

Planning Committee

Wednesday, 19 February 2020

MINUTES

Present:

Councillor Salman Akbar (Chair), and Councillors Andrew Fry, Bill Hartnett, Anthony Lovell, Nyear Nazir, Gareth Prosser, Jennifer Wheeler, Julian Grubb and Craig Warhurst

Also Present:

Karen Hanchett and Steve Hawley, County Highways

Officers:

Helena Plant, Ruth Bamford and Amar Hussain

Democratic Services Officer:

Sarah Sellers

73. APOLOGIES

Apologies for absence were received from Councillors Brandon Clayton and Gemma Monaco. Councillor Julian Grubb attended as substitute for Councillor Clayton and Councillor Craig Warhurst attended as substitute for Councillor Monaco.

74. DECLARATIONS OF INTEREST

In relation to agenda item 6 Councillors Gareth Prosser and Anthony Lovell declared an Other Disclosable Interest in that they had previously expressed views regarding the scheme. Councillor Prosser left the meeting at the end of Agenda item 5 and took no part in the debate or vote for agenda items 6. Councillor Lovell retired to the public gallery during agenda item 6 and took no part in the debate or vote.

75. CONFIRMATION OF MINUTES

RESOLVED that

The Minutes of the Planning Committee held on 15th January 2020 be confirmed as a correct record and signed by the Chair.

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Chair

76. UPDATE REPORTS

The contents of the two update reports were noted.

77. APPLICATION 2016/077/OUT - LAND TO THE WEST OF FOXLYDIATE LANE AND PUMPHOUSE LANE, BROMSGROVE HIGHWAY, REDDITCH - HEYFORD DEVELOPMENTS LTD AND UK LAND AND DEVELOPMENTS LTD

Hybrid application comprising

1) Outline Application (with all matters reserved with the exception of vehicular points of access and principle routes within the site) for the demolition of existing buildings and the erection of : Up to 2,560 dwellings (Class C3); Local centre including retail floorspace up to 900 sq metres (Classes A1, A2, A3) health and community facilities of up to 900 sq metres (Class D1) ; A 3FE first school (Class D1) (up to 2.8Ha site area) including associated playing area and parking and all associated enabling and ancillary works.

2) Detailed application for the creation of a means of access off Birchfield Road, Cur Lane, Foxlydiate Lane and emergency, pedestrian and cycle access to Pumphouse Lane. The creation of a primary access road, including associated cut and fill works and other associated earthworks, landscaping, lighting, drainage and utilities, crossings and surface water attenuation/drainage measures.

Officers presented the report and reminded Members that the application had previously been considered by Planning Committee on 13th November 2019. On that occasion Members had decided to defer the application for the following reasons:-

- (i) To enable officers to give further consideration to the proposed condition limiting use of the Foxlydiate Lane access during the construction phase;
- (ii) To enable officers to undertake further negotiations regarding the Birchfield Road access being used as the initial access for construction traffic;
- (iii) To allow more time for any further response by the Council on the issue of disclosure of legal documents to the Acute Hospital Trust as detailed on pages 2 to 3 of the Update Report.

The report for this meeting had been updated to include officer responses to the deferral reasons, and in this regard Members were referred to section 21 on page 67 and to section 32 on page 76.

The update report also set out further representations received, including those from Bentley Pauncefoot Parish Council. The update report also made some corrections to the substantive report.

Officers outlined the overall layout and use of the site, and the location of the internal road network and access points with reference to the relevant parameter plans. Members were reminded that it was a “hybrid” application whereby the developer was seeking full permission for certain aspects including highway access and associated engineering works, and this would be followed up at a later stage by reserved matters applications to finalise the full details.

Officers summarised the current position in relation to each of the deferral reasons:-

Condition limiting the use of Foxlydiate Lane

At the previous meeting Members had debated the issue of the use of Foxlydiate Lane for construction traffic and as an access to newly constructed houses up to a suggested trigger point of 200 homes.

The revised position was that the Foxlydiate Lane access would be used to enter the site and to enable the construction of the Birchfield Road access. Thereafter all construction traffic would use Birchfield Road to enter the site.

Officers had set out draft conditions to secure this arrangement on page 86 of the agenda. However, these had been superseded by more clearly drafted proposed conditions set out on pages 1 to 2 of Update Report 1.

Potential for Birchfield Road access to be used as the initial access for construction traffic

Officers explained that the applicant had submitted a Construction Access Review Plan which compared the different options and Members were referred to the information on pages 67 to 69 of the agenda.

Having considered the review, officers had concluded that due to the constraints presented by the site it would be necessary to gain first access to the site from Foxlydiate Lane. As already outlined, the applicant would use this point of entry to provide a dedicated construction access via the Birchfield Road loop over the A448.

As set out at paragraph 21.8 of the report, following submission of the Construction Access Review Report, the applicants had subsequently confirmed that they would agree to a planning

condition limiting the use of the Foxlydiate construction access, which would prohibit construction of any dwellings in advance of the Birchfield Road access being provided.

Acute Hospital Trust

At the time of the last meeting there had been a dialogue between the Council and the Worcestershire Acute Hospital Trust (WAHT) as to the disclosure of a legal opinion obtained by the Council (relating to whether the request by the trust for section 106 contributions was valid).

The Council's legal advisor had given advice that full disclosure of the legal opinion was not material to the planning application and would not prevent Members from making a decision.

Whilst that advice remained the same, officers were able to update Members that the issue of the request made by WAHT for financial contributions had been largely resolved. Members were referred to paragraphs 23.13 to 23.21 of the report which stated that officers had further reviewed the request made by WAHT, and were now satisfied that the request was supported by and in compliance with the policies in the NPPF, the CIL regulations and the NPPG.

As set out in paragraph 23.19 officers were seeking a delegation to agree the final sum of the financial contribution with the trust and the developers.

In conclusion members were referred to the summary on page 82 of the report and invited to approve the recommendations including the replacement conditions set out in Update Report 1 and the additional delegation requested at (d) on Update Report 2.

At the invitation of the Chair the following speakers addressed the committee under the Council's public speaking rules:-

- Councillor Ronnie Cheape - Bentley Pauncefoot Parish Council
- Mr Andrew Warby – local resident
- Mr Paul Frost – local resident
- Councillor Robin Lunn – Worcestershire County Council (Redditch North)
- Councillor David Thain – Redditch Borough Council (West Ward)
- Mr Jon Kirby - agent for the applicant

In responding to questions from Members officers clarified a number of issues including the following:-

- Duplicate planning applications had been submitted to both Bromsgrove District Council and Redditch Borough Council. As such members at Redditch could consider the whole site, including those parts located within the Bromsgrove boundary,
- The 24 week time limit referred to at paragraph 21.4 of the report was the time which the developer estimated would be required for the Foxlydiate Lane access to be used by construction traffic. Officers did not have any reason to believe that the developer would delay this phase as it would be in the developers interest for the site to be opened up in a timely way.
- With regard to the trigger points for the section 106 agreement referred to at page 20, these had been arrived at through negotiation by the Council and the Highways Authority with the applicant, and sought to reflect those elements that might be needed at the outset of the development, with those which could be provided at a later stage once certain occupation levels had been reached.
- County Highways confirmed that the County Council was going through the process of applying for funding from the Department of Transport for the A38 Route Enhancement Programme. This was progressing positively but was still at outline business case stage and as such officers could not yet indicate when any funds granted would be released.
- Officers from County Highways outlined how traffic would reach the A448 from the reconfigured junction with Birchfield Road, emphasising that most drivers would divert from this route before reaching the junction and that the removal of the right hand turn from Birchfield Lane was being recommended on safety grounds.
- The option of using the bridleway off the Birchfield Road loop had been discounted for various reasons including that the gradient was too steep, the land fell outside the red line of the application and was not in the control of the applicant, and that it would be unsuitable for traffic to be exiting onto a main road.

In debating the application Members referred to the significant changes as to access which had been achieved since the matter was last before committee. Whilst acknowledging the concerns of the residents as to construction traffic, it appeared that the points that had led to the deferment had been addressed. Accordingly the recommendation was proposed and seconded.

There was further discussion as to whether it would be appropriate for the discharge of the conditions to be brought back before the Planning Committee either for information or to be formally discharged. A range of opinions were expressed with some members taking the view that on such a complex application this step could actually be counter productive and lead to delays and that the delegations as requested should be granted.

RESOLVED that

Having regard to the development plan and to all other material considerations:-

- (a) Minded to GRANT hybrid planning permission**
- (b) That authority be delegated to the Head of Planning and Regeneration to GRANT hybrid planning permission subject to the receipt of a suitable and satisfactory legal mechanism in relation to the following:**
 - (i) £5,162,243 to mitigate for the additional demands on the wider transport network generated by the development. This contribution will specifically contribute to the following highway infrastructure:**
 - **A38 Route Enhancement Programme Contribution - £2,030,099.86**
 - **Junction Improvements - £3,132,143.14**

as follows:
Hewell Road / Windsor Road
Rough Hill Drive / Woodrow Drive / Greenlands Drive
Woodrow Drive / Washford Drive / Studley Road
Washford Drive / Old Forge Drive
Icknield Street Drive (B4497) / Washford Drive / Claybrook Drive
 - (ii) Sustainable Infrastructure**
 - **Active travel infrastructure: £1,005,067.00**
 - **Public transport services: £1,434,900**
 - (iii) Personal Travel Planning**
 - **£200 Per Dwelling with in each dwelling per Reserved Matter Phase**
 - (iv) Education Infrastructure**

- £7,471,000.00 towards the provision of fully serviced land for a new first school with up to 3 forms of entry (3FE)
 - A middle school contribution calculated on a per plot basis for each reserved matters application:
 - £708 open market 2 or more bedroom flat
 - £1,769 open market 2 or 3 bedroom dwelling
 - £2,654 open market 4 or more bedroom dwelling
 - (v) Off-site teen and adult play and sports facilities and play pitch improvements: £1,200,000
 - (vi) Waste Management Contribution: comprising £88,536 towards a refuse collection vehicle
 - £25.49 per 240 litre standard capacity grey receptacle (waste)
 - £26.75 per 240 litre standard capacity green receptacle (recycling)
 - £252.43 per 1100 litre communal usage receptacle
 - (vii) Planning Obligation Monitoring Fee: (Contribution amount to be confirmed). Revised Regulations have been issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met. The fee/charge is subject to confirmation following authorisation to proceed with this provision at the meeting of Full Council on 25 September 2019.
 - (viii) GP Surgery Contribution £968,990
 - (ix) Redditch Town Centre Enhancement Works comprising:
 - Public Realm Improvement Works £380,000
 - Regeneration of key Strategic Town Centre Sites £1,000,000
 - (x) Worcestershire Acute Hospital Trust Contribution (WAHT) comprising -
 - Agreement of a final sum not exceeding £2,212,151 to be delegated to the Head of Planning and Regeneration Services (subject to verifying any deductions based on services already provided by the WAHT)
- And:
- (xi) The securing of a 40% provision of on-site affordable dwelling units

(up to a maximum of 1024 units based 2,560 dwellings being built)

- (xii) the land on which the First School will be provided being up to 2.8 ha in area
- (xiii) The provision and future maintenance in perpetuity of the SuDs facilities Plan reference
- (xiv) The provision and future maintenance in perpetuity of the on-site play space and open space provision, and informal gardening/allotment space
- (xv) The provision of a pedestrian link with the adjoining development site at Barn House Farm
- (xvi) The provision of a community hall (prior to approval of 500th dwelling)
- (c) That DELEGATED POWERS be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions set out on pages 85 to 89 of the main agenda subject to the wording of the conditions listed on page 86 of the agenda being replaced with the following alternate wording:-

- Spine Road - details and completion
- Access Arrangements for Construction Traffic Access
Once the dedicated construction access onto Birchfield Road and construction of the haul road linking the Foxlydiate Lane access to the Birchfield Road access are provided, use of the Foxlydiate Lane access by construction traffic will permanently cease and construction traffic for the development will then use the dedicated construction access of Birchfield Road.

REASON: To limit the disturbance of construction traffic on the amenity of the residents in the locality.

- Details of Construction Access onto Foxlydiate Lane
Before development commences, engineering details of a dedicated construction access onto Foxlydiate Lane shall be submitted and approved in writing by the Local Planning Authority, and constructed in accordance with approved details.

REASON: To ensure the safe and free flow of traffic onto the Highway.

- **Details of Dedicated Construction Access onto Birchfield Road**
Prior to the construction of any dwellings hereby permitted, engineering details of a dedicated construction access onto Birchfield Road shall be submitted and approved in writing by the Local Planning Authority, and constructed in accordance with the approved details.

REASON: To ensure the safe and free flow of traffic onto the Highway.

- **Cur Lane Access**
Prior to the occupation of the 400th dwelling – details and construction
 - **Completion of Access to Birchfield Road for future occupiers and Hewell Lane Improvement Works**
Prior to the occupation of the 600th dwelling – details and construction
 - **Completion of Access to Foxlydiate Lane for future occupiers**
Prior to the occupation of any dwellings - details and construction
- (d) **That DELEGATED POWERS be granted to the Head of Planning and Regeneration, in consultation with the Chair of Planning Committee, to consider any additional representations received following the resolution on the application and prior to the issuing of the Decision.**

and

- (e) **That Members of the Planning Committee be provided with information reports by officers detailing the following:-**
- **The final outcome of the negotiations with Worcestershire Acute Hospitals Trust and the developer as to the amount of the financial contribution to be paid under paragraph 1 (x) above.**
 - **The final details of the Construction Environmental Management Plan (CEMP)**

78. APPLICATION REF 18/01626/S73 REDDITCH EASTERN GATEWAY : DISCHARGE OF CONDITIONS

Details pursuant to conditions 18 and 31 of 18/01626/S73

Members were reminded that at the meeting of the Planning Committee on 18th March 2019 they had requested that the details of 9 of the conditions be reported back to them for approval.

Officers were now in a position to report back on conditions 18 and 31. Condition 18 related to the Highways Construction Environmental Management Plan and Condition 31 related to Measures to prevent silting up of a ditch.

Officers reminded Members of the technical nature of the conditions and referred to the feedback which had been received from the relevant specialist consultees. It was noted that Update Report 2 included revisions to the substantive report and revised recommendations.

RESOLVED that

- 1. The details submitted pursuant to condition 18 being:**

Highways Construction Environmental Management Plan (Ref GP.1006.F03 Rev 2)

be approved as acceptable in so far as they relate to Phase 1 of the development (northern parcel).

- 2. The details submitted pursuant to condition 31 being:**

Biodiversity Construction Environmental Management Plan (Ref RGNP-BWB-DGT-XX-DR-D-602 A C01)

be approved as acceptable in so far as they relate to Phase 1 of the development (northern parcel) under authority delegated to officers on the proviso that the objection from the Environment Agency is addressed and withdrawn.

[In relation to this agenda item Councillors Gareth Prosser and Anthony Lovell declared an Other Disclosable Interest in that they had previously expressed views regarding the scheme. Councillor Prosser left the meeting at the end of Agenda item 5 and took no part in the debate or vote for agenda items 6. Councillor Lovell retired to the public gallery during agenda item 6 and took no part in the debate or vote.]