

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Hinton Properties (Midlands) Ltd	Reserved Matters application (Layout, Scale, Appearance and Landscaping) to outline planning permission 16/1132 (granted on appeal APP/P1805/W/20/3245111) for the erection of a retail unit and associated infrastructure within Site A.	11.07.2024	24/00150/REM
	Land at Whitford Road, Bromsgrove,		

RECOMMENDATION:

- (a) Subject to the satisfactory final views of Worcestershire Regulatory Services, **Minded to GRANT** Reserved Matters
- (b) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to a financial contribution with regard to a Traffic Regulation Order
- (c) And that **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to agree the final scope and detailed wording and numbering of conditions as set out in the summary list at the end of this report.

Consultations

Worcestershire Highways - Bromsgrove

The access is situated the maximum distance away from Whitford Road. Suitable visibility can be provided in both directions from the site access. The layout affords sufficient space to ensure that vehicles can exit the site in a forward gear. Adequate space for delivery service vehicles is provided within the boundary of a site which does not conflict with the proposed parking arrangements. The Highway Authority is satisfied that safe and suitable access can be ensured for all users as per paragraph 114 of the National Planning Policy Framework.

The adopted Streetscapes Design Guide does not specify the minimum car parking spaces requirement for food retail land uses less than 1,000m². The Applicant's parking accumulation exercise indicates that the proposed 10 spaces will be sufficient to accommodate the demand. the Highway Authority has carried out a sensitivity assessment. As a desk-top exercise, the parking accumulation sensitivity test indicates that the parking levels are sufficient to accommodate the associated demand however indicates that there may be times this is exceeded. Such variation would not be unexpected for this type of land use. Moreover, the analysis demonstrates a high turn around, i.e., those arriving and departing during a single hour, which reflects the operation of the small retail offer provided by the proposed land use.

This desktop exercise does not take into account average dwell times associated with retail journey purposes nor takes into account any discounting of trips associated with internalisation i.e., demand that would be generated by the retail land use which originates from within the development or pass-by trips. Pass-by trips are those non-primary trips that visit the new development without having to make any significant diversion from their existing route.

The material highway and transportation concerns of overspill car parking from the development onto the public highway would be instances of the visibility splays at the site access being blocked, blocking of the private driveway serving the parking area for properties 191 – 194 and impacting upon the safe and efficient operation of the main site access from Whitford Road.

The Highway Authority will seek a contribution to monitor and potentially implement a Traffic Regulation Order to ensure that no potential displaced parking occurs within the visibility splays of the site access within the development site and Whitford Road. A contribution of £7,000.00 will be sought:

• **Traffic Regulation Order**

- **Specific Purpose:** A fee to monitor and process a TRO application is required at this location to safeguard the public highway against any potential displaced parking.
- **Contribution:** £7,000.00
- **Trigger and retention period:** Prior to the development being brought into use. The retention period is 10 years upon payment.

In addition to the 10 car park spaces provided, the Applicant proposes to provide 4 Sheffield stands for cycle parking with a maximum occupancy for 8 bicycles. This is considered acceptable and will be secured via advised planning condition. Also recommends conditions regarding Travel Plan, provision of the parking/manoeuvring areas, and visibility splays.

WRS - Contaminated Land

Views awaited

WRS - Noise

Additional information requested on nighttime noise from plant and equipment.
Comments awaited on submission of additional information.

WRS - Air Quality

Views awaited

North Worcestershire Water Management

No adverse comments.

Severn Trent Water Ltd

Views awaited

Environment Agency Consulted

No objection

Arboricultural Officer

Amended tree species considered acceptable. The proposal will provide a suitable level of seasonal interest and structure to the landscaping of the site and proposes to use suitable size / grade of stock at planting phase of the scheme.

Community Safety Manager

Recommends secure by design Commercial 2015. Notes anti-raid bollards in front of ATM facility. South elevation benefits from good natural surveillance, suggests CCTV and alarm system. Planting to be maintained so as not to impede natural surveillance.

Worcestershire Archive And Archaeological Service

The proposed development area has been archaeologically investigated and signed off. Therefore, in terms of archaeology, there are no further comments or recommendations in this instance.

Publicity

16 letters sent 12 March 2024 (expire 5 April 2024)

Site notices displayed 12 March 2024 (expire 4 April 2024)

10 representations received raising the following principal issues:

- Concern at proposed opening hours, delivery hours and hours of collection of refuse.
- Concerned at ATM – may attract additional activity associated noise and disturbance
- Concern at glazing facing Whitford Road – potential nuisance for existing residents (Deansgate Estate).
- Concerned at level of parking
- Concern at potential noise and light pollution.
- Concern at lack of barrier to car park will lead to unsociable behaviour
- Will result in excess noise
- Concern at impact on other shops
- Shop not needed
- Will attract more traffic / more congestion
- Concern at lack of bins/litter generation.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP3 Future Housing and Employment Development

BDP5A Bromsgrove Town Expansion Sites

BDP19 High Quality Design

Others

NPPF National Planning Policy Framework (2023)

NPPG National Planning Practice Guidance

National Design Guide

Relevant Planning History

The application site forms part of a larger site that was the subject of a planning appeal (APP/P1805/W/20/3245111). The appeal was allowed in 2021 granting outline planning

permission for and approving Access for:

Site A—(land off Whitford Road), provision of up to 490 dwellings, class A1 retail local shop (up to 400sqm), two new priority accesses onto Whitford Road, public open space, landscaping and sustainable urban drainage; on site B (Albert Road), demolition of the Greyhound public house, provision of up to 15 dwellings, an new priority access onto Albert Road, landscaping, and sustainable drainage

The Planning Inspector considered and allowed the Reserved Matter of Access. This included consideration of traffic movement and highway safety together with a proposed mitigation package and approved 2 vehicular access points into Site A from Whitford Road.

The appeal was allowed subject to a s106 Legal Obligation that secured a number of contributions and mitigation measures and conditions that set out a number of requirements to be addressed as part of the Reserved Matters application.

s106 Legal Obligation contributions and mitigation measures including:

- Financial contribution towards the cost enhancement of pedestrian & cycle links through Bromsgrove Town Centre and capacity and infrastructure improvements on key corridors including Market Street;
- A38 Bromsgrove Route Enhancement Contribution to deliver improvements and upgrade works to the A38 corridor between the junction of the A38 Eastern Bypass (Lydiat Ash) and the B4094 Worcester Road to the South and M5 junction 4 to the north Hanbury Turn; junction improvement works at Market Street/St Johns street and St Johns Street/Hanover street/Kidderminster Road;
- Public Transport Contribution;
- Sustainable Infrastructure contribution towards the Active Travel Infrastructure and Whitford Road Cycle Route.

Condition 5 of the Outline permission requires that the Reserved Matters accord with the indicative masterplan 16912/1012 rev B, development parameters plan 16912/1017B and the principles described in the DAS dated 7th January 2016 and the addendum dated 3rd January 2018. This condition requires that any RM application shall include a statement providing an explanation as to how the design of the development responds to the relevant DAS.

Condition 6 sets out the maximum scale of the buildings and condition 24 restricts the maximum gross floorspace of the retail; unit to 400sqm.

22/00090/REM	Reserved Matters (layout; scale; appearance and landscaping) to outline planning permission 16/1132 (granted on appeal APP/P1805/W/20/3245111) - for the erection of 370 dwellings with associated car parking, landscaping and other infrastructure within the southern section of Site A Non Material Amendment to condition 1 landscaping drawings of Reserved	Approved 08.07.2022
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Matters approval 22/00090/REM:
Replacement of translocated hedge.
New hedge planting along Whitford
Road

Other applications currently under consideration on Site A

- 23/00993/REM Reserved Matters (Layout; scale; appearance and landscaping) to outline planning permission 16/1132 (granted on appeal APP/P1805/W/20/3245111) for the erection of 120 dwellings with associated car parking, landscaping and other infrastructure within the northern section of Site A.
- 24/00117/S73 Variation of condition 25 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132):
FROM: No part of the development shall be occupied until the junction of Fox Lane/ Rock Hill has been altered in accordance with the scheme for a roundabout shown on the plan Fox Lane/ Rock Hill schematic ref 7033-SK-005 revision F.
AMEND TO: No more than 39 dwellings shall be occupied until the junction of Fox Lane/Rock Hill has been altered in accordance with the scheme for a roundabout shown on the plan Fox Lane/Rock Hill schematic scheme ref 7033-SK-005 revision F
- 24/00516/S73 Variation of condition 22 of planning permission APP/P1805/W/20/3245111 allowed on appeal 09/02/2021 (LPA 16/1132):
FROM: 22) No dwelling shall be occupied until the acoustic fencing on the north-western part of the site has been erected in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The acoustic fencing shall be retained thereafter.
AMEND TO: 22) No dwelling shall be occupied on the north-western part of the site Phase 2 (Miller Homes Area) as

indicated on drawing number 16912/1004 N01 until the acoustic fencing on the north-western part of the site to which it relates, has been erected in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The acoustic fencing shall be retained thereafter. In relation to the remainder of the site, Phase 1 as indicated on drawing number 16912/1004 N01 (Bellway Homes Area) a noise mitigation measures scheme shall be submitted to and approved in writing by the local planning authority. (enclosed with this application)

The Site and its Surroundings

The site forms part of the Bromsgrove Town Expansion Site BROM3 allocated for development in the District Plan. It forms part of a larger site (Site A) granted outline planning permission by The Planning Inspectorate.

It is located to the western side of Whitford Road and approximately mid-way between the two Deansway junctions that are positioned on the eastern side of Whitford Road. The site measures approximately 0.13 hectares.

It is bounded to the north, south and west by residential development (Bellway Homes Ltd) that was previously approved in 2022 (22/00090/REM).

Proposal

Following the grant of outline planning permission and the approval of Access by the Planning Inspector, this application seeks consent for the remaining 4 Reserved Matters: Appearance, Landscaping, Layout and Scale for the erection of a retail unit and associated infrastructure.

A single storey 372sqm retail unit is proposed. The design incorporates a mono-pitch roof sloping downwards towards the rear (north of the site). The building height is stated as approximately 4.6m to eaves and 5.3m to ridge. The proposed elevations and roof are primarily finished in metal cladding (Alaska Grey), with areas of timber boarding used around the building entrance, the plinth around the building is proposed to be finished in either concrete smooth finish or grey brick masonry. Glazing is proposed to both the front elevation and part of the side elevation towards Whitford Road. An internal refuse storage area is included within the retail unit.

The site layout includes retaining walls.

The building is shown to be located behind the proposed parking area. 10 car parking spaces are proposed (including 1 no. disabled bay); cycle parking comprising 4 no. Sheffield hoops. A service bay is located to the west of the retail unit.

Separate vehicle and pedestrian access points would be taken from the internal roadway serving Site A. Soft landscaping is proposed to the north, east and south.

Proposed opening times: 07:00 to 23:00 Monday to Saturday, and 07:30 to 22:30 Sunday and Bank Holidays.

Proposed delivery hours: 07:00 to 21:00 Monday to Saturday, and 08:00 to 18:00 Sunday and Bank Holidays

This application does not relate to the display of any form of advertisement. This will be subject to a separate application.

The principle of the development has been established though the appeal decision, therefore, the issues for consideration by Members are limited to matters of the internal vehicular access arrangement, layout, scale, appearance and landscaping. No weight can be attached to objections raised with regard to the need for a retail unit, matters of competition and the effect on other retail providers. Similarly, the matters of traffic generation, and the principle of a shop up to 400sqm has already been established by the outline planning permission allow on appeal – these matters cannot be re-considered under this Reserved Matters application.

The 4 Reserved Matters to be considered relate to:

- **Layout** - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- **Scale** - the height, width and length of each building proposed within the development in relation to its surroundings.
- **Appearance** - the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture; and
- **Landscaping** - the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—
 - (a) screening by fences, walls or other means;
 - (b) the planting of trees, hedges, shrubs or grass;
 - (c) the formation of banks, terraces or other earthworks;
 - (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
 - (e) the provision of other amenity features.

For clarity, the matter of external **Access** has already been determined and approved, thus does not fall to be considered as part of the current application.

Assessment of Proposal

Phasing

The proposal relates to the detail of the retail element of the outline approval on what is referred to in the appeal as Site A. In determining the appeal, the Inspector anticipated

development taking place on a phased basis and this is reflected in the wording of many of the conditions. The submission of a RM application for this specific part of site A is considered acceptable.

Layout

The retail unit site lies adjacent to one of the two access roads off Whitford Road serving Site A that were allowed by the Inspector. This accords with the Design and Access Statement submitted with the outline appeal that identified that the retail unit would be sited off the main (northern-most) access location into site A to promote easy access to the development site and the wider settlement. This was also indicated on the masterplan. Planning conditions attached by the Inspector require that the Reserved Matters accord with both these documents. The principle of the location of the retail unit proposal complies with both.

The Design and Access statement identifies this location adjacent to the approved access off Whitford Road as a site for a focal building. The layout of the site is considered to be appropriate with regard to the provision of a focal building.

The layout shows a retail unit of 372sqm. This is less than the extant planning permission which allows a unit size up to 400sqm and this accords with condition 24 of the outline approval.

The retail unit is set behind the proposed parking area and landscaped frontage – this is considered to be a logical layout for this site and serves to limit the potential for vehicle noise adjacent to the boundaries with residential properties.

Residential dwellings would be located adjacent to the boundaries of the retail site. Consideration must be given to the impact of the development on residential amenity. A shadow study has been submitted with the application, showing that the impact from any overshadowing would be transient and is therefore considered acceptable.

It is considered that the proposed building, routes and open spaces within the development are well considered and positioned in an acceptable orientation in relation to each other and to buildings and spaces outside the development, including new residential development to the north, west and south and the existing residential properties to the east.

The submitted Acoustic report proposes an acoustic fence of between 1.8m and 2.2m high along the western boundary to protect residential amenity for noise arising from the use of the site and the location of the delivery area close to the boundary. WRS requested further information on noise generation. This has been submitted and at the time of writing this report the further comments from WRS are awaited. I will update Members at the Committee on this issue.

Some comments received are concerned at the potential for litter arising from the development. The Inspector did not impose any conditions requiring the provision of litter bins for customer use. Therefore it is considered that this would be addressed as part of the operator's site management regime.

The Highway Authority (HA) has identified the possibility of parking demand greater than the spaces provided on the basis of a desktop study. The HA also identifies that this is not

unusual for the type of development . To overcome any possible issues of displacement of vehicles within the visibility splay or the residential access opposite a contribution is requested for monitoring and the introduction of a TRO if necessary. This is considered appropriate.

Appearance

The proposed retail unit is single storey. The entrance into the shop faces the car park and is readily legible with a largely glazed front elevation. Two panels of glazing extend along the Whitford Road elevation. Some concern has been raised that glazing along Whitford Road elevation would be detrimental to the amenity of residents opposite. The closest dwelling directly to the east is located in excess of 50m away. In addition, there is existing intervening vegetation along the eastern side of Whitford Road. Although the new development would be likely visible and glimpsed between tree branches from the existing dwellings, the impact is not considered to be sufficiently harmful to warrant a refusal. This glazing is considered to add interest to the eastern elevation, which would otherwise be bland and fail in the requirement to achieve good design. The inclusion of glazing on the side elevation along Whitford Road is considered to reflect the character of the residential development already approved which includes windows within those front elevations that directly front onto Whitford Road. The inclusion of glazing is considered to enhance the building, the site entrance into the Site A development and to be part of the design as a focal building to comply with condition 6.

Landscaping

The proposal includes a combination of soft and hard landscaping. Soft landscaping is proposed along the western, southern and eastern boundaries of the site. The planting bed to the north measures approximately 2.5m wide. Planting is also shown to the Whitford Road boundary and will be viewed within the context of retaining walls. A group of 3 trees are proposed along the site frontage to the internal access road serving Site A. The tree species have been amended following advice from the Tree Officer. The Tree Officer has advised that the revised landscaping plan contains a suitable range of planting to provide seasonal interest and produce suitable level of landscape structure on the site.

Hard surfacing within the site includes a combination of tarmac for the roadway, gravel around the plant to the rear and textured buff flag paving to the pedestrian walkways. These aspects of the proposed landscaping are considered acceptable.

Close board fencing, 1.2m high post and rail fencing and gabion baskets also feature with the proposed landscaping together with a 0.3m high rail to the frontage. These are considered to accord with the design principles of the Design and Access statement. Subject to the detailed matter of appropriate acoustic boundary treatment with regard to residential amenity that is subject to the comments awaited from WRS as reported above, the proposed landscaping is considered acceptable.

Scale

Condition 6 requires that the Reserved Matters accord with the maximum scale parameters for buildings as set out in paragraph 5.5.4 of section 5.5 of the Design and Access Statement. This states that the majority of the built form will be two storeys

(approximately 5m to eaves, 8-9m to ridgeline). It is noted that the majority of the buildings on Site A will be residential.

The retail unit is single storey, the supporting statement explains the proposed ridge height is approximately 5.3m and the eaves approximately 4.6m. Due to site levels, a retaining wall will support the development set back from Whitford Road; the combined height to ridge level would be 7.2m-7.8m approximately. Thus, the scale of the development proposed would comply with the requirements of condition 6.

Having considered all material planning matters and assessed the scheme against the required parameters of the outline planning consent, I am content the scheme is acceptable.

RECOMMENDATION:

- (a) Subject to the satisfactory final views of Worcestershire Regulatory Services, **Minded to GRANT** Reserved Matters
- (b) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to a financial contribution with regard to a Traffic Regulation Order
- (c) And that **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to agree the final scope and detailed wording and numbering of conditions as set out in the summary list at the end of this report.

Conditions:

- List of approved plans
- Materials
- Noise attenuation measures (if deemed appropriate)
- Hours of use
- Delivery hours
- Landscape implementation and maintenance
- Cycle parking
- Travel Plan
- Provision of parking/ manoeuvring areas
- Visibility splays

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