

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 11TH APRIL 2022, AT 6.01 P.M.

PRESENT: Councillors A. D. Kriss (Vice-Chairman), A. J. B. Beaumont, G. N. Denaro, S. P. Douglas, A. B. L. English, M. Glass, J. E. King, P. M. McDonald, M. A. Sherrey and C. J. Spencer (during Minute No's 82/21 to 86/21)

Observers: Mr. R. Keyte (via Microsoft Teams)

Officers: Ms. C. Flanagan, Mr. D. M. Birch, Mr. S. Jones, Mr. P. Lester, Ms. K. Hanchett, Worcestershire County Council, Highways and Mrs. P. Ross (via Microsoft Teams)

82/21

TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were received from Councillors H. J. Jones and M. Middleton.

It was noted that Councillor M. Middleton was due to attend as the substitute Member for Councillor H. J. Jones.

83/21

DECLARATIONS OF INTEREST

There were no declarations of interest.

84/21

MINUTES

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

RESOLVED that, the minutes of the Planning Committee meeting held on 7th March 2022, be approved as a correct record.

85/21

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING

The Vice-Chairman announced that a Committee Update had been circulated to all Planning Committee Members and announced a short break in proceedings whilst Members read the Committee Update for Planning Application 19/00615/OUT – Foxlydiate Hotel, Birchfield Road, Redditch.

Accordingly, the meeting stood adjourned from 18:04pm to 18:06pm.

The Vice-Chairman apologised to all those present for the issues being experienced with the IT equipment, which officers were trying to rectify.

Accordingly, the meeting stood adjourned from 18:07pm to 18:11pm.

Having resumed and due to ongoing IT issues, officers referred Members to the presentation slides on pages 62 to 71, for Planning Application 19/00615/OUT – Foxlydiate Hotel, Birchfield Road, Redditch.

86/21

19/00615/OUT - APPLICATION FOR OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED, APART FROM DETAILS IN RELATION TO ACCESS, LAYOUT AND SCALE FOR THE PARTIAL DEMOLITION OF THE BUILDING AND FORMER WALLED GARDEN ON SITE AND THE CONVERSION OF THE REMAINING PUB BUILDING INTO 12NO. APARTMENTS ALONGSIDE THE ERECTION OF 38NO. DWELLINGS, CHILDREN'S PLAY AREAS, LANDSCAPING AND CIRCULATION SPACE (AMENDED DESCRIPTION), FOXLYDIATE HOTEL, BIRCHFIELD ROAD, REDDITCH - WHITBREAD PLC

Officers referred to the Committee Update, which Members had been given the opportunity to read and copies of which were provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and in doing so drew Members' attention to the presentation slides, as detailed on pages 62 to 71 of the main agenda report. Officers further drew Members' attention to the 'Procedural Note,' as detailed on page 15 of the main agenda report.

The application site related to 1.9 hectares relatively level site that was occupied by a two-storey building which was last occupied by a Premier Inn and Brewers Fayre with associated parking.

The application which sought to erect 38 dwelling houses and 12 apartments, had been submitted in outline form, but also detailed means of access, layout and scale to be considered. Officers drew Members' attention to the presentation slide 'Proposed Site Plan,' as detailed on page 64 of the main agenda report. Amendments following submission have secured the retention and conversion of the 1930's portion of the hotel and the remnant walls of the 19th Century walled garden, with demolition of the later modern additions. External appearance and landscaping would be matters for future consideration which would require separate approval before development could commence.

The site fronts Birchfield Road, on the opposite side of Birchfield Road, to the north-east of the site, was a new housing development comprising 29 dwellings. To the north-west was a garage and car dealership and to the south-east a range of residential properties. To the south-west and north-west the land was currently in agricultural use; but formed part of

the site which benefitted from a resolution to grant permission for a mixed use development including 2560 dwellings.

Officers drew Members' attention to the presentation slides, as detailed on pages 64 to 69 of the main agenda report.

Officers further referred to the 'Sustainable Communities' information, as detailed on pages 40 and 41 of the main agenda report.

Members' attention was again drawn to the Committee Update, as follows: -

Representations

The omitted date, on page 17 of the main agenda report, which related to the receipt of the first representation from Bentley Paucefoot Parish Council was 08/06/2019

Leisure Services

An appropriate contribution for off-site provision (if required) was currently being discussed with leisure colleagues, together with location. Delegated authority to the Head of Planning, Regeneration and Leisure was also being sought to resolve that issue.

Worcestershire County Council (WCC) Highways

For clarification, Tudor Grange Academy related to that located at Redditch (Woodrow Drive, Redditch, B98 7UH). The Passenger Transport at WCC had confirmed the advised contribution remained relevant and necessary, based upon the costs of the dedicated schools transport service as a result of the development proposals associated with the application.

North Worcestershire Water Management

No objection subject to conditions.

Recommendation

As per the report from the Head of Planning, Regeneration and Leisure but with additional provision (iv):

That the application be approved, and Outline planning permission be GRANTED subject to DELEGATED AUTHORITY be given to the Head of Planning, Regeneration and Leisure Services to:

- i) agree a suitable and satisfactory legal mechanism to secure the contributions and requirements set out in the following schedule,*
- ii) agree the final scope, detailed wording and numbering of the planning conditions to be imposed as set out in the following summary list,*
- iii) to consider the content of any representation received post-committee but prior to issuing of the decision notice (pending*

- completion of the s106 agreement) without reference back to Planning Committee, and*
- iv) agree an appropriate contribution and location for off-site open space provision (if required).**

At the invitation of the Vice-Chairman, Mr. J. McLeod, Planning Agent, on behalf of the applicant addressed the Committee. Councillor A. Boss, on behalf of Bentley Paucefoot Parish Council, addressed the Committee in objection to the application. Councillor P. J. Whittaker, Ward Councillor, also addressed the Committee.

Members then considered the application, which officers had recommended that outline planning permission be granted.

In response to the Vice-Chairman, officers clarified that with regard to an Asset of Community Value (ACV), that the regulations listed a number of situations where land or buildings were exempted from inclusion on the list and that this included hotels, therefore it did not meet the criteria as an ACV.

With regard to questions from the Committee in respect of the application site being duly considered for the ongoing viability of the business. The Committee were referred to the recent comments received from North Worcestershire Economic Development, which highlighted that the business had been marketed for over 12 months; as detailed on pages 21, 22 and page 40 of the main agenda report.

In response to questions raised by Members regarding an increase in traffic, the Highways Officer, Worcestershire County Council, stated that the application had been fully assessed for additional trip generation. There would be an increase in trips across the day and at the traditional AM and PM peak hours in the region of 42 two-way trips during each respective peak period. The impact on the local area had also been fully assessed and it was not deemed that there would be an impact on the highway or on highway safety.

Members thanked the public speakers and commented that the area had always been contentious and that the site was not part of the Council's housing supply.

In response officers clarified that the site formed part of an allocation in the Bromsgrove District Plan to meet Redditch Borough Council's housing needs.

Some Members commented that it was irrelevant as the site would create much needed housing stock, which was desperately needed.

Members further queried the lack of connectivity between the proposed site and the larger development.

In response the Highways Officer, WCC informed the Committee that there would be a footway and cycle link to the larger site, her understanding was that this had been agreed with the developer.

Officers drew Members' attention to page 49 of the main agenda report, which detailed the provision of a pedestrian/cycle link with the adjoining development site subject to planning permission(s) 16/0263 and 2016/077. Officers had spoken with the developer of the larger site and had alerted them to the position with regards to these links for continuity across both schemes, and these links would form part of the legal agreement and if there were any issues, officers would review.

Officers responded to questions from Members with regard to open spaces and in doing so, informed the Committee that the existing tree area was also classed as part of the wider open space. The development did not have the capacity for all of the required open space provision on-site, therefore the amended recommendation (iv), as detailed in the Committee Update addressed this, in respect of off-site open space provision. There were three key tests for the imposition of a condition, the condition needed to be proportionate, related and necessary.

The WCC Highways officer responded to further questions with regard to the number of electric charging points being provided, and in doing so stated that the number being provided met with their standard minimum requirements.

Following a brief discussion with regard to strategic planning, the apartments being converted sympathetically to the heritage building; and it being commented that people's habits had changed and that if the public house were still needed it would have been used; it was

RESOLVED that the application be approved, and Outline planning permission be granted, subject to: -

- a) delegated authority be given to the Head of Planning, Regeneration and Leisure Services to:
 - i) agree a suitable and satisfactory legal mechanism to secure the contributions and requirements set out in Schedule (i), as detailed on page 16 of the main agenda report;
 - ii) agree the final scope, detailed wording and numbering of the planning conditions to be imposed, as detailed on pages 49 to 59 of the main agenda report;
 - iii) to consider the content of any representation received post-committee but prior to issuing of the decision notice (pending completion of the s106 agreement) without reference back to Planning Committee; and

- iv) agree an appropriate contribution and location for off-site open space provision (if required).

At this stage in the meeting, the Vice-Chairman announced a short comfort break and an opportunity for Committee Members to read the Committee Update for Planning Application 21/01657/FUL – 277 Birmingham Road, Bromsgrove, Worcestershire, B61 0EP. Officers further continued to resolve the IT issue.

Accordingly, the meeting stood adjourned from 19:11pm to 19:22pm.

87/21

21/01657/FUL - PROPOSED DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 72-BEDROOM CARE HOME, 277 BIRMINGHAM ROAD, BROMSGROVE, WORCESTERSHIRE, B61 0EP - LEO BROMSGROVE LTD, CHLOE LEO BROMSGROVE LTD

Officers reported that following the publication of the main agenda report, the applicant had made two further submissions, as follows:

- Reference to an appeal decision in Solihull Metropolitan Council from March 2022 and the Planning Inspectorate's decision.
- A Committee Briefing note, received on Friday 8th April, which detailed information related to heritage and the site's Green Belt location.

as detailed in the published Committee Update, copies of which were provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and in doing so informed the Committee that the proposed development was a full application for the demolition of existing buildings and the development of a three-storey, 72-bedroom care home with communal amenity areas and an extensive resident's garden and associated parking for 20 plus spaces.

The application site (0.72ha) consisted of the former Mount School which was a three storey Victorian building that was now in office/training use by KeyOstas who provided health and safety and environmental training.

The Mount School was surrounded by several single storey outbuildings that were disused. The buildings were in a depilated state.

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

The proposed development would also include facilities such as dining rooms, lounges, hair salon, cinema, family rooms, balconies and clinics.

Burghley Care (part of Torsion Care) had entered an agreement to deliver the scheme, the nature of development proposed was that of a care home (C2 use) to be registered with the Care Quality Commission (CQC) for the provision of care to the elderly. The care home would therefore cater for users including the elderly, dementia patients and nursing patients. The development would employ up to 75 Full time Equivalent (FTE) employees.

Members were further informed that with regards to the Green Belt, in addition to its inappropriateness, the development would result in a sizeable degree of harm to the openness of the Green Belt and would conflict with three Green Belt purposes. In accordance with the NPPF, such harm to the Green Belt should be afforded substantial weight and that this weighting would form part of the planning balance.

Openness was capable of having both spatial and visual elements. Spatially, the development would result in more built form across the entirety of the site compared with the existing situation. The height, footprint and volume of new buildings would greatly exceed the existing building, as summarised in the table on page 77 of the main agenda report. There would be a significant loss of openness in spatial terms particularly for the undeveloped parts of the site.

With regard to planning balance, the applicant had outlined benefits of the proposed redevelopment, which were summarised as follows:

- Provision of care accommodation – provision of 72 beds of care accommodations, especially in the context of a wider lack of housing land across the district, which had been furthered due to the identification in January 2022 via the HDT 2021, that the LPA had only been able to deliver 44% of its housing need over the past 3 years
- Provision of care accommodation against the identified shortfall of this specialised use, as set out in the HPC assessment and Carterwood analysis.
- Knock-on positive impact on the local housing market area, resulting in the freeing up of homes due to the ability of those in need of care to be moved into such a facility.
- Net gain in local employment opportunities, both immediate and long term.
- Resultant impact on the reduction of pressure on local health care facilities, together with the improvement of elderly people's lifestyles, who may be in and out of hospital or living alone. The development of the care home would also reduce 'bed blocking'

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

Officers referred to the impact on 277 Birmingham Road (Mount School) as a non-designated heritage asset (NDHA). Non-designated heritage assets were on the lowest rung of the hierarchy of heritage assets, they did not have statutory protection and their loss required a balanced judgement (NPPF paragraph 203). The NPPF did not seek to prescribe how that balance should be undertaken, or what weight should be given to any matter.

277 Birmingham Road was a three-storey red brick building in the English Bond. The gables were detailed with decorative timber framing on white background. The building was designed by the notable Birmingham Architect Julius Alfred Chatwin and constructed between 1876 and 77. The building was originally built as the vicarage to All Saints church, some 800 meters to its south. The Church itself was erected slightly earlier, between 1872 and 1874.

The building was a vicarage until 1957 and then served as a school until 2004.

Members' attention was drawn to the applicant's heritage consultant's comments and the reasons why they were not in agreement with officers, as detailed on pages 79 and 80 of the main agenda report.

Following on from the site visited carried out by Planning Committee Members, officers were able to confirm the bedroom sizes. The existing access route would be reviewed and renewed, with a pedestrian access (footpath) to keep pedestrians off the main access route. The vast majority of trees would be retained.

Officers drew Members' attention to presentation slides, 'Existing layout with proposed overlay' and 'Existing and proposed roof heights.'

Members were further informed that the Conservation Officer had advised that the proposed alterations would cause harm to the non-designated heritage asset through the complete demolition of the building. The proposals had failed to comply with the relevant sections of the NPPF and Bromsgrove District Plan.

Officers further commented that, as detailed in the report; that on the other side of the planning balance, there was no doubt that there was a clear local need in Bromsgrove for all forms of elderly persons' accommodation, and that this need was both urgent and growing.

However, in conclusion, despite the applications considerable merits, their inherent conflict with both the development plan and national policies, with regard to the harm to both the Green Belt and non-designated heritage asset, had led officers to conclude that the application could not be supported, and they would recommend refusal.

At the invitation of the Vice-Chairman, Ms. C. Parmenter, Planning Agent, on behalf of the applicant addressed the Committee. Councillor R. Hunter also addressed the Committee.

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

Members further questioned the bedroom sizes and couples being catered for and that the room sizes could not be referred to as homes, as they were relatively small. Officers clarified that the bedrooms would be approximately 20m² with en-suite facilities. Ultimately the issue of exactly who the care home catered for was up to the care home owners. The rooms were substantially sized and in excess of the requirements of the CQC.

Members also queried the care home catering for dementia patients, as there was nowhere in the text of the report detailing more specialist type of care being provided.

Officers referred to page 76 of the main agenda report with regard to the information provided by Burghley Care.

Members agreed that this was a difficult application to consider, as there was a need for care homes in the Bromsgrove area. However, Members understood that the proposed development would have an impact on the openness of the Green Belt and that a non-designated heritage asset would be lost, should the building be demolished. Officers had given great weight to this.

RESOLVED that Planning Permission be refused for the reasons as detailed on page 87 of the main agenda report.

The meeting closed at 7.56 p.m.

Chairman