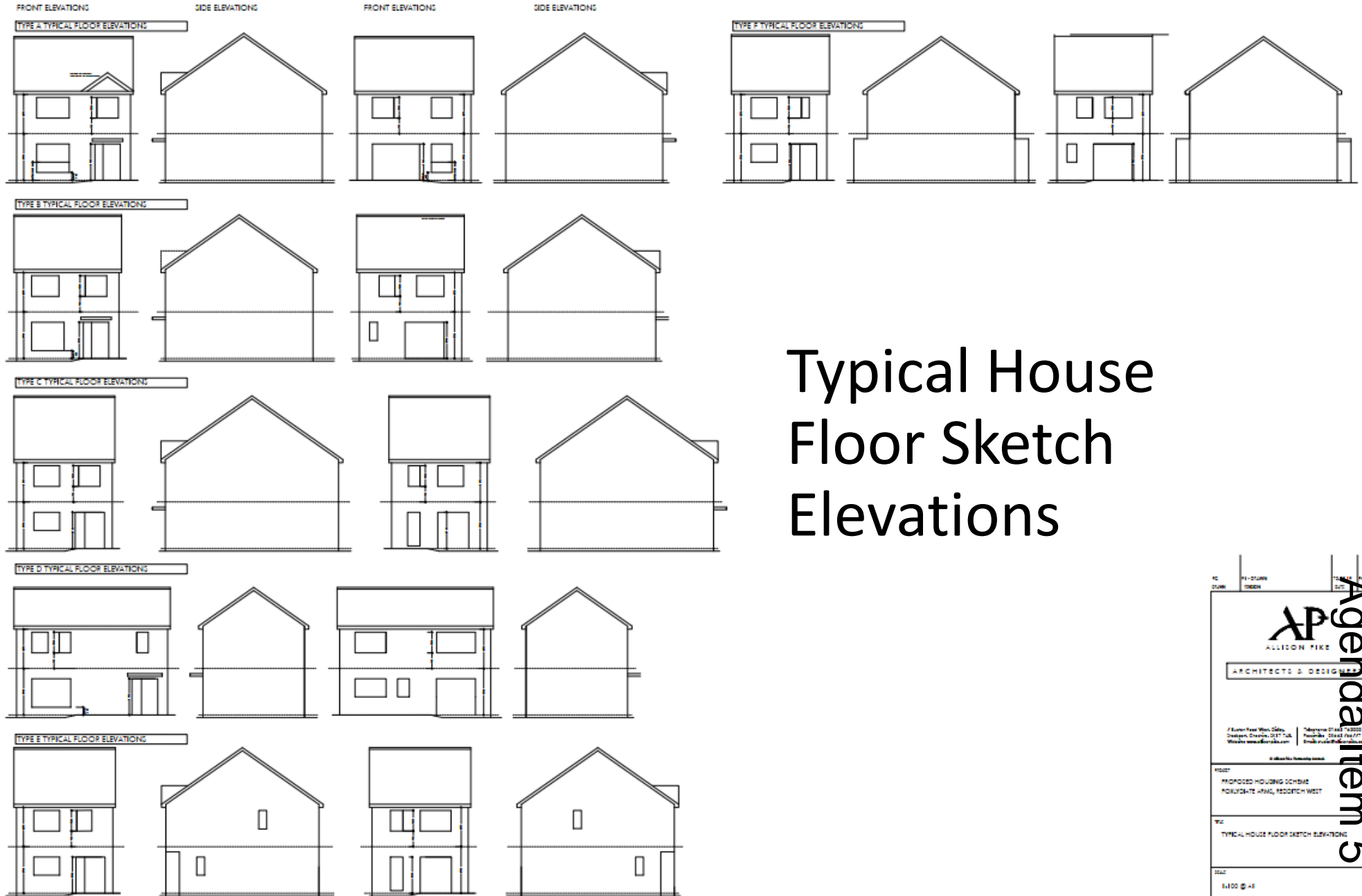
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PROJECT: PROPOSED HOUSING SCHEME POLYVALENT AREAS, REDDITCH WEST

10/01/17: TYPICAL HOUSE FLOOR PLANS TYPE E TO G WITH DETAIL SECTIONS / ELEVATIONS

SCALE: 1:100 @ A1

DATE:	DRAWN BY:	10/01/17
10/01/17	10/01/17	10/01/17



Typical House Floor Sketch Elevations

NO. 10	11 - 12/18	12 - 13/18
PLAN	SECTION	SECTION
ARCHITECTS & DESIGN		
7 Kismet Peak Way, Suite 100 Denver, Colorado 80231-1406 Website: www.apdesign.com		
*Member of AIA since 2002 Professional Seal No. 117 Email: info@apdesign.com		
© Allison Pike Architecture Limited		
PROJECT PROPOSED HOUSING SCHEME POWELL-CLAY HANG, REDDITCH WEST		
NO. TYPE-H HOUSE FLOOR SKETCH ELEVATIONS		
SCALE 1:100 @ -1		
DATE 02/21	DRAWN BY HLE2	1/1

Swept path analysis



View looking south



View looking west



View looking south east



View looking south west



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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Leo Bromsgrove Ltd Chloe Leo Bromsgrove Ltd	Proposed Demolition of Existing Buildings and Erection Of 72-Bedroom Care Home 277 Birmingham Road, Bromsgrove, Worcestershire, B61 0EP		21/01657/FUL

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

North Worcestershire Water Management

No objection subject to pre commencement drainage scheme condition.

Worcestershire Archive and Archaeological Service

Given its local interest and value, it would be preferable to see the retention of the non-designated heritage asset rather than its demolition and the applicant should explore opportunities for retention and reuse of the Victorian elements of the site, as part of any new development proposal.

Should the application be granted two conditions will be required.

- Programme of archaeological work
- The development shall not be occupied until the site investigation and post investigation assessment has been completed

Conservation Officer

I can advise that the proposed alterations would cause harm to the Non-Designated Heritage Asset through the complete demolition of the building. The proposals have failed to comply with the relevant sections of the NPPF and Bromsgrove District Plan as highlighted above.

Based on the above assessments, Conservation would recommend refusal of the application.

WRS - Contaminated Land

No objection

WRS - Noise

No objection subject to compliance with the submitted noise surveys.

WRS - Air Quality

WRS have reviewed the planning application for potential air quality issues of which none have been identified, therefore WRS have no adverse comments to make.

Highways - Bromsgrove

No objection subject to conditions and contribution for community transport.

- Vehicular visibility splays Approved Plan

- Pedestrian Visibility Splays
- Residential Parking Provision
- Electric Vehicle Charging Point
- Cycle Parking
- Accessible Parking Provision
- Residential Travel Plan
- Residential Travel Welcome Pack
- Construction Environmental Management Plan

NHS/Medical Infrastructure Consultations

No contribution required in this case. Whilst the patients take a higher proportion of GP time, patients tend to be visited in the care homes rather than coming to the surgery, where we could justify the use of more space.

NHS Acute Hospitals Worcestershire

As its evidence demonstrates, the Trust is currently operating at full capacity in the provision of acute and planned healthcare. The contribution is being sought not to support a public body but rather to enable that body (i.e. the Trust) to provide services needed by the occupants of the new homes. The development directly affects the Trust's ability to provide the health services to those who live in the development and the community at large. Without contributions to maintain the delivery of health care services at the required quality standard, and to secure adequate health care for the locality, the proposed development will strain services, putting people at significant risk of receiving substandard care, leading to poorer health outcomes and prolonged health problems. A developer contribution of £18,246.23 is required.

Arboricultural Officer

No objection subject to conditions.

Leisure

No open space contribution required.

Waste Management

Note that private waste collection is proposed. No objection.

Publicity

18 letters were originally sent to neighbours 19.09.2021 expired 13.12.2021

Press advert 26.09.2021 expired 13.12.2021.

Site notice displayed 25.09.2021 expired 19.12.2021

One objection has been received objecting on the following grounds.

Traffic

Disturbance during construction and operation of care home

Overlooking

Appearance of development

Public safety

Other issues which are not material planning considerations have been raised but are not reported here as they cannot be considered in the determination of this application.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP2 Settlement Hierarchy
BDP4 Green Belt
BDP6 Infrastructure Contributions
BDP10 Homes for the Elderly
BDP12 Sustainable Communities
BDP16 Sustainable Transport
BDP19 High Quality Design
BDP20 Managing the Historic Environment
BDP21 Natural Environment

Others

NPPF National Planning Policy Framework (2021)
NPPG National Planning Practice Guidance
High Quality Design SPD

Relevant Planning History

17/01237/FUL	Demolition of all structures and hard standings and erection of six detached residential dwellings together with associated access and landscaping.	Withdrawn (but recommended for refusal)	02.01.2018
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Assessment of Proposal

Site Description and Current Use

This application site (0.72ha) consists of the former Mount School which is a 3 storey Victorian building that is now in office/training use by KeyOstas which provides health and safety and environmental training. The Mount School is surrounded by several single storey outbuildings that are disused. The buildings are in a depilated state, images on the current condition of the buildings are provided within the submitted Heritage Assessment¹

The site is located in the Green Belt on the edge of the residential area of Bromsgrove. A new development has been completed to the south of the site with a run of residential dwellings located to the north. Fields bound the site to the west. The site is served by a single driveway off the Birmingham Road.

Proposed Development

The proposed development is a full application for the demolition of existing buildings and development of a three-storey, 72-bedroom care home with communal amenity areas and

¹ [21/01657/FUL | Proposed Demolition of Existing Buildings and Erection Of 72-Bedroom Care Home | 277 Birmingham Road Bromsgrove Worcestershire B61 0EP \(bromsgroveandredditch.gov.uk\)](#)

an extensive resident's garden and associated parking for 20 plus spaces. The building includes facilities such as dining rooms, lounges, hair salon, cinema, family rooms, balconies and clinics. Full details of the facilities of the care home are outlined in detail within the area schedule Bromsgrove document submitted as part of the application.

Burghley Care (part of Torsion Care) has entered an agreement to deliver the scheme, the nature of development proposed is that of a care home (C2 use) to be registered with CQC for the provision of care to the elderly. The care home will therefore cater for users including the elderly, dementia patients and nursing patients. De

The development will employ up to 75 Full time Equivalent (FTE) employees.

Planning Considerations

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

Principle of Development;

Green Belt;

The Impact on 277 Birmingham Road (Mount School) as a non-designated heritage asset (NDHA);

Design and Appearance;

Amenity;

Highways Matters;

Landscape and Trees;

Ecology;

Planning Contributions; and

Planning Balance

Principle of Development

Policy BDP10 sets out that the Council will encourage the provision of housing for the elderly where appropriate whilst avoiding an undue concentration in any location. The applicant has commissioned a Care Home Need Assessment by Healthcare Property Consultants which concludes that their client is seeking to develop a new residential care home for the elderly. The report content points towards a need for such development – not only to offset the growing statistical shortfall in appropriate accommodation but to increase the proportion of the local care home estate that might be deemed fit for the future. This is further reinforced by the Torsion Care Planning & Justification Statement.

This shortfall reflects that set out in the District Plan (Policy BDP10) which predicts that the population aged over 60 will increase substantially. The Strategic Housing Market Assessment (SHMA) 2012 shows that within the District the proportion of older person households is forecast to grow from 21.4% to around 33% of the total population by 2030.

Policy BDP10 of the local plan highlights the critical present and future need. It notes that there will be a very large increase in the need and demand for housing with care for older people (paragraph 8.87) and that a failure to provide alternatives for the increasing pensioner population will result in most people staying in their existing family homes. The

consequence being a poorer quality of life and “dramatically reducing the supply of such properties in the local housing market.” (paragraph 8.88).

The National Planning Policy Framework (NPPF) at Paragraph 60 sets out that to support the objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed.

The Governments Planning Practice Guidance (PPG) stresses that the need to provide housing for older people is critical. In this respect, it has to be concluded that the needs of BDC’s ageing population are acute, and evidenced national, regional and local need is currently unmet and forecasted to remain unmet in the foreseeable future. The principle of the proposed development is acceptable.

Green Belt

NPPF paragraph 137 explains that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. NPPF paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF paragraph 148 advises that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to Green Belt by reason of inappropriateness, and any other harm arising from the proposal, is clearly outweighed by other considerations.

NPPF paragraph 149 says that the construction of new buildings in the Green Belt is inappropriate unless exceptions exist. BDP4 Green Belt only permits development in the Green Belt if certain exceptions apply or in very special circumstances. It is agreed that the proposal would not accord with any of the NPPF or LP exceptions and so would be inappropriate development. However, it remains necessary to consider the effect on Green Belt openness and purposes.

Openness is capable of having both spatial and visual elements. Spatially, the development would result in more built form across the entirety of the site compared with the existing situation. The height, footprint and volume of new buildings would greatly exceed the existing building. This is summarised in the table below. There would be a significant loss of openness in spatial terms particularly for the undeveloped parts of the site.

	Existing	Proposed	Change (+/-)	% Change
Volume (m3)	6,874	14,659	7785	113%
Footprint (m2)	950	1123	173	18%
Total Floorspace (m2)	-	3455	-	-

Visually, the site is well-contained by its location, existing trees and landscaping. I have considered the Landscape and Visual Appraisal (LVA) by Weddle Landscape Design and subsequent response to officer comments by the applicant. It is evident that the building is not in a ‘similar’ position to the existing. A large area of the proposed building is moved

onto the existing hardstanding, other elements are sited on land currently undeveloped, with further hardstanding extended onto further undeveloped land. I can accept that the mature trees are largely being retained and that these provide some physical and visual enclosure to the site and that retaining the undeveloped nature of the eastern part of the site is welcomed. However, even with these measures in place the scheme will have an effect on views particular from the northeast and southeast compared to the existing.

The development would result in harm to the spatial and visual openness of the Green Belt that would be permanent with a greater degree of activity generated than existing. The extent of the harm to openness would not be sizeable due to the extent of built form across the site.

Green Belt Purposes

NPPF paragraph 138 sets out five Green Belt purposes: (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns from merging into one another; (c) to assist in safeguarding the countryside from encroachment; (d) to preserve the setting and special character of historic towns; and (e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

The Landscape and Visual Appraisal (LVA) provides a useful section on this matter, comparing the Green Belt Purposes Assessment Aug 2019, with the applicant's own assessment, identifying the site as having a small to limited contribution to the green belt to purposes of (a), (b) and (c). I would agree with both studies that (d) and (e) are not relevant for this area or application site.

The site's visual containment makes it difficult to appreciate the gap between the settlements from the site. The increased amount of built form across the site would not result in any kind of direct coalescence. This is due to the continuation of existing buffers. However, development within the gap would diminish the separation of the two settlements. Thus, there would be an element of sprawl and merger and conflict with purposes (a) and (b).

As outlined above, I don't agree that the proposed development would have a similar visibility and position of built form. The degree of encroachment would be moderate by the site's contained nature but there would still be conflict with purpose (c).

Conclusion on Green Belt

In addition to its inappropriateness, the development would result in a sizeable degree of harm to the openness of the Green Belt and would conflict with three Green Belt purposes. In accordance with the NPPF, such harm to the Green Belt should be afforded substantial weight. This weighting will form part of the planning balance outlined in the later part of the report with conclusions on compliance with NPPF paragraphs 147 and 148 and BDP4.

The Impact on 277 Birmingham Road (Mount School) as a non-designated heritage asset (NDHA)

Non-designated heritage assets are on the lowest rung of the hierarchy of heritage assets, they do not have statutory protection and their loss requires a balanced judgement (NPPF

paragraph 203). The NPPF does not seek to prescribe how that balance should be undertaken, or what weight should be given to any matter.

277 Birmingham Road is a three-storey red brick building in the English Bond. The gables are detailed with decorative timber framing on white background. The building was designed by the notable Birmingham Architect Julius Alfred Chatwin and constructed between 1876 and 77. The building was originally built as the vicarage to All Saints church, some 800 meters to its south. The Church itself was erected slightly earlier, between 1872 and 74.

The building was a vicarage until 1957 and then served as a school until 2004. Since this time, it has been in use as a training centre. The surrounding site is occupied with parking and temporary cabins which are all in a poor state of repair. To the north and east of the building is a substantially sized garden with mature trees and greenery.

The planning history on the site is extensive. Application 17/01237/FUL was for the demolition of the training centre and the erection of residential housing. This was withdrawn with one of the principal reasons being the loss of the Non-Designated Heritage Asset.

The applicant's heritage consultant has assessed the significance of 277 Birmingham Road and conclude the following summary of significance:

- Architectural – The Vicarage is a typical example of a mid-Victorian vicarage, built during a period of parochial housing renovation and construction, and conforming closely in layout and style to contemporary national guidance. Whilst it broadly follows a 'Gothic' theme, this is inconsistently applied throughout, in many places falling back on Georgian styles and techniques that may demonstrate a lack of resources. Many of the original fittings have been removed or damaged (e.g. fireplaces, kitchen equipment etc) and rooms converted (e.g. into kitchens and toilets), and there are notable and intrusive alterations to the exterior (e.g. the fire escape). As such, overall it is considered to have limited architectural interest;
- Historic – Although linked with the well-known local architect J. A. Chatwin, it is evident that there is nothing in the treatment or design of the building that strongly evokes the better examples of his work and, as mentioned above, the architectural treatment is uneven across the entire composition. Otherwise, there is no evidence for notable persons being occupant or events having occurred within or associated with the building, other than sitting within a nationwide drive to improve parochial housing, such that could add to its historic interest. Being a typical mid-Victorian vicarage, there is nothing in the surviving fabric that demonstrates any advances in technology or 'new' ways of thinking in terms of the functionality as a house. As such, the Vicarage is considered to have limited historic interest;
- Artistic – Similar to the architectural interest, the overall composition of the building is typical of a mid-Victorian vicarage in the popular Gothic style of this period and does not demonstrate any great flourish of artistic design. There is also no particular aspect, detail or feature that individually is of great artistic interest, with the surviving fireplaces being typical of mass-produced examples from the late 19th century. As such, the vicarage is identified as having very limited artistic interest; and

- Archaeological – as a relatively recent building and of limited phasing, the Vicarage is identified as having no archaeological interest.

Based on these conclusions, the applicant is of the view that the Vicarage is identified as having a limited significance, derived from its limited architectural and historic interest, and very limited artistic interest, and being, overall, of no more than local interest within Bromsgrove.

The site has been fully assessed by the Conservation Team and 277 Birmingham Road is considered a Non-Designated Heritage Asset and would be considered a prime candidate for the local list for the following reasons:

- Age, Authenticity and Rarity: The building, constructed between 1876 and 77, retains a large amount of its original fabric. The building displays a high number of original features externally and internally such as windows, original downpipes, herringbone brickwork, internal sashes, cornicing and skirting, and some fireplaces. It is rare for an unlisted building to show such completeness of original architectural design.
- Architectural Interest: The building was designed by Julius Alfred Chatwin, a prolific Birmingham Architect. As mentioned above, the care of design was not just external, but internal. The building is mentioned in the Worcestershire Pevsner and is described as follows: “large unobtrusive brick, with half timbered gables”.
- Historic Interest: The building is associated with Julius Alfred Chatwin and The Church of England’s attention to expanding towns and parishes and their needs. The vicarage was built at a time where many new churches were built to address these needs. The building illustrates the historic use of the site as a vicarage serving the grade II listed All Saints church.
- Townscape/ Villagescape/ Landscape Interest: The building was originally a vicarage serving All Saints church. It became a school in the mid C20, and is now a training centre, so has a history of being part of the community. The building is a good example of Victorian architecture by a prolific Victorian Birmingham Architect that positively contributes to the character of the area.

The significance of the 277 Birmingham Road as a NDHA would be totally lost due to demolition. NPPF paragraph 203 requires weighing applications that affect a NDHA and this means the consideration of the application (i.e. the scheme including the replacement buildings). It then requires a balanced judgement having regard to the scale of any harm and the significance of the heritage asset. There is no requirement in this balance to give ‘great weight’ to the preserving of the heritage asset’s significance.

The importance of Heritage Assets is clearly set out in the NPPF. Paragraph 189 states the following: “Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”.

277 Birmingham Road is a Heritage Asset and is therefore an “irreplaceable resource”. The proposed demolition of the building would be permanently removing this resource which has positively contributed to the quality of life of past and existing generations. Its loss would mean it could no longer be enjoyed by existing or future generations. Paragraph 197 of the NPPF states that “Local Planning Authorities should take account of: c) the desirability of new development making a positive contribution to local character and distinctiveness”. The loss of this Heritage Asset, which is associated with a prolific Architect, and has served the community for nearly 140 years, would not be considered to make a positive contribution to the character and distinctiveness of the area.

Paragraph 203 of the NPPF states that “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” Furthermore, policy BDP20.3 of the Bromsgrove District Plan states that “Development affecting Heritage Assets [...] should not have a detrimental impact on the character, appearance or significance of the Heritage Asset”. The building has been assessed by both the applicant and the Local Planning Authority as a Heritage Asset. One that is not important enough to merit inclusion on the national list, but merits regard and identification as a Heritage Asset. Additionally, the building satisfies the criteria to be included on the Local Planning Authority’s Local Heritage List. The scale of harm therefore is considered to be large, due to the complete demolition of this Heritage Asset, and is not balanced out by the significance of the Heritage Asset which is considered to be high. Additionally, the proposals cannot be considered to comply with Policy 20.3 of the BDP as the complete demolition of the Heritage Asset would result in irreversible detrimental impact.

Paragraph 195 of the NPPF states that Local planning authorities should take into account “the particular significance of any heritage asset [...] when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.” The provided heritage statement sets out the significance of the affected Heritage Asset, but the proposals do not follow logically to avoid significant harm to the Heritage Asset. The proposals are not heritage led, and there is conflict therefore between the proposals and the Heritage Assets conservation. It is possible for new development to complement the existing Heritage, but this is not explored in the proposals. It is acknowledged that the building has not been well kept, but as stated above, many original features remain, and quoting from paragraph 196 of the NPPF, “Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.”

The proposals are not considered to comply with Policy BDP 20.20 from the Bromsgrove District Plan which states that “The District Council will embrace opportunities to mitigate the effects of climate change by seeking the reuse of historic buildings and where appropriate their modification to reduce carbon emissions and secure sustainable development without harming the significance of the heritage asset or its setting.” 277 Birmingham Road contains a certain amount of embodied energy.

Its destruction and the rebuilding of another in its place would result in the release and creation of far more carbon and energy than if the existing was to be reused. 277 Birmingham Road has been in existence for nearly 140 years and therefore the materials

have proved themselves to be of high quality, capable of longevity and there is no evidence to suggest that they could not continue serving the building for another significant period.

This principle of conserving historic material for the sake of the environment is endorsed by the IHBC's (Institute of Historic Building Conservation) "Sustainability and Conservation of the Historic Environment" position statement 2020 which states that "Historic buildings contain large amounts of embodied energy and carbon. Further energy and carbon release is required to destroy them and construct replacements".

Furthermore, it is clearly laid out in paragraph 152 of the NPPF that "The planning system should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure". Therefore, any proposal for this site should be intentionally seeking to reuse the existing buildings and resources as part of any scheme in order that both sustainable development and conservation of the historic built environment is achieved.

Based on this assessment the conservation team are recommending refusal of the application.

Following comments from the Conservation team, the applicant has indicated that the benefits of the provision of a care home significantly and demonstrably outweigh any adverse impacts of the demolition of this non-designated heritage asset. The existing building is unsuitable for conversion to a care facility, as demonstrated in Torsion's Support Statement.

Based upon the comment and discussions with the Conservation Team, it is considered that the classification of significance to be medium and the magnitude of change as the result of the total loss of the heritage assets is high, resulting in a substantial impact.

The proposed development would result in the demolition of 277 Birmingham Road. Therefore, the development would result in the total loss of significance of a non-designated heritage asset which would cause harm to the character and appearance of the area. In line with NPPF paragraph 203, this loss and harm needs to be weighed against other considerations, including any public benefits, and again I shall return to that question in the planning balance section.

Design and Appearance

Policy BDP 19 of the BDP seeks high quality design which would enhance the character of the local area. 277 Birmingham Road comprises a large Victorian vicarage, constructed in 1876-7. It was later extended unsympathetically in the 1960's with the addition of numerous flat roof prefabricated structures and converted into a school. The original plan form is clearly discernible, with many of the original features. The grounds are interspersed with various areas of local hardstanding, access pathways and what is believed to be the remains of a former tennis court with a large hardstanding area to the south and east off the main building.

The proposed care home is designed to be of a classical nature without becoming a pastiche representation of a mock architectural style. The rendered areas will add contrast and help further highlight these features.

The elevations will incorporate materials such as red brick and blue slate roofing with detailing and features that reflect the character of the area, window detailing with heads and sills contrasting in colour will help break up the materials whilst also providing variety, interest and articulation to the elevations. The nature of the use means that the window pattern has some repetition, but the glass and recessed nature of the windows will provide visual interest and articulation to the elevations. This building has been designed to reflect the functionality of its use and the nature of its immediate surroundings.

The application site is accessed via a long drive and there is substantial tree coverage along the front of the site adjoining the Birmingham Road meaning the proposal's impact on the wider street scene would therefore be limited.

Notwithstanding the concerns raised regarding the loss of the building, the new care homes design and appearance is considered to be acceptable and in accordance with the requirements of Policy BDP 19.

Amenity

The site has substantial amenity space for residents which would be the enclosed garden to the front the building (adjacent the entrance driveway). The rest of the building is designed in a way that feeds this space.

The change in levels across the site mean access can be formed from upper levels into the garden areas, this can be seen via the long pathway leading from the terrace to the north-east corner of the building. This is considered acceptable.

Policy BDP1: Sustainable Development Principles requires that in considering new development, regard will be had to:

“e) Compatibility with adjoining uses and the impact on residential amenity”

In terms of any impact on neighbours, concern has been raised by a resident along Copse Wood Way. However, the applicant has produced a section, which shows that there is a levels difference in this area and also substantial landscaping at the boundary, on this basis while there would be views of the development from these properties, it is not considered to be detrimental to the amenity of these properties.

The proposed location of the development on the site is considered to ensure that effects on residential amenity are minimised, taking into consideration separation distance between existing properties and the proposed development.

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

In terms of the living conditions of future occupants WRS has not objected to the scheme on noise grounds. A suitable glazing condition has been requested.

Therefore, on balance, the application is in accordance with policy BDP1.4e) and the High Quality Design Guide SPD.

Highway Matters

The applicant proposes to utilise the existing drive to access the development. In terms of parking the proposal will provide the following:

- 20 standard car parking spaces
- 2 accessible parking spaces
- 2 electric vehicle charging spaces
- 4 cycle parking spaces

The proposals would also provide a dedicated area for drop-off and pick-up trips and ambulance parking close to the site entrance. The Highway Authority has undertaken a robust assessment of the planning application and concludes that significant parking has been provided and the internal site layout and proposed pedestrian footpath facilities have been provided in a safe and suitable manner. The proposed development will result in a net reduction in trips compared to the existing use. The proposal therefore accords with Policy BDP16 of the BDP.

Landscape and Trees

There is a substantial number of trees on the site, most of which are located towards the northern and eastern boundaries of the site. Many of the existing trees within the site are subject to formal protection under Bromsgrove District Council Tree Preservation Order (17) 2016 (TPO). Subject to several conditions the tree officer has no objection to the proposal. The proposal will therefore not unduly impact on the local tree stock in accordance with BDP19 and BDP21.

Ecology

An Ecology Appraisal has been submitted by the applicant by Estrada Ecology. It identifies that the former Mount School building is used by bats for roosting, or as a place for shelter. Common pipistrelle and brown long-eared bats were recorded as roosting within the building at four roost locations. A series of mitigation measures are proposed to ensure that the loss of this habitat can be satisfactorily overcome on site. The proposal therefore has no undue impact upon protected species in accordance with policy BDP21 of the BDP.

Planning Obligations

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

The obligation in this case would cover:

- A financial contribution £13,600.00 for necessary Community Transport Services

- A financial contribution of £18,246.23 towards NHS Worcestershire Acute Hospitals Trust
- A section 106 monitoring fee

The legal section has confirmed that these contributions would be dealt with by a unilateral undertaking, should the application be approved.

There is no requirement for an affordable housing contribution under Policy BDP8. As the nature of the accommodation is a C2 Residential Institution use and not Class C3 dwelling houses, this has been adequately justified by the applicant. The use could be adequately conditioned to restrict its use to C2.

Planning Balance

For the reasons outlined above, the proposed development would cause harm to the Green Belt, due to inappropriateness and loss of openness, contrary to adopted Policy BDP4. The NPPF requires substantial weight to be given to any harm to Green Belts.

The proposal would involve total loss of the non-designated heritage asset, equating to substantial harm. The NPPF advises at paragraph 203 that in these circumstances, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Policy BDP20 requires that development protects, preserves, and wherever possible enhances designated and non-designated heritage assets and that in considering proposals that directly affect non-designated assets, weight will be given to the conservation of the asset and a balanced judgement is necessary having regard to the extent of harm or loss and the significance of the asset.

Having regard to the emphasis that the NPPF gives to the conservation of heritage assets, I consider that this harm, like the harm to the Green Belt, should be given substantial weight.

On the other side of the planning balance, there is no doubt that there is a clear local need in Bromsgrove for all forms of elderly persons' accommodation, and this need is both urgent and growing.

The applicant has outlined benefits of the proposed redevelopment which can be summarised as follows:

- Provision of care accommodation – provision of 72 beds of care accommodations, especially in the context of a wider lack of housing land across the district, which has been furthered due to the identification in January 2022 via the HDT 2021, that the LPA have only been able to deliver 44% of its housing need over the past 3 years
- Provision of care accommodation against the identified shortfall of this specialised use, as set out in the HPC assessment and Carterwood analysis.
- Knock-on positive impact on the local housing market area, resulting in the freeing up of homes due to the ability of those in need of care to be moved into such a facility.
- Net gain in local employment opportunities, both immediate and long term.

- Resultant impact on the reduction of pressure on local health care facilities, together with the improvement of elderly people's lifestyles, who may be in and out of hospital or living alone. The development of the care home will also reduce 'bed blocking'

The development would also produce further economic and social benefits in terms of construction jobs, and longer-term employment and training opportunities in the caring professions and related services. These considerations weigh heavily in favour of the application.

It is also argued by the applicant that this application should also be considered in the context of application 20/00458/FUL. This application was for the single storey, first floor and two storey extensions to existing 20-bed residential care home to create a 48-bed residential care home at Hopwood Court Hopwood and was approved at Planning Committee on 21st December 2021, contrary officer recommendation for refusal. The Committee noted that whilst Members understood the intrusion on the Green Belt, the area was screened by trees and the plans showed extensive replacement tree planting was proposed. Members referred to the comments made by the applicant with regard to the need for the care home to be brought up to date with new ensuite facilities and ultimately determined that "looking after the elderly did amount to very special circumstances and the need to provide suitable accommodation".

Drawing all these considerations all together, NPPF paragraph 144 makes it clear that, in Green Belts, 'very special circumstances' cannot exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by the other considerations. Consequently, for the application to succeed, the overall balance would have to favour the appellants' case not just marginally, but decisively.

In the present case, the considerations weighing in favour carry considerable weight, but even so, they do not clearly outweigh the combined weight of the harm to the Green Belt and to designated heritage assets. Nor would the harm to the heritage assets be outweighed by the public benefits, irrespective of the Green Belt issues. Very special circumstances of the type required by the NPPF have therefore not been demonstrated.

Conclusion

Despite the application considerable merits, their inherent conflict with both the development plan and national policies, with regard to the harm to both the Green Belt and non-designated heritage asset, leads me to conclude that the application cannot be supported and recommend for refusal.

RECOMMENDATION: That planning permission be **REFUSED**.

Reasons for Refusal

- 1.) The site is located within an area identified within the Development Plan as falling within the Green Belt where there is a presumption against inappropriate development. In such an area, development is limited to that which is not inappropriate to a Green Belt and which would preserve its openness. The proposal does not meet any of the policy criteria specified at Policy BDP4 of the Bromsgrove District Plan (BDP) or at Paragraph 149 of the National Planning Policy Framework 2021 (NPPF) and as such the proposal would amount to inappropriate development, which by definition, is harmful to the Green Belt. The development would reduce the openness of the Green Belt and furthermore, the development would conflict with the purposes of Green Belt policy. No very special circumstances exist or have been put forward to clearly outweigh the significant harm caused to the Green Belt. As such the proposal is considered to be contrary to Policy BDP4 of the Bromsgrove District Plan and the National Planning Policy Framework.

- 2.) The proposal results in the complete demolition of a non-designated heritage asset of architectural merit. Its loss has not been fully justified and would not be outweighed by the benefits of the scheme. The proposal is therefore contrary to Policy BDP20 of the Bromsgrove District Plan and Section 16 of the National Planning Policy Framework.

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21/01657/FUL

277 Birmingham Road, Bromsgrove,
Worcestershire, B61 0EP

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Proposed Demolition of Existing Buildings and
Erection Of 72-Bedroom Care Home

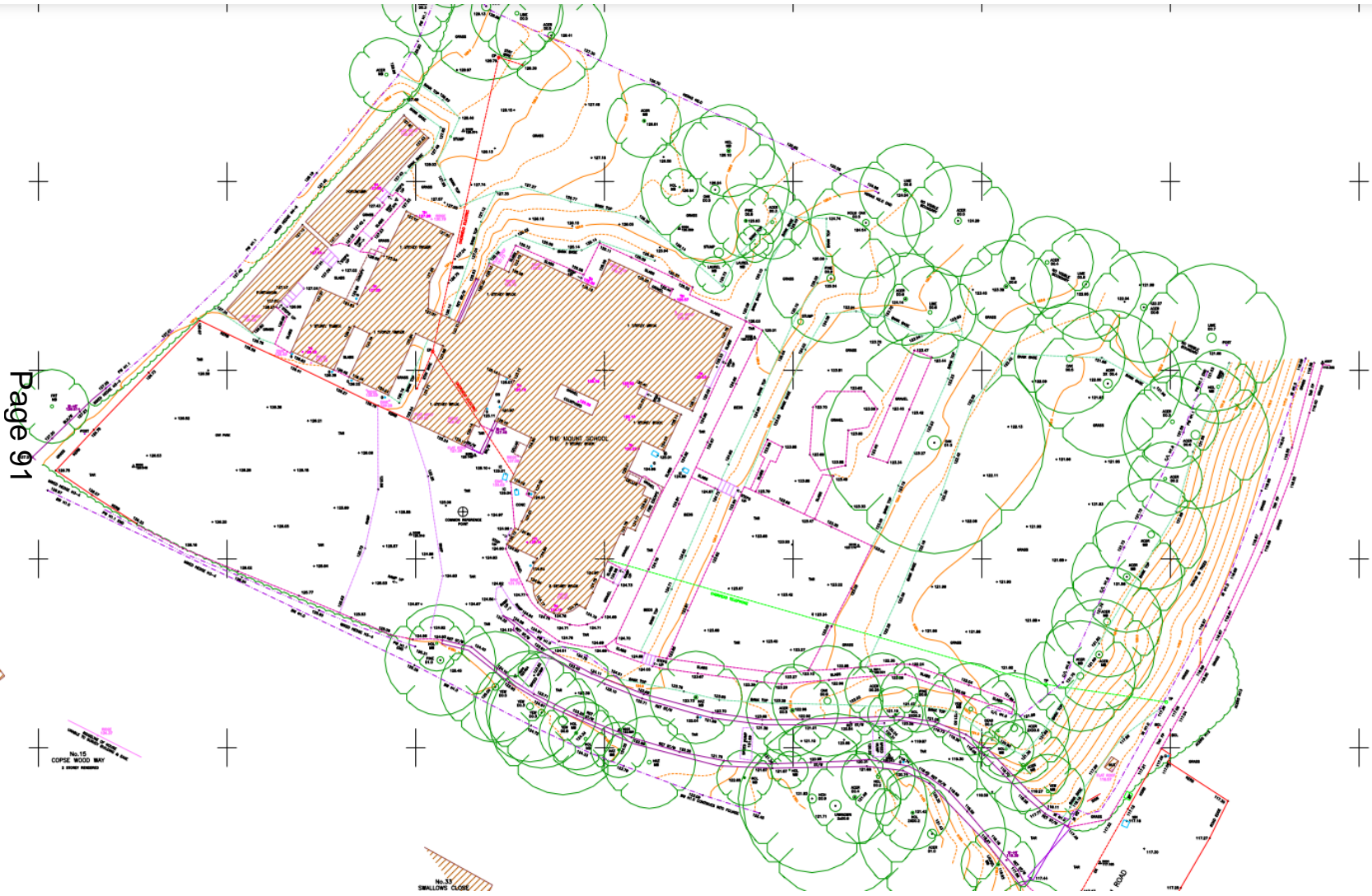
Recommendation: Refuse

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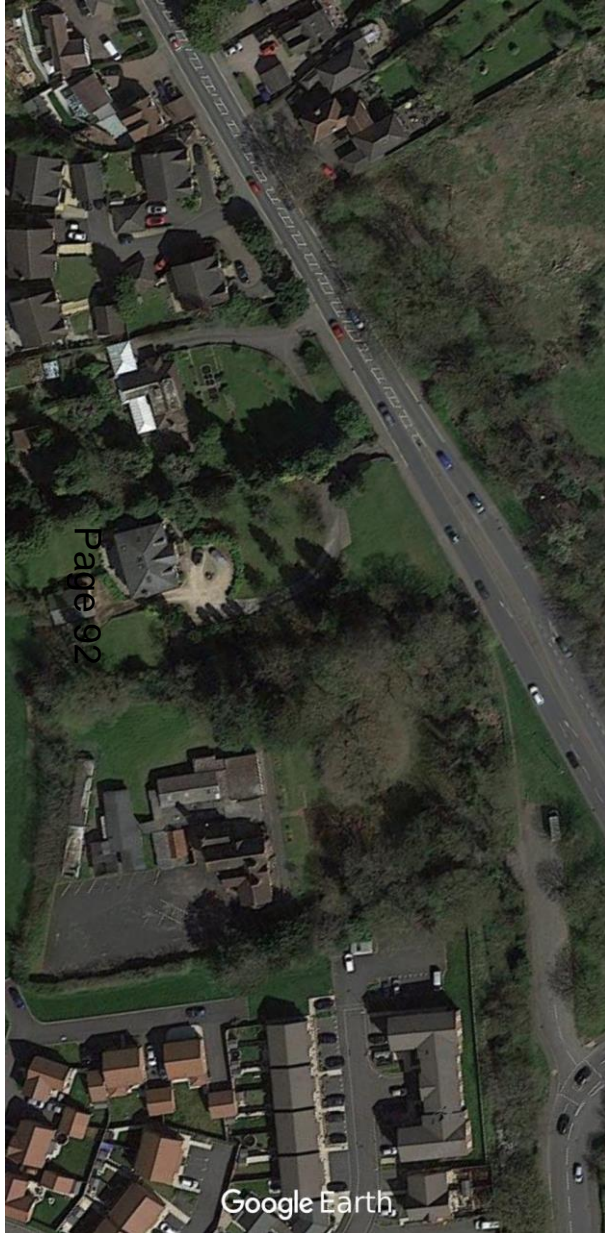
Site Location Plan



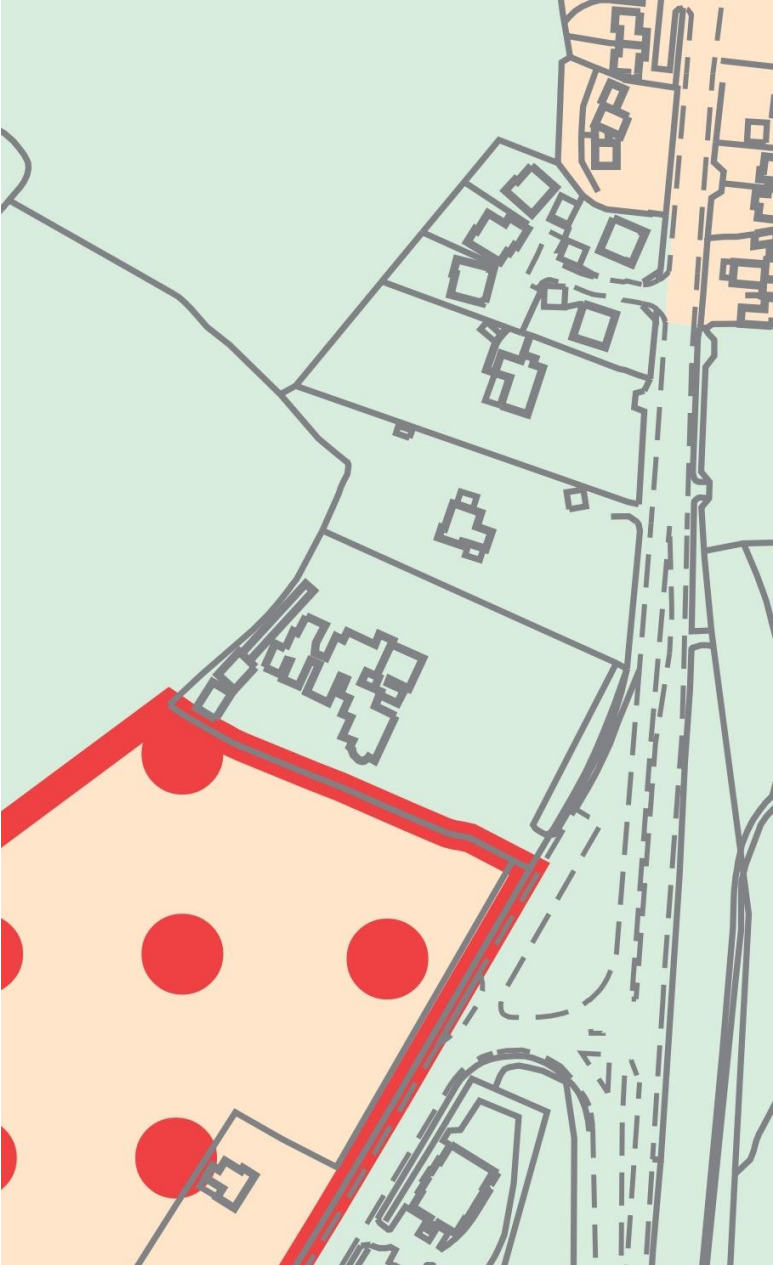
Existing Site



Satellite Views



Bromsgrove District Plan Map



Site Photographs

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Birmingham Road Elevation



View over 1960s extensions.



Side Elevation towards main access road



Existing entrance



Existing car park



Existing access from car park to Birmingham Road



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Existing Access from Birmingham Road

Existing Buildings



THE MOUNT SCHOOL
FRONT/NORTH-WEST ELEVATION

09/18/2016 A.S.D.

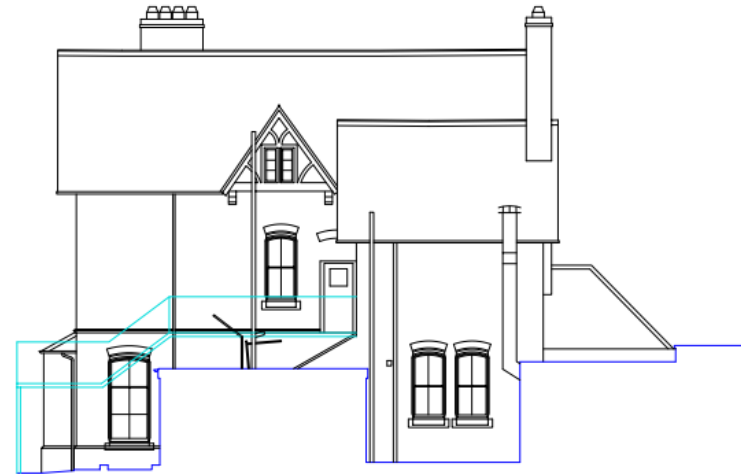


THE MOUNT SCHOOL
SIDE/SOUTH-WEST ELEVATION

09/18/2016 A.S.D.



THE MOUNT SCHOOL
REAR/SOUTH-EAST ELEVATION

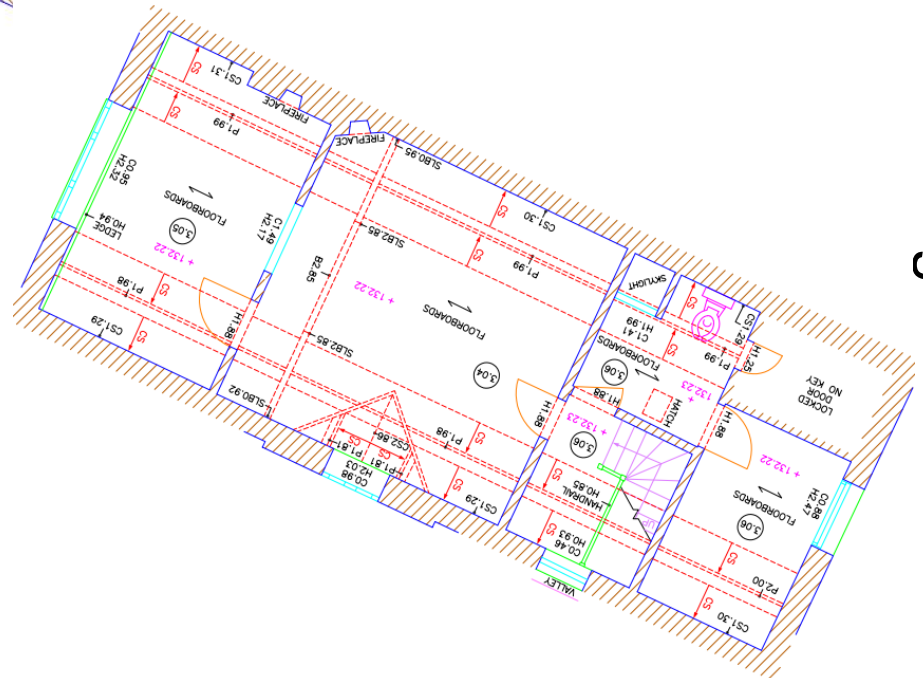
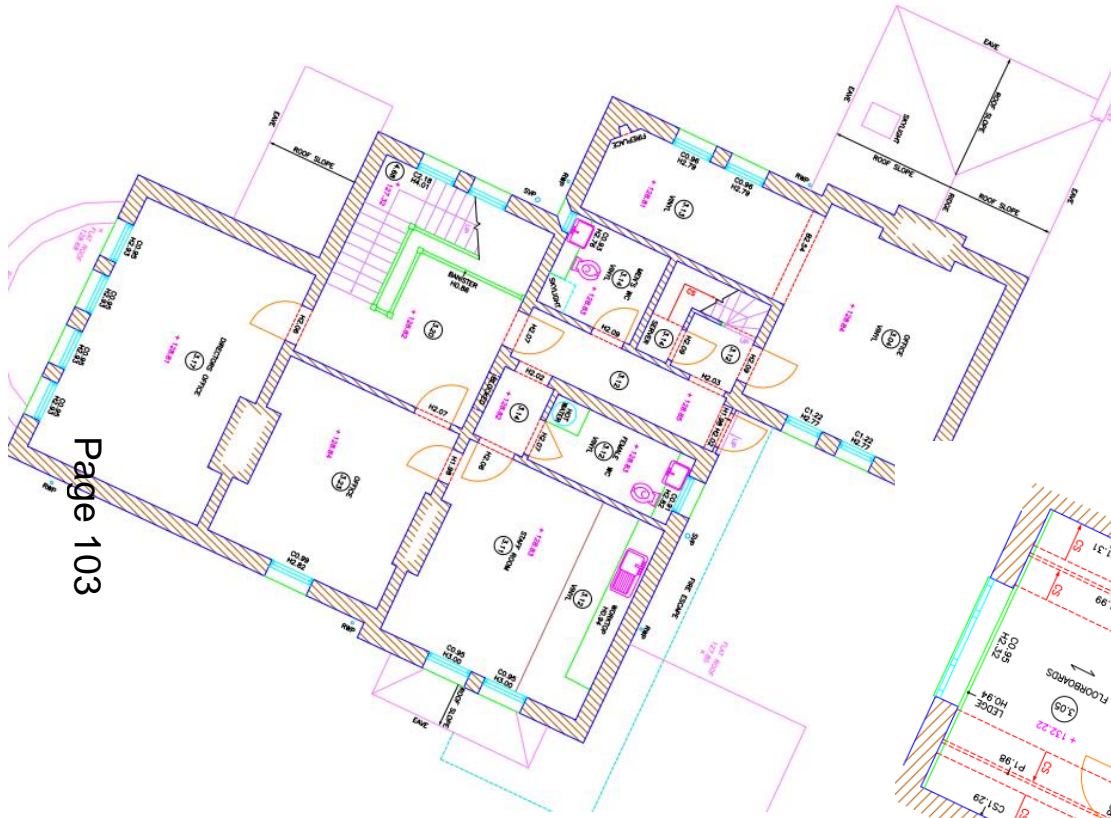


THE MOUNT SCHOOL
SIDE/NORTH-EAST ELEVATION

Existing Layout



Existing Layout



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Existing 1st and 2nd floor plans

Proposed Site Layout



Proposed Access and New Pedestrian Access



Proposed Elevations



EAST

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WEST

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Proposed Elevations



NORTH

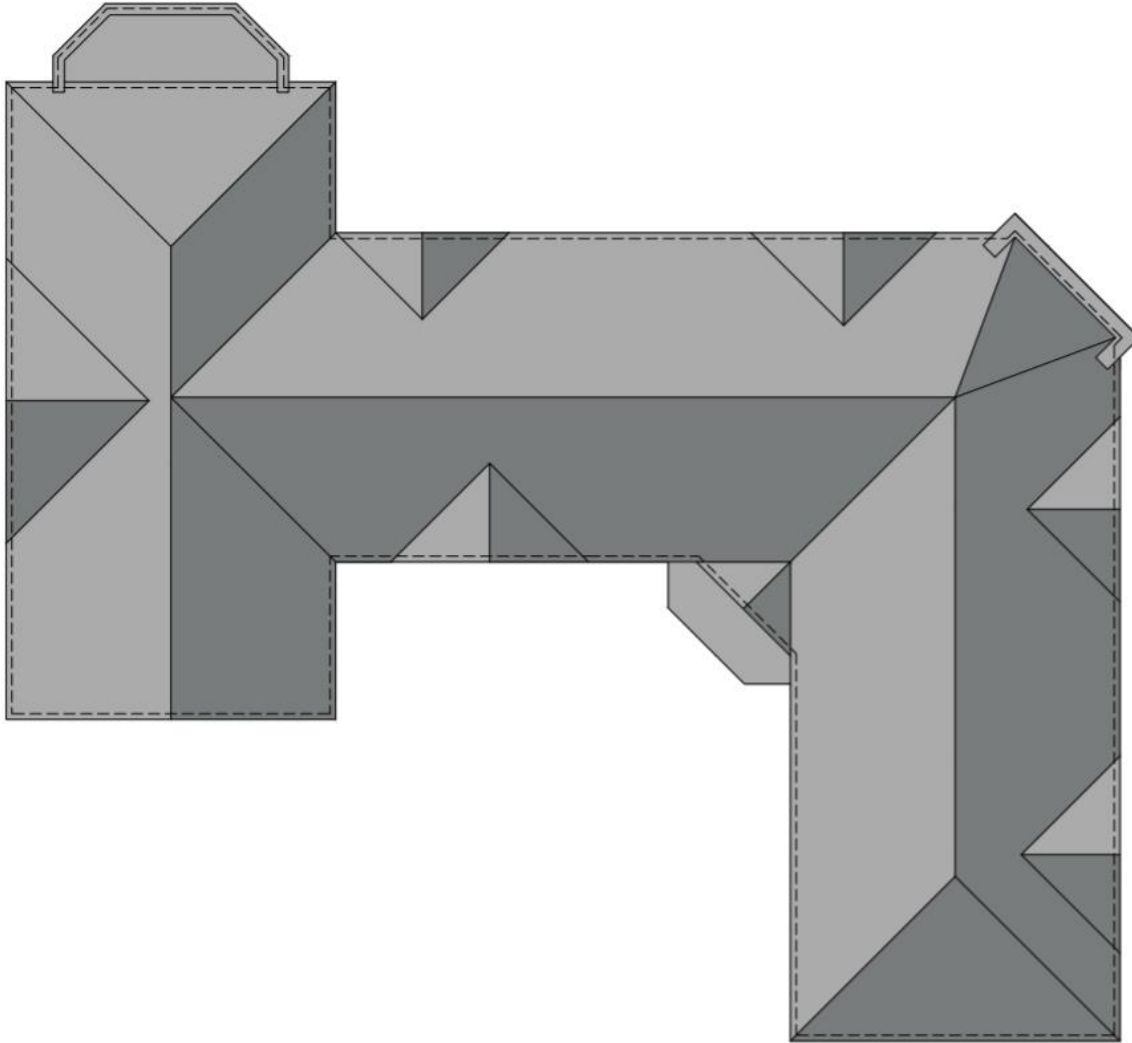
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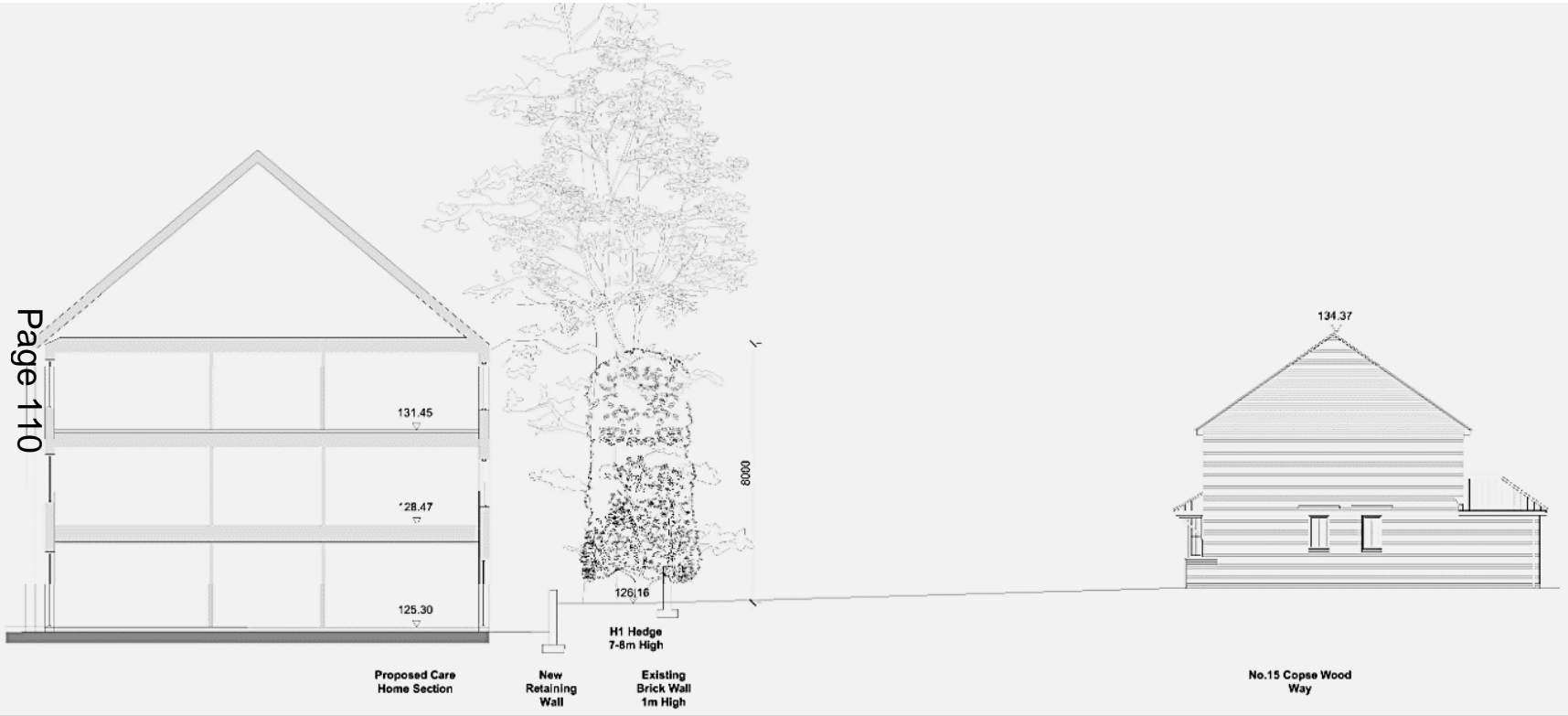
SOUTH



Proposed Roof Plan



Proposed Section with Copse Wood Way



Proposed Layout Plans



GIFA: 1163m²

RETAINING WALL

BALCONY

Proposed Layout Plans



GIFA: 1146m²

Proposed Layout Plans



GIFA: 1146m²

Existing layout with proposed overlay



Existing and proposed roof heights

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