

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

THURSDAY 7TH AUGUST 2025, AT 6.00 P.M.

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

Officers: Mrs. H. L. Plant, Mr. M. Howarth (of Anthony Collins Solicitors), Mr. A. Hussain (Via Microsoft Teams), Mr. P. Lester, Mr. J. Pavey-Smith and Mr G. Day

31/25

TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were received from Councillor S. J. Baxter with Councillor B. M. McEldowney in attendance as substitute.

Apologies were also received from Councillor R. E. Lambert.

32/25

DECLARATIONS OF INTEREST

Councillor A. Bailes declared an Other Disclosable Interest, in relation to Agenda Item Number 4 (Minute No 34/25) 23/01141/FUL - Land adjoining Heath End Road, Belbroughton, Worcestershire, DY9 9XG.

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

Councillor D. J. A Forsythe declared in relation to Agenda Item Number 5 (Minute No 35/25) 24/01225/FUL - Wythall Business Centre, May Lane, Hollywood, Worcestershire, B47 5PD. In that he was the District and Parish Councillor for the application and had had discussions with Officers at the start of the application process in 2024.

Councillor Forsythe stated that he was satisfied that he was not predetermined and would approach the application with an open mind and would therefore, stay for the consideration of the item.

33/25

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING (TO BE CIRCULATED PRIOR TO THE START OF THE MEETING)

The Chairman announced that a Committee Update was 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 sufficient time to read the contents of the Committee Update and were happy to proceed.

34/25

23/01141/FUL - CHANGE OF USE OF LAND FOR DOG WALKING FIELD AND ASSOCIATED WORKS. LAND ADJOINING, HEATH END ROAD, BELBROUGHTON, WORCESTERSHIRE, DY9 9XG. MR. R. HORTON

The Application had been brought to the Planning Committee for consideration at the request of Councillor K. J. May, Ward Councillor.

Officers drew Members' attention to the Committee Update, whereby an objection received by Belbroughton and Fairfield Parish Council was detailed. The update further detailed information from Worcestershire County Council Highways (County Highways) along with the Officer response. Furthermore, additional Conditions (17 and 18) were proposed.

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 19 to 27 of the main agenda pack; and in doing so, highlighted that the application was for the Change of use of the land for a dog walking field and associated works

The site location was 0.63hectares in size and situated in the Green belt, 130m West of the 5 ways road junction.

Officers detailed that the stable building on site was granted planning permission in 2004 and would be used for storage associated with the proposed use. The current access to the site would be retained with modification to increase the width to 6.5m and visibility viewing splays to 120m in both directions. There would also be a 1.5m fence erected encompassing the site.

41 objections had been received which included the Parish Council, the main concerns of which were Highways matters, ecology and noise. Officers noted that there were no objections subject to Conditions from statutory consultees in relation to the aforementioned concerns.

At the invitation of the Chairman, Dan Hughes, the Applicant's Planning Agent, addressed the Committee in support of the application. Ian Saddler, on behalf of Belbroughton & Fairfield Parish Council and Councillor S. Nock, Ward Member, addressed the Committee in objection to the application.

Members then debated the application, during which a number of points were clarified by Officers.

- That the maximum number of dogs on site would be 3 and that this would be managed via an online booking system.
- 4 parking spaces were deemed appropriate as the site was bookable for 50-minute time periods with a 10-minute turnaround time which should prevent overlap time with arrivals.

In addressing concerns regarding traffic accidents in the locality, Officers detailed that three accidents were reported in the preceding 5-year period, on 15th September 2020, 31st May 2022 and 11th May 2023. Members commented that near misses or those incidents handled privately would not come up in the data and therefore, suggested that the Police should be consulted with regarding the application.

Officers clarified that the relevant authority for highways matters would be County Highways and therefore, it would not be appropriate to consult the Police on this matter. Officers further clarified that Members could only consider the evidence before them and that the relevant consultee had determined that the impact of the development could not be considered severe, therefore, no objection was raised subject to appropriate Conditions.

Members expressed the opinion that of the objections raised, concerns regarding ecology, noise and light pollution were of a lower concern especially considering the public footpaths in the area which could have a similar impact. However, the matters regarding highway safety were of a greater concern.

Members asked for some clarity regarding the application before them and the application 22/01129/FUL which was previously refused. Officers drew Members' attention to page 9 of the main agenda pack outlining the reasons for refusal, noting that the refused application did not supply enough evidence to prove that there was not a serious impact in regard to ecology and noise concerns. Officers further clarified that the application before Members must be considered on its own merits but detailed that much of the missing evidence had now been provided for the current application.

On being put to the vote it was

RESOLVED that having had regard to the development plan and to all other material considerations, the application be approved subject to the Conditions as detailed on pages 14 to 16 of the main agenda pack with

the additional Conditions 17 and 18, as detailed on page 4 of the update reports pack.

35/25

24/01225/FUL - DEMOLITION OF EXISTING BUILDING AND ERECTION OF A CARE HOME (USE CLASS C2). WYTHALL BUSINESS CENTRE, MAY LANE, HOLLYWOOD, WORCESTERSHIRE, B47 5PD. MR. J. GREEN (HCD)

Officers drew Members' attention to the Committee Update, detailing an updated recommendation to include **"c) Submission of updated biodiversity metric to include watercourse units to ensure 10% BNG is delivered"**, otherwise the recommendation remained the same as detailed in the Officers report.

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 49 to 64 of the main agenda pack; and in doing so, highlighted that the application was for the demolition of the existing building and erection of a Care Home (use Class C2)

Officers drew Members' attention to the site location which was approximately 0.34 hectares and comprised of a vacant business centre with an office and library as well as a car parking area. The site had been vacant since 2016 when the library was relocated.

The proposed building would consist of a three-storey care home with parking to the north providing 28 car parking spaces. The building included dining rooms, a cinema, lounges, and treatment and meeting rooms. The care home would provide a mix of care to physically challenged and/or frail residents and would require a change to a C2 planning use class.

The site was located within the defined residential area under policy BDP2. Additionally, the NPPF emphasised the need to deliver housing to different sizes, types and tenures and for different groups in the community, which included the older population and care homes, this was further supported by policy PDP10 in the district plan which encourages the provision of housing for the elderly and for people with special needs. Officers detailed that local need was currently unmet and was forecasted to remain unmet in the foreseeable future. The most recent housing and economic development needs assessment in February 2022 calculated that there would be a requirement for 756 additional care spaces between 2023 and 2040. Officers concluded that overall, when taking all matters into consideration, the principle of development and the loss of the existing commercial use was considered acceptable.

Officers detailed that the proposed care home was designed to have a contemporary look. All bedrooms would be provided with Juliet balconies, and the proposed building met the provisions of the care standards act, including all room and internal spacing. Additionally, almost 14,000 square meters of landscaped external amenity space was proposed, which was considered sufficient for residents.

It was detailed that local residents had expressed concern regarding the potential impact on their properties. However, Officers highlighted that the applicant designed the scheme to be in line with the high-quality design SPD and the minimum separation distances were met to ensure that the effects on residential amenity were minimized. Additionally, Worcestershire Regulatory Services (WRS), the relevant consultee in matters of noise disturbance, had not objected to the scheme on noise grounds subject to the imposition of a suitable condition.

No objection was raised by County Council Highways (County Highways), subject to the imposition of Conditions together with the delivery of a Section 106 contribution. The Application was considered to mitigate against the impact of the development; therefore, the proposal was considered to be acceptable in terms of highway safety matters. There was also a Condition regarding the incorporation of drop curves with tactile paving being provided in the wider area as part of the development.

Severe flooding was noted in the local area, which the application did not originally address adequately. However, the applicant and agent had taken on board the comments raised and had instructed new consultants, Waterco, to produce a robust flood risk assessment plan to address the flooding concerns raised by North Worcestershire Water Management (NWWM) and the objections to the development. The flood risk management plan included an alternative pedestrian access/egress shown in yellow on page 55 of the main agenda pack. NWWM had withdrawn their previous objection to the scheme based on these submissions and additions, subject to Conditions 22, 23 and 24 as outlined on page 47 of the main agenda pack.

Officers clarified that there was no requirement for an affordable housing contribution under policy BDP8 as the nature of the accommodation was a class C2 residential institution and not a class C3 dwelling house. The change of use class use would be controlled by Condition 25.

The proposed development was considered an acceptable use in principle, location, design and scale of the proposal and was deemed a betterment on the site considering the vacant building. Living conditions, highways impacts, flooding, parking provision and the impact on community infrastructure were all considered acceptable by Officers subject to the updated recommendation, as outlined in the update report, the application was recommended for approval.

At the invitation of the Chairman and in line with the Councils' public speaking policy, the following individuals addressed the Committee.

In objection

- Mr. A. Kent, the County Councillor (1 Minute)
- Michelle Salkeld, local resident (1 Minute)
- Lorraine Curran, local resident, comments read out by Officers (1 Minute)

In support

- Donna Savage, the Applicant's Planning Agent (3 Minutes)

Members then debated the application, during which a number of points were clarified by Officers.

- A lighting assessment plan to assess the impact on local residents had not been submitted as part of the application.
- Parking was assessed which considered the locality of transport links. It was determined that of the 24 staff on site at one time, 18 would travel by car which would leave 10 spaces for visitors/doctors. Additionally, it was the general assumption for C2 use developments that none of the residents would drive.
- It was not deemed appropriate to contact the Police or fire service regarding the exit route as it would be NWWM who were the relevant consultee when considering matters regarding the flood management plan.
- It would be deemed acceptable to amend the travel plan to include employees and visitors to encourage sustainable forms of transport.

Members expressed concerns regarding the proposed alternative emergency pedestrian access/exit route. Members noted that the route would connect to a pathway leading away from the site and towards Beaudesert Nature Park. If heavy rainfall was to occur, residents would not be able to go left (north) as that would take them towards the culvert (which would be the likely source of the flooding) so would only be able to head south down this path. Members further stated that the distance to the nearest road in that direction was 400m, and that the path was not tarmac but an unlit gravel path. Members expressed the opinion that, considering the age and physical ability of the residents, it would be difficult for them to traverse the path to get to safety. Additionally, any emergency service such as paramedics would need to make their way down the path to reach residents if there were any incidents whilst the main entrance was flooded.

Following comments made by Councillor D. J. A. Forsythe, the Legal advisor to the Committee invited him to reconsider his previous declaration of interest in that he was approaching the application with an open mind, as considering the representations he had made it would suggest he may be leaning one way regarding the application. However, the Legal Advisor clarified that it was a matter for Councillor Forsythe to determine if he was predisposed or predetermined. To which Councillor Forsythe reconfirmed that he did not consider himself pre-determined

and was approaching the application with an open mind. He further clarified that he was the Parish and Ward Councillor for the area and that he had been working with NWWM and the County Councillor to address the local flooding problem.

Officers clarified that the additional pedestrian exit route was one part of the wider proposed flood risk management plan and that its purpose was to provide an additional safe exit in case of a flooding event. Additionally, any future care home operator would be required to have procedures in place and produce their own flood risk plan to support this, taking into account the specific care needs of the residents, this was secured under Condition 23. Officers further clarified that when addressing flood events various measures were considered, an emergency exit was one of those measures, detailed under guidance in the NPPF, it was noted as the responsibility of the planning department to ensure that appropriate exits were supplied during an application but that it was an operational issue as to how the care home would respond in an emergency.

Members questioned the look of the three-storey building which in their opinion would be out of character to the locality and would visually harm the amenity of the area. Members expressed the opinion that the impact would be made greater with the switching of the orientation of the building in terms of where the carpark and building were situated which would bring a number of dwellings close to the care home and would have an impact on screening and privacy for those residents. Officers reassured Members that the orientation of the building was designed to minimise the impact of amenity for the residents and there would be some tree and vegetation screening to help mitigate these areas.

Members did not wish to move the recommendation, but wished to propose an alternative recommendation to refuse the application on the grounds that the alternative emergency pedestrian access was not a suitable exit as defined under paragraph 181 of the NPPF.

To permit time to Members to organise their reasons for refusal a short recess was requested by Members. Henceforth, the meeting stood adjourned from 19:46 hours to 19:59 hours.

On recommencement of the meeting and following a proposed Alternative Recommendation by Councillor M. Marshall, Members debated the reasons for refusal for the application. Further clarification was also given by the Development Management Manager regarding a number of potential reasons for refusal including their suitability, and defendability if the application was to go to appeal.

Following the debate and advice given, an Alternative Recommendation was put forward by Councillor S. R. Peters and seconded by Councillor E. M. S. Gray, that the application should be refused on the grounds of

1. The inadequacy of the safe access and emergency plan given the expected elderly and vulnerable occupants of the site contrary to NPPF para 181 and;

2. the inappropriate scale, mass and visual appearance of the development and impact on visual amenity and privacy of surrounding residences contrary to the high-quality design required by BDP19.

On being put to the vote it was

RESOLVED that having had regard to the development plan and to all other material considerations, the application be refused subject to the reasons as detailed in the preamble above.

36/25

25/00562/FUL - CHANGE OF USE FROM C3 USE (DWELLINGHOUSE) TO C2 USE (RESIDENTIAL CHILDREN HOME) FOR UP TO 3 CHILDREN WITH ACCESS ALTERATIONS. HIGH BANK NURSERIES, QUANTRY LANE, BELBROUGHTON, WORCESTERSHIRE, DY9 9UU. MR. N. SINGH

The Application had been brought to the Planning Committee for consideration at the request of Councillor K. J. May, Ward Councillor.

Officers presented the report and presentation slides, as detailed on pages 77 to 84 of the main agenda pack; and in doing so, highlighted that the application was for a change of use of a dwelling house (C3) to a residential children's home (C2) for up to three children with alternations to the site access.

The proposed children's home would provide long-term care for 8- to 17-year-olds, who would be educated offsite at school. There would be three staff on site 24/7 with a manager present during the day.

The dwelling was a detached four-bedroom property in a rural location not within walking distance of shops and amenities; therefore, the site was deemed to be in an unsustainable location. The parking plan proposed six car parking spaces and there was an increase in the existing access from 3.2 m to 5 m. No internal or external alterations to the building were proposed as part of the scheme.

36 letters of objection had been received concerning the scheme which included the Parish Council. The main issues for objection were the location, parking, principle of development, residential amenity and the impact on the surrounding highway network.

Officers noted that Condition 3 restricted the scheme to only three children and further restricted the C2 use to only a children's care home. Therefore, no other C2 use could be used without a further planning application being submitted.

At the invitation of the Chairman and in line with the Councils' public speaking policy, the following individuals addressed the Committee.

In Objection

- Spencer Jenkins, Local Resident, Comments read out by Officers (1.5 Minutes)
- Donna Westwood, Local Resident, Comments read out by Officers (1.5 Minutes)
- Ian Saddler, on behalf of Belbroughton & Fairfield Parish Council (3 Minutes)
- Councillor S. Nock, Ward Member (3 Minutes)

In support

- Steve Travis, the Applicant's Planning Agent (3 Minutes)

Members then debated the application, during which a number of points were clarified by Officers.

- That a previous certificate of Lawfulness application had been refused. This was on the grounds that a C2 class usage (Children's home) was not the same as a C3 class usage (dwellinghouse) and that a planning application was required for that change.
- A care home provider needed to demonstrate that the proposed location was suitable and appropriately placed to safeguard children. This assessment would be undertaken by Ofsted and was not a planning consideration.

Members expressed an opinion that they did not consider how a care home was fundamentally different from a dwelling when considering that a dwelling could also have four cars in it with a similar number of residents and impact on the highway network. Members expressed the same opinion regarding the sustainability of the location; therefore, they did not consider those to be suitable reasons to refuse the application.

Members questioned that Officers had taken the view that the employment travel plan requested by County Highways was unreasonable due to the small scale of proposal. Members commented that Bromsgrove had a climate emergency agenda and that there was a bus stop within a couple of hundred meters from the site which could be used, expressing the opinion that the cost would be negligible to the applicant and therefore would be a reasonable condition. Members further clarified that it was an employment travel plan they were proposing and not in relation to the children.

Officers clarified in terms of the proportionality of a Condition, given the scale of the proposal and the fallback position of the dwelling, it would be onerous in terms of the tests they had to apply with respect to imposing Conditions, therefore they had taken the view not to impose an Employment Travel Plan on the application. However, Officers noted that it was within Members discretion to impose Conditions, having taken a different view.

Councillor A. Bailes proposed an amendment to the recommendation to include an Employment Travel Plan; the amendment was seconded by Councillor S. R. Peters.

On being put to the vote, with the recommendation including the amendment, as detailed in the preamble above, it was:

RESOLVED that having had regard to the development plan and to all other material considerations, the application be approved subject to the Conditions as detailed on pages 14 to 16 of the main agenda pack , and the amendment as detailed in the preamble above.

The meeting closed at 8.44 p.m.

Chairman