

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Jonathan Richards	<p>Part demolition and site clearance of the former Blue Bird factory site for its redevelopment to provide 108 residential dwellings (Use Class C3), consisting of both new dwellings and conversion of the Welfare and Administration buildings, along with associated landscaping; drainage; engineering; highways and access works.</p> <p>Blue Bird Confectionary Ltd, Blue Bird Park, Bromsgrove Road, Romsley, Halesowen Worcestershire</p>	06.08.2019	19/00592/FUL & 20/01440/LBC

### **Procedural Update**

A.1 Members will recall that this application was considered at the Planning Committee meeting of 1<sup>st</sup> November 2021. It was resolved to defer the application to confirm that the application and calculation of vacant building credit removes the requirement for the development to provide affordable housing. Further information has been sought with respect to this matter which is discussed in detail below and should be read in conjunction with section 8 of this report:

#### **Vacant Building Credit (VBC):**

A.2 The policy intention and practical application of VBC is set out in detail in the Planning Practice Guidance ('PPG'):

“What is the vacant building credit?

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

What is the process for determining the vacant building credit?

Where there is an **overall increase in floorspace** in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local P plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.”

A.3 The PPG goes on to explain that the calculation of the credit “is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation” (officer emphasis).

As such the formula for calculating vacant building credit is as follows:

$$(P-E)/P * PR = VBC$$

Where;

P is Proposed floorspace

E is Existing floorspace to be redeveloped or demolished

PR= Policy Requirement %

VBC = Vacant Building Credit % of Affordable Housing Required.

In the case of the Bluebird Factory this translates to the following calculation:

$$(11,925m^2 - 16,511m^2)/11,925m^2 * 30\% = -11\% \text{ (minus eleven per cent)}$$

A.4 The effect of the Vacant Building Credit, in full accordance with the policy and guidance of the NPPF and PPG, is to fully remove the site's liability for affordable housing contribution.

### **Flood Risk/Drainage**

A.5 In light of the comments made by Members at the previous committee meeting with respect to Flood Risk and Drainage at the site, the applicants have prepared a briefing note to provide further clarity around these issues. This note is provided in full for Members at Appendix 1 and should be read in conjunction with section 6 of this report.

A.6 This report incorporates the information contained in the Update Sheet issued to Members on 1 November 2021.

A.7 Members are requested to have regard to the content of Appendix 1 alongside the additional information provided with respect to vacant building credit and flood risk/drainage. Following consideration of the additional information as detailed, the Head of Planning, Regeneration and Leisure is of the view that there has been no alteration to the recommendation to grant planning permission and listed building consent.

### **RECOMMENDATION:**

With reference to application **19/00592/FUL**:

(a) MINDED to **GRANT** full planning permission

(b) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to determine the application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:

(i) £400,000 towards improvements to bus services

- (ii) £15,000 towards community transport services
- (iii) £98, 511 towards school transport
- (iv) £23, 760 towards personal travel planning service (£220/dwelling)
- (v) £ 20, 519.78 towards NHS Worcestershire Acute Hospitals Trust
- (vi) £161, 280 towards Dudley Clinical Commissioning Group NHS for premises expansion
- (vii) £360, 469 towards primary phase education
- (viii) £470, 188 towards secondary phase education
- (ix) £77, 050 towards improvements to toddler junior play equipment at St Kenelms Road recreation ground
- (x) £5641.92 towards the provision of wheelie bins for the development
- (xi) A S106 Monitoring fee
- (xii) A flood response plan
- (xiii) A Boardwalk Specification
- (xiv) Various site restrictions in relation to drainage matters
- (xv) The management and maintenance of the on site open space
- (xvi) The management and maintenance of the on site SuDs facilities

(c) And that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions as set out in the list at the end of this report.

With reference to application **20/01440/LBC**:

- (a) MINDED to **GRANT** Listed building consent
- (b) And that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions as set out in the list at the end of this report.

## Consultations

**Hunington Parish Council** Consulted 11.06.2021

Hunington Parish Council strongly object to this application.

On reading the new amended documents on the Planning portal Hunington Parish Council make the following objections and observations as follows:

1. Wider Site Layout (SCA04 PL002 AB) – On the documents I can see no major alterations to original plans, other than moving the existing bus stop further down the road, on a blind bend, where double yellow lines are present and safety of existing and any new local resident's is massively further compromised. How can a bus stop at this location safely? Also, concerns re trees to rear of property as issue raised regarding the slope and unstable ground/requirement for a protection edge, which it states will be stabilised using chosen methods? A large proportion of these trees along this boundary have already been cut down (since initial planning application) – without any concern for the existing residents or surrounding countryside. Present in the documents there is also mention of a 'metal hoop' being installed in the ground, to open some gates and shut others for 'operational reasons', but no detail – this raises concerns re potential interference or damage to the 'legally preserved gates' and also safety re secured gates. What if there is an incident/accident at the main site entrance – which has happened on several occasions and evidenced in previous objections.

2. Administration and Welfare Buildings (all documents relevant to both buildings) – Some changes have clearly been identified in relation to these buildings in several documents, in particular the Welfare Building – both having preservation orders on them. These highlight concerns re the digging up of the land outside the Welfare building, taking up further green space, placing a large quantity of car parking spaces on the grassed area, digging up the grassed area, having to dig up the area where the existing beautiful garden/lawn and water/statue feature exists and inserting a water basin (see 4.). Adding a new footpath too, taking up further open space. The ground level is also being altered/lowering the height, on the site in front/around the Canteen building – further land disturbances – why? Drainage concerns? Why has this suddenly become an issue? We also wish to strongly object to the planned changes to the Welfare building, removing rafters, new ceiling lines and new floors, new head heights, removing beams, part of structure and heritage of the building. Changing ceilings/internal features and I also object to the inclusion of roof window in the building. This is contrary to both the preservation of the building, the look of the building and the retention of the Heritage of the site.

3. Drainage Strategy (SCA04 PL300) – This raises not only clear concerns re the overall drainage of the site, but this is now going to require the gardens at the front of the Welfare building to be dug up, a drainage basin (size/capacity/impact?? There is only a black line on the plans with A\_\_\_\_A on it) place here, additional hardcore space then added for car parking and a much lesser area then of previously identified green space! Some which will be covered back with gravel, as they put it ‘for ease of maintenance’, not with the previously placed grass.

4. Design and Access Statement (SCA04 Rev K) –This document is clearly nothing more than a glossy brochure of the planned development, it includes photographs of residents of the existing old bluebird houses. There are some lovely illustrations of families, children walking around the site, adults with pushchairs, one car only parked on the driveway of the houses (not the larger number that will clearly exist in the rear life scenario!) – nowhere near the reality of the overcrowding, lack of facilities, danger on the road, footpaths etc.

5. Comments received during the Consultation process – HPC cannot see anywhere in any of these documents that the developer has made any changes in respect of the public consultation process. No changes in relation to the number of houses, volume of residents, volume of traffic, the entrance/exit, the safety of the existing or new residents in relation to transport network, pedestrian route outside, junction layout, no amenities at all for the current village or new residents, no facilities for residents, children on site, no play areas, park, shop etc., no consideration for the increase in pupils at the local school or high school – neither of which can currently accommodate any further pupils at all, no change in the proposed street lighting on site, no consideration for impact on the Health service/GP service etc. etc. etc. No consideration or answers at all for any of the residents/parish councils objections whatsoever.

6. Proposed Levels Strategy (CWA -18-194-510 Rev 15) - In this document it mentions site boundary being removed? Updated road contours? Updated levels of grassed area - which I assume this means the reduction in grassed areas due to points 2. and 3?? In addition to the updated site layout – but no indication whatsoever what exactly this means. There is some mention of things also being ‘updated to suit JBA flood modelling’ but again no further details.

7. NEW OBJECTIONS/CONCERNS – Over the past 6 months or so the Farmers and Farmland at the rear of both the Blue Bird Houses and the Blue Bird site have been involved in local conservation projects (on plans shown as Rear and Western

Boundaries). They have received grants for work being completed to encourage natural habitat, wildlife, flowers, and birdlife. In addition, Ornithologist's have been visiting the sites as rare birdlife has been sighted and again these species are being included in this continuing conservation work. On the farmland in this area, new signage has now gone up to make local resident's/visitors aware and to prevent any disruption to these projects/work. Again, there is a massive well evidenced fear that such a development on this site is just going to cause disruption to this work on green belt land – in particular, the building work, the disruption to water, drainage, the noise and light pollution and longer term the traffic (both human and vehicular), with all its additional associated complications to the environment.

### **Dudley Metropolitan Council Consulted 11.06.2021**

From a strategic planning perspective from DMBC on the re consultation of the above planning application, I can confirm our views have remained the same.

Please see below the comments made in August 2021

There are no significant issues raised about the impact of the proposal on our strategic housing need and housing land supply position

There are concerns about the impact of the additional population generated by this proposal on education provision within Dudley Borough. Without any detailed investigation at this point the strong likelihood is that there would be an impact on Dudley Schools - and particularly at Secondary where the closest schools in any authority are Dudley ones which are also operating at capacity - for Secondary, the closest two to the application site are Dudley Schools [Earls and Windsor] at approx. 1.5 miles away - with the top 5 closest including 3 Dudley schools. To mitigate against such an impact, it is considered reasonable that a Section 106 Obligation be attached to any permission to direct a proportion of funds towards the upgrading of facilities at our affected schools to potentially satisfactorily accommodate additional pupils generated by the development. That proportion, relative to that which could be attributed to schools in your borough, would be a matter for common ground agreement between our respective strategic education authorities. I believe there have been discussions surrounding the S106 agreement with education department since the original application.

Highways comments:

Dudley MBC Transportation Team are currently developing proposals for improvements to the A456 Manor Way - this strategic route is expected to form the primary link to Birmingham and Black Country region plus the national motorway network. At the present time, the development's Transport Assessment indicates a net reduction in total vehicle movements when measured against the historic industrial operation or potential restarting of a similar use. The trip generation from the new residential use will not create significant issues on the length of B4551 Grange Hill but, regrettably, with the site no longer operating, it is expected that there will be a perceived increase in vehicle numbers and congestion at the A456 Manor Way / Grange Road roundabout. The TA expects over 80% of trips to be made by private car and <6% (max) by other available modes. Para 4.19 states that the bus service needs to be more attractive to encourage use because it only runs 5 times a day between Bromsgrove and Halesowen, (every 2 hours 07:22, 09:22 at Romsley towards Halesowen / 15:34, 17:34 from Halesowen towards Romsley).

o This would limit sustainable commuting options and lead to extremely long school days - therefore modal shift to cycling is viewed as the most proactive option.

- o Currently cycling and P2W use is expected to be less than 2% of total trips but the Travel Plan has been written with a view to increase these sustainable modes.
- o The actual figure indicated is one(1), with only one(1) additional modal shift trip increase in 5 years at peak times from the development.
- o This should be achievable with the co-ordinated promotion of the initial benefits identified with the document.
- o However, the target should be to significantly influence future generations and promote a healthier life style generally.
- o Linked to future pupils who could be reasonably expected to independently travel approximately >2.5km to attend The Earls and Windsor High Schools, Halesowen College and also visit the local centre, it is recommended that a low percentage value, appropriate to the pupil distribution, is provided towards the estimated cost of the HACC 'toucan' crossing (to be confirmed by the DMBC investigation) via a TCPA S.106 agreement.
- o Transportation have received outline ideas back from the independent A456 assessment and are currently reviewing potential funding options. Their position will remain fairly static for the foreseeable period so any additional monies should continue to be sort and if received held until a decision is made in the next 36/60 months.

**Conservation Officer** Consulted 11.06.2021

No objections subject to conditions

**Historic England** Consulted 11.06.2021

Thank you for your letter of 11 June 2021 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

**The National Amenity Societies Of Listed Building Applications** Consulted 10.12.2020

We welcome the proposed conversion and re-use of the listed buildings and are supportive of the proposal to retain and preserve the lawn and car-parking spaces. However, we maintain that the factory buildings, power house, warehouses and other buildings on the site are non-designated heritage assets with significant group value. The National Planning Policy Framework (NPPF, 2019) advises that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset" (paragraph 197).

The Society believes several of these existing buildings on the site (identified in Heritage Statement appendixes) could be converted for residential use as part of the proposed wider development. This would result in the retention of non-designated heritage assets and would help to provide a sustainable form of development, as encouraged by paragraph 148 of the NPPF: "The planning system should support the transition to a low carbon future in a changing climate [...] [and] encourage the reuse of existing resources, including the conversion of existing buildings" (paragraph 148).

### **Worcestershire Archive And Archaeological Service** Consulted 10.12.2020

No objections subject to conditions

### **Urban Designer** Consulted 11.06.2021

#### House types

My comments on the house types remain as before. There is an opportunity for the new houses to develop a contextual response to the two listed buildings designed by S.N.Cooke which will remain and be incorporated into the scheme, but the opportunity is not being taken. The D&A Statement says that "new build dwellings take design references from the existing buildings in The Close". But The Close is some distance away from the site, and its buildings are not visible from the site. The listed buildings on the site should be the source of design references.

I assume that the reason for the reluctance to engage with the architecture of the listed buildings is that the developers wish to use existing standard house types which they are not inclined to change. Response to context is an important criterion of urban design, one that can lead to the creation of a distinctive sense of place, but the employment of standard house types by developers makes this more difficult to achieve.

#### Street trees

My concerns about the planting of street trees remains. Trees are proposed along either side of the access street from Bromsgrove Road. If these are planted within the public realm, this is a good provision, but the drawings submitted do not make clear whether this is so. Trees planted within private front gardens can be subject to removal by the owner, and are not a substitute for trees in the public realm.

Similarly, there appears to have been no change to the proposed tree planting at the crossroads on this street. The formal arrangement of four hornbeam trees, one at each corner, which is a good and appropriate arrangement, remains, but two appear to be in the public realm and the other two in private front gardens. I propose that all four need to be in the public realm.

There are still no street trees proposed for the street leading to the rear of the Administration building. The street is deliberately axial to this symmetrical building, and street trees would underline this relationship.

#### House materials

The division of the houses into two categories by their use of materials now seems to have a more rational basis, with the more prominent houses on street corners being all in one category. This is an improvement.

### Rear elevation of the Administration building

I previously suggested that the rear elevation of the Administration building, which will be a new elevation following the removal of the attached factory building, should express that newness, to reveal the history of the development of the site. There seems to have been no response to this, which is another missed opportunity to make something special.

### **North Worcestershire Water Management** Consulted 11.06.2021

The Flood Risk Assessment and Drainage Strategy Report (CWA, Sep 2021) and the updated Hydraulic Modelling Report (JBA, Sep 2021) have I believe adequately demonstrated that the site is not at risk of flooding from the nearby watercourse, an upstream tributary of the river Stour. It has however confirmed that the site is indeed at risk of surface water flooding, as was indicated on the national surface water flood risk maps, see <https://flood-warning-information.service.gov.uk/long-term-flood-risk>. Surface water flooding is the flooding that occurs after heavy rainfall, when the volume of rainwater falling does not drain away quick enough through drainage systems or into the ground, but lies on or flows over the ground instead. The risk of flooding for this site seems to stem from a surface water flood flow that originates from outside the development site.

The Flood Risk Assessment details a proposal to alter ground levels across the site, using new roads and adjacent garden areas, to create a preferential flood flow route through the site. It is proposed to raise the finished floor levels of the new dwellings along the surface water flooding route to allow for 600mm freeboard above flood depths within the 1 in 100 year + 40% climate change storm event. The resulting finished floor levels are detailed in the Finished Floor Levels Design plan (ref. CWA-18-194-511 Rev P2). This plan also includes a table that lists the anticipated flood depths during the design storm event for all 32 plots affected and the existing welfare building. It is shown that flood depths of up to 300mm (0.3 m) are modelled on certain plots whereas approximately 700mm (0.7 m) deep flood water could be expected in sections of the new road system.

I asked for a Hazard Risk Assessment to establish the level of danger that these expected flood depths would pose. The Sequential and Exception Test Statement has appended a Hazard Risk Plan (using DEFRA Hazard Risk (FD2320) methodology) which shows that the majority of the newly created surface water flood flow route has a risk rating of 'significant'. This means that there is danger to the general public. In addition to this the revised hydraulic modelling report (JBA, Sep 2021) now includes hazard information at various intervals during the design storm event (see paragraph 3.2.4 for the maps). This information indicates that the incoming surface water overland flow will take only approximately 10 minutes to fill up the basin located within the southern corner of the site (in front of the welfare building) before over spilling into the new road system. During the design flood event there will be no safe vehicular access and egress via the flooded sections of the spine road for approximately 1 hour. It will take longer for all flood water to recede and for dry vehicular access/egress to the dwellings to be restored.

To ensure that people can safely evacuate on foot during a flood event a Proposed Flood Evacuation Routing plan has been submitted. This shows with red arrows what route



occupiers/visitors would need to use to leave the site on foot. This makes use of using shared pathways through back gardens which can be easily identified on the revised site plan. For 20 plots (plots 67-86) and the welfare building the final section towards Bromsgrove Road (adjacent to the new basin) is not dry and the plan details the need for a boardwalk in this area to create an emergency exit. No details on how this would work in practice have been submitted. I do note that the boardwalk is shown on the revised site plan too so assume that this is a permanent structure rather than something that would need to be erected when required. The plan indicates an emergency access gate at the boundary with Bromsgrove Road which I assume means that the boardwalk is not meant to be used in everyday situations to create a direct pedestrian access route to Bromsgrove Road.

The applicant has indicated that residents on the site will be warned of an impending flood event via a text message warning system to be installed within the attenuation basin. As the modelling shows that the basin will fill up first before the road becomes inundated, this location is in principle appropriate. However, as the modelling has indicated that it will only take about 10 minutes to fill the basin during the design event, it is hard to see how this would give sufficient warning time for people. The submitted information suggests that the warning could be used to relocate vehicles offsite, but I do not think that this would be feasible. I fear the warning system could even put people at an increased risk as it could result in more people being out on the road during the peak of an event.

It can be seen from the submitted information that the flood flow route is not completely confined to the road/pavement and extends slightly into private gardens etc. I do not know how it can be guaranteed that the modelled surface water flood route will remain unaltered in the future, when boundary fences etc might restrict the available flow path and dropped kerbs etc could widen it, altering the flood risk for properties adjacent to the route as a result. The applicant has responded to this concern by stating that they will include information in the Emergency Flood Response Plan and the plots' deeds that will ensure this, but I do doubt whether this will be a successful mechanism.

The finished floor level of the existing welfare building is above the design flood level but it has been detailed that the freeboard provided is only 70mm, which would be deemed inadequate from a flood mitigation point of view (600mm is normally requested). Information provided advises that raising the existing floor level in the welfare building is considered undesirable and would not secure a Listed Building consent. Other mitigation measures have now been explored for the welfare building and the applicant proposes to use signage to inform people of the flood risk and marker posts to advise when it is (un)safe to cross and prohibit vehicular crossing during flood events to prevent bow waves being formed. In addition the use of water resistant materials will be integrated within the design, such as tiles on the ground floor (rather than carpet) and existing air bricks will be replaced with special flood resistant air bricks. It is proposed that flood barriers are provided for 6 door openings on the ground floor as detailed in the Welfare Building Flood Defence Plan (ref. SCA04 PL176).

I included in my earlier consultation responses a section on the impact that altering the flood flows across the site could have to the land adjoining downstream. The information now submitted that the adjoining landowner (which I understand is the only landowner to

be impacted by this directly) agrees to receiving the altered flood flows, which following the proposed development flood flows will be deeper but less extensive.

I mentioned in my previous consultation responses that I believe that in line with the NPPF the Sequential Test should be applied, showing there is no alternative site available at a lesser flood risk, and that I would leave this decision to the planning case officer. Although it is clear that the applicant queries the requirement, a Sequential and Exception Test Statement (ref. P19-1696 rev A, Pegasus, September 2021) has been submitted. This details that the applicant accepts that there are likely to be sequentially preferable sites for residential development within the District of Bromsgrove, but that given the specific circumstances applicable to the site, it is considered that the application of the exception test is necessary. The exception test consists of two elements. The first element is demonstrating that the development provides wider sustainability benefits that outweigh flood risk. I leave it up to the planning case officer to form an opinion on this. The second element is demonstrating that the development will be safe for the lifetime of the development. Although a series of mitigation measures has now been proposed (raised finished floor levels, a warning system, pedestrian evacuation routes via shared pathways and boardwalk, signage and property flood protection and resilience measures for the welfare building) I do still wonder how practical and sustainable these mitigation measures are. It appears to me that there is insufficient lead time to provide an effective warning and I fear that inclusion of information in an Emergency Flood Response Plan and in deeds will not be sufficient to ensure that the engineered new surface water flood flow route and the required access to shared pathways and board walk will remain available throughout the site for the lifetime of the development. I am therefore leaning towards the conclusion that the second element of the exception test has not been passed.

The Proposed Drainage Strategy drawing (CWA-18-194-530 Rev P17) sets out that the discharge of surface water generated on the site will be limited to 69.7 l/s up to 1 in 100 plus 40% climate change event, which is a combination of the existing storm discharge for the conversions and a Greenfield runoff discharge for the re-developed areas. I believe this is acceptable. The drawing has identified which assets will be offered for adoption to STW and which ones will remain private. I believe details regarding the maintenance responsibility for all assets can be conditioned.

I asked for the drainage strategy to set out how an appropriate level of runoff treatment will be provided, using the simple index assessment as set out in chapter 26 of the CIRIA's SuDS manual (C753). In response to this, a revised Level of Runoff Treatment Assessment has now been submitted (ref. CWA-18-194 - 17.09.2021). This document includes an assessment of the level of runoff treatment that will be provided by the permeable paving, using the simple index approach as requested. It is stated that 'gully sponges' will be provided for the road surfaces, which will not drain via permeable paving. No details have been provided for this proposed proprietary product, for which no standard mitigation indices are available in the SuDS manual. The use of this type of products is normally only seen as the last resort and will require approval of WCC Highways. I believe that this detail could be finalised in a future discharge of condition application.

Although a series of flood mitigation measures has been proposed I remain of the opinion that from a flood risk perspective Blue Bird Park is an unfortunate location to locate new

residential development as it cannot be ensured that the development will remain safe for its lifetime. I therefore believe that there would be reason to withhold approval of this application on flood risk grounds.

I appreciate that my consultee role focuses upon flood risk and water management matters only and that the planning process obviously needs to balance various benefits and impacts, which means that it therefore might get decided that for this proposal the wider benefits outweigh the flood risk concerns and that planning permission should therefore be granted. Should this be the case then I would request that you inform me of this so that I can consider further comments and recommend appropriate conditions regarding minimum finished floor levels, surface water drainage strategy (including treatment and future maintenance responsibilities), flood resilience measures for the welfare building and an Emergency Flood Response Plan.

### **Severn Trent Water Ltd Consulted 10.12.2020**

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- o The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- o The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

### **Environment Agency Consulted 10.12.2020**

It is noted that the site is over 2ha in size and upon a Secondary 'A' Aquifer. Given the potential for contaminated land, from previous use(s) we would refer you to our 'area Contaminated Land standing advice' as attached.

### **Highways - Bromsgrove** Consulted 11.06.2021

Whilst it is recognised that this is a brownfield site, which has an extant trip profile, the specific needs of future residents are not considered to be sufficiently addressed. Whilst financial contributions could help address passenger transport access, this does not ensure a long-term service. The Highway Authority remains of its opinion that the shortcomings of the site to encourage sustainable travel will result in a reliance on the use of private vehicles, which is considered to represent unsustainable development. The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted, the Highway Authority concludes that the application would not represent acceptable sustainable development and that there would be an unacceptable impact and, therefore, recommends that this application is refused. In the event that planning consent were to be recommended, the Highways Authority would request a number of conditions and financial obligations.

### **NHS Acute Hospitals Worcestershire** Consulted 11.06.2021

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

### **Dudley NHS CCG** Consulted 22.01.2021

It is the view of Dudley CCG there is currently insufficient physical capacity within primary care facilities within the practice to accommodate the increase in their patient population that will this will result in. Taking into account the factors outlined above it is the view of Dudley CCG that, in order to accommodate the additional population resulting from the development without any detriment to existing services, it will be necessary to provide at least one additional clinical room within the practice. There is currently no NHS capital funding available to be allocated to support the delivery this additional facility, and the CCG seeks a contribution from the developer to meet these costs

### **Education Department At Worcestershire** Consulted 10.12.2020

The assessment has been prepared in line with the Education Obligations Policy published at the time the original application came forward. In consideration, the development site is estimated to yield in excess of 3 children per year group based on Worcestershire's current methodology for assessing the impact of development on school places. The majority of families living in the area seek places at the local catchment area schools. St Kenelm's CE Primary School is a popular primary school that is rated Good by Ofsted. The school is oversubscribed in 6 out of 7 year groups. With the exception of one year group, forecast numbers show intakes within the locality will remain at or around PAN for the foreseeable future. It is expected that most families' resident on the proposed development will seek places at St Kenelm's CE Primary School.

A S106 contribution is therefore sought to fund an appropriate project at St Kenelm's CE Primary School.

Ofsted has rated Haybridge High School and Sixth Form as an Outstanding school and Hagley Catholic High School as a Good school; both are consistently oversubscribed. Both schools have undertaken building works to increase the capacity of the schools to enable 190 pupils to be admitted per year group. This has been required as a result of new housing and increased demographic growth. It is expected that most families' resident on the proposed development will seek places at Haybridge High School and Sixth Form or Hagley Catholic High School. A S106 Planning Obligation is therefore sought to fund an appropriate project at either Haybridge High School and Sixth Form or, Hagley Catholic High School.

#### **Crime Risk Manager** Consulted 10.12.2020

No objection to this application. In terms of reducing the opportunity for crime I think the layout a big improvement on the initial design.

I would like to encourage the applicant to apply for the Secured By Design award.

My only comment is a repeat of a comment made in my response dated 05/06/2019.

'I would expect the welfare building and the administration block to have an access control system. A tradesperson or timed release mechanism on the access control should not be permitted as they have been proven to be the cause of unlawful access to communal developments'.

#### **Play Provision/Open Space/Parks** Consulted 10.12.2020

We support the proposal from the Parish Council as follows

Leisure would recommend for the offsite play provision to be located at the community recreation ground at St Kenelms Road to provide an equipped play facility for children and families to interact. The play equipment should be aimed at toddler and junior age ranges and support the existing infrastructure.

This recreation ground is within a 500mtr radius from the proposed development

This site, formerly Bluebird Factory has created a development opportunity on an existing 'brownfield' site.

The access to open space is subject to the typologies of BDP25 as set out below. Leisure recommend qualitative improvement to provision of existing facilities off site as detailed previously at St Kenelms Recreation Ground where this has not been met on site. St Kenelms Recreation Ground meets the requirement for the expected walking distances for children and young peoples play including recreation and amenity space. However, I would also add that the appropriate measures are considered regarding walking and cycling access routes to and from the development.

The on site provision of open space is predominantly landscaped 'buffer' area around the development with inclusion of new native hedgerow planting. The development also

provides one small area of formally laid out open space that is landscaped around the refurbished sundial and provides more formal opportunities for recreation.

Also this is subject to appropriate offsite calculations for play and open space where this has not been met on site.

**Arboricultural Officer** Consulted 10.12.2020

- I hold no objection to the loss of the 4 proposed trees, T4, T6, T17 and the poor poplar within G1, as there is ample existing landscaping and the proposed soft landscaping mitigates their loss.
- The soft landscaping proposals are appropriate given the space amongst the proposed dwellings
- The group of Corsican Pines identified as G2 along the north western boundary of the site are proposed to have the garages of plots 65, 64, and 63 in fairly close proximity to their root protection areas while not actually encroaching into them, the trees will occupy a large portion of the garden and bring a significant pruning pressure to the trees. To that end I do intend to raise a new TPO to protect the trees from mismanagement from future residents.
- The remainder of the existing tree stock on the site is shown to be retained and indeed will provide a great amount of amenity value to future residents along with the proposed new landscaping.

I hold no objection the proposed development with regards to tree related issues with the following conditions:

- All retained trees are protected throughout all phases of the development as shown on drawing No.TPP 1 Rev A Within the submitted Arb report by Ruskins Tree Consultancy and in accordance with BS5837:2012.
- Any retained tree the dies or becomes diseased within 5 years of the completion of the development is replaced within a like for like replacement.

**North Worcestershire Economic Development And Regeneration** Consulted 10.12.2020

As this is a green belt land, NWedR have no objections from an economic development perspective.

**WRS - Noise** Consulted 10.12.2020

No further comments relating to noise or demolition / construction nuisance.

**WRS - Air Quality** Consulted 02.08.2019

National Planning Policy Framework (NPPF) Paragraph 181 states: 'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.'

It is recommended the applicant incorporate mitigation measures as part of the development to minimise impact from the development on local areas of poor air quality and assist in alleviating pollution creep arising in the general area.

Recommend conditions in relation to secure cycle parking, electrical vehicle charging points and low emission boilers

**WRS - Contaminated Land** Consulted 24.05.2019

Knowledge of the site suggests that contamination issues may potentially be a significant issue. As a result, in order to ensure that the site is suitable for its proposed use and accordance with The National Planning Policy Framework, Conditions are recommended for inclusion on any permission granted.

**WRS- Light Pollution** Consulted 10.12.2020

In terms of external lighting, street lighting is a matter for County Highways assuming the estate roads are adopted. The proposed car park lighting appears acceptable in terms of light spill.

**Waste Management** Consulted 11.06.2021

No objection

**National Grid** Consulted 12.06.2019

Recommend informative notes if planning permission is granted

**Worcestershire Wildlife Trust** Consulted 24.05.2019

1. We consider that you now have sufficient ecological information to determine the application in line with the law and guidance.
2. We note that no reptiles were found but that as the site contains bat roosts there will be a need for a European protected licence to mitigate for any impacts.
3. In view of this we do not wish to object to the proposed development but we would recommend that you append conditions covering a CEMP and LEMP to any permission you may be otherwise minded to grant so as to ensure that the relevant ecological interests are carefully managed in line with the law and planning guidance. Appropriate model wording for such conditions may be found in Annex D of BS42020:2013 Biodiversity Code of practice for planning and development.

**Consultant Conservation And Landscape Officer** Consulted 10.12.2020

Further to your email of 10th December, please find below my comments concerning landscape matters with regard to the above application. I was not consulted on previous iterations of the scheme, and therefore, the following will focus on the most recent revisions. I have no objection to the scheme in principle, however, there are some key areas of landscape design that remain to be adequately addressed.

I note that revisions to the overall design have adjusted the site layout to a more formal arrangement, which does accord more favourably with the historic morphology of the factory site. I welcome retention of the main building and former welfare building, now Listed, as these will form a significant gateway to the development and set it apart from similar schemes that are all too often homogeneous in their design. One area of concern is the car park in front of the former welfare building. I see how this has been revised in an attempt to integrate it within the context of the building. It remains, however, problematic because it still intrudes into and unbalances the symmetry of the formal landscape setting of the building. The S.N. Cooke designs are a vital component of this site and should be persevered in respect of the Listed buildings and as a signature design principle of the scheme.

The lack of street trees is disappointing both in terms of referencing the formal design elements of the site and the provision of a permeable green infrastructure network. There are now options for planting street trees that work within the context of site constraints: species selection and planting solutions (such as Blue Green Urban) that I would hope to see integrated into a scheme of this scale.

In terms of the site boundaries, I welcome the inclusion of new native hedging and tree planting that will both soften the visual impact of the development and assist with its integration into the wider setting. While there are established boundary features, the northern and north-eastern aspects of the site are currently not well-screened. The submitted landscape proposals include adequate enhancements of these boundaries. However, one area of concern is with the arrangement of houses along the northern boundary (plots 62-66), and plots 42, 43 and 44. These all appear to have their gardens backing on to the site boundaries. The risk here is that when trees (and hedging) begin to mature they may be considered undesirable (due to shading or encroachment) and therefore could be subjected to heavy pruning that would impact negatively on their landscape and ecological functions. A unified mechanism for the management of the site's external boundaries will be essential in order to secure the long-term success of the landscaping scheme. It may be possible to adjust the arrangement of these plots to accommodate changes that will secure a more favourable management scenario.

### **Housing Strategy** Consulted 24.05.2019

The Council would ordinarily expect 30-40% affordable housing on this site. Of which 2/3 would be social rent 1/3 Share Ownership or Low Cost Home Ownership, but I do recognise the Vacant Building Credit. There is a demand for affordable housing in the District.

### **Public Consultation**

#### **19/00592/FUL**

15 letters originally sent to neighbours 24.05.2019 expired 17.06.2019. Further consultation letters sent 10.12.2020 and 16.06.2021.

Press advert as a departure 07.06.2019 expired 24.06.2019. Advertised as a major 15.10.2021 expired 01.11.2021



Site notice displayed 06.10.21 expired 31.10.2021

As a result of all these consultations a total of 61 representations have been made on the application, 54 in objection and 5 in support.

Support:

- Support proposal since the houses have been removed from the front of the welfare building
- A great development of a run down disused factory
- Boost to the local economy
- Better to see brownfield site being developed rather than building on green belt
- The current site is an eyesore
- The retention of the Welfare and Administration buildings are welcomed
- Cohesive layout echoing the Arts and Crafts ethos

Objection:

- The site should be retained as an employment site/loss of employment land
- Increase in traffic/highway safety/inadequate parking provision
- The existing bus service is insufficient
- Lack of access to services
- Increased pressure on schools
- Increased pressure on medical and recreation provision
- No recreational facilities on site
- The development is too large/too many houses being proposed
- Impact on the character of the village
- Impact of light pollution
- Disruption during the construction of the development
- Sets a precedent for building on the Green Belt
- Disruption to wildlife
- The development is not in keeping with the area
- Concerns around drainage/water pressure

## **20/01440/LBC**

Site notice displayed 06.10.2021 expired 31.10.2021

Press notice published 15.10.21 expired 1.11.21

8 representations have been made in relation to the listed building consent application all in objection. The majority of these comments relate to planning matters and have been reported above.

### **Relevant Policies**

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP3 Future Housing and Employment Development

BDP6 Infrastructure Contributions  
BDP7 Housing Mix and Density  
BDP12 Sustainable Communities  
BDP19 High Quality Design  
BDP21 Natural Environment  
BDP24 Green Infrastructure  
BDP25 Health and Well Being

### **Others**

Bromsgrove High Quality Design SPD  
SPG11 Outdoor Play Space  
NPPF National Planning Policy Framework (2021)  
NPPG National Planning Practice Guidance  
National Design Guide

### **Relevant Planning History**

B/18298/1989	Change of use of existing industrial building to warehousing, storage and distribution and use of one building as offices. (As augmented by plans received 29.9.89 and 4.10.89).	Granted	06.11.1989
B/12357/1984	Change of use for a garden centre and canteen. APPEAL ALLOWED 04.09.85	Refused	22.10.1984

### **Proposal Description**

The development proposed comprises the demolition of the existing modern industrial buildings on the site and conversion of the retained Welfare and Administration Buildings to provide a total of 108 residential units. 9 units are proposed in the Administration building, 13 units are proposed in the Welfare building with the remainder of the dwellings being new build. In 2019 the Welfare and Administration Building and the boundary walls, railings and gates fronting the highway were listed at Grade II.

### **Assessment of Proposal**

#### **1. Five Year Housing Land Supply**

1.1 Paragraph 74 of the National Planning Policy Framework (NPPF) requires local planning authorities to identify and update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition, there must be a buffer of between 5% and 20%, depending on the circumstances of the LPA.

1.2 The Council has identified that (inclusive of the 5% buffer required by the NPPF) it can currently demonstrate a housing land supply of 3.21 years. Therefore, despite

progress which has been made in identifying sites and granting planning permissions the Council still considers that it cannot demonstrate a five year housing land supply.

1.3 Where a Local Planning Authority cannot demonstrate a five year housing supply, Paragraph 11 (d) of the NPPF is engaged. Paragraph 11 requires that decisions on planning applications apply a presumption in favour of sustainable development. 11 (d) goes on to state that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

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

1.4 Footnote 8 to the NPPF states that this includes (for applications involving the provision of housing) situations where the LPA cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, as set out in paragraph 74. Footnote 7 states these policies include land designated as Green Belts.

## **2. Green Belt**

2.1 The site lies within the Green Belt where there is a presumption against new development save for a number of exceptions outlined at Paragraphs 149 and 150 of the National Planning Policy Framework.

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

2.3 In this case the site comprises the Administration and Welfare buildings which are to be retained, with large, generally more modern industrial buildings to the rear. The industrial buildings are proposed to be demolished to make way for housing. The parking area to the front of the Administration Building will be retained and there will be a slight incursion into the open space to the front of the welfare building to provide car parking for these units. Around the industrial buildings the site is laid to hardstanding.

2.4 Having regard to the characteristics of the site it is considered to fall within the definition of previously developed land as outlined in Annex 2 of the NPPF.

2.5 With respect to the development proposed a total of 16, 510.98 square metres of existing building will be removed from the site to be replaced with 11, 925 square metres of built form. The proposed development is contained within the site and largely within the footprint of the existing buildings on site. Whilst the proposed development will contrast in its form with that existing on site, it can be seen to have a benefit to the openness of the Green Belt by breaking up the large block forms of the existing development on site.

2.6 Taking all these matters in to account it is considered that the development proposed would comply with paragraph 149 g) of the NPPF and BDP 4g) of the BDP and as such does not comprise inappropriate development in the Green Belt.

2.7 There is therefore a presumption in favour of the development in terms of Green Belt policy.

### **3. Highway Safety**

3.1 Worcestershire County Council as Highway Authority have considered and provided comprehensive responses to the development proposal.

3.2 The objection is noted with respect to the sustainability of the location of the site and this is discussed in further detail below.

3.3 Regarding highway safety the NPPF at paragraph 111 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.

3.4 A number of representations have raised highways safety matters, however the highway authority have raised no objection to the use of the existing site access as proposed and note that the trips generated by the proposed development would be less when compared with the lawful existing use of the site. A concern is raised regarding the position of the staggered square feature as it will create an area of highway which will serve no purpose and may encourage on street parking, however no concerns are raised with respect to paragraph 111 of the NPPF.

3.5 Conditions have been recommended in relation to visibility splays, car parking provision, electrical vehicle charging facilities, cycle parking, the provision of residential travel plans and welcome packs, waste management and construction management plans as well as a series of off site highways works.

3.6 These highway works comprise:

- Relocation and improvement of both bus stops outside the frontage of the site;
- Provision of a pedestrian crossing facility on Bromsgrove Road, in the vicinity of the two relocated bus stops;
- Reinstatement of the existing redundant dropped kerb vehicular footway crossing to standard footway construction, by lifting and relaying existing kerbs, resurfacing the channel and footway surfacing;
- Provision of a pedestrian crossing facility, if approved, in the vicinity of Romsley Primary School; and
- Provision of speed reduction measures, to be agreed, along Bromsgrove Road.

3.7 Taking all these matters into account, and being particularly mindful of the fact that the highway authority has not raised an objection to the proposal on highway safety grounds, it is considered that there would not be a severe cumulative impact on the road network or an unacceptable impact on highway safety as per paragraph 111 of the NPPF and therefore refusal of planning permission on this basis would be unreasonable.

#### **4. Sustainable location**

4.1 Paragraph 8 of the NPPF explains that there are three overarching objectives to sustainable development which are interdependent and need to be pursued in mutually supportive ways:

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure
- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.2 Paragraph 9 of the NPPF goes on to explain that the delivery of these objectives should be achieved through the application of policies in the NPPF and that they are not criteria against which every decision can or should be judged.

4.3 It is noted that the matter as to whether the site lies in a sustainable location has been noted by the Highway Authority and an objection is raised to the proposal on this basis. In particular, they remain of the opinion that the short comings of the site to encourage sustainable travel will result in a reliance on the use of private vehicles, which is considered to represent unsustainable development

4.4 Officers are mindful of the location of the site outside of any village envelope where residential development could ordinarily be considered acceptable having regard to sustainability matters alone.

4.5 In the case of the application site it is located in reasonable proximity of the boundary with Dudley and benefits from a pavement running to the boundary with Dudley Metropolitan Borough as well as to the village of Romsley. At both settlements a range of services can be found. There is a limited bus service which runs along Bromsgrove Road outside the application site to Halesowen and Bromsgrove via Romsley and Catshill. Opposite the application site is Romsley and Hunnington Cricket Club which affords access to leisure and social opportunities.

4.6 Mindful of the sustainability objectives outlined above the site will provide a significant number of dwellings which will contribute to meeting the needs of future generations. In addition, the conversion of the listed buildings on site will secure the long term future of these buildings as heritage assets. It is also noted that the existing lawful use of the site

could be resumed at any time and result in a greater number of vehicle movements than the development proposed.

4.7 Taking all these matters in to account, whilst the site has some shortcomings with respect to its location, the development is not considered to be wholly unsustainable having regard to policies contained within the NPPF and Development Plan.

## **5. Housing Mix**

5.1 BDP 7 of the Bromsgrove District Plan states that in order to ensure mixed and vibrant communities, proposals for housing should focus on delivering 2 and 3 bedroom properties. It goes on to state that on schemes for 10 or more dwellings may require a wider mix of dwelling types.

5.2 In this case across the site a range of dwelling sizes are proposed from one to five bedrooms. 55% of the units are 2 or 3 bedroomed properties with 63% of the units proposed being 1 to 3 bedrooms with the remainder predominantly four bedroom dwellings.

5.3 In detail the mix across the site comprises:

### New Build

5 Bed x 3No.  
4 Bed x 37No.  
3 Bed x 42 No.  
2 Bed x 4 No.

Total 86 homes

### Apartments (in the retained Listed Buildings)

3 Bed x 7 No.  
2 Bed x 7 No.  
1 Bed x 8No.

Total 22 homes

5.4 Having regard to the above it is considered that the proposal provides a range of dwelling types as advocated by policy BDP7.

## **6. Drainage**

6.1 Members attention is drawn to appendix 1 provided by the applicants which provides further technical details relating to the flood risk and drainage at the site. In particular, the diagrams and associated commentary on pages 3-5 of the appendix provide a useful visual representation of the existing situation and how it is to be altered by the proposed development. This appendix should be read in conjunction with the following section of report.

6.2 Whilst the site lies within Flood Zone 1 the site is subject to surface water flooding and some considerable work has been undertaken in order to understand the implications of this with respect to residential development of the site.

6.3 A number of features have been incorporated into the design of the development in order to manage the flood risk and flow of water in the event of surface water flooding at the site. These include creating a depression in front of the Welfare Building to allow water to pool before flowing through the road network of the site, a telemetry system to provide a warning to residents and dry means of escape to all of the dwellings. As well as this, it is proposed that a number of restrictions through the S106 agreement and/or conditions are placed on the dwellings/site in order to ensure the long term safety of the development. These include matters such as the provision of boardwalk, ground levels to remain unaltered, removal of certain permitted development rights and no alterations to drainage within the plots.

6.4 Paragraph 159 of the NPPF states that “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”

6.5 Paragraph 167 of the NPPF goes on to explain that development should only be allowed in areas at risk of flooding where a flood risk assessment, sequential and exception tests have 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.

6.6 The NPPF does not make it explicitly clear whether the sequential and exception tests apply to areas at risk of surface water flooding, nevertheless on the advice of North Worcestershire Water Management (NWWM) the applicant has provided a sequential and exception test statement along with a number of other documents seeking to address the flood risk on the site.

6.7 With respect to the sequential test the applicant accepts that there are likely to be sequentially preferable sites for residential development which are not subject to either surface water or river flooding and has therefore gone on to complete the exception test.

6.8 With respect to the exception test there are two aspects, both of which need to be satisfied in order to pass the test. The first is that the wider sustainability benefits of the

proposal to the community outweigh the flood risk. Paragraph 8 of the NPPF (as set out in full above) outlines the different objectives which encompass sustainable development. These include, within the environmental objective, protecting the built and historic environment and making efficient use of land.

6.9 In relation to the Bluebird Factory site, part of the development relates to the retention and conversion of two listed buildings which if they were to remain vacant and unoccupied could become at risk of deterioration. The NPPF at paragraph 189 makes it clear that heritage assets are irreplaceable resources which should be conserved in a manner appropriate to their significance. As they are listed assets it would not be possible to move them off site to an area which is not at risk of flooding. The plans submitted to manage flooding at the site show that flood water will not affect the Welfare building.

6.10 Furthermore the development of the site for housing would make efficient use of previously developed land as advocated by the NPPF. The provision of housing, particularly given the council's five year housing land position would contribute positively to the social aspect of sustainable development as well as, during the construction phase, the development would provide jobs contributing to the economic aspect of sustainable development. It is therefore considered that the sustainability benefits of the proposal outweigh the flood risk and the development therefore passes this aspect of the exception test.

6.11 The second limb of the exception test requires the development to demonstrate that it will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

6.12 Members will note the comments of NWWM and the concerns raised in this regard, in particular the management and effectiveness of mitigation measures in the long term. Since making those comments, a package of control measures has been agreed with the applicant in order to ensure that the development remains safe for its lifetime. These include a number of restrictions to be inserted into any legal agreement and/or controlled by planning conditions and will ensure that the features implemented on site to help manage flood risk are retained on site in perpetuity. It is therefore considered that the development passes the second element of the exception test and the development should not be resisted on flood risk grounds.

## **7. Ecology**

7.1 The application is accompanied by a series of ecological appraisals particularly with reference to bats and reptiles.

7.2 The initial appraisal submitted with the application was assessed by Worcestershire Wildlife Trust who recommended that further surveys should be submitted and conditions to be appended to any permission. A bat emergence and re entry survey report and a reptile presence/absence survey were subsequently submitted by the applicant.

7.3 The reports found no evidence of reptiles at the site, however there was the presence of a bat roost.



7.4 When European protected species have been identified Regulation 9(5) of the 2010 Habitat Regulations requires that in exercising any of its functions a "competent authority" – in this case the Council - "must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions". The Habitat directive requires Local Planning Authorities to have regard to the three licensing tests. The tests, all of which must be satisfied to allow the activity to be licensed, are: is there any imperative reasons of overriding public interest, is there no satisfactory alternative and whether the favourable conservation status of the species in their natural range is maintained (under the scheme proposed pursuant to the licence). It should be noted that Natural England applies the tests on a proportionate basis; thus the justification required increases with the severity of the impact on the species or population concerned.

7.6 In the absence of advice from Natural England, the LPA are not required to undertake a detailed assessment of the three licensing tests but should however be satisfied with the likelihood that the relevant licensing body would grant a licence.

7.7 With respect to the first test the plans are for the construction of a large number of dwellings in an area where there is a deficit having regard to the council's five year housing land supply position. Having regard to the second test there is no satisfactory alternative as doing nothing would result in the deterioration of the fabric of the building and therefore the loss of any species habitat. The roosts identified on site were small (one bat per roost) and were of a common type of bat. The applicants ecologist advises that the loss of the roosts would not be detrimental to the overall population of bats given the relatively minor conservation value of the roosts. The loss of the roosts will be compensated for through features installed which can reasonably be controlled by condition. A mitigation plan will also be required for the licensing process which will ensure that bat will be protected during the demolition/construction phases.

7.8 Given the above the council are of the opinion that it is likely that Natural England would grant a license for the works proposed on this basis.

## **8. Affordable Housing and Vacant building credit**

8.1 Members attention is drawn to the comments on Vacant Building Credit outlined at the start of this report (paragraphs A.1-A.4). These comments should be read in association with the following section of the report.

8.2 Policy BDP 8 of the Bromsgrove District Plan requires 30% affordable housing on brownfield sites accommodating less than 200 houses. This proposal does not seek to make any contribution towards affordable housing.

8.3 Paragraph 64 of the NPPF states that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

8.4 Footnote 30 explains that the proportionate amount shall be equivalent to the existing gross floor space of the existing buildings and the application of this policy does not relate to vacant buildings which have been abandoned.

8.5 The Planning Practice Guidance provides further detail as to how to assess whether a site would benefit from vacant building credit. The applicant has provided a statement justifying the lack of affordable housing utilising this guidance.

8.6 The statement explains that the buildings have been subject to extensive marketing and a number of short term temporary lettings, all of which ceased in 2017. The site owner has been maintaining site security, the fabric of the buildings and keeps the buildings heated. The buildings on site would not be lettable as they fall foul of the Energy Act 2011 and would require significant investment in order to bring them up to necessary standards. The applicant argues therefore that the buildings have not been made vacant for the sole purpose of redevelopment. There is no evidence to contradict that which has been advanced by the applicant and therefore it is considered appropriate to apply the vacant building credit in this case.

8.7 In relation to the application proposal there is a net decrease in floor space of 4585.98 square metres negating the need to provide any affordable housing on the site.

## **9. Design**

9.1 The design and layout of the proposed development has been subject to consultation with the council's retained urban design consultant and the council's conservation officer.

9.2 Paragraphs 126-136 of the NPPF deal with high quality design and in particular states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

9.3 BDP19 of the Bromsgrove District Plan sets a series of criteria by which high quality people focussed space will be achieved.

9.4 The development of the new build dwellings proposes a mixture of two and two and a half storey dwellings, which are detached, semi detached and terraced. The final palette of external materials is to be controlled by conditions.

9.5 Members will note from the comments of the urban designer that there is some disagreement over the design of the dwellings proposed. Whilst the urban designer would prefer the dwellings to reflect the feature on the Welfare and Administration Buildings, details have instead been incorporated reflecting the dwellings on The Close. These dwellings formed part of the planned settlement which was proposed alongside the factory buildings. The features incorporated into the dwellings include tile creases at the eaves, brick arch lintels above the windows, porches and chimneys. Adopting this design approach has been welcomed by the Council's Conservation Officer and taking this in to account the design of the dwellings are considered acceptable.

9.6 The layout of the site is proposed to adopt a perimeter block layout with dwellings arranged in a formal manner to the rear of the welfare and administration buildings. The dwellings will all address the road frontage and at road junctions the dwellings have dual aspects to provide an active frontage to both roadside elevations.

9.10 Around the edges of the application site the layout has been arranged such that the majority of the dwellings will face outwards and address the open countryside

surrounding the site. This means that the boundaries surrounding the site are proposed to be low level ranch style fencing which provides a soft edge to the development site. Between dwellings more conventional walls/fencing is proposed.

9.11 All of the dwellings are shown to benefit from adequate size gardens and separation distances between dwellings in order to provide a satisfactory level of amenity to the occupiers of the proposed dwellings.

9.12 Taking all these matters in to account it is considered that the development proposes a satisfactory design which will complement the listed buildings to be retained on site and will provide an adequate level of amenity for future occupiers of the development.

## **10. Open Space**

10.1 Save for an area set aside for vehicular parking the open space to the front of the Welfare Building is being retained as such.

10.2 Landscaping works will be required to this area to create the drainage feature however, the submitted plans indicate that the existing pathway feature will be retained through the site. Other areas of landscaping will be retained as open space to the front of the Administration Building. Given the need for the development to respond to the listed building and make efficient use of brownfield land it is considered this arrangement of open space to be acceptable in this instance.

## **11. Listed buildings**

11.1 The site comprises a factory complex largely constructed in the 1920s and 1930s for the Bluebird Toffee company, designed by the Birmingham Architect S N Cooke. At the end of 2019 three structures on the site were listed Grade II, the Administration building, the Welfare building and the front walls and gates. In addition to the factory complex, the company also constructed other buildings, including 24 houses, although 100 were planned, a shop and post office and cricket pavilion.

11.2 The Administration building was listed for its architectural and historic interest. The architectural interest being its neo-Georgian design by the prominent Birmingham architect SN Cooke is assured and well-realised, remarkably so for its provincial location and; the building retains high quality fittings and fixtures throughout, including sumptuous fittings to the Director's Office and stair foyer, as well as tiled corridors and lobby spaces, and timber fenestration to internal spaces. In terms of the historic interest, the factory and Hunnington Model Village was developed in the spirit of the period: sited in a clean, rural location with good modern transport links and with improved standards of welfare and well being and; as a regionally significant element of the continuation of model village development, begun nearby at Bournville in the late C19.

11.3 The adjacent Welfare building was also listed for its architectural and historic interest. In terms of its architectural interest it was also designed by SN Cooke and is assured and well-realised, and provides a familiar sense of traditional community architecture in a factory setting. It combines adaptable spaces with good quality construction and materials; as a purpose-built structure for combined social and welfare

activities on a factory site it is an uncommon survival; the concrete-ribbed roof structure above the former concert hall proved an effective and unusual technological achievement for this period and it retains high quality fittings and fixtures throughout, including tiled corridors and lobby spaces, and timber fenestration to internal spaces. The historic interest is similar to the Administration building but in addition the wealth of facilities once provided in the Welfare Building demonstrate the progressive attitude that underlies the development of the site.

11.4 Both buildings also have group value forming a legible grouping of the administrative and social focal points of a notable interwar factory at the centre of a new model village and with the front boundary treatment (also listed at Grade II) providing a distinctive and contemporary setting to the building and to the factory site as a whole.

11.5 Section 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is supported by the Historic Environment policies in BDP20 of the Bromsgrove District Plan, which, amongst other things, state that development affecting heritage assets, should not have a detrimental impact on the character, appearance or significance of the heritage asset or heritage assets. In addition, guidance in the NPPF at paragraphs 189-194 must also be considered.

11.6 Regarding the housing development surrounding both the Administration and Welfare buildings the Conservation Officer raises no objection to the principle of housing and reflecting the design of the original houses from the Model Village is welcomed.

11.7 No objection is raised to the principle of converting the listed buildings on the site subject to a number of conditions controlling the fine details of the conversion.

11.8 Taking all these matters into account it is considered that the proposal will comply with the policies of the development plan, NPPF and the Planning Act as referenced above.

## **12. Planning Balance**

12.1 The applications propose the redevelopment a former factory site for housing. The council cannot demonstrate a five year housing land supply and given that the proposal has been found to comply with policy for development within the Green Belt the presumption in favour of sustainable development applies.

12.2 The provision of housing will make a significant contribution to the housing supply position in the district as well as providing jobs through the construction process in the short term. No technical objections have been raised to the proposal with conditions being recommended to control the fine details of the proposal. All these matters weigh heavily in favour of the proposal.

12.3 As is recognised by the Highway Authority, the site is located in an area which will mean that there is likely to be a reliance on car trips to access a wide range of services. However, having regard to the overall sustainable development objectives as set out in

the NPPF the site is not considered to be wholly unsustainable in terms of its location. This is, nevertheless, considered a limited disbenefit to the scheme.

12.4 Overall, given the presumption in favour of sustainable development it is considered that the benefits of the proposal outweigh the disbenefits and it is therefore recommended that full planning permission and listed building consent be granted.

### **RECOMMENDATIONS:**

With reference to application **19/00592/FUL**:

(a) MINDED to **GRANT** full planning permission

(b) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to determine the application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:

- (i) £400,000 towards improvements to bus services
- (ii) £15,000 towards community transport services
- (iii) £98, 511 towards school transport
- (iv) £23, 760 towards personal travel planning service (£220/dwelling)
- (v) £ 20, 519.78 towards NHS Worcestershire Acute Hospitals Trust
- (vi) £161, 280 towards Dudley Clinical Commissioning Group NHS for premises expansion
- (vii) £360, 469 towards primary phase education
- (viii) £470, 188 towards secondary phase education
- (ix) £77, 050 towards improvements to toddler junior play equipment at St Kenelms Road recreation ground
- (x) £5641.92 towards the provision of wheelie bins for the development
- (xi) A S106 Monitoring fee
- (xii) A flood response plan
- (xiii) A Boardwalk Specification
- (xiv) Various site restrictions in relation to drainage matters
- (xv) The management and maintenance of the on site open space
- (xvi) The management and maintenance of the on site SuDs facilities

(c) And that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions as set out in the list at the end of this report.

With reference to application **20/01440/LBC**:

(a) MINDED to **GRANT** Listed building consent

(b) And that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions as set out in the list at the end of this report.

**For the reference of Members, suitable Conditions that could be imposed relate to:**

**Recommended Conditions 19/0592/FUL:**

## **Time**

Development to commence within 3 years

## **Plans**

Development shall be completed in accordance with plans:

SCA04 PL001  
SCA04 PL002 Rev AG  
SCA04 PL003 Rev E  
SCA04 PL004 Rev D  
SCA04 PL005 Rev M  
SCA04 PL011  
SCA04 PL006 Rev T  
SCA04 PL007 Rev D  
SCA04 PL170 Rev E  
SCA04 PL172 Rev B  
SCA04 PL174  
SCA04 PL008 Rev M  
SCA04 PL009 Rev B  
SCA04 PL119 Rev A  
SCA04 PL171 Rev J  
SCA04 PL173 Rev B  
SCA04 PL175 Rev A  
SCA04 PL176  
SCA04 PL100 Rev C  
SCA04 PL101 Rev C  
SCA04 PL102 Rev C  
SCA04 PL103 Rev C  
SCA04 PL104 Rev C  
SCA04 PL105 Rev B  
SCA04 PL106 Rev C  
SCA04 PL107 Rev C  
SCA04 PL108 Rev C  
SCA04 PL109 Rev C  
SCA04 PL110 Rev C  
SCA04 PL111 Rev C  
SCA04 PL112 Rev C  
SCA04 PL113 Rev C  
SCA04 PL114 Rev C  
SCA04 PL115 Rev C  
SCA04 PL116 Rev C  
SCA04 PL117 Rev C  
SCA04 PL118 Rev C  
SCA04 PL151 Rev A  
SCA04 PL152 Rev B  
SCA04 PL153 Rev A  
SCA04 PL154  
SCA04 PL156 Rev A

SCA04 PL157

SCA04 PL158

Arboricultural report and Tree Survey 0219-8011 Rev 2 – 11.11.20

Landscape and Visual Appraisal Edp5517-r001c

Soft Landscaping details 1 of 2 19-016-02 Rev H

Soft Landscaping details 2 of 2 19-016-03 Rev H

CWA-18-194-601 Rev P6

CWA-18-194-600 Rev P6

CWA-18-194-603 Rev P5

CWA-18-194-604 Rev P5

CWA-18-194-605 Rev P4

CWA-18-194-606 Rev P4

CWA-18-194-607 Rev P4

CWA-18-194-608 Rev P4

CWA-18-194-609 Rev P4

CWA-18-194-610 Rev P4

CWA-18-194-611 Rev P2

CWA-18-194-612 Rev P2

CWA-18-194-700 Rev P7

CWA-18-194-750 Rev P4

## **Materials**

Details of all external materials shall be submitted to and approved by the LPA

## **Highways conditions**

- Development shall not commence until a speed survey has been carried out and appropriate visibility splays established
- Car parking details within each curtilage
- Details of proposed electrical vehicle charging points
- Details of cycle parking provision
- Provision of a residential travel plan
- Provision of a residential welcome pack promoting sustainable forms of access to the development
- Waste management plan
- Agreement of off site highway works to include:
  - o Relocation and improvement of both bus stops outside the frontage of the site
  - o Provision of a pedestrian crossing facility on Bromsgrove in the vicinity of the relocated bus stops
  - o Reinstatement of existing redundant dropped kerb vehicular footway crossing
  - o Provision of a pedestrian crossing facility in the vicinity of Romsley Primary School
  - o Provision of speed reduction measures along Bromsgrove Road

## **Trees and Landscaping**

- All retained trees are protected throughout all phases of the development as shown on drawing No.TPP 1 Rev A Within the submitted Arb report by Ruskins Tree Consultancy and in accordance with BS5837:2012.
- Any retained tree the dies or becomes diseased within 5 years of the completion of the development is replaced within a like for like replacement.
- Landscape Management plan and 5 year protection for proposed landscaping scheme

### **Contaminated land conditions**

Before works commence on site the provision and approval of a tiered scheme of investigation

### **Drainage conditions**

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.
- Details of minimum finished floor levels
- Surface water drainage strategy (including treatment and future maintenance responsibilities),
- Flood resilience measures for the welfare building
- Emergency Flood Response Plan
- Removal of permitted development rights for works in front gardens, erection of boundary treatments, changes to the accesses.

### **Archaeology conditions**

Prior to the commencement of development the provision of:

- A Level 3 historic building recording (as defined by Historic England) on all pre 1980s buildings.
- A Level 1 historic building recording (as defined by Historic England) on warehouses, dating to the 1980s.
- Documentary research to Level 3 historic building recording standard (as defined by Historic England) detailing the history of manufacture at the Blue Bird Toffee site, from its inception to its conclusion, and the setting of the factory, both within its landscaped grounds and within the settlement of Hunnington.
- An archaeological watching brief during demolition and/or conversion of pre 1980s Building
- Written Scheme of Investigation

### **Ecology**

Provision of:

- A Construction Environmental Management Plan to cover matters including pollution control, tree and hedge protection, dust suppression, construction lighting and traffic.
- A Landscape Environmental Management Plan.
- Provision of a suitable drainage strategy
- Lighting strategy for the site so that dark corridors can be maintained for bats etc.



- Biodiversity enhancement.

### **Recommended conditions 20/01440/LBC**

#### **Time**

Works to commence within 3 years

#### **Plans and details approved**

Development shall be completed in accordance with:

SCA04 PL001  
SCA04 PL002 Rev AG  
SCA04 PL300  
55075 – Building A Ground Floor Plan  
55075 – Building A Second Floor Plan  
SCA04 PL006 Rev T  
55075 – Elevations Building A\_B  
SCA04 PL007 Rev D  
535.02  
SCA04 PL170 Rev E  
SCA04 PL172 Rev B  
SCA04 PL174  
SCA04 PL175 Rev B  
535.01  
55075 – Building B Ground Floor Plan  
SCA04 PL008 Rev M  
SCA04 PL009 Rev B  
SCA04 PL119 Rev A  
SCA04 PL171 Rev J  
SCA04 PL173 Rev B  
SCA04 PL176

#### **Detailed matters:**

- materials and all joinery details at a scale of 1:5, together with a drawing at a scale of 1:20 of the design of the windows on the rear elevation of the Administration building and any other new windows in the listed buildings.
- The detailed treatment of the balustrades in terms of alterations to prevent people falling over them
- Art deco light fittings in the Director's Office to be retained
- The method of attaching the independent wall lining (IWL).
- The design of the new radiators.
- Details of the air brick protectors and door brackets
- The reclaimed bricks on the rear elevation and the mortar to be used.
- 1:2 drawings of the joinery details for the new windows in the admin building
- Joinery details of the new dwellings

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Plan reference