

Name of Applicant	Proposal	Plan Ref.
C/O Planning Prospects Limited	Hybrid application: Outline Planning Permission for up to 150 dwellings with all matters reserved for future consideration (access, appearance, landscaping, layout and scale) Full Planning Permission for a Community Facility including details of access and associated car parking, landscaping, drainage and other associated infrastructure. Longbridge East And River Arrow Development Site, Groveley Lane, Cofton Hackett, Worcestershire,	16/1085

This application was deferred at the meeting of Planning Committee on 8 May 2017 at the request of Members for the following reasons:-

Having had regard to all of the information presented, the Committee was of the view that the Section 106 contributions did not reflect the amount of infrastructure required to support the developments and considered that further consultation and information was required in regard to the proposed amounts and distribution before they could make a decision on the matter.

Please note that other issues in relation to this application are included in the Appendix report.

RECOMMENDATION:

- (a) MINDED to APPROVE OUTLINE AND FULL PLANNING PERMISSION
- (b) DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:
 - (i) A contribution towards the provision of wheelie bins for the scheme based on £61.40 per unit.
 - (ii) £40,297 as a contribution towards enhancing existing amenity assets at Lickey Hills - refurbishment of the telescope (Folly) and car park at Beacon Hill.
 - (iii) £53,730 as a contribution towards the provision of an outdoor fitness facility and/or youth play equipment at Cofton Park.
 - (iv) £44,775 as a contribution towards enhancing existing sport pitches, cricket pitch, as well as access to Cofton Park in general.

- (v) £37,800 as a contribution towards enhancing the local area Cofton Hackett in respect to general access improvements and refurbishment works to the existing allotment gardens and refurbishment of the local play area off Chestnut Drive, improvements to the car park at Lickey Road, and incidental enhancements including benches and planters in and around Cofton Hackett.
- (vi) £32,554 for the extension of New Road Surgery, New Road, Rubery, and/or Cornhill Surgery, New Road, Rubery.
- (vii) The provision of affordable housing (35%) to be provided on site and maintained as such in perpetuity.
- (viii) Community centre to be provided on site and transferred to an appropriate body /Trust to maintain.

Assessment of the Proposal

Policy Relevance

The Longbridge Area Action Plan (LAAP) was adopted in April 2009 and the Bromsgrove District Plan (BDP) was adopted in January 2017. Both these plans are highly relevant to the consideration of planning applications within the Longbridge AAP area. The BDP refers to the LAAP as the detailed policy guidance for the Longbridge area.

The LAAP was initially prepared before the time of the global financial crisis. Although as the plan neared examination and adoption the crisis had taken hold, and the financial outlook for development was beginning to become very different. With this in mind sufficient clauses were inserted into the LAAP to allow for flexibility in proposals where the financial viability became a challenge, some of these challenges still remain today. It was decided not to adjust the plan to rule out all the proposals which might be required to support the development as it was hoped financial viability of development would return. The implication of this is, at the current time not all of the supporting schemes which we hoped to be able to progress as a result of the redevelopment of Longbridge will now be able to be progressed until full viability returns. The BDP also has clauses which allow for flexibly in proposals.

The LAAP remains an important tool in the determination of applications at Longbridge to maintain consistency with the development taking place on the Birmingham element of the site and ensure as much of the LAAP can be delivered. The LAAP should be read alongside the BDP as the development plan for the area.

Planning Obligations

Members will recall that this application was deferred due to the potential S106 obligations and the distribution of the potential contributions.

It is important to establish why a contribution is sought for a development and that it should meet the appropriate planning tests set out in the Community Infrastructure Levy Regulations 2010 which are as follows:-

- Necessary to make the development acceptable in planning terms.

- Directly related to the development.
- Fairly and reasonably related in scale and kind to the development.

Affordable Housing Provision. 35% of affordable housing is proposed under the outline application and shall be provided on site and retained as such in perpetuity.

Proposal H2 of the Longbridge Area Action Plan (LAAP) requires 'a target of 35% of dwellings to be affordable'. This scheme will include a provision of 35% of affordable housing, which is necessary to make the development acceptable, is directly related to the development and is fairly and reasonably related in scale and kind to the development being in mind that it fully complies with requirements set out under Proposal H2 of the LAAP.

Wheelie Bin Provision. Under the Worcestershire County's Waste Strategy a financial contribution will be sought to cover the provision of wheelie bins for each unit. This is based on £61.40 per dwelling for the provision of a green bin and a grey bin. This is necessary to make the development acceptable, is directly related to the development and is fairly and reasonably related in scale and kind to the scheme.

Contribution towards GP surgeries. The site lies within the practice areas of two Worcestershire GP surgeries (New Road Surgery, New Road, Rubery, and/or Cornhill Surgery, New Road, Rubery,). All two are fully utilising all of their clinical rooms and would therefore have no capacity to provide services to the cumulative number of residents that will move into the houses planned to be built in their practice area. Therefore, a financial contribution will be sought to be used as a contribution towards an extension to each of the surgeries concerned.

The contribution has been calculated by NHS England as follows:-

Planned number of dwellings	150
Forecast increase in population	360
Average number of consultations per patient per annum	6
Forecast number of consultations per annum	2,160
Consulting room capacity	6,300
Number of consulting rooms required	.34
Forecast floor area required m ²	5.49
Clinical/non clinical support (excluding circulation)	3.66
Total floor area required m ²	9.14
Forecast outturn costs	£32,554

Following on from the application being deferred from the last meeting, officers have discussed the level of contribution with NHS England who have clarified that the above formula is what they currently use to justify a contribution. They acknowledge that it is not the intention that the above contribution would cover the full cost of a potential extension, but would be a contribution towards the works concerned.

It is important to note that the two surgeries currently have capacity to accept new patients and there are also doctor surgeries closer to the site that are within Birmingham's administrative area.

Policy BDP.12 of the Bromsgrove District Plan encourages improvements to existing facilities to enable them to adapt to changing needs, ie. increase in occupiers in the area. Therefore, it is considered that seeking a contribution to enhance existing GP facilities nearby to the site would be necessary to make the development acceptable, would be directly related to the development and would be fairly and reasonably related in scale and kind to the development. As mentioned above, the contribution requested is not intended to cover the cost of an extension to a surgery but be a contribution towards the works.

Open space / informal recreation facilities for this scheme.

As mentioned in the original report for this application, a provision of open space is required for the scale of the development. Members will be aware that under the phase 1 scheme, on site open space has been provided (Arrow Park). Members will be aware that that under the phase 2a scheme, no on site open space facilities were included but a commitment to provide open space facilities on site would come forward under the next phase. The phase 2b application (ref 17/1087) includes two areas of onsite open space facilities that would comply with Proposal OS.6 of the LAAP and suitably link in with the existing Arrow Park to provide a quality landscaped area suitable for formal and informal recreational use, complying with Proposal OS4b of the LAAP.

However, taking into consideration the total number of units proposed for the East Works site and the existing and proposed provision of onsite open space, there would still be a shortfall of open space facilities. Therefore, a financial contribution to enhance an existing open space facility nearby would be a way of addressing this shortfall. Due to the scale of the development the provision of open space is necessary to make the development acceptable, and is directly and reasonably related in scale and kind to the development.

It is accepted that the site is very close to Cofton Park and as such would be the most obvious site for open space enhancements. However, considerable investment is committed to enhancing Cofton Park as a result of other Longbridge developments.

- Children's playground £220,000 (£120,000 playground + £100,000 maintenance).
- Sports Pavilion, sport pitches and new toilet block- £440,000
- Cofton Park footpath and accessibility improvements - £85,000
- Lickey Hills playground £200,000. As the playground already exists, 100% will be spent on capital works, no maintenance fees.
- Lickey Hills visitor centre toilet refurbishment - £50,000.

Bromsgrove Leisure Services have been consulted on this application and note that whilst there are toddler/junior play area facilities at Cofton Park, there is a lack of teenage/young adult provision. Leisure Services suggested a MUGA facility or a skate facility. However, facility exists at the Youth Factory in the centre of Longbridge. Whilst a skate facility would be welcomed, it would be more appropriate next to the MUGA rather than in Cofton Park. An outdoor fitness facility has also been suggested to address this shortfall and would be a benefit to a wider audience. This would be a facility that would sit well within Cofton Park and is supported by Birmingham Council who manages the park. In addition, enhancements are proposed to existing sports pitches, cricket pitch, as well as access improvements to Cofton Park in general. Officers consider that a contribution to provide this new facility/enhance existing facilities at Cofton Park would address the

shortfall of open space and would be in accordance with BDP25 of the BDP which encourages the enhancing of existing sport, recreational and amenity assets and acknowledges that existing facilities be enhanced if it is impractical to provide open space typologies on site.

The LAAP refers to improvements to Lickey Hills as well as Cofton Park. Given that the Lickey Hills are located within Bromsgrove's administration area and is near to the proposed site it is considered appropriate to enhance this 'amenity asset'. It is intended that a contribution will be used to refurbish the Toposcope (the folly) and car park.

Members will be aware that the Lickey Hills and Cofton Park are managed by Birmingham City Council (BCC). It is envisaged that whilst a S106 Agreement will be drafted in respect to this application. A separate 'Agreement' is proposed to be drafted between BDC and BCC such as a Service Level Agreement or Conditions of Grant Aid Agreement. This would be a legal agreement between the two authorities to ensure BCC be reimbursed once work has taken place on the ground. BCC could provide BDC with a copy of reports that include a cost breakdown showing expenditure and funding sources.

Cofton Hackett Enhancements

As there would be a shortfall of open space for the overall scheme, a financial contribution will be sought to provide enhancements to communal facilities in the local area such as improvements to the local allotments and refurbishment of the play area off Chestnut Drive. Improvements to the local car park at Lickey Road as well as incidental works such as planters and benches / cycle signage in and around Cofton Hackett would be included in this contribution. This would be in accordance with policy BDP25 of the BDP which encourages enhancements to existing recreational and amenity assets. As mentioned above, due to the scale of the development the provision of open space is necessary to make the development acceptable, is directly related to the development and is fairly and reasonably related in scale and kind to the development.

Community Centre

The application provides full details of a community centre to be provided on the junction of East Works Drive and Groveley Lane. The community centre will be provided on site at an estimated cost £500,000. This will then be handed over to an appropriate body/Trust to manage. It is anticipated that the community facility will be provided on site before the 100th occupation on Phases 2b and/or 3. The provision of a community centre is a major component required under Proposal H2 of the LAAP. As such, is directly related to the development and is fairly and reasonably related in scale and kind to the development proposed at East Works as a whole. In addition, the provision of a community centre in this location would be in accordance with policy BDP12 of the BDP.

Other matters

Enhancements to other existing facilities in the area have been suggested. However, as mentioned above they have to meet the appropriate planning tests for them to be justified. In addition, they would need to be supported by the relevant consultee. For instance, members raised concerns in relation to highway matters and a possible contribution requested to improve perceived highway issues. County Highways consider that a contribution is not justified and that there is no need to provide a further crossing on Groveley Lane. There is already one very close to the site access which is a toucan crossing, and further north on Lowhill Lane (BCC Highway) there is an uncontrolled

crossing. The pedestrian desire lines are addressed and as such there is no need to provide any further facility.

In respect to providing a crossing at Hopwood, as referred to under Proposal T13 of the LAAP; there is no relationship between pedestrian movements from the Eastworks site and the desire line to provide a crossing on the A441 in Hopwood. Therefore whether there is a need for a crossing at this location or not, a contribution would not meet the planning tests referred to above and therefore cannot be delivered as part of this application.

Officers are aware that Cofton Hackett Parish Council have requested contributions to cover the fitting out of the village hall and also improvements to access points on Barnt Green Road. However, this would not meet the planning tests as set out above, and therefore cannot be delivered as part of this application.

The applicant is agreeable to these heads of terms and a S106 Agreement is in the process of being drafted.

Conclusion

The principle of residential development is considered to be acceptable and whilst there may be an overall shortfall of housing on the East Works site, this shortfall is unlikely to have a detrimental impact on the anticipated housing target set for Longbridge overall. The proposal would not conflict with the Proposals set out in the LAAP, and complies with policies in the adopted Bromsgrove District Plan. The principle of residential development would also be compliant with the NPPF.

The design and location of the proposed community centre is considered to be acceptable and would comply with policies in the LAAP and the adopted Bromsgrove District Plan.

RECOMMENDATION:

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- (b) DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:
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- (vi) £32,554 for the extension of New Road Surgery, New Road, Rubery, and/or Cornhill Surgery, New Road, Rubery.
- (vii) The on-site provision of affordable housing (35%) to be provided on site and maintained as such in perpetuity.
- (viii) Community centre to be provided on site and transferred to an appropriate body.

Conditions / Informatives

1. The community centre and associated access, car parking and landscaping works shall be commenced within 3 years of the date of this permission. Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. With the exception of the community centre and its associated works, the development hereby permitted shall be begun not later than whichever is the latest of the following dates:-

- i. The expiration of three years from the date of this permission;
- or
- ii. The expiration of two years from the final approval of the reserved matters;
- or,
- iii. In the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. With the exception of the proposed Community Centre as shown on approved drawings (to be defined), approval of the details of the Access, Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

3. The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings/ Documents listed in this notice:

Reason: For the avoidance of doubt and in the interests of proper planning.

4. The reserved matters applications for the residential development under this planning permission shall include a total number of dwellings which is no less than 145 dwellings and no more than 150 dwellings.

Reason:- To maximise the efficient use of this brownfield site in accordance with policies BDP1 and BDP2 of the Bromsgrove District Plan and Proposal 2 of the Longbridge Area Action Plan.

5. Details of the form, colour and finish of the materials to be used externally on the community centre approved shall be carried out in accordance with Dwg. No. AAH5345 03 Rev B Floor plans and elevations.

Reason: To protect the visual amenity of the area.

6. Other than the materials as approved for the proposed Community Centre, details of the form, colour and finish of the materials to be used externally on the walls and roofs of the proposed dwellings shall be subject to the approval, in writing, of the local planning authority before the materials are used in the construction of the proposed dwellings.

Reason: To protect the visual amenity of the area.

7. No works or development shall take place on the proposed Community Centre until a scheme for foul and surface water drainage, along with a maintenance plan for this drainage scheme, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.

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

8. No works or development shall take place, other than in respect of the approved Community Centre, until a scheme for foul and surface water drainage for the residential scheme, along with a maintenance plan for this drainage scheme, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.

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

9. Development shall not begin, other than in respect of the approved Community Centre, until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local

Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved drawings.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

10. The residential development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing a travel plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator.

Reason: To reduce vehicle movements and promote sustainable access.

11. The landscaping scheme for the community centre including proposed fencing, screen walls etc. shown on Dwg. No.s (to be defined) shall be implemented within 12 months from the date when any of the building(s) hereby permitted are first occupied or in accordance with a phased implementation plan to be agreed in writing with the Local Planning Authority. Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site.

12. Prior to commencement of development, other than in respect of the approved Community Centre, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-

a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;

b) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.

The approved scheme shall be implemented within 12 months from the date when any of the building(s) hereby permitted are first occupied or in accordance with a phased implementation plan to be agreed in writing with the Local Planning Authority.

Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site.

13. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a construction management plan. The plan shall include

(a) areas within the site to be used for loading, unloading and manoeuvring,

(b) areas within the site to be used for storage of materials and equipment including fuels,

(c) wheel washing at the site and leaving the site to reduce mud and spoil on the highway,

(d) proposals to minimise dust from construction

(e) construction noise suppression,

(f) areas within the site to be used for parking for site personnel, operatives and visitors

(g) construction traffic routes,

(h) piling techniques,

(i) programme of works (including measures for traffic management and operating hours),

(j) provision of boundary hoarding and lighting. The development shall be carried out in accordance with the approved management plan.

Reason: To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of adjacent occupiers

14. Recommendations and mitigation and enhancement actions stated in the Longbridge East Ecological Assessment for Phase 3 by Alder shall be implemented.

Reason:- In the interests of ecology in the local area and in accordance with BDP 19 of the Bromsgrove District Plan and paras 9 and 109 of the National Planning Policy Framework.

15. Other than in respect of the approved Community Centre, Secure cycle parking facilities should be provided at the development as determined by Worcestershire County Council LTP3 Policy and AQAP Measure 5.3.7. Full details of the location, type of rack, spacing, numbers, method of installation and access to cycle parking should be submitted to and approved by the local planning authority prior to the first occupation of the development.

Reason: In the interests of facilitating sustainable development.

16. Details of appropriate cabling and an outside electrical socket to be supplied for each property to enable ease of installation of an electric vehicle charging point (houses with dedicated parking) shall be submitted to and approved by the Local Planning Authority. For developments with unallocated parking i.e. flats/apartments 1 EV charging point per 10 spaces (as a minimum) should be provided by the developer to be operational before occupation. The charging point must comply with BS7671. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building. The approved scheme shall be implemented before the building(s) hereby permitted are first occupied.

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to [amongst other things] incorporate facilities for charging plug-in and other ultra-low emission vehicles." AQAP Measure 5.2.10

17. Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 5 have been complied with:

1. Previous reports submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

2. 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 DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

3. 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.

4. 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.

5. 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.

6. 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.

18. All of the recommendations relating to glazing, ventilation and the installation of boundary fencing indicated in the noise report shall be implemented as part of the reserved matters application for the residential development.

Informatives

1. In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising from the application in accordance with the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The authority has helped the applicant resolve technical issues such as:
- o access and parking provision,
 - o the impact of the development in the street scene,
 - o impact of the development upon amenity of neighbours,
 - o improving the design of the proposed development.

The proposal is therefore considered to deliver a sustainable form of development that complies with development plan policy.

2. The applicant is advised that a Section 106 Agreement is applicable to this application.
3. It is advised that the applicant should be directed to the following document for best practice during construction: Worcestershire Regulatory Services "Code of

Plan reference

Best Practice for Demolition and Construction Sites" which can be found on the WRS website at <http://www.worcsregservices.gov.uk/media/448881/WRS-contractor-guidance.pdf>

4. Network Rail informatives.
5. Environment Agency informatives.

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