

| Name of Applicant                  | Proposal   | Expiry Date | Plan Ref.    |
|------------------------------------|--|-------------|--------------|
| Persimmon Homes South Midlands Ltd | <p>Variation of condition 4 (Approved Plans) following grant of planning permission 19/00976/HYB (Hybrid planning application for up to 960 dwellings consisting of a full application for 128 dwellings accessed off Weights Lane, new public open space, drainage system, engineering operations and associated works and an outline application for the construction of the remaining dwellings with access points off Cookridge Close, Hawling Street and Weights Lane and including a new District Centre, new play facilities, new highway network, public open space, new drainage system and surface water attenuation, engineering operations and all associated works including landscaping) Substitution of HQI 73 House Type with HQI 50 House Type on Plots 80-83 and reorientation of Plots 84-85 in order to address gradients onsite.</p> <p>(Cross boundary application with Redditch BC 24/00839/S73)</p> <p>Development Site At, Weights Lane, Redditch, Worcestershire</p> |             | 24/00838/S73 |

**RECOMMENDATION:**

- a) Minded to **GRANT** Hybrid Planning Permission.
- b) That **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure Services to determine the planning application following the receipt of a suitable and satisfactory legal mechanism.
- c) And that **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure Services to update conditions relating to 19/00976/HYB and to agree the final scope, detailed wording and numbering of conditions.

**Consideration and Determination of Cross Boundary Application**

Two identical applications have been submitted, which include land within two LPA boundaries (Bromsgrove and Redditch).

The consideration of the impacts of a development proposal is not altered by political boundaries and cannot be considered in isolation. Members need to consider the application as a whole, (not just that part of the development within its own administrative

boundary) and come to a decision based upon that consideration. However, Members will only be determining the application in so far as it relates to the administrative boundary of Bromsgrove.

The Redditch equivalent s73 application 24/00839/S73 will be considered at a future Redditch Planning Committee meeting.

### **Consultations**

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

No objection to the variation of condition 4.

#### **Housing Strategy**

Note that the tenure and number of affordable dwellings does not change, but the size of the units is reduced from 4 two bedroom units to 4 one bedroom units. The loss of the 2 bedroom units is acceptable given the overall level of affordable housing provided on the wider site.

#### **Arboricultural Officer**

No objection

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

Having reviewed the changes, I have no further comment make.

#### **Tutnall And Copley Parish Council**

No comments received to date

### **Public Consultations**

Site notice displayed 22 August 2024 (expired 15 September 2024)

Press notice published 30 August 2024 (expired 16 September 2024)

No comments received

### **Relevant Policies**

#### **Bromsgrove District Plan**

RCBD1: Redditch Cross Boundary Development

BDP1 Sustainable Development Principles

BDP3 Future Housing and Employment Development

BDP7 Housing Mix and Density

BDP8 Affordable Housing

BDP12 Sustainable Communities

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP20 Managing the Historic Environment

BDP21 Natural Environment

BDP22 Climate Change

BDP24 Green Infrastructure

## **Others**

NPPF National Planning Policy Framework (2023)  
NPPG National Planning Practice Guidance  
National Design Guide  
High Quality Design Supplementary Planning Document (June 2019)

## **Relevant Planning History**

The application site forms part of a larger site that was the subject of a cross-boundary hybrid planning applications for the following proposal.

Hybrid applications 19/00976/HYB and 19/00977/HYB for up to 960 dwellings consisting of a full application for 128 dwellings accessed off Weights Lane, new public open space, drainage system, engineering operations associated works and an outline application (with all matters reserved with the exception of access) for the construction of the remaining dwellings with access points off Cookridge Close, Hawling Street and Weights Lane and including a new District Centre, new play facilities, new highway network, public open space, new drainage system and surface water attenuation, engineering operations and all associated works including landscaping.

This was approved at Bromsgrove Planning Committee on 1 February 2021 subject to the signing of s106 agreement. Following the signing of the s106 agreement, the Bromsgrove decision (19/00976/HYB) was issued on 1 November 2021.

The Section 106 agreement included the following contributions, highways (including bus service and infrastructure), education contribution on a per plot basis, off site open space contribution, Redditch Town Centre contribution, Bromsgrove and Redditch CCG Contribution and Worcestershire Acute Hospitals Trust.

## **Other Planning History**

- Phase 1 (2011/177/OUT): Mixed use development of 171 dwellings, public open space (no matters reserved) and outline application for 4,738 square metres of Class B1 (Business) floorspace and access. Planning consent was granted on 3rd October 2011.
- Phase 2 (2014/256/OUT): Mixed use development of 296 dwellings, play area, Community House and public open space and outline application for up to 3,100 square metres of Class B1 (Business) floorspace and access. Planning consent was granted on 29th March 2017.
- New School: (16/000007/REG3) New two-form entry First School with associated external areas including access road, hard play, grass pitches, forest schools area, and parking. County application planning consent was granted on 13th October 2016.
- Land at Weights Lane (2012/120/OUT) Mixed use development of up to 200 dwellings, 5,000 sqm (gross) Class B1 office floorspace with associated open space and access arrangements. Planning permission was granted on 11th March 2014.

- Land at Weight Lane (reserved matters): (2015/265/RM) Layout, appearance, scale and landscaping for the erection of 200 no. dwellings with associated infrastructure and landscaping and the discharge of conditions 5, 9, 15 and 16 of the outline application reference 2012/120/OUT. Planning Permission was granted 16th December 2015.
- Phase 4 (22/00255/REM). Application for reserved matters approval (appearance, landscaping, layout and scale) for the construction of 72 dwellings and associated works and infrastructure, pursuant to the hybrid planning permissions 19/00976/HYB and 19/00977/HYB (Cross boundary application with Redditch BC 22/00359/REM). Reserved Matters was granted 26th August 2022.
- Phase 6 (22/01608/REM) Application for reserved matters approval (appearance, landscaping, layout and scale) for the construction of 109 dwellings and associated works and infrastructure, pursuant to the outline planning permissions 19/00976/HYB and 19/00977/HYB.0977/HYB. (Cross boundary application with Redditch BC 22/01553/REM). Reserved Matters was granted 2nd August 2023.
- Phase 5 (24/00077/REM) Reserved matters approval (appearance, landscaping, layout and scale) for the construction of 241 dwellings and associated works and infrastructure, pursuant to the outline planning permissions 19/00976/HYB and 19/00977/HYB (Cross boundary application with Redditch BC 24/00083/REM). Reserved Matters granted 19<sup>th</sup> July 2024.

## **Assessment of Proposal**

### **Site Description**

The application site forms part of the Brockhill allocation, which is a greenfield site extending to *circa* 56ha and is irregular in shape, comprising heavily grazed improved grassland and large arable field parcels typically subdivided by fencing. The allocation site's boundaries extend adjacent to Brockhill Lane to the west, Weights Lane to the north, the Redditch/Birmingham railway line to the east, Phase I (Pointer's Way) and Phase II (Meadow View) to its south, and Phase 3 and Phase 4 which are a continuation of Phase 2. These phases have been or are being built by Persimmon. To the north of the application site, off Weights Lane, is an area of employment development known as Weights Farm Business Park.

### **Proposal Description**

This application is made under section 73 of the Town and Country Planning Act 1990 that relates to the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted, subject to the revised/new conditions meeting the requirements of 'Use of Planning Conditions' of the PPG.

In deciding an application under section 73, the Local Planning Authority must only consider the disputed condition that is the subject of the application – it is not a complete re-consideration of the application.

In this case the applicant is seeking a variation to the approved plans through the use of a section 73 application.

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subjects to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and  
(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Under section 73 applications, conditions attached to the original consent are carried across to the new section 73 application where those conditions continue to have effect.

This application seeks the variation of approved plans (condition 4) for the full element of the hybrid permission, which related to the set of approved plans. The applicant seeks to substitute consented HQI 73 House Type (2 bedroom semi-detached) with HQI 50 House Type (4 one bedroom maisonettes) on Plots 80-83 and reorientate Plots 84-85.

The number of approved dwellings remains 128 for the full element of the hybrid. 44 affordable dwellings (split between shared ownership and affordable homes for rent) does not change as a result of this application.

### **Assessment**

The changes in the house types are considered acceptable. The elevational and layout changes to facilitate the dwellings are satisfactory. The height, scale and massing of the development does not alter substantially from the approval.

The comments from consultee including the change in the size of the affordable housing are noted. Overall, the changes in terms of affordable housing and design are acceptable. The proposed development is in accordance with the BDP7, BDP8, BDP19, the Bromsgrove High Quality Design SPD and the NPPF.

### **Highways**

The Highway Authority notes HQI 73 House Type is a 2-bedroom dwelling, whilst the HQI 50 House Type is a 1-bedroom dwelling. The submitted scheme proposals layout drawing shows the previous two car parking spaces per dwelling, at Plots 80-83, being amended to provide one car parking space per new dwellings. This parking provision is in line with the requirements set out in the WCC Streetscape Design Guide. The proposed changes, including the reorientation of Plots 84/85, would have no significant impact on the local highway network.

## Legal Agreement

A section 106 agreement (s106) was completed for the hybrid application. However, the legal agreement did not include wording that if a s73 consent was granted then the obligations in the s106 legal agreement (such as affordable housing, education, off site open space, etc) should relate to the new s73 consent.

Therefore, if approved a supplemental deed to the legal agreement is required in this case to ensure that the obligations still apply.

## Other Matters

Technical matters regarding flood risk and drainage are acceptable. Other matters relating to ecology and biodiversity, air quality, noise, and contaminated land were assessed in detail on the previous applications and were considered acceptable (subject to relevant conditions). Officers consider the proposed condition change under this application do not result in any material change to these matters, subject to relevant conditions under 19/00976/HYB being imposed.

## Conclusion

In conclusion, the proposed changes are considered to comply with Bromsgrove District Plan policies, the Bromsgrove High Quality Design SPD and the provisions of the NPPF. Therefore, in conclusion, the application is recommended for approval, subject to conditions.

Under section 73 applications, conditions attached to the original consent are carried across to the new section 73 application where those conditions continue to have effect. The recommendation below together with conditions, where they are required to be amended, reflects this.

## RECOMMENDATION:

- a) Minded to **GRANT** Hybrid Planning Permission
- b) That **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure Services to determine the planning application following the receipt of a suitable and satisfactory legal mechanism.
- c) And that **DELEGATED POWERS** be granted to the Assistant Director for Planning and Leisure Services to update conditions relating to 19/00976/HYB and to agree the final scope, detailed wording and numbering of conditions.

**Case Officer:** Mr Paul Lester Tel: 01527 881323  
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