

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

**TUESDAY 15TH OCTOBER 2024, AT 6.00 P.M.**

PRESENT: Councillors H. J. Jones (Chairman), M. Marshall (Vice-Chairman), A. Bailes, S. J. Baxter, S. M. Evans, E. M. S. Gray, B. Kumar (substituting for Councillor D. J. A. Forsythe), R. E. Lambert, B. McEldowney, D. J. Nicholl (substituting for Councillor J. Clarke) and J. D. Stanley

Officers: Mr. D. M. Birch, Mr. A. Hussain, Mr. G. Boyes, Ms. J. Chambers, Ms. E. Darby, Mr. P. Lester and Mrs. P. Ross

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**TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors J. Clarke and D. J. A. Forsythe, with Councillors D. J. Nicholl and B. Kumar in attendance respectively, as the substitute Members.

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**DECLARATIONS OF INTEREST**

Councillor A. Bailes declared the following:-

An Other Disclosable Interest in relation to Agenda Item No.6 – 23/00993/REM, Land at Whitford Road, Bromsgrove, in that he had previously represented Whitford Vale Voice during the larger site applications that were granted outline planning permission at appeal. However, he had had no further interest since the appeal but would for transparency be withdrawing from the meeting room during the consideration of this item.

Councillor A. Bailes left the meeting room for the duration of this agenda item and took no part in the Committee's consideration nor voting on this matter.

With regard to Agenda Item No. 7 – 23/01390/FUL, Oak Tree Farm, Storage Lane, Alvechurch, Worcestershire, B48 7EP. Councillor A. Bailes explained that he had 'called in' this application as the Ward Member; under the Council's Calling-In Procedure for Ward Members for Planning Committee. However, he was not predetermined and would consider the application, as a Planning Committee Member, with an open mind.

With regard to Agenda Item No.8 – 24/00753/S73, Development Site at Weights Lane, Redditch, Worcestershire; in that he would be addressing the Committee for this item as a concerned resident, and on behalf of Bordesley Matters and Alvechurch Parish Council, under the Council's Public Speaking Rules.

Following the conclusion of the public speaking, Councillor A. Bailes left the meeting room.

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**MINUTES**

The minutes of the Planning Committee meeting held on 3<sup>rd</sup> September 2024, were received.

**RESOLVED** that the minutes of the Planning Committee meeting held on 3<sup>rd</sup> September 2024, be approved as a correct record.

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**UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING**

The Chairman announced that there was a Committee Update which had been circulated to Members prior to the meeting commencing, with a paper copy also made available to Members at the meeting.

Members indicated that they had had sufficient time to read the contents of the Committee Update and were happy to proceed.

45/24

**TREE PRESERVATION ORDER (12) 2024 - TREES ON LAND AT 98 NEW ROAD, BROMSGROVE, B60 2LB**

The Committee considered a report which detailed proposals to consider the confirmation without modification Tree Preservation Order (TPO) (12) 2024, relating to trees on land at 98 New Road, Bromsgrove, B60 2LB.

The Senior Arboricultural Officer provided a detailed presentation and in doing so drew Members' attention to the recommendation, as detailed on page 11 of the main agenda pack.

Members were asked to note that the tree referenced in the objection, as detailed at Appendix 3 to the report, referred to a Sycamore tree. T1 of the provisional order was a Lime tree and not a Sycamore tree.

Members were informed that the provisional order was raised on 17<sup>th</sup> May 2024, as shown at Appendix 1 to the report; in response to the site being offered for sale. The site was formally a family support centre owned by Worcestershire County Council (WCC). The concern being that once the site was sold, the site might be redeveloped, which could represent a potential risk to the trees on the site being damaged or removed.

A Tree Evaluation Method for Preservation Orders (TEMPO) was carried out on the trees, as detailed at Appendix 2 to the report. The TEMPO showed that the assessment of the trees had achieved a suitable score to justify consideration for TPO protection.

One objection had been received in respect of the provisional TPO having been raised, as detailed at Appendix 3 to the report.

The officers' comments in relation to the points raised in the objection were detailed on page 12 of the main agenda pack and referred to: -

- Safety Risk Represented by Tree
- Blockage of Light
- Seed and Leaf Fall

Three letters in support of the TPO, one accompanied by a signed petition (with 35 signatures) has also been received, as detailed at Appendix 4 to the report and on page 13 of the main agenda pack.

The Senior Arboricultural Officer concluded that the trees included within the order were visible from a public perspective as shown by the photos within the report. The trees contributed to the character of the area and that in his opinion he felt that any nuisance they may cause was greatly outweighed by the amenity and landscape benefits the trees brought to the area and site.

At the invitation of the Chairman, Mrs. Bernthal, who had submitted an objection to the provisional TPO addressed the Committee. Mrs. Bernthal confirmed that the tree was a Lime tree and not a Sycamore tree, as stated in their letter of objection to the provisional TPO.

Members then considered the TPO.

Members commented that Mrs. Bernthal had stated that they did not want the tree cut down, just suitable maintained and trimmed therefore less risk to their property should the tree come down during adverse weather conditions. Members asked if the tree was in a good condition with no concerns from officers.

In response the Senior Arboricultural Officer explained that the tree was in a good condition, however it could not be 100% guaranteed that the tree could be affected by adverse weather conditions, but in his opinion the probability was low.

In response to Members, the Senior Arboricultural Officer explained that should Members be minded to approve the TPO that anyone purchasing the site would be fully aware of any TPO, as this was included on the Land Registry Land Charge documentation.

The Senior Arboricultural Officer further explained that any trees with TPO's on private land were the responsibility of the property owner. Any

excessive debris (seed and leaf fall) onto the street could be scheduled into a street cleansing routine.

In response to further questions from the Committee with regard to maintaining trees that were subject to a TPO, the Senior Arboricultural Officer explained that maintenance / management could be permitted and would be dependent on the tree type and species, with any proposed maintenance / management being agreed with the Council.

The Senior Arboricultural Officer stated that other residents could not request that the trees be pruned or crowned to a smaller acceptable size; only the landowner of the site could apply to the Local Authority for such works to be agreed and carried out. The current landowners WCC were still responsible until the site was sold.

The Senior Arboricultural Officer stated that officers could work with the current landowner in order to consider a level of management of the trees that was justified. The tree was nearly in full maturity, but could still gain another 5 metres in height, and this could be achieved without any safety issues or concerns. With regards to risk to the highway, WCC had a limit of a 5.2 metre canopy height over the highway.

In response to further questions from the Committee with regards to safety, the Senior Arboricultural Officer commented that it was difficult to assess the strength of the trees roots, however, there was no evidence of recent root base damage and no reasons to suggest that the roots had been compromised.

On being put to the vote, it was

**RESOLVED** that provisional Tree Preservation Order (12) 2024 relating to trees on land at 98 New Road, Bromsgrove, B60 2LB, be confirmed without modification and made permanent, as detailed at Appendix 1 to the report.

46/24

**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, LAND AT, WHITFORD ROAD, BROMSGROVE. MILLER HOMES**

It was noted that Councillor A. Bailes left the meeting room prior to the consideration of this item.

Officers drew Members' attention to page 3 of the Committee Update 3, which detailed comments from the Tree Officer, Waste Management, North Worcestershire Water Management and 'Other Matters' with regards to the Garden Sizes Plan.

A copy of the Committee Update was provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and presentation slides, as detailed on pages 54 to 78 of the main agenda pack, for the 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 120 dwellings with associated car parking, landscaping and other infrastructure within the northern section of Site A, Land at Whitford Road, Bromsgrove.

Officers explained that, as detailed in the report, that the application site formed 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: 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 site formed part of the Bromsgrove Town Expansion Site BROM3 allocated for development in the District Plan. It comprised approximately the northern third of part of a larger site (Site A) which was granted outline planning permission by The Planning Inspectorate on 9th February 2021.

Following the granting of outline planning permission and the approval of the Reserved matter of Access by the Planning Inspector, this application sought consent for the remaining 4 Reserved Matters for the erection of 120 dwellings together with associated car parking and other infrastructure on the northern third of site A.

The development was arranged in 3 character areas:

- Landscape Edge – faces onto natural green space along the western side of the site and forms part of the acoustic barrier to the M5.
- Neighbourhood – central elements and typically includes the tertiary street network.
- Main Street Green Edge – incorporates north edges and the central primary street.

Page 44 of the main agenda pack sets out the housing mix and tenure.

Officers referred to the hedgerow between the application site and the Bellway Homes site to the south which would be retained as indicated on the submitted plans and section drawings. The section drawings also suggested that retaining walls may be required either side of the hedge adjacent to plot 75. However, at the time of writing the report full details

were not available and clarification was required on the implications for the hedgerow. It is noted that the masterplan did include the removal of part of the hedgerow. Officers drew Members' attention to page 3 of the Committee Update with regards to the comments received from the Tree Officer and the removal of a section of hedge on the boundary of Timberhonger Lane.

Members were further informed that Housing Strategy had raised no objections and were agreeable to the proposed amendment to the affordable housing type and mix; and with the affordable housing being pepper potted around the site.

They were also supportive of the amended layout which increased private garden areas and vehicle manoeuvring space for the affordable units.

Worcestershire Highways – Bromsgrove were happy with the proposed layout, visibility splays and all turning heads, as referred to on pages 35 and 36 of the main agenda pack.

Worcestershire Regulatory Services – Noise had no objections.

Officers highlighted that the outline planning permission granted on appeal was subject to a condition that the Reserved Matters shall be in accordance with the indicative masterplan and the development areas parameters.

There were some differences in the proposal compared with the master plan and parameters plan, for example in the position of the terrace. Dwellings would generally be set further back from the western boundary with the M5 in the current proposal, resulting in a wider area of green space.

The masterplan indicated 2 sections of 4m high acoustic fencing located directly opposite Plan reference dwellings. Whilst performing an important acoustic function there was a risk that a 4m high acoustic fence could appear prominent and alien in the streetscene and adversely impact on the outlook for those dwellings.

Officers referred to the updated Garden Sizes Plan slide and the comments included on page 3 of the Committee Update. The garden sizes had been changed due to the topography of the site.

At the invitation of the Chairman Ms. D. Farrington, the Applicant's Planning Agent addressed the Committee in support of the application.

Members then considered the Reserved Matters application, and the changes made to the indicative masterplan.

Members raised questions with regard to the following:-

- 4m high acoustic fence and noise mitigation.
- Samples of external materials to be used and if a Condition was included.
- Bin collection points.
- Open spaces.
- Construction Environmental Management Plan (CEMP).
- Parking – deficient in 4 parking spaces.

In response Officers clarified that:-

- Noise mitigation was determined by the Planning Inspectorate and that an indicative 4m high fence would retain noise mitigation.
- A Condition had been included with regard to samples of external materials to be used.
- Bin collections, a suitable Condition would be included for the specific areas of concern (access via a private drive and any conflict with allocated parking spaces)
- Open space would be provided as part of the Bellway Homes scheme. A large open space, green open space and a play area would be provided.
- A CEMP Condition was included as part of the indicative masterplan; and would be agreed prior to any building work commencing.
- The Highway Authority had been consulted with on the amended plans and the amended layout being deficient in 4 parking spaces.

On being put to the vote, it was

**RESOLVED** that the Reserved Matters application be approved subject to:-

- a) delegated powers be granted to the Assistant Director for Planning and Leisure Services to determine the Reserved Matters of layout, scale, appearance and landscaping following the receipt of a suitable and satisfactory legal mechanism in relation to affordable housing mix and type; and
- b) delegated powers be granted to the Assistant Director for Planning and Leisure Services to agree the final scope and detailed wording and numbering of conditions, as set out on page 52 of the main agenda pack (and also referred to in the Committee Update, namely:-

Conditions to include -

- Timing condition
- Plans
- Provision of parking/turning/visibility splays
- External materials
- Details of boundary treatments
- Details of bund
- Refuse collection points

47/24

**23/01390/FUL - TEMPORARY RURAL WORKERS DWELLING, AGRICULTURAL BUILDING WITH YARD AND ALTERATIONS TO THE ACCESS (RETROSPECTIVE). OAK TREE FARM, STORAGE LANE, ALVECHURCH, WORCESTERSHIRE, B48 7EP. MR. J. ALLISON & MS. S. RAFFERTY**

It was noted that Councillor A. Bailes returned to the meeting room prior to the consideration of this item.

The Application had been brought to the Planning Committee for consideration at the request of Councillor A. Bailes, Ward Councillor.

Officers highlighted that page 4 of the Committee Update detailed the reasons for amending Conditions 4, 5 and 6; and ultimately the Revised Conditions 4, 5 and 6.

A copy of the Committee Update was provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and presentation slides, as detailed on pages 90 to 97 of the main agenda pack. The application sought planning permission for the retention of an existing barn, alterations to the site's access, and the temporary provision of a rural worker's dwelling using the existing on-site mobile home.

The site was located within the Green Belt, a protected area. The proposal also included reducing the fencing to 1 metre in height, along the southern boundary with Storage Lane, in order to align with permitted development allowances.

Already existing onsite was a hardstanding, an agricultural barn, a caravan, Portaloo and fencing along the southern boundary with Storage Lane. These structures did not currently benefit from planning permission.

Members were further informed that planning permission was granted on site (reference 19/00009/FUL) for an agricultural building. The building had an open bay and was proposed to store farm machinery, agricultural sundries and temporary livestock accommodation and the open section would be used primarily for the storage of hay. The existing barn onsite



subject to this planning application was not built in accordance with the approved 2019 permission and as such had no permission or fallback.

The Applicants now intended to use the land and building to establish a herd of 25 Breeding Female Alpacas and a small flock of 200 laying hens and would also produce some hay to sell on. The intentions on site were for the breeding and rearing of alpacas for sale, the sale of alpaca yarn and products and poop.

The Applicants had submitted photographs showing that the building was being used for agricultural purposes. They also sought to explain why the building was insulated stating that "insulation has also been installed in the roof of the agricultural building to regulate the temperature so that the condition in the roof of the chicken feed, eggs and egg boxes can be regulated." Although the Council were of the view that internally the building had been over engineered, it was clear that it could be used for the purposes put forward under this application and internal work could be carried out without planning permission. Taking all of this into consideration, in this case, on balance the design of the building alone was not reason for refusing the application.

As highlighted in the report, it was for the applicants to share the workload and retain the ability to live on the holding to properly manage and monitor the processes and livestock on the unit. The Council accepted the need to live onsite when looking after alpacas as unlike sheep and cattle, their birthing patterns could be much less predictable, and the crias (baby alpaca) needed very close supervision. However, the Council were required to consider a functional need, potential use of existing dwellings, financial sustainability and siting and size.

Officers drew Members' attention to the 'Financial sustainability,' as detailed on pages 84 and 85 of the main agenda pack.

New buildings in the Green Belt were considered to be inappropriate development subject to a closed list of exceptions as outlined in paragraphs 154 and 155 of the National Planning Policy Framework (NPPF). The relevant exception in this case is 154(a) which allowed for buildings for agriculture and forestry.

In this case, the agricultural enterprise had been justified on a temporary basis whilst the budgets were tested. Further permission would be required in three years for continued use living on the site. In such time, the proposed business would have had the opportunity to establish itself and its future success clearer so that a view could be taken on whether thus complied with planning policy.

At the invitation of the Chairman, Ms. S. Rafferty, one of the applicants addressed the Committee in support of the application.

Members then considered the application.

In response to questions from Sub-Committee Members, officers explained that should the alpaca enterprise cease to exist after the three year period, a condition (Condition 2) had been included, as detailed on page 87 of the main agenda pack that,

‘The caravan hereby permitted shall be occupied only by Mr Jack Allison and Ms. Samantha Rafferty and any associated family dependents for their use in the management of the alpaca enterprise at Oak Tree Farm, Storage Lane, Alvechurch, Worcestershire and shall be for a period of three years from the date of this decision.’

With regard to the functional need and the short fall of hectares available for the alpacas to graze on, resulting in some of the alpacas being grazed away from the main holding; officers explained that they would not actively monitor this. However, animal welfare was covered under the Animal Welfare Act 2006.

On being put to the vote, it was

**RESOLVED** that Planning Permission be granted, subject to

- a) Conditions 1, 2 and 3, as detailed on pages 87 and 88 of the main agenda pack; and

the following Revised Conditions

- 4) that the caravan hereby permitted shall be occupied only by Mr. Jack Allison and Ms. Samantha Rafferty and any associated family dependents for their use in the management of the alpaca enterprise at Oak Tree Farm, Storage Lane, Alvechurch, Worcestershire and shall be for a period of three years from the date of this decision.

Reason - The permission relates to a single caravan and the justification for an agricultural workers dwelling had been made on these grounds.

- 5) that the barn building hereby approved shall be used solely for agricultural purposes and for no other use whatsoever. If the use of the barn for the purposes of agricultural within the unit permanently ceased within 10 years from the date of this consent, then unless the local planning authority had otherwise agreed in writing, the caravan and/or building must be removed from the land and the land must, so far as was practicable, be restored to its condition before any development within the application site took place, or to such condition as may had been agreed in writing between the local planning authority and the developer.

Reason: To ensure the building onsite was only used for an agricultural purpose as proposed.

- 6) Surface water from the development shall discharge to soakaway drainage designed to cope with a 1 in 100 year event plus 40% allowance for climate change. If it emerged that infiltration drainage was not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus 40% allowance for climate change. An as built plan shall be provided with proof of installation. The drainage scheme shall be implemented within 3 months of the decision notice and thereafter maintained.

Reason – To ensure the site did not result in surface water flooding.

48/24

**24/00753/S73 - VARIATION OF CONDITION 35 OF PLANNING PERMISSION 19/00976/HYB DATED 01/11/2021: FROM: NO MORE THAN 128 DWELLINGS HEREBY APPROVED SHALL BE BROUGHT INTO USE UNTIL THE HIGHWAY IMPROVEMENTS TO THE DAGNELL END ROAD / A441 BIRMINGHAM ROAD JUNCTION AS SHOWN IN THE PJA DRAWING REF: 2809 P 12 REV P4, OR SIMILAR SCHEME ACCEPTABLE TO THE HIGHWAY AUTHORITY, HAS BEEN APPROVED IN WRITING AND COMPLETED TO THE SATISFACTION OF THE LOCAL PLANNING AUTHORITY (IN CONSULTATION WITH THE LOCAL HIGHWAY AUTHORITY) AND IS OPEN TO TRAFFIC. THE JUNCTION IS TO INCLUDE MICROPROCESSOR OPTIMISED VEHICLE ACTUATION (MOVA) SIGNAL CONTROL. AMEND TO: NO MORE THAN 200 DWELLINGS HEREBY APPROVED SHALL BE BROUGHT INTO USE UNTIL THE HIGHWAY IMPROVEMENTS TO THE DAGNELL END ROAD / A441 BIRMINGHAM ROAD JUNCTION AS SHOWN IN THE PJA DRAWING REF: 2809 P 12 REV P4, OR SIMILAR SCHEME ACCEPTABLE TO THE HIGHWAY AUTHORITY, HAS BEEN APPROVED IN WRITING AND COMPLETED TO THE SATISFACTION OF THE LOCAL PLANNING AUTHORITY (IN CON**

At this stage in the meeting the Chairman announced a comfort break.

Accordingly, the meeting stood adjourned from 19:12 hours to 19:18 hours.

Having reconvened, it was noted that Councillor A. Bailes withdrew to the Public Gallery.

Officers drew Members' attention to pages 4 and 5 of the Committee Update, which detailed one further objection received following the publication of the Planning Committee agenda.

The objection reiterated highway concerns regarding the proposed variation. Worcestershire Highways had provided further information regarding the need for this variation of condition to assist in the determination of the application.

Officers then presented the report and presentation slides, as detailed on pages 110 to 112 of the main agenda pack.

The application sought variation of Condition 35 of planning permission 19/00976/HYB dated 01/11/2021:

**FROM:** No more than 128 dwellings hereby approved shall be brought into use until the highway improvements to the Dagnell End Road / A441 Birmingham Road junction as shown in the PJA Drawing Ref: 2809 P 12 Rev P4, or similar scheme acceptable to the Highway Authority, had been approved in writing and completed to the satisfaction of the Local Planning Authority (in consultation with the Local Highway Authority) and was open to traffic. The junction was to include Microprocessor Optimised Vehicle Actuation (MOVA) signal control.

**AMEND TO:** No more than 200 dwellings hereby approved shall be brought into use until the highway improvements to the Dagnell End Road / A441 Birmingham Road junction as shown in the PJA Drawing Ref: 2809 P 12 Rev P4, or similar scheme acceptable to the Highway Authority, had been approved in writing and completed to the satisfaction of the Local Planning Authority (in consultation with the Local Highway Authority) and was open to traffic. The junction would include Microprocessor Optimised Vehicle Actuation (MOVA) signal control. (Cross boundary application with Redditch BC 24/00740/S73).

Members were reminded that the application site formed 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.

The application site formed part of the Brockhill allocation. 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 were a continuation of Phase 2. These phases had been or were being built by Persimmon Homes South Midlands Limited.

Officers referred to the information detailed in the Committee Update in that,

At the time of granting consent, there was an expectation that no dwellings beyond the 128 approved in the hybrid would be occupied until the Dagnell End Road improvement scheme was completed. Subject to planning condition, this would be acceptable in terms of the highway network.

However, the Highway Authority S278 Team had subsequently advised the Applicant that approval for starting works to improve the Dagnell End Road / A441 Birmingham Road junction would not be granted prior to March 2025.

There was a requirement for several of the Statutory Undertakers to undertake works in the vicinity of the junction prior to the applicant improving the junction. It was desirable that these utility works were undertaken separately from the junction improvement works. If all necessary utility works were completed by the end of March 2025 and the surrounding local highway network clear of any other significant roadworks, then approval to commence the works to improve the Dagnell End Road / A441 Birmingham Road junction could be granted with the earliest start date being from April 2025.

The start date would also depend on the Applicant completing the necessary S278 Agreement with the Highway Authority, including proposed temporary traffic management measures. Highway Authority was planning to submit Section 50 of the New Roads and Street Works Act 1991 (NRSWA), which would require all utility providers to undertake any necessary works within a 3- month period, prior to March 2025.

As a result, the Applicant could not currently undertake the required improvement works at the Dagnell End Road junction and, as a result, would be in breach of this condition if dwellings beyond the 128 cap were occupied. The Applicant expected to be at the 200th occupation by the time the roadworks were completed. Therefore, a Section 73 was submitted, to amend Condition 35, increasing the trigger for highway improvement works to the 200th occupation in line with development progress in order to continue occupying both market and affordable dwellings. The key issue was the likely impact of development traffic associated with the difference between 128 and 200 dwellings.

### **Trip Generation**

For the Dagnell End Road / A441 Birmingham Road junction, the trip distribution assessment suggests this was likely to result in approximately 20 two-way AM trips and 22 two-way trips. The Highway Authority was content that these flows were a reasonable estimate. These trips would gradually build up as dwellings were constructed out and became occupied. The Highway Authority was of the opinion that the build-up of the 20 two-way AM trips and 22 two-way trips was considered to be within the daily fluctuation of baseline flows, such that the gradual increase would have no noticeable significant detrimental impact on the existing junction that would justify a refusal of the application.

Officers drew Members' attention to the 'Legal Agreement' and 'Other Matter's, as detailed on pages 106 and 107 of the main agenda pack.

Officers concluded that whilst noting that the variation would add to existing traffic on the local road network, the detailed Transport Note (TN) accompanying the application had been reviewed by the Highway Authority and it had been concluded that the impacts of the development arising from the variation of Condition 35 could not reasonably be described as severe. In accordance with paragraph 115 of the NPPF, the development should not be refused on highways grounds.

At the invitation of the Chairman Mr. A. Bailes addressed the Committee, in objection to the application; as an affected resident and on behalf of Bordesley Matters and Alvechurch Parish Council. Having addressed the Committee Mr. A. Bailes left the meeting room.

Ms. H. Jarvis on behalf of Persimmon Homes South Midlands, addressed the Committee in support of the application and Councillor P. J. Whittaker, Ward Member also addressed the Committee.

Members then considered the application and in doing so commented that this was a difficult decision. The developer needed to build houses as soon as possible to meet their targets, the Council needed new homes built and residents needed the road improvements to take place.

Members were disappointed that Worcestershire County Council Highways had delayed approving the road work improvements until March 2025, and were equally disappointed that there was not an officer from WCC Highways in attendance at tonight's meeting, in order to respond to Members questions and concerns.

However, some Members commented that they were happy with the information detailed in the Committee Update.

Members further agreed that it was a case of balance, the developer could not stop building work for three months.

Members questioned as to why WCC Highways had been unable to progress. Residents wanted the roads enhanced, with new lights, new crossings etc. They had already had nearly three / four years of disruption.

Officers stated that they were not in a position to comment and had previously referred Members to the Committee Update.

Members further questioned that should they be minded to approve the amendment, could they meet with WCC Highways to discuss the possibility of the works commencing earlier in order to deliver something better for residents.

Officers commented that an around the table discussion could take place, however, this would be down to WCC Highways.

Members questioned if the road usage figures were accurate as some residents were avoiding using the area due to the level of roadworks.

Officers commented that approximately 80 dwellings were currently occupied. The developer was fully aware of the conditions attached to the planning application, and in order to avoid a breach of those conditions and delays to building works, had applied for the amendment before Members tonight.

Officers further clarified that Highways matters were a material consideration for Members to consider, however, Highways had raised no objections to the amendment.

Members further stated that when the hybrid application was granted, WCC Highways had stipulated a condition, as detailed on page 99 of the main agenda pack that stated the restriction that no more than 128 dwellings hereby approved shall be brought into use until the highway improvements to the Dagnall End Road / A441 Birmingham Road had been completed. WCC Highways had now increased that number to the 200<sup>th</sup> dwelling being occupied. This had raised a number of questions and Members reiterated their disappointment that WCC Highways had declined an invite to attend tonight's meeting to answer those questions. WCC Highways had caused the delay and Members felt that they should have attended.

On being put to the vote, it was

**RESOLVED** that Hybrid Planning Permission be granted, subject to

- a) 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; and
- b) 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.

49/24

**24/00838/S73 - 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. (CROSS BOUNDARY APPLICATION WITH REDDITCH BC 24/00839/S73) DEVELOPMENT SITE AT, WEIGHTS LANE, REDDITCH, WORCESTERSHIRE. PERSIMMON HOMES SOUTH MIDLANDS LTD**

It was noted that Councillor A. Bailes returned to the meeting room for this application.

As detailed in the report on pages 99 and 117 of the main agenda pack. the application sought 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 was seeking 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 to reorientate Plots 84-85, in order to address gradient constraints on the site.

Officers presented the report and presentation slides, as detailed on pages 120 to 124 of the main agenda pack.

Members were informed that the number of approved dwellings would remain at 128 for the full element of the hybrid. The 44 affordable dwellings (split between shared ownership and affordable homes for rent) would not change as a result of this application being approved.

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

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

The Highway Authority noted that HQI 73 House Type was a 2-bedroom dwelling, whilst the HQI 50 House Type was a 1-bedroom dwelling. The submitted scheme proposals layout drawing showed 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 was still 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.



Members were further informed that a section 106 agreement (s106) had been 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 would be required in this case to ensure that the obligations still applied.

Technical matters regarding flood risk and drainage were 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 that the proposed condition change under this application would not result in any material change to these matters, subject to relevant conditions under 19/00976/HYB being imposed.

Officers conclude that, the proposed changes were considered to comply with Bromsgrove District Plan policies, the Bromsgrove High Quality Design SPD and the provisions of the NPPF. Therefore, the application was recommended for approval, subject to conditions. Under section 73 applications, conditions attached to the original consent would be carried across to the new section 73 application where those conditions continued to have effect. The recommendations, as detailed on page 118 of the main agenda pack, reflected this.

Members then considered the application.

Officers responded to questions from the Committee and in doing so explained that following further survey works to address the gradients on site, the 2 bedroom semi-detached dwellings were not suitable. However, the number of dwellings and the number of affordable dwellings would still be retained. Officers reiterated that the variation of the approved plans, which included a reduction in the number of car parking spaces per dwelling, as detailed in the report , was considered acceptable by the Highway Authority.

Officers further commented that a large amount of open space was still being provided under the approved hybrid application.

On being put to the vote, it was

**RESOLVED** that Hybrid Planning Permission be granted, subject to

- a) 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; and

- b) delegated powers be granted to the Assistant Director for Planning and Leisure Services to update the conditions relating to 19/00976/HYB and to agree the final scope, detailed wording and numbering of conditions.

The meeting closed at 8.06 p.m.

Chairman