

# Public Document Pack



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE PLANNING COMMITTEE**

THURSDAY 7TH AUGUST 2025  
AT 6.00 P.M.

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

MEMBERS: Councillors H. J. Jones (Chairman), M. Marshall (Vice-Chairman),  
A. Bailes, S. J. Baxter, J. Clarke, D. J. A. Forsythe, E. M. S. Gray,  
R. E. Lambert, S. R. Peters, J. Robinson and J. D. Stanley

### **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. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
4. 23/01141/FUL - Change of use of land for dog walking field and associated works. Land Adjoining, Heath End Road, Belbroughton, Worcestershire, DY9 9XG. Mr. R. Horton (Pages 7 - 28)
5. 24/01225/FUL - Demolition of existing building and erection of a Care Home (Use Class C2). Wythall Business Centre, May Lane, Hollywood, Worcestershire, B47 5PD. Mr. J. Green (HCD) (Pages 29 - 64)

6. 25/00562/FUL - Change of use from C3 use (Dwellinghouse) to C2 use (Residential Children Home) for up to 3 children with access alterations. High Bank Nurseries, Quantry Lane, Belbroughton, Worcestershire, DY9 9UU. Mr. N. Singh (Pages 65 - 84)
7. To consider any Urgent business, details of which have been notified to the Assistant Director of Legal, Democratic and Procurement Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting.

J. Leach  
Chief Executive

Parkside  
Market Street  
BROMSGROVE  
Worcestershire  
B61 8DA

30th July 2025

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

**Parkside, Market Street, Bromsgrove, B61 8DA  
Tel: 01527 881406  
Email: [p.ross@bromsgroveandredditch.gov.uk](mailto:p.ross@bromsgroveandredditch.gov.uk)**

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

**Please note that this is a public meeting and will be live streamed for  
general access via the Council's YouTube channel.**

### **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](mailto:p.ross@bromsgroveandredditch.gov.uk) by 12 noon on Tuesday 5<sup>th</sup> August 2025.**
- 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 Tuesday 5<sup>th</sup> August 2025.**

- 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](http://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 and for any such items the live stream will be suspended and that part of the meeting will not be recorded.**



## **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](http://www.bromsgrove.gov.uk)

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| Name of Applicant | Proposal   | Expiry Date | Plan Ref.    |
|-------------------|--|-------------|--------------|
| Mr R Horton       | Change of use of land for dog walking field and associated works<br><br>Land Adjoining, Heath End Road,<br>Belbroughton, Worcestershire, DY9 9XG | 21.02.2024  | 23/01141/FUL |

**Councillor May has requested that this application be considered by Planning Committee rather than being determined under delegated powers**

**RECOMMENDATION:** That planning permission be **GRANTED**

### **Consultations**

#### **Worcestershire Highways - Bromsgrove**

- No objection.
- Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact and therefore there are no justifiable grounds on which an objection could be maintained. Conditions recommended: Pedestrian visibility splays, gates to be set back, access layout and visibility splays

#### **WRS - Noise**

- No objection.
- The noise impact will depend on how well the site is managed in terms of not allowing dogs on site that bark unreasonably. The proposed site booking system should enable the operator to identify any problematic dog walkers should complaints be made of unreasonable dog barking and to deal with them appropriately.

#### **North Worcestershire Water Management**

- No objection.
- Drainage condition recommended.

#### **Ecology**

- No objection
- Conditions recommended with regard to ecology:
- CEMP
- Badger Method statement
- Bat/bird boxes

#### **WRS - Contaminated Land**

Views awaited

#### **Belbroughton and Fairfield Parish Council**

Views awaited

#### **Publicity**

25 individual neighbour letters sent.

41 objections received raising the following concerns:

- Increase traffic/accident blackspot - Highway safety
- Children catch school bus near site – concerned for child safety
- Concern at cars parking on road
- Increase in noise from dogs and handlers - detrimental to local residents
- Dog safety concerns
- Light pollution
- Noise detrimental to those using local footpaths
- Adverse impact on quality of life for local residents
- Concern at waste/litter
- Inappropriate development in green belt
- Adverse impact on natural habitats and wildlife
- Risk to livestock
- Dog walking facilities nearby – not needed

### **Councillor May**

- There have been numerous car accidents on this stretch of road.
- The application is for 6 dog visits at a time with 4 car parking places? Where is the overflow car park? This will not be used by local people this will be used by people outside the area and the site is 130 metres from fiveways junction that has had a number of serious RTAs.
- I believe this is inappropriate development in the Green Belt.

### **Relevant Policies**

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP12 Sustainable Communities

BDP15 Rural Renaissance

BDP16 Sustainable Transport

BDP19 High Quality Design

#### **Others**

National Planning Policy Framework (2024)

National Planning Practice Guidance

### **Relevant Planning History**

|              |   |         |            |
|--------------|---|---------|------------|
| 22/01129/FUL | Change of use from land formally agricultural to providing a recreation area for dog owners and dog carers. The application includes the erection of a 1.5 high lightweight netting around the perimeter of the boundary. The field will be accessed from Heath End Road using the existing farm driveways. | Refused | 25.11.2022 |
|--------------|---|---------|------------|



## Background

This site previously formed part of the larger site that was subject to application 22/01129/FUL 'Change of use from land formally agricultural to providing a recreation area for dog owners and dog carers. The application includes the erection of a 1.5 high lightweight netting around the perimeter of the boundary. The field will be accessed from Heath End Road using the existing farm driveways'. That application was refused on 25th November 2022 for the following reasons:

1. The proposal would represent inappropriate development in the Green Belt by virtue of the introduction of additional surfacing, car parking, and trackway through the site together with agility equipment associated with the proposed agility course area. The inappropriate development would be harmful to the openness of the Green Belt. No very special circumstances exist to outweigh the harm. As such the proposal would be contrary to Policy BDP4 of Bromsgrove District Plan and Chapter 12 of the NPPF.
2. The site is located in close proximity to residential properties. No information has been submitted to demonstrate that the proposal would be satisfactory with regard to noise impact on the residential properties or enhance the character and distinctiveness of the local area. As such it is considered to be contrary to Policy BDP19 and paragraph 185 of the NPPF.
3. No ecology information has been submitted. It has not been demonstrated that the proposal would not be harmful to local ecology or any protected species. Furthermore, the proposal fails to contribute to and enhance the natural and local environment contrary to Policy BDP21 of Bromsgrove District Plan and Chapter 15 of the NPPF.
4. The Highway Authority has identified concerns with the visibility at the site entrances and the speed of the road. No speed survey has been submitted or any other information to overcome the concerns. Therefore, it is considered that there would be unacceptable highways impact arising from the development contrary to Policy BDP16 of Bromsgrove District Plan and paragraphs 110 and 112 of the NPPF.
5. The development would be situated in the countryside, outside any defined village envelope and isolated from key facilities. Customers would rely heavily on the private car for travel to and from the service. The proposal does not fulfil a need of the local community and therefore does not constitute a sustainable form of development. It is therefore contrary to Policies BDP1, BDP12, BDP15, BDP16, BDP22 of the Bromsgrove District Plan and Paragraph 7 of the NPPF.

## The Site

The current application site area is approximately 0.63 hectares. It is located within the Green Belt with sporadic residential development nearby. The closest dwellings are approximately 45m to the south, 145m to the west, 70m to the east. The A491 is located approximately 1km (c.0.6mile) to the west. The five ways junction (Heath End Road, Quantry Lane, Madeley Road, Farley Lane and Woodfield Lane) is approximately 130m to the east.

The site comprises of a field with 2 buildings which were granted planning permission as stables in 2004. They are positioned parallel with Heath End Road and are largely

screened behind the existing hedgerow. There is an existing vehicular access to the site from Heath End Road. A hardcore surfaced access track leads to the existing buildings with hardstanding to the front to provide for a minimum of 4no. off street parking spaces. The site is bounded by hedges to 4 boundaries.

## Proposal

The current application represents a revised application to 22/01129/FUL insofar as it seeks planning permission for a change of use to a secure dog walking facility - though the site area is approximately half the size of the previous application. The submission states that:

- The existing buildings will be used for storage associated with the proposed use.
- Customers will access the facility via a booking system only, with 50 minute time slots and 10 minute handover.
- A maximum number of 6 dogs using the field at any one time.
- The existing access is proposed to be modified to ensure a minimum access length of 6 metres and access width of 3.2 metres - surfaced in a bound material.
- The existing hardstanding within the application site will provide for a minimum 4 no. off street parking spaces.
- The application proposals also include a 1.5 metre high fence around the perimeter of the site.

Additional supporting documents accompany the current application which did not form part of the earlier application:

- Noise Report
- Ecology reports
- Highways & Transport Technical note

## Assessment of Proposal

The key considerations are whether the previous reasons for refusal have been overcome and no further planning concerns arise.

### Location

In contrast with the previous application which provided inaccurate and confused information regarding the location of the site, the information provided within the submitted planning statement and Technical Note explains why the applicant considers the site to be a sustainable location. It points out that dog exercise facilities are generally less accessible by public transport being located in the countryside; therefore their locational requirements of rural area should be recognised as being supported by the NPPF.

There is an existing footway outside the site running along the southern side of Heath End Road and continuing along Quantry Lane to the east. The Technical Note also refers to substantial Public Right of Way (PRoW) network with routes close to the site that could be utilised by users of the proposed development. Members can view the submission in Figure 2.2 on page 4 of the Technical Note on Public Access.

Policy BDP2 states that new development should be located in accordance with the defined settlement hierarchy in order to reduce the need to travel and to promote

sustainable communities. The site is located outside of the existing settlement boundaries and is considered to be located within the countryside. The NPPF (Paragraph 110) states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. Taking account of the information provided, future users of the site would not be solely reliant on motor vehicles. The site is accessible via an existing network of footpaths.

On balance, this is considered to support the accessibility of the proposal and with regard to the requirements of the NPPF.

In such areas Policy BDP15 encourages small scale rural businesses and leisure opportunities that are appropriate to local employment needs, minimise environmental impacts and harmonise with local character and the natural environment.

The NPPF Policy BDP1 sets out the Council's policy on supporting sustainable development, policy BDP15 Rural Renaissance and BDP 16 Sustainable Transport.

## Green Belt

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. The National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Material changes in the use of land, such as outdoor recreation, is one such exception provided it preserves openness and does not conflict with the purpose of included land within the Green Belt (NPPF paragraph 154 b) and 154 h) v.). The proposed use is considered to constitute outdoor recreation and therefore in principle may be compatible with Green Belt policy.

The presence of dogs, owners/carers on the land is not considered to be harmful to openness in itself. The proposal also offers the opportunity to improve access to the Green Belt in accordance with the NPPF (paragraph 151).

The proposal includes a 1.5m lightweight netting around the perimeter of the site. Although this is not an excepted form of appropriate development in the Green Belt, a permitted development right for means of enclosure is granted by the General Permitted Development Order in association with the lawful use of land. The application refers to a change of use from agriculture and it is accepted that such fencing is likely to be permitted development if associated with an agricultural or other lawful use. In this context the netting does not raise concerns.

The proposal would re-use existing buildings on site for storage facilities of machinery and equipment to maintain the land and equipment associated with dog walking. These were originally granted permission for use as stables. The re-use of the existing buildings is not considered harmful to the openness of the Green Belt and is considered acceptable.

In contrast to the previous application, the planning statement states that existing hardstanding at the site will be utilised as off-street parking spaces for 4 no. vehicles. The

parking of vehicles will be transient and is considered acceptable with regard to impact on openness. The access track into the site will be modified and re-surfaced in a bound material. The planning statement expresses a willingness for the details of the bound material to be secured by condition. The supporting statement explains these works are the minimum required to serve the proposal. This is considered to be an engineering operation, which is considered acceptable, subject to preserving the openness of the Green Belt and not conflicting with the purposes of including land within it. The engineering operation does not raise the profile of the land and does not result in a significant urbanising of the countryside or Green Belt. The access track is considered acceptable with regard to Green Belt policy.

## Social and Economic Matters

The site is located within the countryside. Policy BDP15 sets out broad support for proposals that satisfy the social and economic aims of rural communities. It encourages small scale rural businesses and leisure opportunities that are appropriate to local employment needs, minimise environmental impacts and harmonise with local character and the natural environment. This broadly reflects NPPF para 81 which supports opportunities for development.

The application form states that the proposal would not result in the creation of employment jobs. No economic benefits have been demonstrated in the submission. On the basis of information submitted economic matters are considered neutral.

The proposal would offer an opportunity for recreational access within the countryside though little supporting information has been provided on this aspect. Objectors have expressed the view that there are adequate dog exercise opportunities in the wider area and are sceptical about the need for the development. The NPPF does not set out a maximum number of recreational opportunities to be provided. Whether future customers will be attracted to the site would largely be a matter for the site owner and is considered to be beyond the scope of planning matters for consideration in the determination of the application. BDP25 supports proposals that enhance and support opportunities for recreational provision. The proposal is considered to fall within the category and given the proximity to the public footpath network could help to promote healthy lifestyle.

## Noise and Impact on Residential Amenity

The impact of the proposal on the living conditions of surrounding residents is a material planning consideration. Objections have been received expressing concern from barking dogs and owners shouting commands on existing residential amenity.

The application is accompanied by as a report on the existing noise climate and the proposed dog walking facility, acknowledging the proximity of existing residential properties. The report states that the general ambient noise climate across the site is attributable to traffic flows on Heath End Road to the north but with some contribution from other nearby roads. The majority of noise from the roads is attributable to tyre 'roar' which has a characteristic mid-frequency tonal peak. It states that the assessment indicates that barks and shouts from an active dog-walking session would result in 'low impact' at the nearest dwellings as a result of the relatively large distance between the walking field and the nearest dwellings. It further states that the highest calculated emission level for dog activity in the outdoor training area is LAeq 33dB at the nearest dwelling. This calculated level would readily achieve the BS 8233 internal criterion with

open windows, whilst BS 8233 external criteria for gardens would also be achieved. It concludes that the predicted noise levels at the dwellings from the proposed development are significantly below the existing ambient and background noise climate and, consequently, are unlikely to be particularly noticeable.

The WRS consultation response advises that there are no current noise standards by which to assess dog barking and therefore the submission makes reference to BS4142 Methods for Rating and Assessing Industrial & Commercial Sound and BS8233 Guidance on sound insulation and noise reduction for buildings. WRS has not recommended refusal, instead the comments note that noise impact will depend on how well the site is managed in terms of not allowing dogs on site that bark unreasonably. The consultation response advises that the proposed site booking system should enable the operator to identify any problematic dog walkers should complaints be made of unreasonable dog barking and to deal with them appropriately.

BDP19 q. (High Quality Design) includes that the Council will ensure development incorporates sufficient measures to reduce the impact of pollution (including from noise and light). Paragraph 198 of the NPPF requires that planning decisions should take account of the impact on living conditions and mitigate potential adverse impacts resulting from noise.

In contrast to the refused application, the proposal is for a change of use of the land for dog walking whereas the previous proposal at the site included a dog agility area. It is acknowledged that the use for dog walking may result in some dog barking. Planning policy does not require that no noise at all shall arise from a development but that it is mitigated by appropriate measures. In this instance, conditions are recommended restricting the hours of use, maximum number of dogs, limit of one booking at a time and the submission of an Operational and Noise Management Plan.

## Ecology

Unlike the previous application, a Preliminary Ecological Appraisal Report has been submitted with the application. Further details have also been provided following consultation with the Council's Consultant Ecologist. Full details are not available on public access due to the sensitivity of information with regard to ecological matters. However, the Council's Consultant Ecologist has confirmed that all their comments have been addressed and they have recommended conditions including the submission of a Construction Ecological Management Plan (CEMP) to secure mitigation measures are addressed during construction, including Reasonable Avoidance Measures and bird and bat boxes.

## Access and Highway Matters

Many of the objections have expressed concern with regard to highway safety/access/traffic to be associated with the development.

A Technical Note has been submitted to address highway related matters. This includes the provision of visibility splays of 2.4m X 120m in each direction, provision of pedestrian visibility splays 2, X 2m, demonstration of satisfactory manoeuvres into and out of the site, review of accident data.

The Highway Authority has reviewed the submission and has raised no objection.

Conditions are recommended to secure the relevant visibility splays and site layout arrangements.

## Other Matters

Concerns have been expressed regarding the risk to livestock. The proposal includes an entrance gate and fencing. Conditions are recommended regarding the provision of fencing and an operational and noise management plan. With regard to concerns of lighting, a lighting condition is proposed together with an hours condition. Concern has also been expressed regarding dog waste. This will be addressed by the proposed operational and noise management plan condition.

## Conclusion

The details provided in this revised application including the submission of the planning statement, Noise Report, Ecology reports and Highways and Transport Technical note, have overcome previous concerns such that the proposal is considered acceptable with regard to local and national planning policy and other material considerations.

Subject to the conditions recommend, the proposal is recommended for approval.

**RECOMMENDATION:** That planning permission be **GRANTED**

## Conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Location plan drawing no. 6270.99  
Existing and proposed plans and elevations (unnumbered)

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 3) The site shall be operated on a pre-booked system only and shall be limited to one booking, for a maximum of 3 dogs, at any one time.

Reason: To ensure the satisfactory functioning of the development. To protect neighbour amenity and local character.

- 4) The dog walking use hereby granted shall only take place between the following hours:  
British Summer Time (BST) hours  
08:00 - 20:00 Mon - Fri  
09:00 - 17:00 Sat  
10:00 - 16:00 Sun  
Greenwich Mean Time (GMT) hours:  
08:00 - 16:00 Mon - Fri

09:00 - 16:00 Sat  
10:00 - 16:00 Sun

Reason: To ensure the satisfactory functioning of the development and to protect neighbour amenity and local character.

- 5) Prior to the development being brought into use, an Operational and Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to details of the booking system, management and removal of waste and litter, management of unruly dogs, noise monitoring and management. The development shall be carried in in accordance with the approved Operational and Noise Management Plan.

Reason: To ensure the satisfactory functioning of the development and to protect neighbour amenity and local character.

- 6) Prior to the development hereby permitted being brought into use, the details of proposed fencing/gates shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained/maintained for the life of the development.

Reason: To ensure the satisfactory functioning of the development and to protect neighbour amenity and local character, and local ecology

- 7) Prior to the development hereby permitted being brought into use, the details of the layout of the parking spaces shall be submitted to and approved in writing by the Local Planning Authority - the development shall be carried out in accordance with the approved details and thereafter retained and made available for that purpose for the lifetime of the development.

Reason: To ensure satisfactory functioning of the development, highway safety, visual amenity and local character.

- 9) Prior to the development hereby permitted being brought into use, details of the trees and native hedgerow to be provided as set out in section 4 Habitat Creation of the Biodiversity Net Gain Assessment, Land at Heath End Road, Belbroughton. Issue date: 16 May 2023. Completed by SEED. Reference: 1560-BNG-V1-A. Document reference: BNG\_ASSESSMENT\_V1\_A-1079462, shall be submitted to and be approved in writing by the Local Planning Authority. The submitted details shall include ground preparation, plant species, size of plants, planting density, planting location and timetable for implementation and maintenance.

Reason: Full details have not been provided as part of the application, in the interests of the visual amenity of the area and biodiversity improvement.

- 10) All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the development being brought into use or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason: In the interests of the visual amenity of the area and biodiversity improvement.

- 11) No external lighting shall be installed at the site without the prior written approval of the local planning authority.

Reason: To ensure the satisfactory appearance of the development, to protect the rural character and for reasons of safeguarding biodiversity and neighbour amenity.

- 12) Prior to commencement of development, a Construction Ecological Management Plan (CEMP) shall be submitted to and be approved in writing by the Local Planning Authority. The submission shall include details of all mitigation measures outlined in the PEA report by SEED and include details of the installation of the bird and bat boxes. The development shall be carried out in accordance with the approved CEMP.

Reason: In accordance with the PEA report and to ensure that all mitigation measures outlined in the PEA report are adhered to during construction, including Reasonable Avoidance Measures (RAMs).

- 13) Prior to installation of the fencing, a Badger Method Statement shall be submitted to and be approved in writing by the Local Planning Authority. The submitted details shall include a pre-commencement badger survey, the proposed fencing type and location, along with the method of installation, to ensure that badgers are not harmed during the fencing installation.

Reason: To ensure the impact of badgers is satisfactorily addressed.

- 14) Prior to the modification and re-surfacing of the access track, details regarding the proposed materials and surface water drainage shall be submitted to and be approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.

Reason: To ensure satisfactory drainage.

- 15) The Development hereby approved shall not be brought into use until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of the verge are provided on both sides of the access. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.

Reason: to ensure highway safety.

- 16) The Development hereby approved shall not be occupied until the proposed access gates have been set back 7 metres from the adjoining carriageway edge and made to open inwards only and be thereafter retained.

Reason: In the interests of highway safety.



Plan reference

**Case Officer:** Jo Chambers Tel: 01527 881408  
Email: [jo.chambers@bromsgroveandredditch.gov.uk](mailto:jo.chambers@bromsgroveandredditch.gov.uk)

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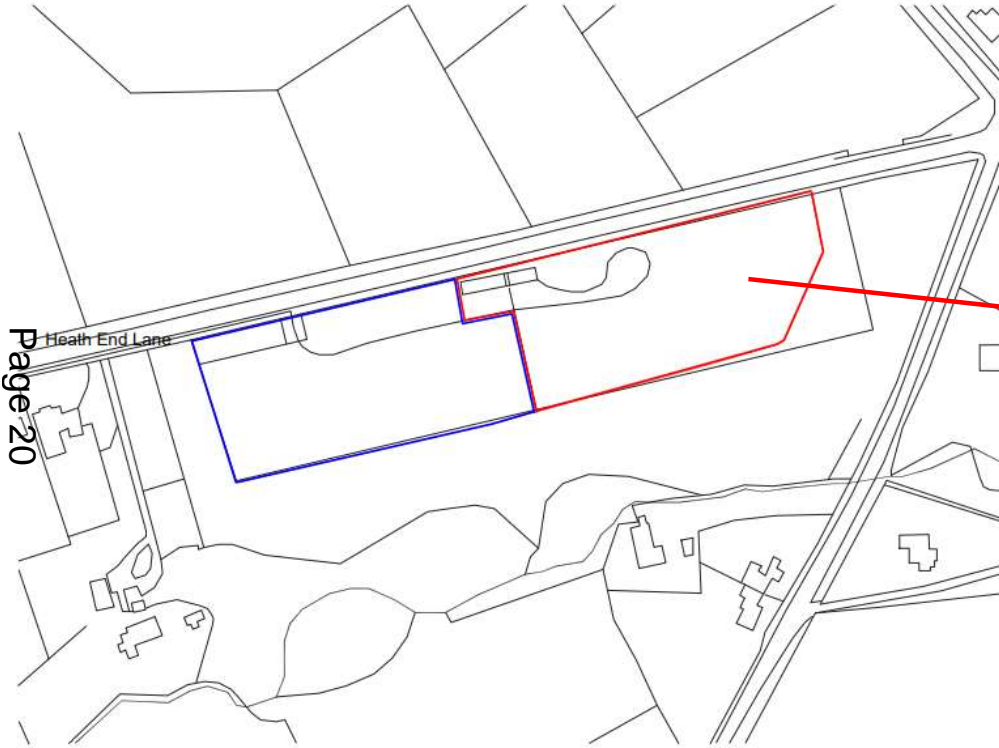
23/01141/FUL

Land Adjoining Heath End Road  
Belbroughton, Worcestershire DY9 9XG

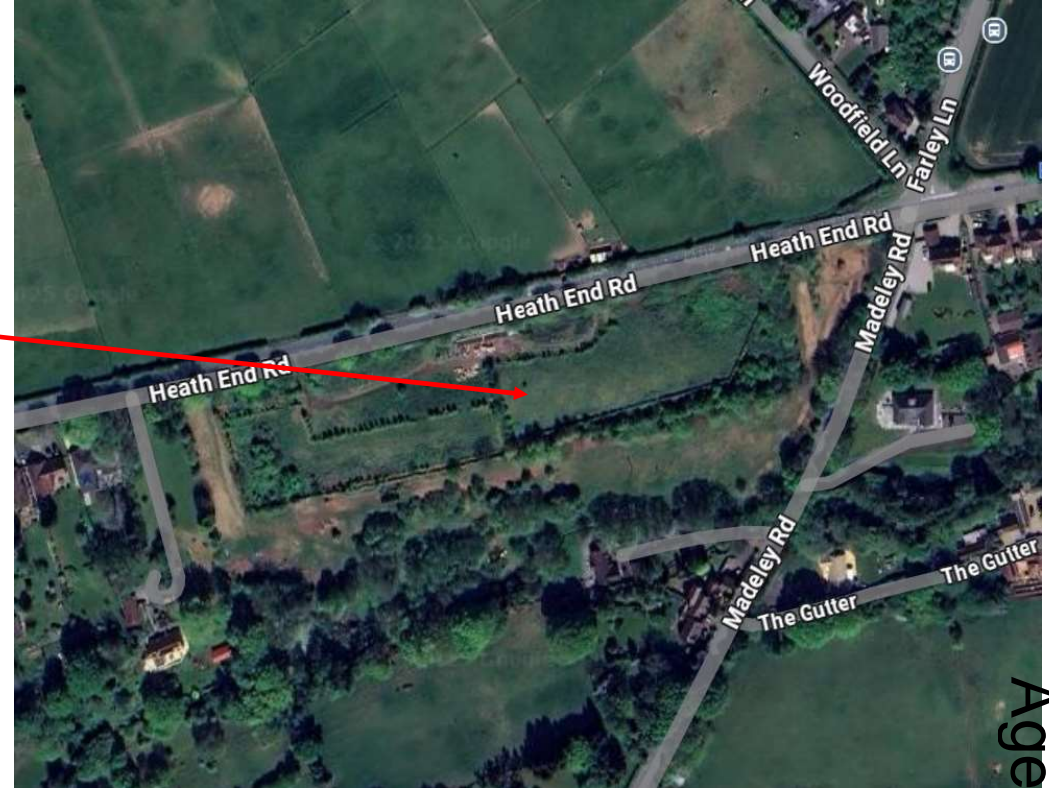
Change of use of land for dog walking field and  
associated works

Recommendation:  
Grant subject to conditions

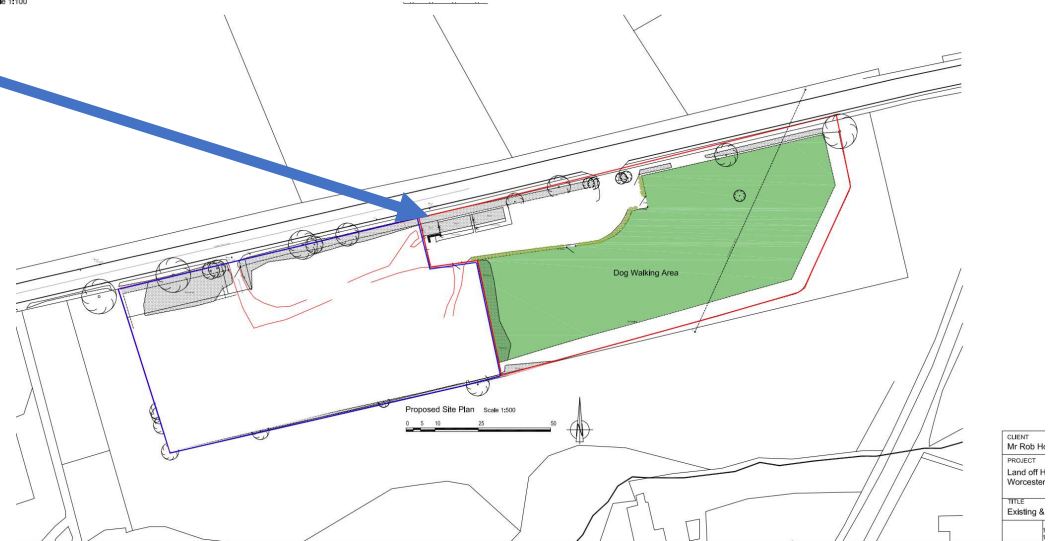
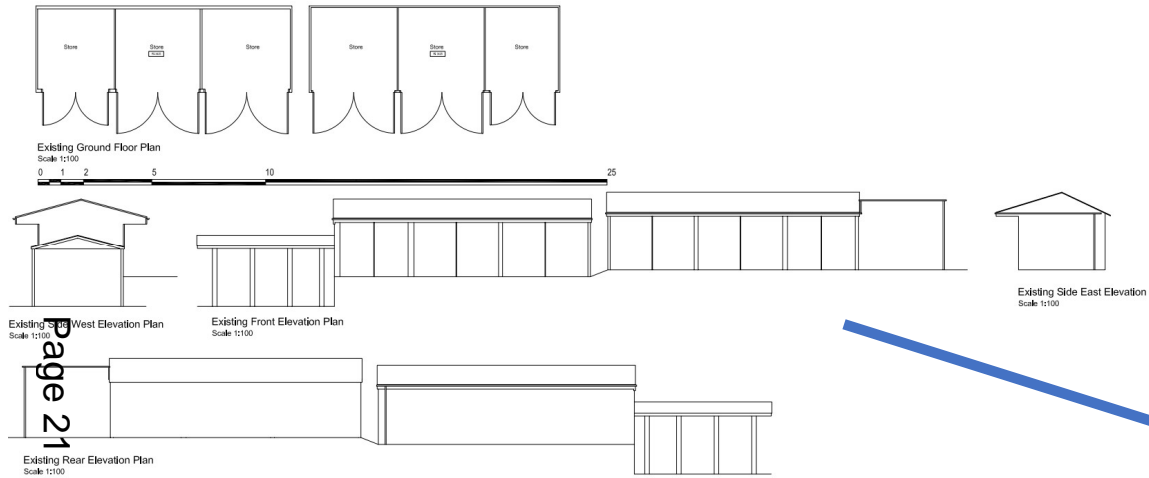
# Site Location



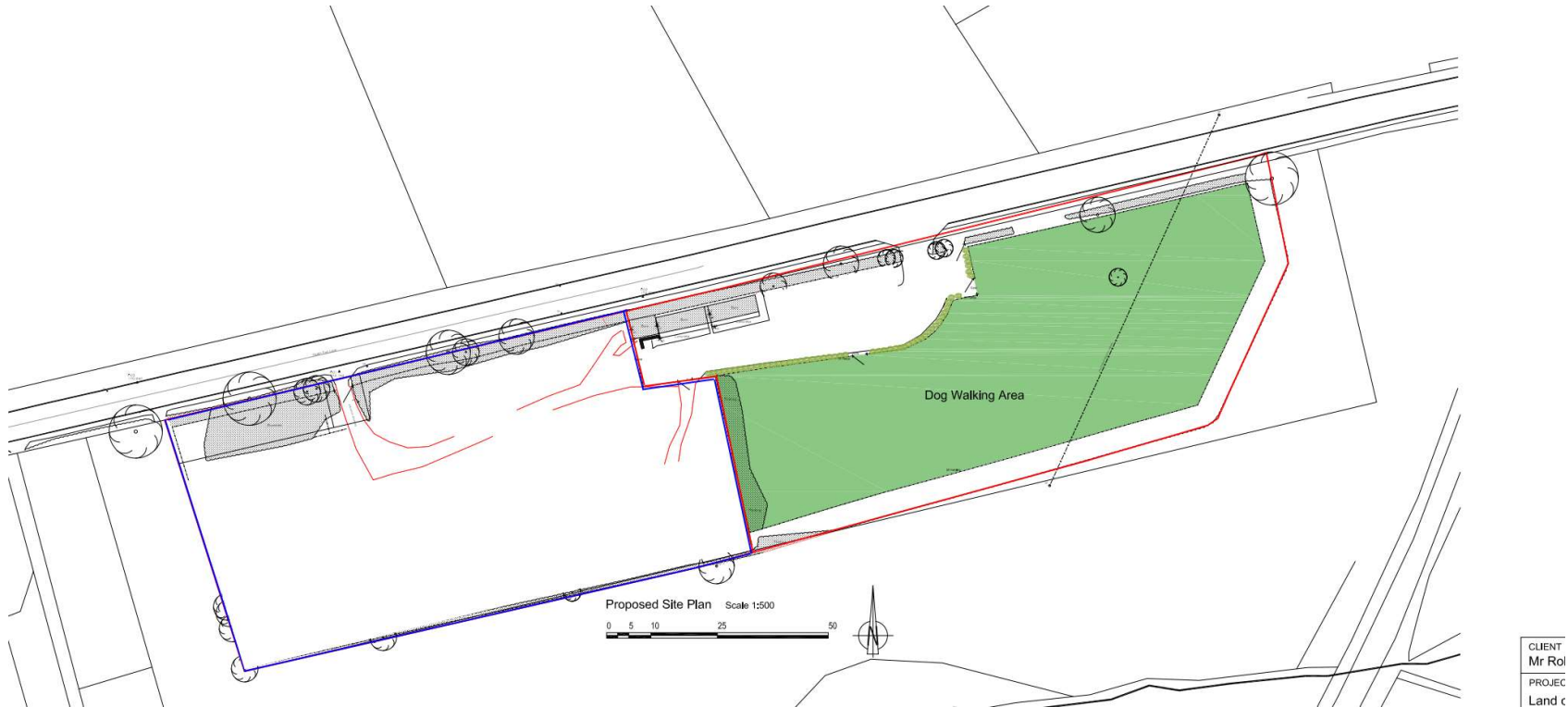
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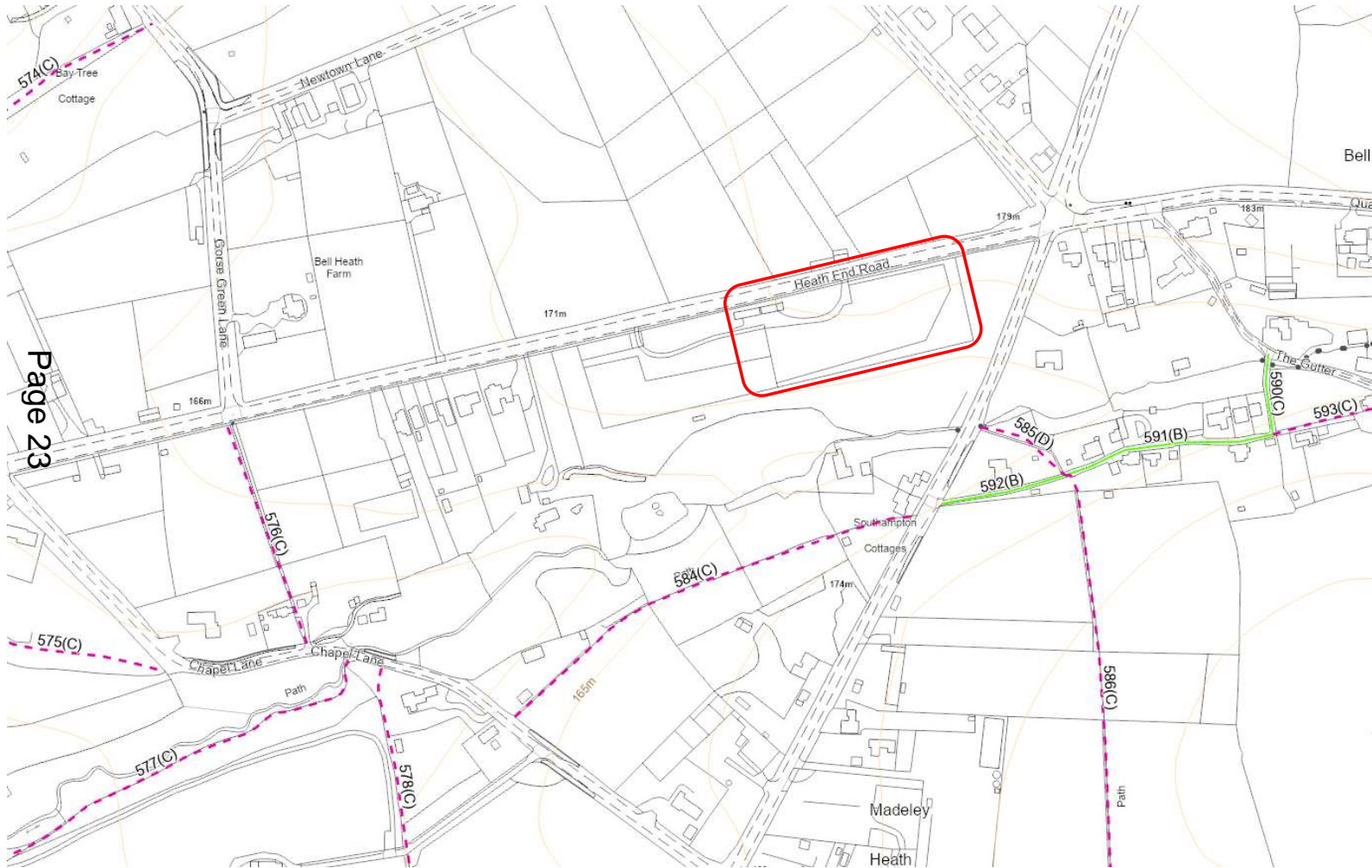
# Existing buildings



# Proposed site plan



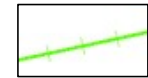
# Public Rights of Way (WCC)



Site



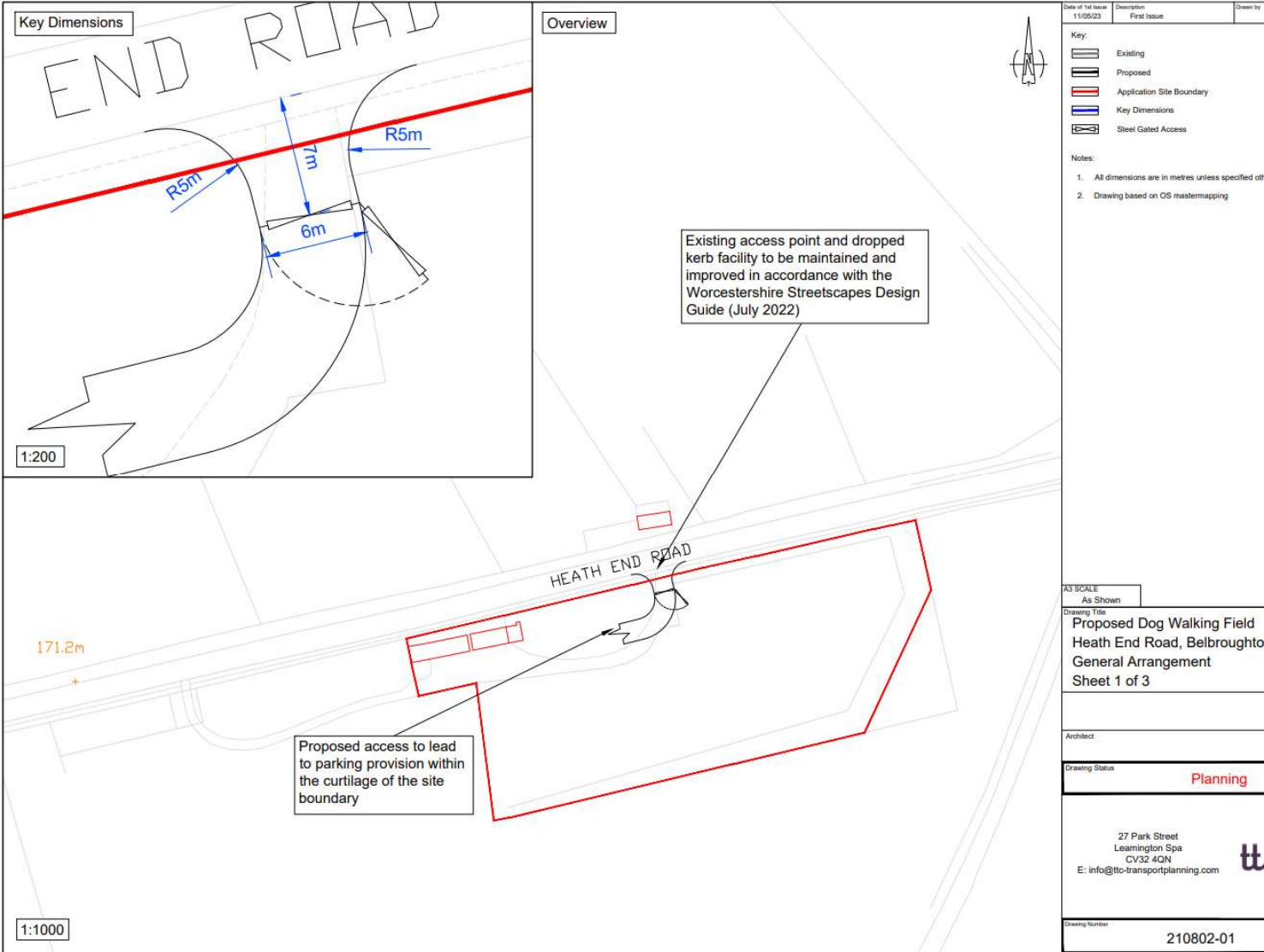
Public  
footpath



Bridleway

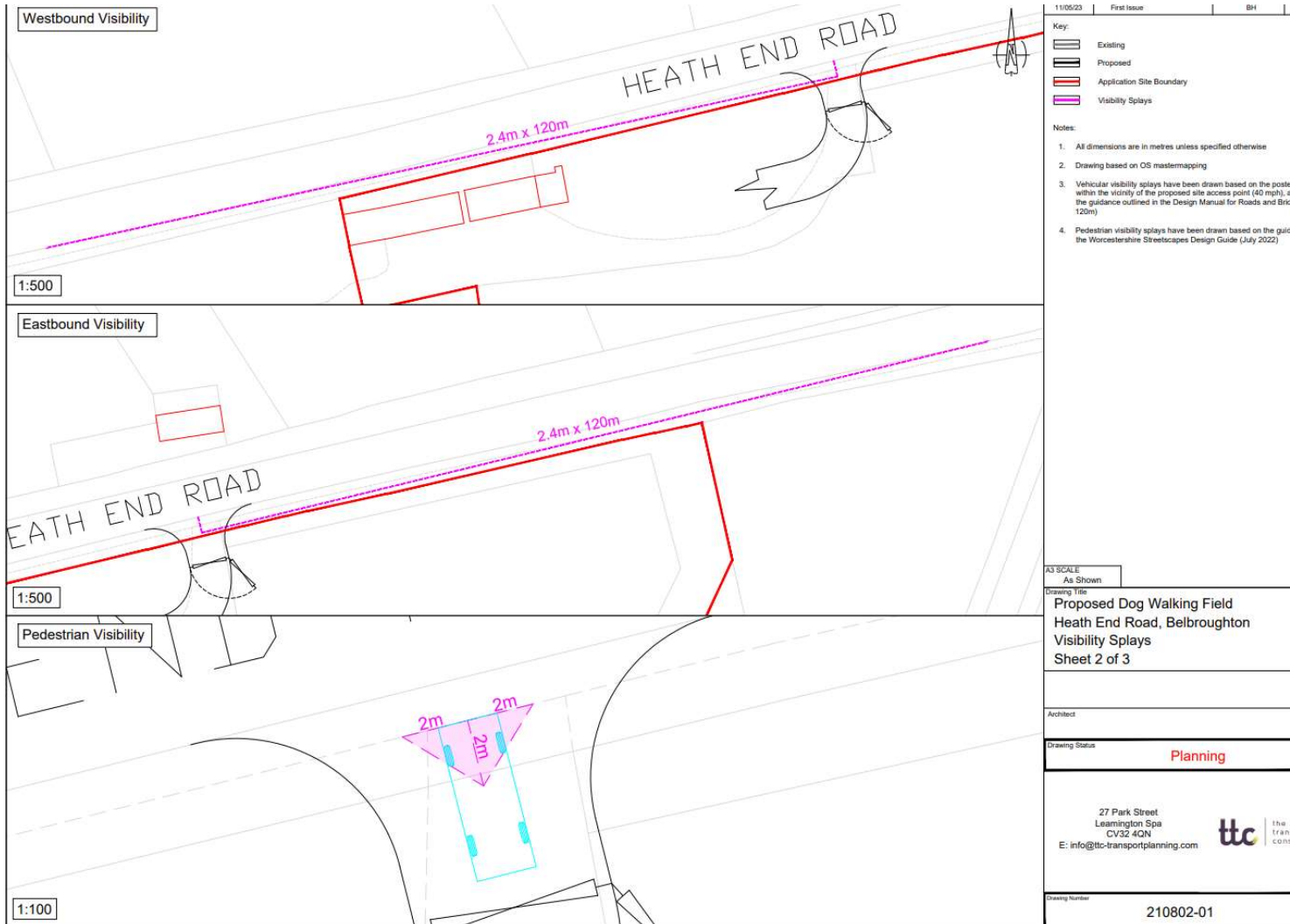


# Site Access

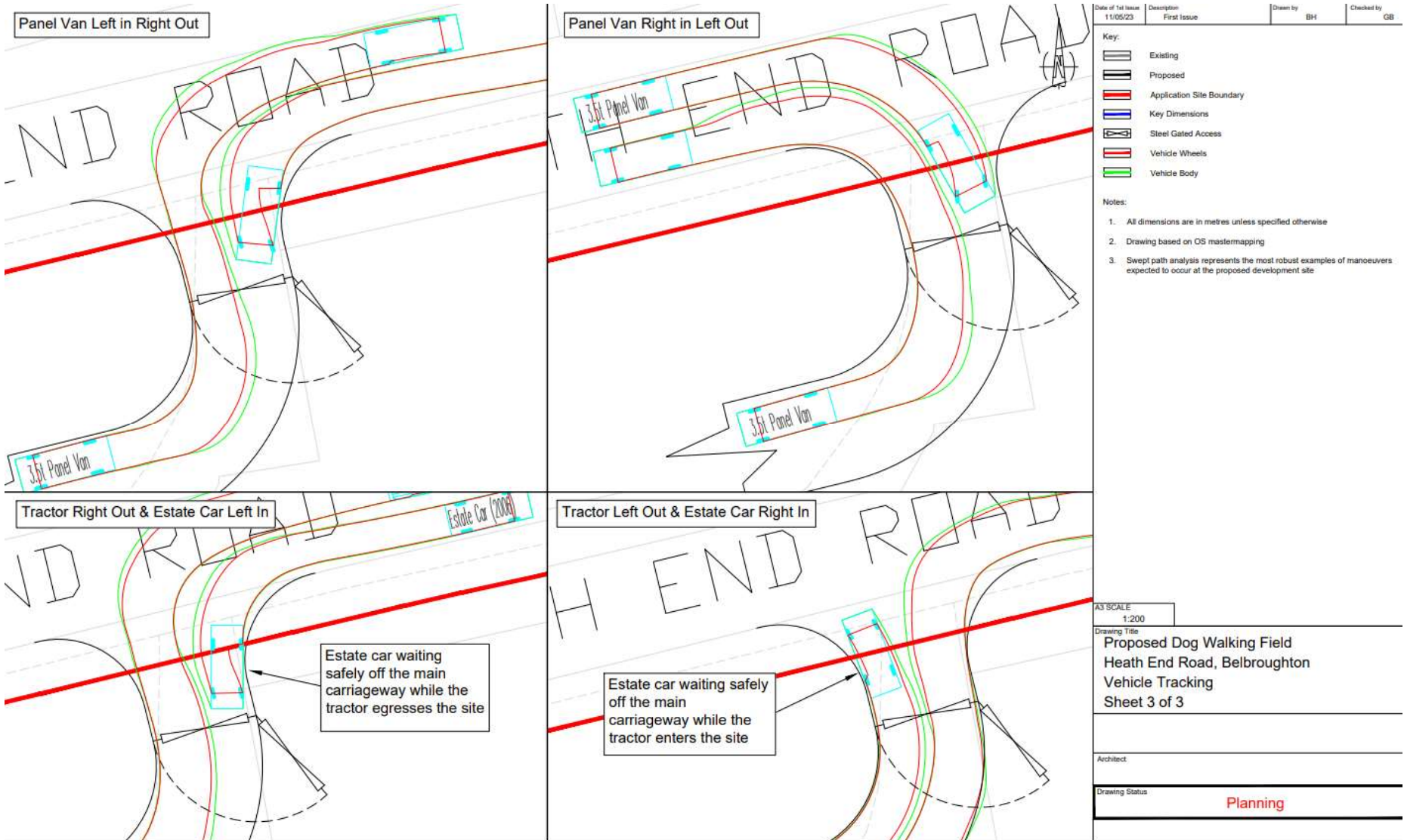




# Visibility splays



# Vehicle tracking





# Site Photos



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| Name of Applicant   | Proposal   | Expiry Date | Plan Ref.    |
|---------------------|--|-------------|--------------|
| Mr John Green (HCD) | Demolition of existing building and erection of a Care Home (Use Class C2)<br><br>Wythall Business Centre, May Lane,<br>Hollywood, Worcestershire, B47 5PD |             | 24/01225/FUL |

## RECOMMENDATION:

- a) Minded to **GRANT** Full Planning Permission
- b) That **DELEGATED POWERS** be granted to the Assistant Director for Planning, Leisure and Culture Services to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following:
- (i) A financial contribution £15,981.75 for necessary Community Transport Services
  - (ii) A financial contribution of £19,200 towards Nightingales PCN
  - (iii) A Section 106 monitoring fee of £662.40

## Consultations

### Worcestershire Highways - Bromsgrove

No objection subject to conditions

- Site Access
- Vehicular Visibility Splays
- Access Gates
- Vehicle Parking and Turning Facilities
- Vehicle Parking Management Strategy
- Cycle Parking
- Employment Travel Plan
- Combined Demolition Method Statement and Construction Traffic Management Plan
- Surface Water Drainage
- Off-site Highways Improvements

Community Transport Contribution £15,981.75

### North Worcestershire Water Management

No objection subject to conditions

- Surface water drainage
- Flood management plan
- Grounds levels

### Worcestershire Archive And Archaeological Service

- There is no archaeological objection to the proposed development and, on this occasion, no recommendations for further archaeological investigation through condition.

## **Arboricultural Officer**

- No objection

## **Ecology**

- No objection subject to conditions

## **WRS - Noise**

- No objection subject to details of Extract/Ventilation System

## **WRS -Lighting**

- No objection subject to lighting condition

## **WRS - Contaminated Land**

- No objection subject to standard tired investigation condition.

## **NHS/Medical Infrastructure Consultations**

- No objections if a developer contribution of £19,200 towards a local GP practice to facilitate a capital project to increase capacity increase capacity, which the development would have an impact on.

## **NHS Acute Hospitals Worcestershire**

- No comments received to date

## **Wythall Parish Council**

- Objection. Whilst the committee is not averse to this site being redeveloped, nor to the proposed use, the regular flooding that affects access to the site, which is well known locally and has been highlighted by North Worcestershire Water Management, has not been recognised in the application. Particularly due to the vulnerability of the intended residents, this must be addressed. In addition, the proposed three storey height of the development would have a negative impact on neighbours and be out of keeping with its surroundings.
- The Committee would comment that the application contains several anomalies compared to the actual situation of the site. Besides the inaccurate flood assessment, the site is situated in a valley with a steep incline on either side along May Lane which has been described as 'relatively flat' in the travel plan. Equally, bus services are not particularly regular, with a minimum of 1 hour between services. The train service from Wythall Station is less regular than the one from Whitlocks End and both stations are well outside of a 15 minute walking catchment area from this site. (Based on 800 metres per 10 minutes taken from our emerging Neighbourhood Plan). Lastly, responsibility for existing Japanese knotweed has not been acknowledged. This would need management during a development to control the spread.

## **Publicity**

53 letters sent to neighbours 16.12.2024 (expired 09.01.2025)

Site notice displayed 18.12.2024 (expired 11.01.2025)

Press advert 03.01.2025 (expired 20.01.2025)

16 representations have been received. 4 in support and 12 objecting. The comments received have been summarised as follows;

## Support

Redevelop vacant and deteriorating site

Need for new care homes, existing care home in the area full

Council should support new investment

Job opportunities

## Objection

Design

- Large, unattractive building
- Building not in character with area
- Impact on street scene
- Building sited too close to street

Highways

- Overspill of parking/insufficient parking provided on site
- Existing shortage of parking on street
- Highway safety concerns

Flooding

- Localised flooding will be exacerbated

Other

- Japanese knotweed

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.

## Councillor Forsythe

- As the Hollywood District Ward Councillor and the Parish Council Councillor elected to look after the Beaudesert Nature Park, which is adjacent to the Wythall Business Park, I am writing to make you aware of the flooding issue near to this site on May Lane.
- There is a brook that runs through the Beaudesert Nature Park and flows into a culvert which passes under May Lane. During periods of heavy rain the culvert is not capable of handling the volume of water resulting in flooding on May Lane. This normally results in May Lane being closed to traffic.
- Ms Fiona McIntosh from North Worcestershire Water Management has been very active in trying to resolve the flooding issue on May Lane by creating two small and one large pond in the park and placing a dam across the brook to slow down the flow of water in order to divert it, via channels, into the ponds. She has also had a high water alarm fitted near the culvert. These measures have proved beneficial but there is still an issue with flooding during severe downpours.
- It's worth noting that the stretch of brook nearest to May Lane belongs to the new owner of the new owner of Wythall Business Centre. This can be identified by the chain linked fence which separates the Business Centre from the park. Japanese Knot Weed has been growing on the bank of the brook in this area. I understand the new owner has been treating it successfully.

- Returning to the planning application; the flooding at the entrance to the Wythall Business Park/ Care Home is a concern, particularly if it's severe enough to close the road which will create a problem for visitors, delivery vehicles and possibly ambulance/care assistants. The planning application seems to have minimised the flooding concern at the entrance to their site.

## **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  
 BDP21 Natural Environment  
 BDP23 Water Management

### **Others**

NPPF National Planning Policy Framework (2024)  
 NPPG National Planning Practice Guidance  
 High Quality Design SPD

## **Relevant Planning History**

|         |   |          |            |
|---------|---|----------|------------|
| 10/0540 | Change of use of former health centre (D1) to serviced office accommodation (B1), 5 additional car parking spaces, motorcycle parking and cycle parking                             | Refused  | 09.08.2010 |
| 10/0799 | Change of use of former health centre (D1) to serviced office accommodation (B1), 11 additional car parking spaces, motorcycle parking and cycle parking (re-submission of 10/0540) | Approved | 15.10.2010 |

## **Assessment of Proposal**

### **Site description**

The site area is approximately 0.34 hectare and comprises a vacant business centre, with office library accommodation and car parking. The premises were previously arranged to be let as separate office suites with communal facilities. It is positioned on the southern side of May Lane between the intersections of Arden Road (to the west) and Warmington Road (to the east).

The existing building, constructed around 1972, was originally the Wythall Health Centre and changed use in 2010 to become serviced office accommodation and a library. The library was subsequently closed in April 2016 and was relocated to the Woodrush



Community Hub on Shawhurst Lane. The building is a single-storey red-brick structure, it has a flat roof with two raised flat roof sections.

The site is accessed from May Lane on the northern boundary. Beyond the northern boundary on the opposite side of May Lane are a convenience store, a cafe, takeaways, a barber, a salon, a butcher, and a pharmacy with customer parking.

To the east, the site faces a public walkway linking May Lane to Beaudesert Road with access to the Beaudesert Nature Park in between. Immediately adjacent to the walkway is an existing watercourse/brook. To the south is the Beaudesert Nature Park, where the site is bordered by mature trees and hedgerow, forming a natural green boundary between the Hollywood Medical Practice, located off Beaudesert Road (to the south) and the site (100 m north of the medical practice).

## **Proposal**

The proposed development is for the redevelopment of the site to provide a 65 bedroom care home and associated works. The proposed building will consist of a 3-storey building with a parking area to the north providing 28 car parking spaces and one space for a delivery van. The building includes facilities such as; dining rooms, cinema, lounges, treatment and meeting rooms.

The care home will provide a mix of care to physically and/or frail residents and would constitute a C2 planning use. The care home would provide approximately 24 members of staff during the day shift and 9 during the night shift.

## **Planning Considerations**

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

- Principle of Development
- Design and Appearance
- Flooding and Drainage
- Amenity
- Highways Matters
- Landscape and Trees
- Ecology and BNG
- Planning Contributions

## **Principle of Development;**

The site is located in the defined residential area of Wythall. This is a smaller settlement identified under Policy BDP2 Settlement Hierarchy. Proposals for new development should be located in accordance with this hierarchy.

The National Planning Policy Framework (NPPF) emphasises the need to deliver housing of different sizes, types and tenure for different groups in the community. This is further supported by Policy BDP10 in the Bromsgrove District Plan which encourages the provision of housing for the elderly and for people with special needs, where appropriate whilst avoiding an undue concentration in any location. Policy BDP10.3 further states that the Council will, through the identification of sites and/or granting of planning consents in suitable locations, provide a wide range of elderly accommodation including the development of residential care homes, close care, 'extra care' and assisted care

housing; and in particular continuing care retirement communities which encompass an integrated range of such provision. Sites should be sustainable by virtue of their location and there will be a preference for sites within defined settlements.

The 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 most recently published Housing and Economic Development Needs Assessment (HEDNA) in February 2022 which assesses future need for, and supply of, housing and employment land in the district, over the plan period to 2040 and beyond. This calculates that there will be a requirement for 756 additional Registered Care spaces (C2 use) between 2023 and 2040.

The proposed development would create employment opportunities during the construction of the build and a variety of positions whilst the care home is in operation and would satisfy a current growing demand/need for this type of accommodation.

The site is within a built-up area with a number of local facilities such as shops, takeaways and public houses. The road also has a regular local bus service connecting Bromsgrove to Birmingham. Taking all these matters into consideration the principle of development in this location and the loss of the existing commercial use is considered to be acceptable in this sustainable location.

The principle of the proposed development is acceptable.

## **Design and Appearance**

Policy BDP19 of the BDP seeks high quality design which would enhance the character of the local area.

The surrounding area is predominantly residential interspersed with retail, learning institutions, office space, medical centre and green space. There is a mixture of family dwellings including detached, semi-detached and terraced properties, mostly 2 storey but range from single to 2.5 storey.

Architectural styles vary but are mostly traditional and in-keeping with postwar development. There is a mixture of materials of red and buff brick, tile hanging, render, concrete and plain tile roofs. Some recent developments display a move away from this style adopting a more contemporary approach

The scale of the proposed care home relates to its context in such that it is similar in size to the footprint of the existing building.

A three-storey flat roof building is proposed allowing the required number of bedrooms to ensure the scheme is viable. The overall height is similar to the ridge heights of the neighbouring properties. The facade has been carefully dissected with projecting elements and use of materials creating breaks in the elevation and adding visual interest

The proposed care home is designed to be contemporary design, while maintaining respect for the towns character and traditional surroundings. The proposed design employs projecting elements of the elevation with a repeating pattern creating a cohesive design whilst also adding depth and visual interest, positively articulating the facade. This rhythmic pattern breaks up the building's mass and enhances its relationship with the surrounding environment.

It integrates variations in detail, materials, textures and recesses the facade gains a quality that softens its overall scale. All bedrooms will be provided with juliette balconies. The windows have been designed with proportions that reflect a contemporary style.

With regard to internal space, the care home has been designed to meet the provisions of the Care Standards Act. I have noted that the care standard requirement for single bedrooms is 12 sq m (excluding the ensuite bathroom) and the proposed scheme solely provides ensuite single bedrooms at between 16-24 sq m. Furthermore, the Care Standards Act require 4.1 sq m of communal siting, dining and recreational space per resident and the proposed scheme provides 6.2 sq m per resident in the care home (not including external areas).

With respect to external amenity space, just under half of the site, amounting to 1,393 sq m would be landscaped which is considered to deliver sufficient external amenity space for its residents.

The new care homes design and appearance is considered to be acceptable and in accordance with the requirements of Policy BDP19.

## **Flooding and Drainage**

Policy BDP23 Water Management requires development address flood risk from all sources, follow the flood risk management hierarchy when planning and designing development, and do not increase the risk of flooding elsewhere.

The NPPF in paragraph 181 outlines that:

*“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment ... it can be demonstrated that:*

*a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*

*b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*

*c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*

*d) any residual risk can be safely managed; and*

*e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan”.*

The site falls within flood zone 1, however it is important to note that the Hollywood Brook which flows along the eastern boundary of the site is classified as an Ordinary Watercourse, and therefore this area has not been included within the national fluvial flood risk mapping on the .GOV website and therefore in reality the risk of flooding from a watercourse may be higher. According to the .GOV website, the risk of surface water flooding on site varied between low and high; this risk varies depending upon the business name selected. NWWM have confirmed that parts of the site are at risk of flooding at the 1:100 return period with larger areas of the site at risk at the 1:1,000 return period. Following severe flooding in the Hollywood and Wythall areas in 2018, an integrated flood risk model was created through a partnership of NWWM, Bromsgrove DC, Worcestershire CC and Severn Trent Water Ltd. This model indicates that the business centre currently has a risk of internal flooding at the 1:50 return period.

Following initial negative comments from NWWM, the applicant has submitted a more detailed Flood Risk Assessment by Waterco and worked closely to address the flooding concern raised by NWWM and objectors to the development. This includes the submission of a Flood Management Plan as well as details of the level of flood water during recent flood events.

The flood risk management plan which shows an alternative pedestrian egress route (which would be gated) for use in an emergency, which exists the site at the rear towards the footpath alongside the site which leads towards Beaudesert Park. The flood depths at this location is likely to be around 6cm during the 1:30 and 14cm during the 1:100 events.

This alternative exit route is welcomed and provides the necessary route to comply with the NPPF. As the applicant has been able to demonstrate that there is a means of escape from the site in order to comply with the NPPF, NWWM have been able to remove their earlier objection to this application and have recommended planning conditions.

Subject to the conditions recommended it is considered that the proposal meets the requirements of Policy BDP23 in regard to ensuring that the development will be made safe throughout its lifetime without increasing flood risk elsewhere and the NPPF.

## **Amenity**

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”*

Residents along Arden Road have expressed concern about any potential impact on their properties. However, it is evident that the applicant has designed the scheme to be in line with the High Quality Design SPD and the minimum separation distances between a flank wall and a two storey dwelling which is 15.5m. It is also noted that there is landscaping along that boundary. On this basis, while there would be views of the development from these properties, based upon the Councils own guidance, it is not considered to be significantly detrimental to the amenity of these residents to warrant resisting the development.

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.

In terms of the living conditions of existing and future residents WRS has not objected to the scheme on noise grounds, subject to the imposition of a suitable condition.

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 access from May Lane to the development. The access is proposed to be widened from 4.8m to 5.8m, with a separate pedestrian access directly adjacent to the vehicular access. Following comments from WCC Highway Authority a set of dropped kerbs with tactile paving is installed across May Lane. The Highway Authority is satisfied with the plan provided, and the proposed pedestrian crossing points should be secured via an appropriately worded planning condition to secure the works.

In terms of parking the proposal will provide the following:

- 28 standard car parking spaces (incl. 2 accessible parking spaces and 3 electric vehicle charging spaces)
- 1 delivery van space
- Bicycle store (for a minimum of 11 cycles)

WCC Highway Authority have outlined that a care home is typically a low trip generating use and those trips are normally off peak. The proposal will replace an existing business centre which is currently unoccupied. Therefore consideration has been made on the net impact of the two different uses and any site specific considerations. The proposed use will generate fewer trips than could take place under the existing use on site and therefore there is no objection in principle to the proposal.

The proposal has provided 28 car parking space including 2 disabled spaces. Objection has been raised regarding insufficient parking has been provided on site. The applicant has submitted a Transport Statement in support of this application that has been considered by the Highways Authority. The applicants have calculated that of the 24 staff on site at one time, 18 are likely to drive. This has been calculated having regards to the 2011 Census data. This therefore leaves some residual parking for visitors in addition to provisions for cycling and motorcyclists. The applicant has also provided a Travel Plan

which has been conditioned with a requirement for this plan to be monitored and updated if necessary. Having regards to this, the proposal is considered to comply with Policy BDP16 Sustainable Transport, BDP 19 High Quality Design the NPPF.

Subject to the imposition of reasonable and relevant conditions together with the delivery of the monies requested by WCC Highways (for community transport elderly and disabled residents where no suitable bus service exists for those unable to access a bus due to disability) which are considered to mitigate against the impact of the development, the proposals are considered to be acceptable in terms of their highway safety impacts.

## **Landscape and Trees**

A landscaping scheme has been incorporated into the proposals design. The scheme ensures a pleasant outlook from bedrooms and communal areas and helps integrate the proposals into the surrounding environment.

Along the northern boundary, the existing trees and vegetation creates an effective natural visual screen. The existing trees and vegetation will be preserved and enhanced to maintain the landscaped character. This green buffer serves not only as a visual barrier, enhancing privacy and reducing the site's visibility from the road, but also helps to establish new development within its setting.

The buildings shape and location defines the space to create a parking courtyard and communal garden to the rear of the site. The incorporation of outdoor features, such as a timber pergola with integrated seating and focal water feature, adds significant value to the landscape scheme. These elements provide residents with functional and aesthetically pleasing outdoor spaces, fostering a pleasant environment for relaxation and social interaction. Additionally, the hard standing of the parking area is enhanced with landscaped borders, breaking up the hard surfaces and contributing to the overall visual appeal of the courtyard.

The principal amenity space for residents would provide a secure and screened area. The soft landscaping would comprise trees, shrubs, flowerbeds and lawn together with hard landscaping which is considered to be acceptable including the Councils Tree Officer.

The application is supported by an AG Douglas Arboriculture Ltd, Arboricultural Impact Appraisal and Method Statement. The proposal highlights an intention to remove Cherry tree T932, this is a low prominence and poor quality tree, and its loss will be mitigated by new tree planting within the scheme. The Tree officer has no objection to the removal of the tree.

## **Ecology and BNG**

Biodiversity Net Gain (BNG) is legislation that was put forward by Government. BNG is an approach to development. It makes sure that habitats for wildlife are left in a measurably better state than they were before the development. In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before

development. This should ideally be provided onsite however a developer is able to purchase offsite credits for BNG elsewhere should it not be possible to provide onsite.

Habitats are assigned a value based on their intrinsic biodiversity value or 'distinctiveness', which is predefined for each habitat within the metric. This value is then multiplied based on the size, condition and geographical location of the habitat in order to ascertain its absolute value in 'biodiversity units'. Separate calculations are used within the metric for area, based habitats, linear habitats (such as hedgerows) and watercourses (including ditches and streams). These units are non-transferable and must therefore be considered individually for each project or development. Collectively, they are referred to as 'biodiversity units'.

The Biodiversity Metric calculation indicates that BNG will be delivered on site for this application, and the resultant expected gains that the proposed development a total gain of 0.14 habitat units (110.36%).

A Preliminary Ecological Assessment identified the ecological constraints of the site and recommended mitigation. The site was concluded to be of low wildlife interest. The site was not botanically diverse, no rare or notable vascular plants were recorded, and all species common and widespread. There were no invasive or notifiable species. This has been reviewed by the Council ecologist.

It is noted that a number of representatives have made reference to the risk of spreading Japanese knotweed. Japanese knotweed is considered an invasive non-native species. As such, it is covered by provisions set out in the Wildlife and Countryside Act 1981. It is an offence to plant, or otherwise cause to grow, a plant in the wild at a location outside its native range. Thus, there are existing mechanisms to control the spread of this species.

Subject to implementation of appropriate mitigation measures, the proposed development would comply with Policy BDP21 and BDP24.

## **Planning Obligations**

In accordance with Paragraph 58 of the NPPF 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 £15,981.75 for necessary Community Transport Services
- A financial contribution of £19,200 towards Nightingales PCN
- A section 106 monitoring fee of £662.40

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.

## Conclusion

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The proposed development is considered to be an acceptable use in principle, in this location and the design and scale of the proposed building is appropriate having regards to character locally and would be a betterment onsite to the vacant site. Living conditions, highways impacts, flooding, parking provision and the impact on community infrastructure are all considered to be acceptable. Subject to suitable conditions and completion of a legal agreement, the application is considered to be a policy compliant and sustainable form of development. No issues have been identified which would make this application unacceptable in planning terms.

## RECOMMENDATION:

- a) Minded to **GRANT** Full Planning Permission.
- b) That **DELEGATED POWERS** be granted to the Assistant Director for Planning, Leisure and Culture Services to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following:
  - (i) A financial contribution £15,981.75 for necessary Community Transport Services
  - (ii) A financial contribution of £19,200 towards Nightingales PCN
  - (iii) A Section 106 monitoring fee of £662.40

## Conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:

31162 01 LOCATION PLAN EXISTING AND PROPOSED BLOCK PLAN  
31162 04 Rev C PROPOSED SITE LAYOUT  
31162 10 PROPOSED GROUND FLOOR PLAN  
31162 11 PROPOSED FIRST FLOOR PLAN  
31162 12 PROPOSED SECOND FLOOR PLAN  
31162 13 PROPOSED ROOF PLAN  
31162 20 PROPOSED ELEVATIONS AND SITE SECTION SHEET 1  
31162 21 PROPOSED ELEVATIONS AND SITE SECTION SHEET 2

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.



- 3) The development hereby approved shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, etc.); retained historic landscape features and proposals for restoration. Soft landscape works shall include 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; implementation programme.

Reason: To minimise the effect and enhance the character of the development.

- 4) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of 5 years from the date of planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place within the next planting season (October-March), unless the Local Planning Authority gives its written consent to any variation.

Any tree, hedge or shrub scheduled for retention which is lost for any reason during development works, shall be replaced with a tree, hedge or shrub of a size and species to be agreed in writing with the Local Planning Authority and planted during the first planting season after its loss.

Reason: To retain the character of the landscape.

- 5) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area

- 6) The development hereby approved shall not be occupied until the site access, as generally shown on Drawing 26367-04 Access Proposals has been completed and is open for use by vehicular traffic.

Reason: In the interest of highway safety and to ensure safe and suitable access for all users.

- 7) The development hereby approved shall not be brought into use until the visibility splays shown on Drawing 26376-01 Site Access Visibility Splay Plan have been

provided. The splay shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

Reason: In the interests of highway safety.

- 8) The development hereby approved shall not be brought into use until the turning area and parking facilities shown on Drawing 31162 04B Proposed Site Layout have been provided. These areas shall thereafter be retained and kept available for their respective approved uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 9) The development shall not be brought into use until a Parking Management Strategy of the vehicle parking been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:

- Details of employee shift patterns and numbers to understand the likely demand for staff parking on-site and the allocation of an appropriate number of spaces for use by staff;
- Details of any visitors that will have access to parking spaces and how these will be allocated and managed;
- A strategy to ensure on-site deliveries/servicing will be safely accommodated and does not interrupt vehicle circulation or block parking bays;
- A strategy to monitor and manage the car park;

The car park shall thereafter only be operated in accordance with that approved strategy.

Reason: To ensure adequate on-site parking provision and in the interests of highway safety.

- 10) The development hereby approved shall not be brought into use until the cycle parking shown on Drawing 31162 04B Proposed Site Layout has been provided in accordance with the approved plan.

Reason: To ensure adequate on-site cycle parking provision and to ensure the development benefits from a genuine choice of sustainable transport modes.

- 11) The development hereby permitted shall not be first occupied until a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include but not be limited to:

- the identification of targets for trip reduction and modal shift for employees from single occupancy car use to walking, cycling and public transport;
- the measures to be implemented to meet these targets including an accessibility strategy to specifically address the needs of residents/staff with limited mobility requirements;
- the timetable/phasing of the implementation of the Travel Plan and its operation

thereafter for a minimum period of five years, including the responsible body for each action;

- the mechanisms for monitoring and review;
- the mechanisms for reporting;
- the remedial measures to be applied in the event that targets are not met;
- mechanisms to secure variations to the Travel Plan following monitoring and reviews; and
- appointment and contact details of a travel plan coordinator.

The approved Travel Plan shall be implemented, monitored and reviewed in line with the approved Travel Plan for a minimum period of five years following occupation. In the event of failing to meet the targets within the approved Travel Plan, a revised Travel Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason: To reduce single occupancy car travel and to encourage and promote sustainable and active transport and travel.

12) The development hereby approved shall not commence until a Combined Demolition Method Statement and Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. This must include but not be limited to:-

- Sequence of works and methodology for the demolition/removal of any structures
- supporting or abutting the public highway;
- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway, including wheel washing facilities;
- Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
- Vehicle routing;
- Temporary traffic management arrangements;
- Mitigation for impacts on residents, businesses, and public transport services;
- Details of any temporary construction accesses and their reinstatement;
- Detailed tracking assessments for all vehicle types requiring access to the site, performing all entry and exit manoeuvres at nearby highway junctions; and
- Key contact details, including an emergency telephone number.

The measures set out in the approved Method Statement and Plan shall be carried out and complied with in full during the demolition phase and construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved in writing by the Local Planning Authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

- 13) No works in connection with the site access or drainage shall commence until details of the provision for the sustainable disposal of surface water so as to prevent its discharge onto the highway have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the drainage scheme has been implemented in full accordance with the approved details.

Reason: In the interests of ensuring adequate surface water drainage and in the interests of highway safety.

- 14) The development hereby approved shall not be brought into use until the pedestrian crossing points as shown on Drawing 26376-03 Rev B have been constructed and completed.

Reason: In the interests of sustainable development and promoting active travel.

- 15) No development shall commence until the fences for the protection of the trees to be retained have been erected in accordance with the submitted arboricultural method statement by A G Douglas Arboriculture Ltd (dated 18th November 2024). The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area.

- 16) Prior to the first occupation of the development hereby approved, a scheme for the provision of bat roost opportunities and bird nest boxes within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented by suitably qualified personnel to the satisfaction of the Local Planning Authority prior to the first use of the development approved.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Local Plan and the NPPF.

- 17) All proposed works shall be carried out in accordance with the recommendations as set out in the Preliminary Ecological Appraisal by Cotswold Wildlife Surveys dated 11th July.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard BDP21 of the Bromsgrove District Plan and the NPPF.

- 18) Prior to the commencement of development, a habitat creation method statement and a 30-year habitat management and monitoring plan for the retained, enhanced and newly created habitats on site shall be submitted to and approved in writing by the Local Planning Authority.

The habitat creation method statement to detail habitat creation and enhancement measures to ensure the delivery of those habitats specified in the biodiversity metric calculations submitted with the application. The method statement to include a timetable for the delivery of the habitat creation measures, and the commencement of the monitoring and management.

The habitat management and monitoring plan to include the roles and responsibilities of the people or organisation(s) delivering the habitat creation and method statement and 30 year management and monitoring plan. If the persons or organisations delivering the plans changes the LPA to be notified of the change. The 30-year habitat management and monitoring plan shall detail how the newly created, enhanced and retained habitats will be managed achieve the target condition specified in the Biodiversity Metric Calculations submitted with the application.

The 30-year habitat management and monitoring plan to include a methodology of ecological monitoring and reporting with a monitoring report submitted to the Local Planning Authority in years 1, 2, 3, 5, 7, 10, 20 and 30. The habitat management and monitoring plan to include a mechanism to secure the agreement and implementation of contingency measures in the event that monitoring reveals that habitats on site are failing to achieve their target distinctiveness and/or condition. The approved details to be implemented in full

Reason: To secure the delivery of ecological enhancement.

19) a) A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.

b) Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. 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 the Environment Agency's "Land Contamination: Risk Management" guidance.

c) Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.

d) Where identified as necessary 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 is subject to the approval of the Local Planning Authority in advance of undertaking. 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.

e) 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.

f) 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 is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

g) 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.

- 20) Prior to the first occupation of the development, equipment to control the emission of fumes and smell from any commercial kitchen shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.

Reason: To safeguard the amenities of the adjoining properties and the surrounding area.

- 21) No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

Reason: To ensure that external lighting does not have a detrimental impact on the amenity of the area or the surrounding uses.

22) No works in connection with site drainage shall commence until a scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall be indicated on a drainage plan. If possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. If a connection to a sewer system is proposed, then evidence shall be submitted of the in principle approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage. The drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.

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

23) A flood management plan including suitable means of exiting the site during times of flood shall be submitted and approved in writing by the local planning authority. It shall also include a commitment to retain and update the plan and include a timescale for revision of the plan. The agreed recommendations shall be implemented in full prior to the first use of the development hereby approved.

Reason: In the interest of health and safety and in order to ensure adequate evacuation measures are in place for the future occupiers of the development.

24) There shall be no raising of existing ground levels on the site in the area modelled to be at surface water and/or fluvial flooding.

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

25) The development hereby approved shall be used for the purposes specified in the application (Residential Care Home and for supported living apartments) and for no other purpose (including any other purpose in Use Class C2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).

Reason: The proposals have been considered on the basis of occupation of the development by persons set out under the application and have been determined as such.

**Case Officer:** Mr Paul Lester Tel: 01527 881323  
Email: paul.lester@bromsgroveandredditch.gov.uk

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24/01225/FUL

Wythall Business Centre, May Lane, Hollywood,  
Worcestershire, B47 5PD

Page 49 Demolition of existing building and erection of a  
Care Home (Use Class C2)

Recommendation: Approve

# Site Location Plan



## KEY

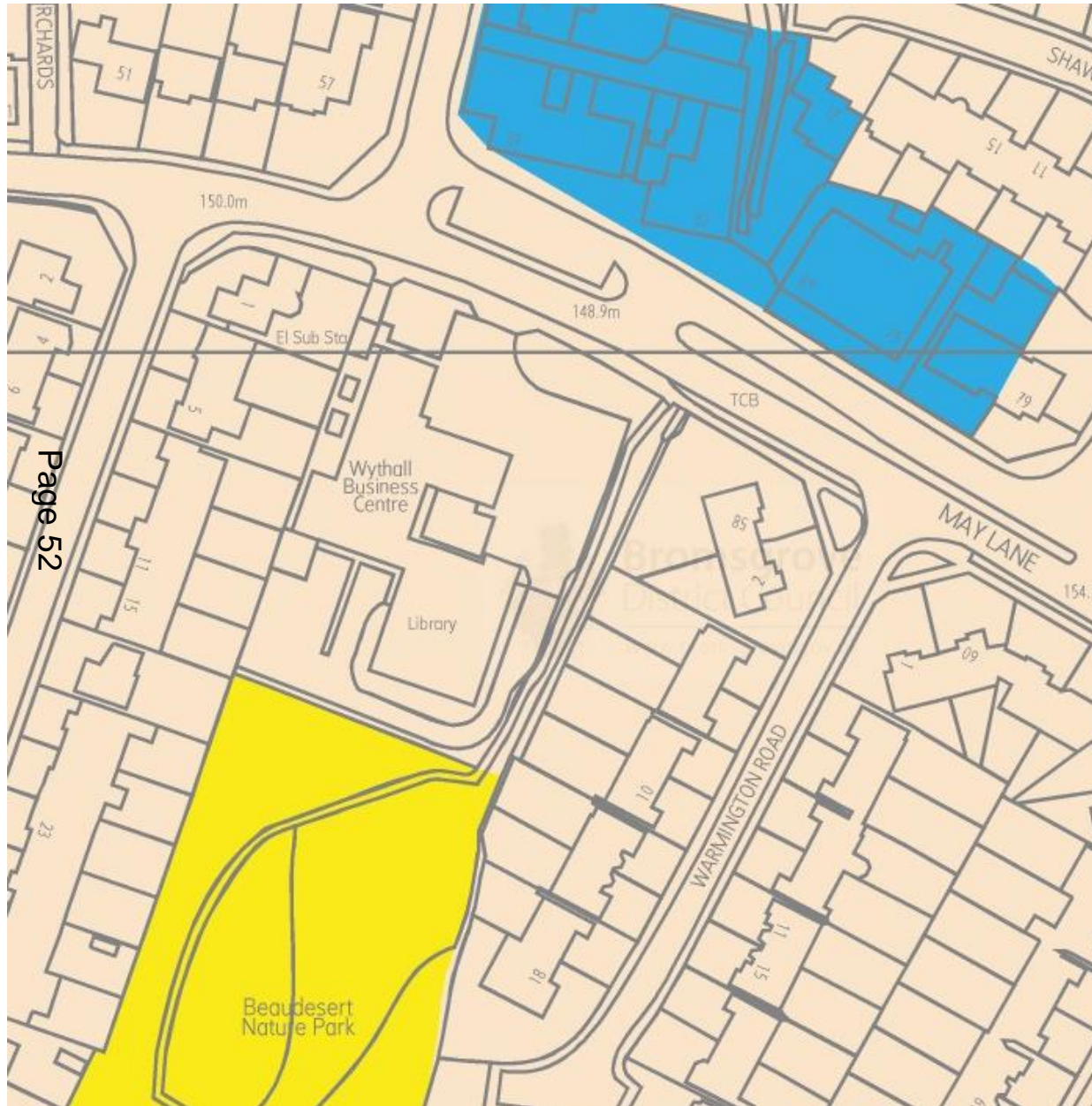
|   |                              |                         |
|---|------------------------------|-------------------------|
|  | Existing building            | - 1084.14m <sup>2</sup> |
|  | Existing hardstanding        | - 1720.29m <sup>2</sup> |
|  | Existing amenity & landscape | - 637.57m <sup>2</sup>  |




# Satellite View





# Bromsgrove District Plan Map



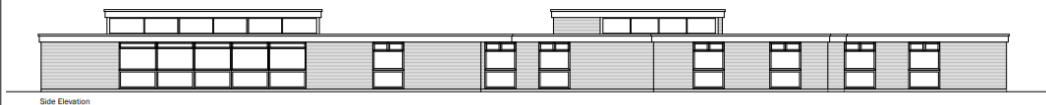
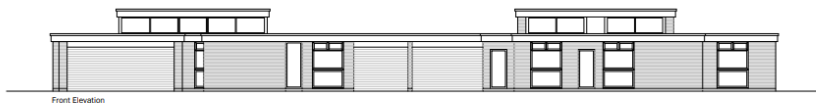
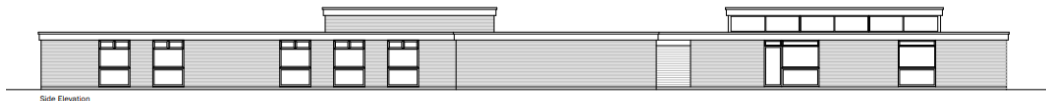
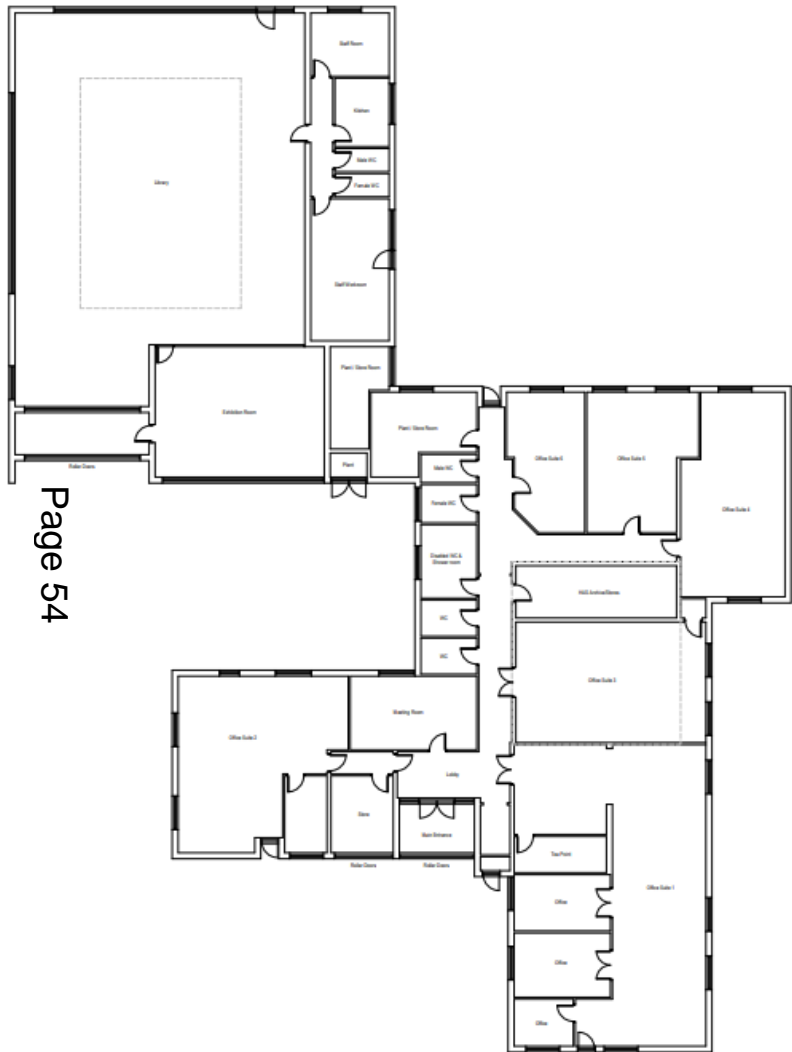
-  Open Space **BDP25**
-  Residential Area **BDP19, BDP21**
-  Shopping **BDP18**



# Site Photographs



# Existing Site





# Proposed Site Layout

Page 55



- Low level brick wall - 0.75m high with 1.6m high pillars
- Close board fence - 1.8m high
- - - Metal mesh panel fence - 1.8m high
- Tree to be removed
- Existing trees
- Existing hedge
- Proposed trees
- Proposed hedge
- Electric vehicle charging bay
- Pedestrian path / link to nature park

Agenda Item 5

# Proposed Elevations



Front Elevation



Side Elevation



# Proposed Elevations



Rear Elevation

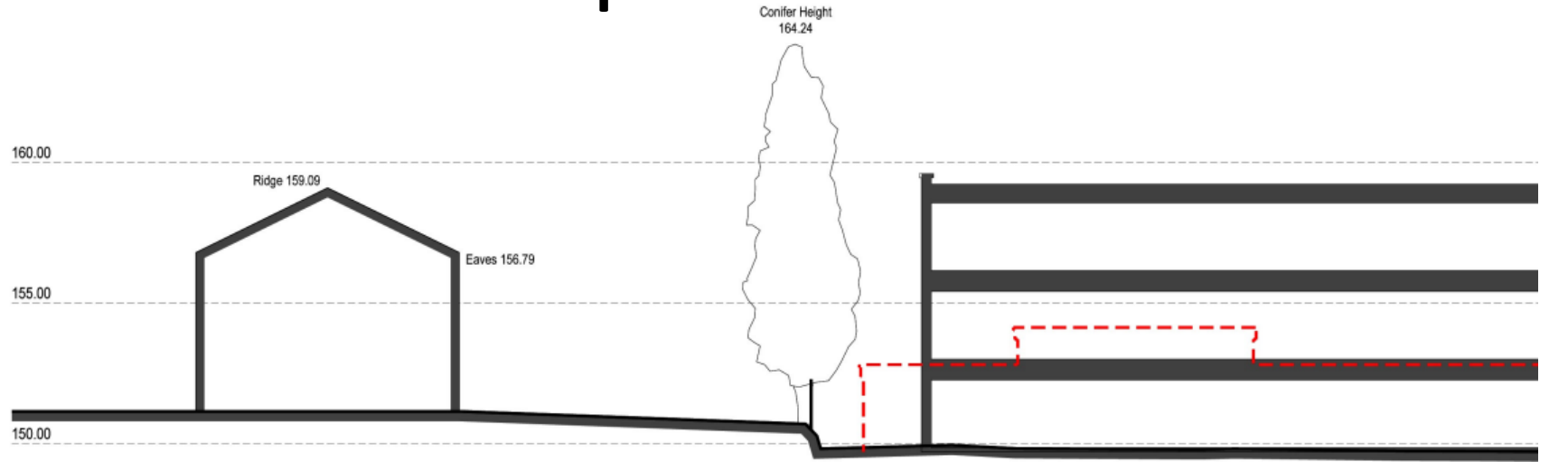
Page 57



Side Elevation

Agenda Item 5

# Proposed Section

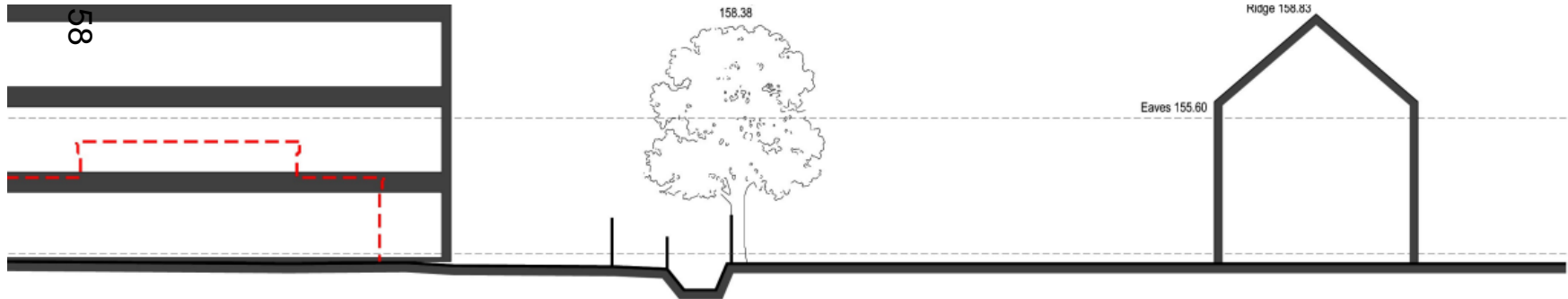


Section A-A  
Scale 1:200

No. 7  
Arden Road

Site Boundary

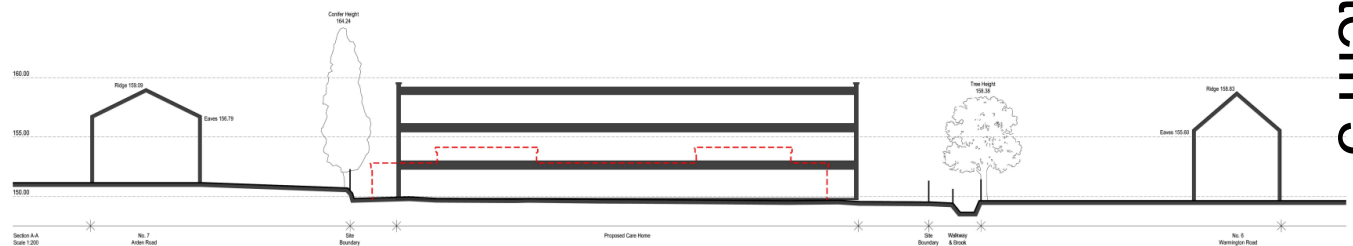
Proposed Care Home



Site Boundary

Walkway & Brook

No. 6  
Warrington Road



Section A-A  
Scale 1:200

No. 7  
Arden Road

Site Boundary

Proposed Care Home

Site Boundary

Walkway & Brook

No. 6  
Warrington Road

# Proposed Layout Plans



## Agenda Item 5



## First Floor

## Agenda Item 5



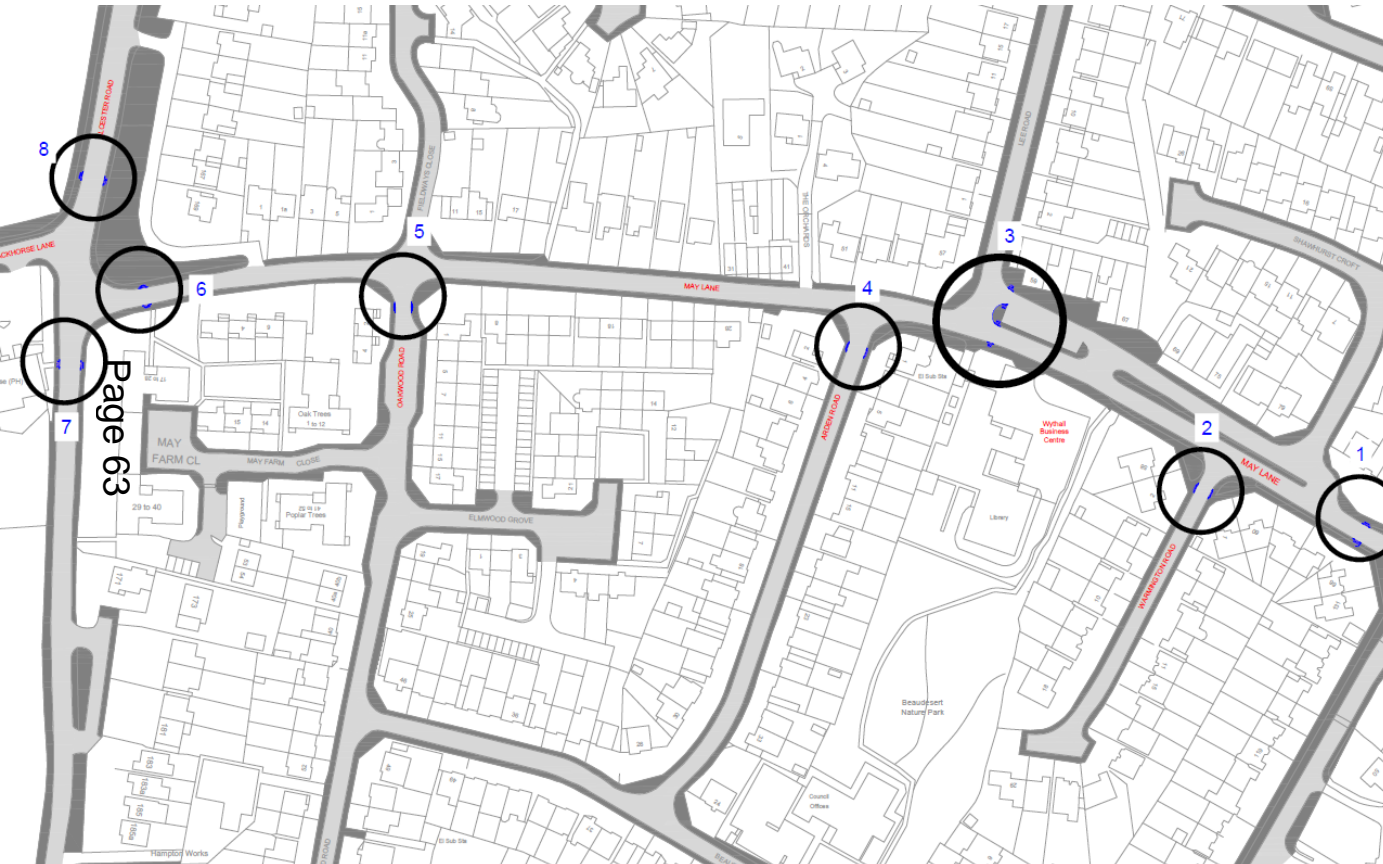
## Second Floor



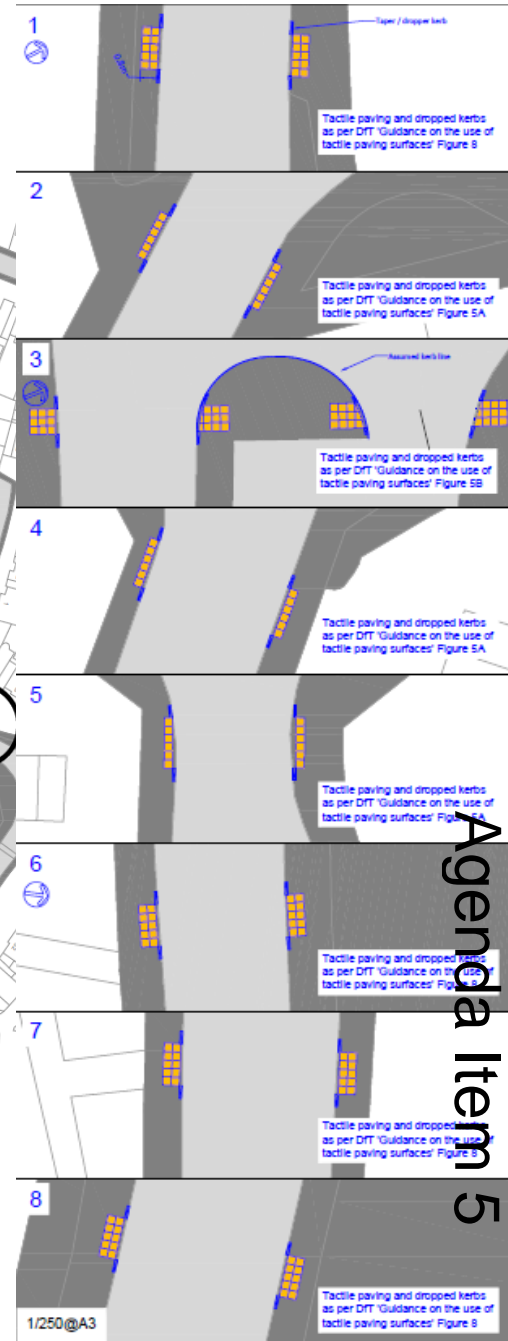
# Existing layout with proposed overlay



# Dropped kerbs with tactile paving across May Lane



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Agenda Item 5

# Visualisations - artistic impressions



Page 64



Agenda Item 5



| Name of Applicant | Proposal   | Expiry Date | Plan Ref.    |
|-------------------|--|-------------|--------------|
| Mr Narinder Singh | Change of use from C3 use (Dwellinghouse) to C2 use (Residential Children Home) for up to 3 children with access alterations.<br><br>High Bank Nurseries, Quantry Lane<br>Belbroughton Worcestershire<br>DY9 9UU | 04.08.2025  | 25/00562/FUL |

**Councillor May has requested that this application be considered by Planning Committee rather than being determined under delegated powers.**

**RECOMMENDATION:** That planning permission be **GRANTED**

## Consultations

### **Worcestershire Highways - Bromsgrove**

No objections subject to conditions relating to:

- Conformity with plans
- Cycle parking
- Access gates
- Surfacing
- Employment travel plan
- In accordance WCC car parking standards this proposed development is recommended to provide 1 car parking space per member of staff (4 staff members) and 1 car parking space per 4 residents as a worst-case scenario (3 children). The existing property is a 4 bedroomed family dwelling with front courtyard parking. The proposal has provided 6 car parking spaces which are in accordance with WCC car parking standards, therefore the car parking is deemed to be acceptable in this instance.
- Vehicular visibility is acceptable from the existing vehicular access; applicant is widening the existing vehicular access to 5m which is deemed to be acceptable. The width of the footway is in excess of 2.5m therefore good visibility is achieved in both directions and visibility splays are not required.
- The number of vehicle trips associated with the proposed use is, therefore, very likely to be fewer than generated by a C3 use. The main traffic movements would be for the school runs and during shift changeovers.
- Based on the analysis of the information submitted the Highway Authority concludes that there would not be a severe impact and therefore there are no justifiable grounds on which an objection could be maintained.

### **WRS - Noise**

- No objection

## **Belbroughton and Fairfield Parish Council**

- The Parish Council objected to the previous application for a Certificate of Lawful Development (App. Ref. 24/00745/FUL) that was refused in February 2025.
- This application is fundamentally the same as the one above and therefore the Parish has the same concerns as follows:
- The location of this proposal is not suitable for a children's home as it is located on a busy main road with an accident history.
- There are no amenities for children in the vicinity of the property or access to public transport.
- Concerns regarding the access to the property along with limited space to cater for parking and turning of vehicles.

## **Publicity**

71 letters sent 12.06.2025 (expired 06.07.2025).

36 letters of objection have been received, raising the following matters (in summary):

- Intensity of the use
- Overlooking
- Concerns over the running and operations of the children's home
- No benefit to the local community
- Noise, disturbance, increase in crime, drug use, and anti-social behaviour
- Insufficient car parking, highway safety and a busy local area, lack of public transport options
- Potential future expansion
- Noise impacts
- Loss of privacy
- Future use of the properties
- Wrong location for development type
- Lack of outdoor space for children

A number of other issues have been raised which are not material planning considerations and therefore have not been reported in this section to Members.

## **Councillor May**

- I really feel for any young person having to enter the care system at any stage of their young lives, and I recognise that there is a need for residential care homes. However, I believe that they should be sited where children can walk to local amenities so that they can gain confidence, independence and form friendship groups. Key components to having a healthy, fulfilling life with the best outcomes for the young people concerned.
- I do not believe that this site fits this criterion as it is a rural location that relies heavily on the motor car to get to the local villages and towns. Traffic is generally passing through to get to other destinations.
- The road is a busy road in terms of the volumes of traffic that uses it at peak times of the day; to that end I am battling to get the Police to carry out speed enforcement on this stretch of road.
- There is little or no outside space for the children to play outside at the property, and no play areas in close proximity.

- There is also a very restricted bus service in this area and no shop in close vicinity.
- Home to school transport costs will be required to transport the children to school as there would be no opportunity for the young people to walk to school.
- It is for the reasons that I have stated that I have real concerns regarding the sustainability of this site as a residential children's care home.

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 - Sustainable Development Principles

BDP2 - Settlement Hierarchy

BDP12 - Sustainable Communities

BDP16 - Sustainable Transport

BDP19 - High Quality Design

### **Others**

National Planning Policy Framework (2024)

Bromsgrove High Quality Design SPD

Ministerial Statement made on 23 May 2023 'Planning for accommodation for looked after children'.

## **Relevant Planning History**

24/00745/CPL

Proposed use children's care home - use class C2

**Refused:** 19.02.2025

24/00385/FUL

Proposal Rebuild existing orangery on same footprint to create a larger kitchen

**Approved:** 16.01.2025

## **Site and Background**

The site is in a rural location of an unclassified road; the site has an existing vehicular access. Quantry Lane has footways, but no street lighting and no parking restrictions are in force in the vicinity along the lane. The site is not located within walking distance of amenities, a bus stop for service 147 is located on Farley Lane within acceptable walking distance.

The dwelling house itself is a detached 4-bedroom dwelling which is currently vacant and in an unkempt state with grounds to the rear which are overgrown. The dwelling itself sits within a suitable amount of amenity space to the front and side. The rear and side outdoor space is currently overgrown.

The property has extant approval for an alteration to the existing orangery under reference 24/00385/FUL.

Stepping Stones Care currently operates 8no. children's homes, 7 of which are in the West Midlands including two in Bromsgrove. The Company has held discussions with Worcestershire Children First team and there is a demand for additional services.

## **Proposal**

Throughout the determination process, additional clarification and information has been sought and received in respect of how the home would operate.

- The proposed development includes the change of Use from a dwellinghouse (Use Class C3) to a children's home (Use Class C2) for up to 3 children
- The home would provide accommodation for up to three children aged 8 to 17 years old on a longer-term basis until they are no longer a child or if their care plan changes.
- The children would be in full time mainstream education; they would not be home schooled. The children would be taken to school by an appropriate vehicle.
- No internal or external changes to the building are proposed
- During the day there would be up to 4 staff (including the manager) and at night there would be up to 3 sleep-in staff. The staff would operate day and night working 24-hour shift patterns (in addition, a manager will work at the property between the hours of 9:00am – 5:00pm Monday – Friday). All 3 no. adult carers would change shifts once every day between the hours of 7:45am – 8:15am.
- The changeovers will be staggered as follows: 3 incoming and 3 outgoing members of staff will change shift between 7:45am and 8:15am - 2 of the overnight staff will leave at 7:45am leaving just the 'lead' staff member present.
- The incoming lead staff member will arrive at 8:00am and conduct a handover with the outgoing lead between 8:00am and 8:15am
- The 2 new incoming shift workers will then arrive to start their shift at 8:15am
- Ofsted would visit once a year at a maximum; specialist carers would not visit the home and social workers would visit when required. It is anticipated that this would *circa*. 8-10 times in a year.
- Family visits would not be at the home but at a mutually agreed location

## **Assessment of Proposal**

### **Whether the proposal amounts to a material change of use**

The host property is a detached, two storey, four-bedroom dwelling which has a C3 use class relating to a dwelling house (occupied by a "household"). This application seeks permission for a change of use from a dwellinghouse (Use Class C3) to a children's home (Use Class C2).

Development is defined in Section 55 of the Town and Country Planning Act 1990 as the carrying out of building, engineering, mining or other operation's in, on, over or under land; or the making of any material change in the use of any buildings or other land.

Town and Country Planning (Use Classes) Order 1987 (as amended)

Use Class C2 (Residential Institutions) of the Order reads as follows:

- Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 (dwelling houses).
- Use as a hospital or nursing home.
- Use as a residential school, college or training centre.

Class C3 (b) of the Town and Country Planning (Use Classes) Order (as amended) refers to *"use as a dwelling house by not more than six residents living together as a single household, (including a household where care is provided for residents)."* If a children's

home was being run on this basis, with children being looked after by a permanent occupant of the dwelling, there would be no requirement for planning permission.

As the current use class of the properties subject to the application is C3 (dwellinghouses), the starting point is to first establish, as a matter of fact and degree, whether the proposal would constitute a change of use from C3 to C2. If a children's home was being run on the basis of children being looked after by a permanent occupant of the dwelling, there would be no change of use and therefore no requirement for planning permission. This is regardless of whether the individuals living together are related as family members. However, if care is provided on a shift pattern basis, it is likely that a change of use from C3 to C2 will occur.

Notwithstanding the above, it should further be noted that a change of use from C3 to C2 may not amount to a material change of use and therefore may still not amount to development which requires planning permission. If there is no material difference in activity to that which may be anticipated in the case of a dwellinghouse, and no greater level of disturbance or amenity impact, then no material change of use has occurred.

The issue of whether or not a material change of use has occurred will ultimately be a matter of fact and degree in each individual case. The key issues are the numbers of residents involved, whether or not staff work shift patterns or have a permanent residence at the site and the materiality in planning terms of any change of use.

Regard has also been had to the Ministerial Statement made on 23 May 2023 '*Planning for accommodation for looked after children*'.

Case law has provided important distinctions between Use Class C2 and C3. In the case of North Devon District Council [2003] Justice Collins made the point that children "need to be looked after. They cannot run a house. They cannot be expected to deal with all the matters that go to running a home ... children are regarded as needing fulltime care from an adult, someone to look after them, someone to run their lives for them and someone to make sure that the household operates as it should". The North Devon judgement confirms that it is unrealistic to expect children to look after themselves in a single household. It also clarified that carers who provided 24-hour care but were not resident could not be regarded as living together in a household.

On this basis I am satisfied that the proposed use would fall within Use Class C2.

The proposed change of use class (from C3 to C2) does not necessary equate to a material change of use. A change of use requires planning permission if it constitutes a material change of use. There is no statutory definition of 'material change of use'; however, it is linked to the significance of the change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case.

The applicant has provided details as to how the home would operate, as set out above.

Based on the information which has been provided (including but not limited to: staff would operate in shifts, there would be a member of staff on waking night duty), it is considered

that as a result of the above the intensity and character of the property would result in a material change to the dwelling and the application has been assessed on this basis.

## Principle of Development

Policy BDP12 supports facilities that: meet the diverse needs of existing and future residents, are safe and inclusive, well planned, built and run, and offer equality of opportunity and good services for all.

Quantry Lane has footways, but no street lighting and no parking restrictions are in force. The site is not located within walking distance of amenities. A bus stop for service 147 is located on Farley Lane within acceptable walking distance. Nonetheless, the dwelling itself is viewed as being in an unsustainable location. There have been objections concerning the lack of local amenities within the area that the children can walk too and the unsuitable nature of this use in a rural area.

Nevertheless, what must be taken into account is that the existing dwelling is in an unsustainable location, given the property's size its use could realistically be expected to be occupied by a family of potentially 2 or more children and at least 2 adults. As a Class C3 dwelling, it could alternatively be occupied by up to 6 adult house-sharers living as a single household. This fall-back position of the existing use would bring heavy reliance on the use of private motor vehicles and would be require no planning permission.

The material change of use is considered to be acceptable in principle; there is no substantive evidence to suggest that children's care homes are incompatible with C3 dwellings in rural areas and that whilst there will be a change in character that is not to say that such a change would be unacceptable as a matter of fact.

A planning condition could be attached to a permission to ensure that the use is restricted to the provision of residential accommodation and care for the children as outlined within this application.

## Highways Matters

The County Council raises no objection. The WCC car parking standards state the proposed development is recommended to provide 1 car parking space per member of staff (4 staff members) and 1 car parking space per 4 residents as a worst-case scenario (3 children). The existing property is a 4 bedroomed family dwelling with front courtyard parking. The proposal has provided 6 car parking spaces which are in accordance with WCC car parking standards, therefore the car parking is deemed to be acceptable in this instance.

The County Council raises no objection and has requested a planning condition for cycle parking in accordance with its standards within Appendix G of the Streetscape Design Guidance which requires 1 space for every 4 members of staff and 1 space for every 10 residents for a C2 (Nursing Home) which is the closest land use within the standards to the proposed development.

Vehicular visibility is acceptable from the existing vehicular access; the applicant is widening the existing vehicular access to 5m which is deemed to be acceptable. The width

of the footway is in excess of 2.5m therefore good visibility is achieved in both directions and enhanced visibility splays are not required.

There may be deliveries to the site, however, there is no evidence that deliveries will be other than may be expected at a C3 dwelling. I am of the view that the Employment Travel Plan requested by WCC is unreasonable due to the small scale of the proposal, as well of other conditions controlling the number of children to a maximum of 3 on the site.

Overall, parking provision and the movement of vehicles and pedestrians in association with the proposed development would be acceptable and would not lead to any issues of highway safety. In addition, there would be no conflict with the National Planning Policy Framework which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The County Council has not raised issues of highway safety or severe impacts on the road network.

### Noise, Living Conditions and Residential Amenity

WRS have no objections and confirm that the use of the dwelling house as a children's home would not necessarily result in any increase in noise levels from domestic activities compared to that of a C3 dwelling.

The information submitted indicates that there would be some additional traffic movements, over and above that associated with a four bedroomed house, connected to the changeover of staff. However, such movements would not be disproportionately large or significantly above that associated with the existing use as a dwelling. Given the limited change in traffic generation anticipated, it is satisfied that there would be no detriment to the adjacent residents living conditions associated with the manoeuvring of vehicles at the site.

The NPPF seeks to ensure that development is inclusive, and the fear of crime does not undermine quality of life, community cohesion and resilience. The courts have held that the fear of crime can be a material consideration. The children's home would be for up to three children between 8 to 17 and this could be controlled by planning condition. The children would be cared for by 24-hour carers. The matters in respect of noise and disturbance have been considered above. I have no evidence to suggest that crime levels would increase arising from this development.

There is sufficient amenity space to the rear and the property has permitted development rights to erect boundary treatments as is necessary.

Complaints of alleged anti-social behaviour, crime and drug use would all be police matters.

### Other Matters

#### Public Consultation Responses

Letters of objection have been received from 36 individuals. A summary of the issues raised that have not already been covered in the report and an officer response to these issues

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are provided below, however regard has been had to the full contents of all submissions whilst drafting this report and forming the recommendation.

| Concern raised   | Response   |
|--|--|
| Intensity of the use   | <p>WRS have no objections and confirm that the use of the dwelling house as a children's home would not necessarily result in any increase in noise levels from domestic activities compared to that of a C3 dwelling.</p> <p>The information submitted indicates that there would be some additional traffic movements, over and above that associated with a four bedroomed house, connected to the changeover of staff. However, such movements would not be disproportionately large or significantly above that associated with the existing use as a dwelling.</p> |
| Overlooking  | The dwelling subject to the change will not result in any extra overlooking of neighbouring properties. The assessment remains the same regardless of the individuals that would occupy the dwelling.  |
| Concerns over the running and operations of the children's home                                  | Objections raised regarding the applicant's business history or how the children's home will have operated are not material planning considerations and have not been taken into account in the determination of this application.   |
| No benefit to the local community  | In terms of benefit to the local community for this type of proposal there are no direct benefits. However, there is a demand for additional children home within the area.  |
| Noise, disturbance, increase in crime, drug use, and anti-social behaviour                       | There is no evidence to suggest that the proposed use would increase risk of crime, safety and anti-social behaviour. Children would be supervised at the home throughout the day and night. Any crime issues, including damage and theft, are police matters, and the Council would not intervene.  |
| Insufficient car parking, highway safety and a busy local area, lack of public transport options | <p>The increased number of traffic movements arising from the change of use in the context of the surrounding area would not be significant and has not been raised as a concern by the Highways Officer.</p> <p>The proposal has provided 6 car parking spaces which are in accordance with WCC car parking standards, therefore the car parking is deemed to be acceptable in this instance.</p>   |
| Potential future expansion   | Any future expansion of the site will require a further planning application; this proposal restricts the use to a   |



|  |   |
|--|---|
|  | residential children home with a maximum of three children.   |
| Noise impacts  | Worcestershire Regulatory Services have not objection on noise grounds This matter has been considered in further detail in the report above.   |
| Loss of privacy  | The dwelling subject to the change will not result in any extra overlooking of neighbouring properties. It should be noted that the property has permitted development rights to erect boundary treatments as is necessary.   |
| Future use of the properties   | Any future change of the site will require a planning application.  |
| Wrong location for development type  | Officers consider the location of the development to be acceptable as considered in the 'principle of development' section of the report.   |
| Lack of outdoor space for children   | The garden areas exceed the required standards set out in the Council's High Quality Design SPD for dwellings. Given the scale of the proposed C2 use, this would also be adequate and provide an adequate provision of amenity space for the future occupiers of the property. |
| Who would manage the homes? Have social services, Ofsted or the department of education been consulted to see if the site is suitable? | The home would be subject to Ofsted regulations and inspections; this falls outside of the planning process.  |

## Conclusion

The proposed change of use from a dwellinghouse (Use Class C3) to a children's home (Use Class C2) for up to 3 children between the ages of 8 – 17, in this detached dwelling, located in this rural area is considered acceptable in principle.

There are no outstanding objections from statutory consultees, and it is concluded that there are no issues of highway safety or severe road network impacts. There would likely be an intensification of activity at site; however, this is not considered to be so significantly adverse as to cause unacceptable noise and disturbance to residents.

Taking all of the above into account, it is considered that the change of use is acceptable subject to the imposition of suitable conditions.

**RECOMMENDATION:** That planning permission be **GRANTED**

## Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase 2004.

2. The development hereby approved shall be carried out in accordance with the following plans and drawings:

- Location Plan: PL01
- Proposed Plans: 24/683 Sheet 5 of 10.
- Proposed Site Layout Plan/Parking Plan - 24/683 Sheet 2 of 2.

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall only be used as a residential care home for up to three children and their carers and for no other purpose (including any other use falling within Class C2 of the Order).

Reason: To provide certainty of the proposed development and limit the use of the property to a care home for a maximum of three children of a restricted age range in order to minimise the intensity of the use and protect the amenity of neighbours.

4. The change of use hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking spaces to comply with the Council's adopted highway design guide have been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's cycle parking standards.

5. The change of use hereby approved shall not be occupied until the proposed access gates have been set back 5 metres from the adjoining carriageway edge and made to open inwards only.

Reason: In the interests of highway safety.

6. The change of use hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

Reason: In the interests of highway safety.

7. The change of use hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on drawing 24/683 Sheet 2 of 2.

Reason: To ensure conformity with submitted details.

**Case Officer:** Jonathan Pavey-Smith Tel: 01527 881789  
Email: Jonathan.Pavey-Smith@bromsgroveandredditch.gov.uk



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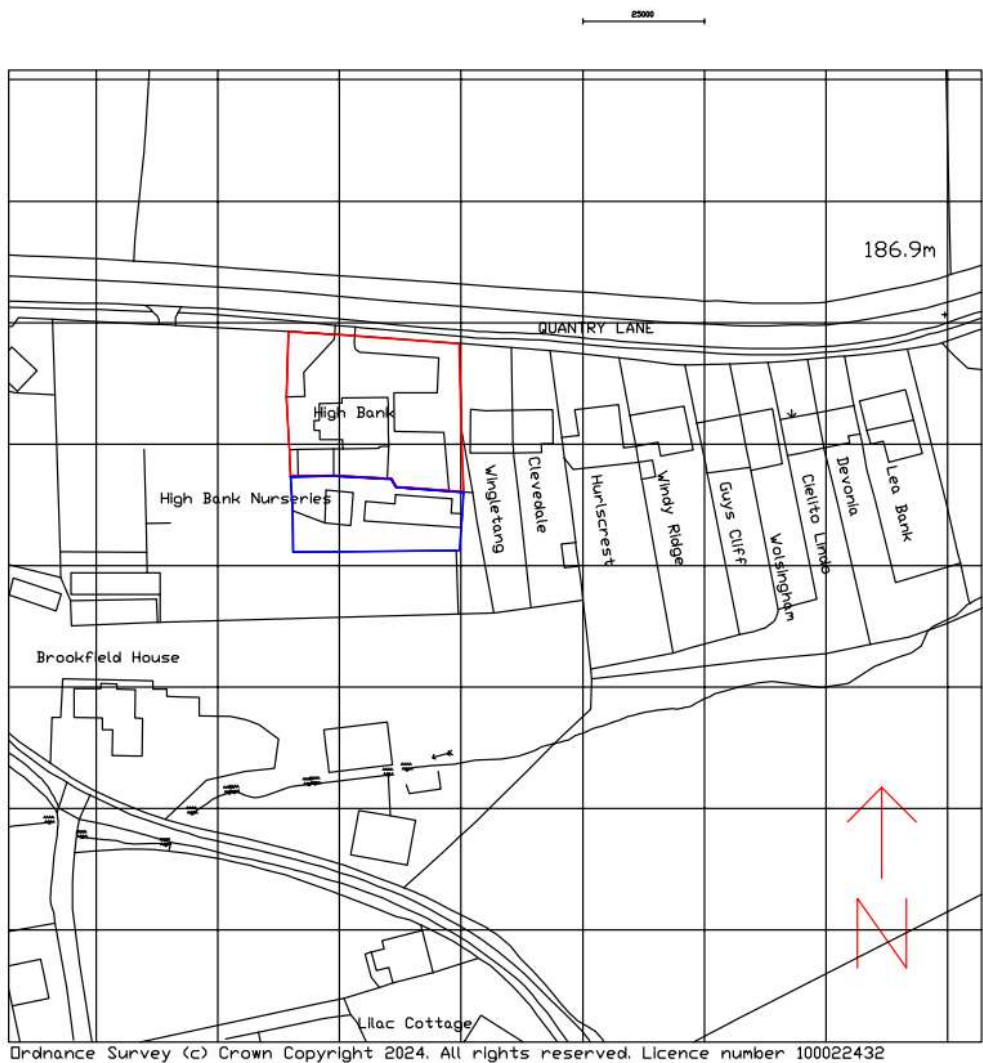
25/00562/FUL

High Bank Nurseries Quantry Lane Belbroughton  
Worcestershire DY9 9UU

Change of use from C3 use (Dwellinghouse) to C2 use  
for a (Residential Children Home) for up to 3 children  
with access alterations.

Recommendation: Approval subject to conditions

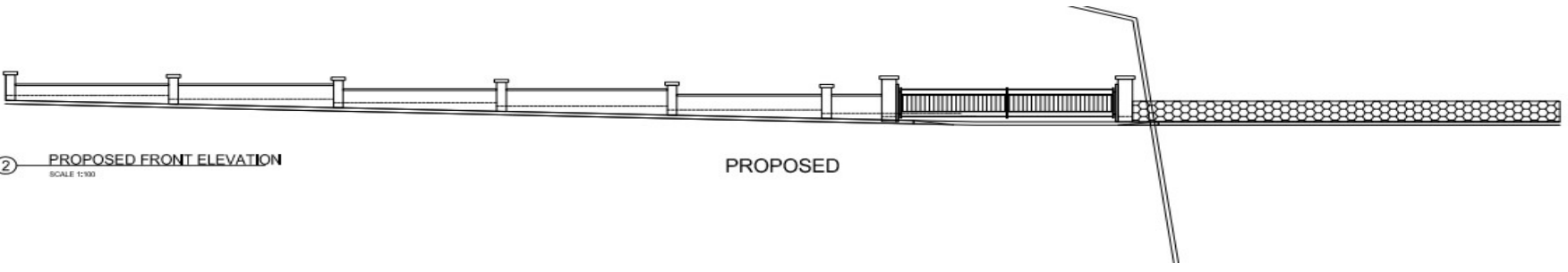
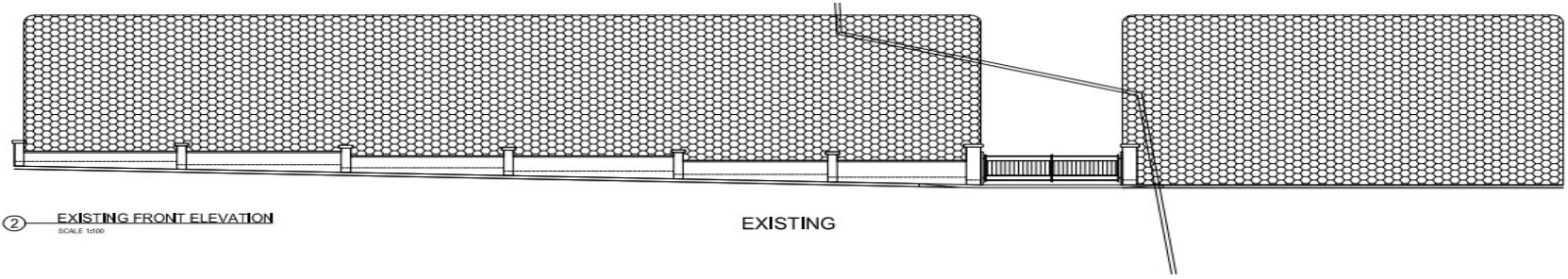
# Site Location Plan



# Aerial Photograph of Site



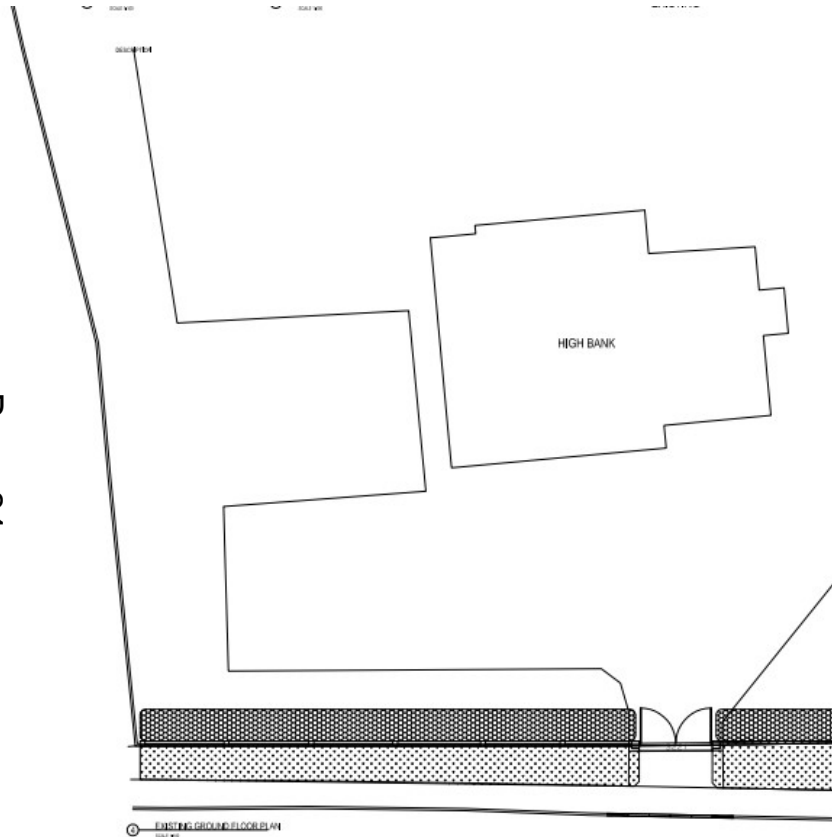
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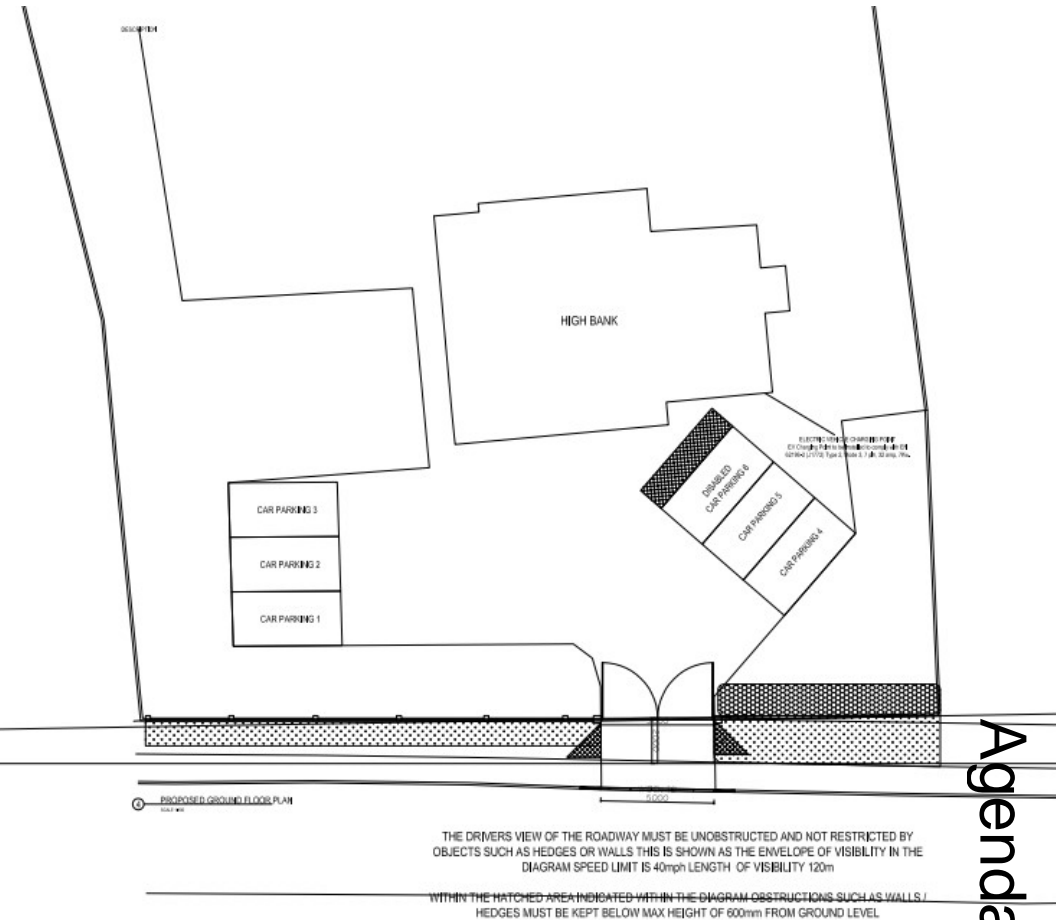


# Parking Plan.

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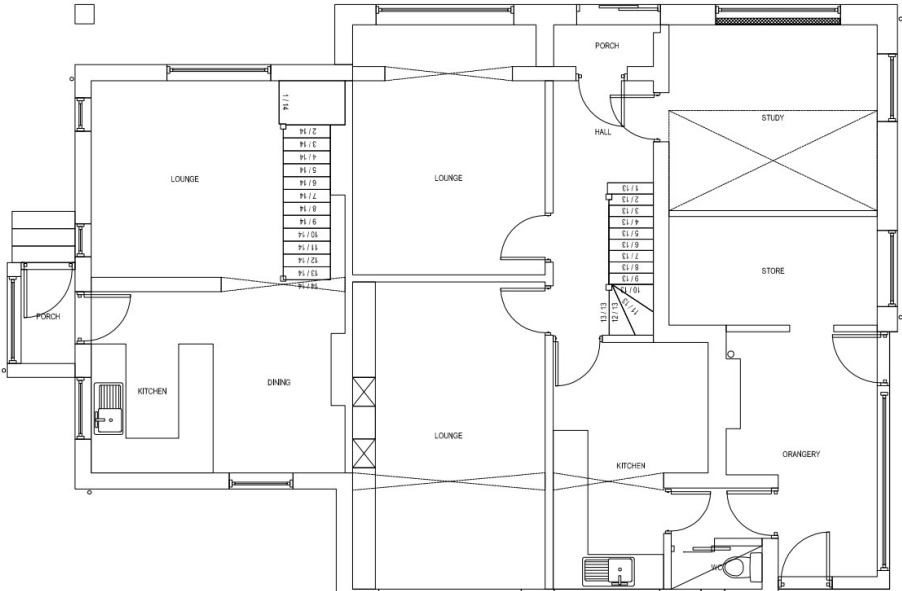
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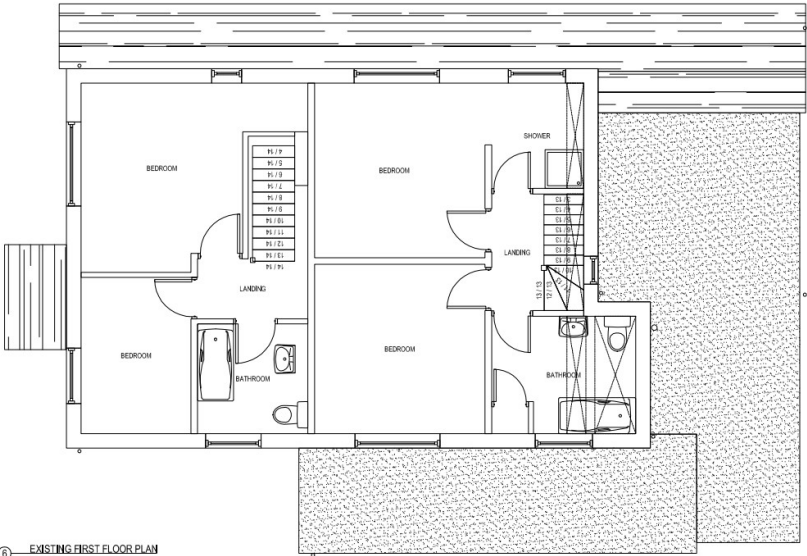
Proposed

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Ground floor plan



First floor plan



6 EXISTING FIRST FLOOR PLAN  
SCALE 1:50

# Site Photograph/ Visibility Splays.

View Westward



View Eastward



# Site Photographs



Picture's  
southward  
view into  
the site



Space for Parking  
area