

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 6TH NOVEMBER 2023, AT 6.00 P.M.

PRESENT: Councillors H. J. Jones (Chairman), M. Marshall (Vice-Chairman), S. J. Baxter, D. J. A. Forsythe, E. M. S. Gray, C.A. Hotham (substituting for Councillor A. Bailes), B. McEldowney, S. T. Nock (substituting for Councillor R. Lambert), J. Robinson, J. D. Stanley and D. G. Stewart

Officers: Mr. A. Hussain, Mr. M. Dunphy and Mr. G. Nock, Jacobs (via Microsoft Teams), Mr. M. Howarth, Mr. D. M. Birch, Ms. S. Williams, Mr. P. Lester, Mrs. E. Darby, Ms. K. Hanchett, Worcestershire County Council, Highways, Mrs. P. Ross and Mr G. Day

32/23

TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were received from Councillors A. Bailes, with Councillor C. A. Hotham in attendance as the substitute Member; and Councillor R. Lambert with Councillor S. T. Nock in attendance as the substitute Member.

33/23

DECLARATIONS OF INTEREST

Councillors M. Marshall and D. G. Stewart both declared a Non-Pecuniary Interest in relation to Agenda Item No.5 – 23/00869/REM, Land at Perryfields Road, Bromsgrove, having made previous public statements with regard to previous applications in respect of Land at Perryfields Road, Bromsgrove. Councillors M. Marshall and D. G. Stewart left the meeting room for the duration of this item and took no part in the Committee's consideration nor voting on this matter.

Councillor C. A. Hotham declared in relation to Agenda Item No.6 – 22/01419/FUL, Land to rear of Smedley Croke Place, Redditch Road, Hopwood, Worcestershire, in that he would be addressing the Committee for this item as Ward Councillor under the Council's public speaking rules. Following the conclusion of the public speaking, Councillor C. A. Hotham left the meeting room.

Councillor J. Robinson declared in relation to Agenda Item No.5 – 23/00869/REM Land at Perryfields Road and Agenda Item No.6 – Land rear of 1-6 Smedley Croke Place, Redditch Road, Hopwood,

Worcestershire; in that he was employed by National Highways who were one of the consultees on planning applications. Councillor J. Robinson explained that he had been granted a Dispensation and remained on the Committee for the consideration of both of these items.

34/23

MINUTES

The minutes of the Planning Committee meeting held on 4th September 2023, were received.

RESOLVED that the minutes of the Planning Committee meeting held on 4th September 2023, be approved as a correct record.

35/23

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING

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

All Members agreed that they had received and read the Committee Update.

36/23

23/00869/REM - RESUBMISSION OF RESERVED MATTERS APPLICATION OF PHASE 1 (21/01626/REM), 149 RESIDENTIAL UNITS ON LAND ABUTTING STOURBRIDGE ROAD/PERRYFIELDS ROAD, WHICH IS IN LINE WITH THE OUTLINE PLANNING PERMISSION FOR 1,300 DWELLINGS (APPLICATION REFERENCE 16/0335) ALLOWED AT APPEAL UNDER REFERENCE APP/ P1805/W/20/3265948. THE RESERVED MATTERS APPLICATION SEEKS CONSENT IN LINE WITH CONDITION 1 FOR DETAILED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT, AND SCALE. LAND AT, PERRYFIELDS ROAD, BROMSGROVE, WORCESTERSHIRE. TAYLOR WIMPEY UK LTD

The Chairman reminded the Committee that as detailed in the Officer's report, that the application before them was a resubmission of the Reserved Matters Application; and that this was an allocated development site and that outline planning permission with the Reserved Matters of Access had been allowed on appeal in 2021.

Therefore, for consideration by Members at tonight's meeting was the Reserved Matters Application which sought consent in line with Condition 1 for detailed matters of appearance, landscaping, layout and scale.

Officers drew Members' attention to the Committee Update, which detailed additional comments submitted by The Bromsgrove Society and the technical comments submitted by the applicants Highway Consultant in response to the issues raised by The Bromsgrove Society. Additional information in respect of minor drainage detail matters, and that North

Worcestershire Water Management were satisfied with the details submitted. The applicant had submitted a briefing note which was distributed to all Planning Committee Members on 27th October 2023.

Officers presented the report and the presentation slides, as detailed on pages 36 to 66 of the main agenda report.

Officers reiterated that the current planning application was a resubmission of planning application 21/01626/REM. The Phase 1 development would take access from the proposed signalised junction with Stourbridge Road connecting via a new proposed spine road.

The section of the spine road relevant to this planning application had been designed in accordance with the principles agreed as part of the outline planning consent set by the Planning Inspectorate; and that the required 20mph design speed had been achieved through appropriate horizontal alignment, as referred to in the Transport Statement (TS) submitted for application 23/00869/REM.

Members were reminded that planning application 21/01626/REM was considered by the Planning Committee on 3rd July 2023 and that the application was refused, for the reasons as detailed on pages 23 and 24 of the main agenda report.

It was noted that Worcestershire County Council, had recalled the concerns raised by Planning Committee Members in respect of the previous application (21/01626/REM). WCC Highway Authority had now acknowledged that the supporting TS submitted by the applicant, for application 23/00869/REM, had provided an overview of transport matters and had sought to address the specific issues raised by Planning Committee Members during the meeting held on 3rd July 2023; as detailed on pages 28 and 29 of the main agenda report.

Officers referred to the 'Active Route Corridor' and the comments received from Active Travel England (ATE), as detailed on pages 30 and 16 respectively; and that ATE had recommended approval of the application (23/00869/REM).

Members were further reminded that a total of 149 dwellings were proposed in this phase generally comprising of 2 storey dwellings, however, 6 No. bungalows were proposed and 10 No, dwellings would be 2½ storeys incorporating dormers.

Officers drew Members' attention to the Relevant Planning History, as detailed on pages 22 to 23 of the main agenda report.

The outline planning permission was allowed on appeal subject to a condition that the Reserved Matters would be in accordance with the indicative development area parameter plans. The plans approved as part of the outline application included detailed plans for the access arrangements/improvements for Stourbridge Road, Kidderminster Road and other nearby roads indicated for highway improvements.

The approved plans also included parameter plans that showed indicative details of the access and movement of the potential development. The Access and Movement Plan showed a 'main movement route corridor'; as shown on pages 38 to 40 of the main agenda report.

At the invitation of the Chairman, Mr. J. Gerner on behalf of The Bromsgrove Society addressed the Committee in objection to the application. Ms. G. Johnson, the applicant's Planning Agent and Mr. M. Axon, the applicant's Highway Consultant, addressed the Committee on behalf of the applicant.

Members then considered the Reserved Matters application, which officers had recommended be approved.

Officers responded to questions from Members with regard to the comment received from ATE in respect of separate footpath provision and cycleway with equal widths preferably wider than 1.75 m for each route. Officers clarified, that as detailed on page 15 of the main agenda report that, the designer had accepted the findings and that a 3.5 metre wide shared use path would be provided.

Members raised some questions on highways issues, the 20mph limit and the Access and Movement Plan, with regard to traffic on Perryfields Road, Stourbridge Road and Kidderminster Road.

At this stage in the meeting, the Chairman took the opportunity to remind the Committee that as she had stated at the beginning of the report; Members were being asked to consider the Reserved Matters application which sought consent for detailed matters of appearance, landscaping, layout and scale; and reiterated that the outline planning permission was allowed at appeal by the Planning Inspectorate.

It was noted that as detailed on page 15 of the main agenda report Mott MacDonald had reviewed the evidence presented in the revised Reserved Matters application for Phase 1 of the Perryfields development; and that this was undertaken to consider the highway related reasons for refusal of the previous application, by Planning Committee Members at the Planning Committee meeting held on 3rd July 2023.

The Worcestershire County Council, Highway Officer and the Development Management Manager (BDC / RBC) commented that the outline planning permission was subject to significant scrutiny by the Planning Inspectorate at appeal; this had included consideration of traffic movement and highway safety and that the Planning Inspectorate had deemed it acceptable and that there would be no traffic impact on Bromsgrove or impact on the highway.

In response to the concern raised by Mr. Gerner on behalf of The Bromsgrove Society about the spine road not being suitable for buses and HGV's; officers confirmed that the road was suitable for both.

Officers further commented that the section of the spine road relevant to this planning application had been designed in accordance with the principles agreed by the Planning Inspectorate; and that the slight curvature of the road would make the development more attractive, giving the houses a better outlook.

Officers further responded to questions from the Committee with regards to the shortfall of 2 affordable dwellings on Phase 1 of the scheme. Officers reassured Members that, as stated on page 27 of the main agenda report, the developers had clarified that the shortfall would be made up in the next phase of the development.

RESOLVED that the Reserved Matters application be approved subject to: -

- a) delegated powers be granted to the Head of Planning, Regeneration and Leisure Services to agree the final scope and detailed wording and numbering of Conditions, as set out on page 33 of the main agenda report.

37/23

22/01419/FUL - DEVELOPMENT OF 34 AFFORDABLE DWELLINGS, ASSOCIATED LANDSCAPING, SITEWORKS AND CONSTRUCTION OF NEW ACCESS FROM EXISTING HIGHWAY ROUNDABOUT, LAND TO REAR OF 1-6 SMEDLEY CROOKE PLACE, REDDITCH ROAD, HOPWOOD, WORCESTERSHIRE. CAWDOR CAPITAL (HOPWOOD) LTD AND STONEBOND PROPERTIES

Officers presented the report, which highlighted that the application was for the development of 34 affordable dwellings, associated landscaping, site works and construction of a new access from the existing highway roundabout.

Officers referred to the Site Description and Proposal, as detailed on page 71 of the main agenda report. The site was in the Green Belt and was also within the Alvechurch Parish Neighbourhood Plan area; and was located adjacent to but outside of the defined Village Envelope of Hopwood. Page 77 referenced the Alvechurch Neighbourhood Plan and Policy H2 which stated

'Policy H2: Housing for Hopwood and Rowney Green of the Alvechurch Parish Neighbourhood Plan (ANP) was relevant in the consideration of this application, Policy H2 supported housing developments, subject to several detailed criteria as to their location'.

Officers also referred to the following presentation slides: -

- Satellite View

- View of site from Birmingham Road
- View of site
- Proposed Layout
- Proposed Mix of Dwellings
- Proposed Landscaping
- Proposed Access

The application proposed that all of the dwellings to be social rented. The proposed housing mix was detailed on page 72 of the main agenda report.

Officers further referred to the 'Relevant Planning History, as detailed on page 70 of the main agenda report, and in doing so, explained that the new application before Members proposed a very different scheme with 100% affordable housing. Officers drew Members' attention to the 'Affordable Housing' information and the 'Affordable Housing Statement' submitted by the applicant, as detailed on page 81 of the main agenda report.

Officers referred to the comments received from Worcestershire County Council (WCC), Highway Authority, as detailed on pages 82 and 83 of the main agenda report. The Highway Authority had determined that the impact would not be severe based on the evidence supplied.

Several factors had been promoted by the applicant as comprising benefits which could clearly outweigh the harm to the Green Belt (and any other harm) to comprise the Very Special Circumstances (VSC) necessary to approve inappropriate development.

Officers concluded that in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm was clearly outweighed by other considerations, including the benefits of the development, must be reached.

In the context of the NPPF paragraph 148 which states: "Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

In this case, it was considered that the contribution towards housing land supply and that the proposal would provide 100% affordable housing were material considerations that weigh very strongly in favour of the proposals.

However, these benefits must be weighed against the harm to the Green Belt. It was concluded that the Green Belt arguments were no longer finely balanced. For this application, it was considered that the benefits of the proposals now clearly outweighed the harm to the Green Belt, and consequently, VSC did apply.

At the invitation of the Chairman, Mr. C. Robinson, the applicant's Agent and Councillor C. A. Hotham, Ward Councillor, addressed the Committee.

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

Members commented that they were torn when considering this application, since the application proposed 100% affordable housing and differed from the previous application.

However, Members raised a number of concerns with regard to the sustainability of the development in the location; and that in their opinion 100% affordable housing did not justify VSC.

Officers stated that at the 2012 appeal the Planning Inspectorate had not raised any concerns about sustainability; and that officers were steered by WCC Highway Authority on sustainability and that sustainability had never been raised as a sufficient concern to warrant refusal.

Mr. G. Nock, on behalf of Worcestershire County Council, Highways, stated that with regards to transport sustainability, there had been an interesting, long and varied history. There were existing public transport services within the limited local area and that a contribution of £96,000 had been secured in tandem as part of the Brockhill East development to enhance public transport services. This was currently being looked at by WCC Highway Authority and local bus service providers to enhance peak time services. The application was deemed acceptable by WCC Highway Authority.

Members raised further concerns in respect of VSC, 100% affordable housing and the Council's five year housing supply.

Officers responded and stated that each application should be determined on its own merits. However, as stated in their report, the contribution towards housing land supply and that the proposal would provide 100% affordable housing provide social and environmental benefits and as whole were considered VSC. The 34 proposed dwellings were of a good mix and there had been very significant consideration on this application, it was a unique scheme in terms of provision.

Members reiterated their main areas of concern as follows: -

- Green Belt, and that the Local Plan was under review.
- 100% Affordable Housing on the same site.
- Sustainability
- Education
- Health care

34 socially rented dwellings on the same site were not beneficial to that community as it might become an insulated development. There was no

community transport in the area and school transport would have to be built in, how could you guarantee building in community transport how was that sustainable, was this really viable. The development would be very isolated.

Officers explained that there were wider facilities, there was no school provision in Hopwood itself, education facilities in Alvechurch were used. No contribution to education was required due to the tenure of the dwellings proposed. Hereford and Worcestershire CCG had sought a financial contribution.

Members questioned the circumstances that enabled the proposed development to override the criteria set out in the Alvechurch Neighbourhood Plan (ANP).

Officers drew Members' attention to pages 77 and 78 of the main agenda report, and further referenced planning balance and that the benefits of the scheme outweighed the ANP.

The Chairman then referred to the Recommendation, as detailed on pages 86 to 93, with no proposer or seconder, and Members having expressed their concerns an Alternative Recommendation for refusal of the application was proposed and seconded, on being put to the vote it was

RESOLVED that planning permission be refused for the following reasons: -

- a) inappropriate development in the Green Belt, there were no Very Special Circumstances to outweigh the harm identified to the Green Belt; and
- b) the proposed development would be in an unsustainable location.

38/23

LOCAL GOVERNMENT ACT 1972

RESOLVED that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part, in each case, being as set out below, and that it is in the public interest to do so:-

Minute No.	Paragraphs
39/23	2 & 6

39/23

ENFORCEMENT MATTERS

(During the consideration of this item, Members discussed matters that necessitated the disclosure of exempt information. It was therefore

agreed to move to exclude the press and public prior to any debate on the grounds that information would be revealed which related to; information relating to any individual, information which was likely to reveal the identity of any individual and information which revealed what the authority proposed (including the authority holding that information)).

The meeting closed at 7.52 p.m.

Chairman