

**PLANNING
COMMITTEE**

22nd May 2013

PLANNING APPLICATION: 2012/207/OUT

OUTLINE PLANNING APPLICATION WITH MEANS OF SITE ACCESS FROM CHURCH ROAD AND EMERGENCY ACCESS FROM PUMPHOUSE LANE (LAYOUT, SCALE, APPEARANCE AND LANDSCAPING RESERVED FOR SUBSEQUENT APPROVAL) FOR THE ERECTION OF UP TO 200 DWELLINGS (C3); SITE OF UP TO 1000M² INCLUDING BUILDING OF UP TO 400M² FOR COMMUNITY (D2) USE; DEMOLITION OF EXISTING BUILDINGS AND SITE REMEDIATION; PUBLIC OPEN SPACE; EARTHWORKS; BALANCING POND; STRUCTURAL LANDSCAPING; CAR PARKING AND OTHER ANCILLARY WORKS.

LAND AT PUMPHOUSE LANE, REDDITCH, WORCESTERSHIRE

**APPLICANT: BARRATT WEST MIDLANDS & TAYLOR WIMPEY UK LTD
EXPIRY DATE: 26TH OCTOBER 2012**

WARD: WEST

(Site Plan attached)

The author of this report is Ailith Rutt, Development Management Manager, who can be contacted on extension 3374
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Site Description

The site is formed of agricultural fields in the main, which form a parcel of land that fronts Church Road and Pumphouse Lane, running behind existing residential properties at the junction of these two roads. Along the Pumphouse Lane frontage are existing buildings, both residential and commercial, including the now vacant sawmill. The southern end of the site is bounded by a bridleway that runs from Pumphouse Lane to Hilltop and then out onto Church Road. To the east the site is bounded by a belt of trees along a brook that runs down the river valley. The fields are bounded by hedgerows and some mature trees. They are currently occupied by grazing animals, and horses. The site is formed from the western slope of the river valley, and rises from east to west from the brook.

On the opposite side of Church Road, and on either side of the site frontage along Church Road, is residential built form in a variety of ages, styles, materials and sizes. On the opposite side of Pumphouse Lane, behind a mature hedge/tree belt, lies the 1990s residential development at Great Hockings Lane, which mostly backs onto Pumphouse Lane and thus is set back from the lane and the application site.

PLANNING COMMITTEE

22nd May 2013

Proposal Description

The application seeks outline consent, with details of access to be considered, for up to 200 dwellings, a building for community uses to be determined later and associated infrastructure as noted above.

The application is supported by a Design & Access Statement (D&A statement), a Planning Statement, a Landscape and visual appraisal, an agricultural land quality study, an arboricultural assessment, an archaeological assessment, an ecological appraisal, tree surveys and schedules, an affordable housing delivery plan, an economic statement, an energy statement, a flood risk assessment (FRA), an environmental risk assessment, a services report, a statement of community engagement, a transport assessment (TA), a travel plan and a waste audit statement.

The application seeks to demonstrate that there are no technical or planning policy constraints to a residential development on this site, and that it could be adequately and safely accessed. It further seeks to demonstrate that the proposal would not result in any significant harmful effects on the surrounding area in any way.

Supporting information shows potential indicative layouts for the proposed development, to demonstrate how it could be accommodated on site. These include retaining as much of the existing natural landscaping of merit as is possible, and addresses the topography of the site.

Following initial consultation in summer 2012, the applicant sought an opportunity to discuss the application with consultees and the case officer to make amendments and provide additional information. As a result, additional and amended information was received in January 2013. This comprised:

- Revised site access plan
- Updated transport assessment and travel plan
- Ecological mitigation strategy (relating to Great Crested Newts in the vicinity of the site)
- Additional archaeological survey information
- Updated Design and Access statement

Following a review of the relevant legislation, it was determined that a full Environmental Impact Assessment was not required in this case. A formal screening opinion to this effect was issued in August 2011 in relation to developing up to 250 residential units on this site.

Relevant Key Policies:

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

**PLANNING
COMMITTEE**

22nd May 2013

www.communities.gov.uk

www.wmra.gov.uk

www.worcestershire.gov.uk

www.redditchbc.gov.uk

National Planning Policy

National Planning Policy Framework (NPPF)

Worcestershire Waste Core Strategy

WCS17 Making provision for waste in all new development

Borough of Redditch Local Plan No.3 (LP3)

- CS2 Care for the environment
- CS5 Achieving balanced communities
- CS6 Implementation of development
- CS7 Sustainable location of development
- CS8 Landscape character
- S1 Designing out crime
- B(HSG)5 Affordable housing
- B(HSG)6 Development within or adjacent to the curtilage of an existing dwelling
- B(BE)13 Qualities of good design
- B(BE)19 Green architecture
- B(BE)28 Waste management
- B(BE)29 Construction waste
- B(NE)1 Overarching policy of intent
- B(NE)1a Trees, woodland and hedgerows
- B(NE)3 Wildlife corridors
- B(RA)2 Housing in the open countryside outside the green belt
- B(RA)3 Areas of development restraint
- L2 Education provision
- C(T)2 Road hierarchy
- C(T)11 Road schemes
- C(T)12 Parking standards
- R3 Provision of informal unrestricted open space
- R4 Provision and location of children's play areas
- R5 Playing pitch provision
- C(CF)1 Community facilities

Supplementary Planning Guidance / Supplementary Planning Documents

Encouraging good design

Open Space

Education

Designing for community safety

Affordable housing

Other Relevant Corporate Plans and Strategies

Worcestershire Community Strategy (WCS)

PLANNING COMMITTEE

22nd May 2013

Worcestershire Local Area Agreement (WLAA)
Worcestershire Local Transport Plan (WLTP)
Redditch Sustainable Community Strategy (SCS)

Local Plan Designations

The site is part of a larger area of land designated within Local Plan 3 (LP3) as the Webheath Area of Development Restraint (ADR). The policies associated with this designation seek to protect the land from development before the end of the plan period (April 2011) but acknowledge that it is likely to be a suitable location for future development beyond that date. However, the type and amount of development is not indicated, as this would normally be determined through the plan review process.

Emerging Policies: Draft Local Plan 4 (LP4)

The draft local plan 4 has recently been agreed for publication and consultation and is the document that will eventually replace local plan 3. It is currently working through the process of consultation and amendment to work towards adoption. A draft has been published and consultation has begun; therefore this counts as emerging policy to which a little weight can be given.

Local Plan 4 contains objectives for the overall approach to development in the Borough up until 2030, as well as strategic and detailed policies. The policies that could be considered of relevance to this decision are:

- 1 Presumption in Favour of Sustainable Development
- 2 Settlement hierarchy
- 3 Development strategy
- 4 Housing provision
- 5 Effective and efficient use of land
- 6 Affordable housing
- 11 Green infrastructure
- 12 Open space provision
- 15 Climate change
- 16 Natural environment
- 17 Flood risk
- 18 Sustainable water management
- 19 Sustainable travel and accessibility
- 40 High quality and safe design
- 48 Webheath Strategic Site

The policies listed above and contained within Local Plan 3 are largely considered to be consistent with the NPPF and therefore can be relied upon when making decisions.

Relevant Site Planning History

None

PLANNING COMMITTEE

22nd May 2013

Public Consultation Responses

Responses in favour

Four comments received raising the following points:

- Welcomes creation of local jobs
- Welcomes increased injection of funds into local economy
- Welcomes opportunity for contributions towards upgrading local services
- The homes need to go somewhere
- RBC would not support this proposal unless other sites had already been discounted
- Local protest would occur wherever large development was proposed
- New homes are of benefit to the local community, especially those living in other new homes in the town and others should have the chance of similar benefits
- Need homes for first time buyers
- Construction workers should be locals as much as possible

Responses against

1001 comments received raising the following points:

Principle

- There is no proven need for this development
- Existing empty homes should be brought back into use first
- Allowing this application would set a precedent for more development in Webheath in the future
- Housing on this site has never been acceptable before and nothing has changed
- Other more suitable sites should be used in preference to this one
- Enough new building in Redditch already, should not allow any more
- Should build nearer the town centre
- Should build somewhere else in Redditch
- Should use brownfield sites
- Population is decreasing so more homes not needed
- Should only allow housing if there is enough infrastructure to support it
- Should build much needed bungalows and not too many, and then less demand for associated infrastructure too
- ADR protection should remain
- Should only provide housing for Redditch workers and not commuters
- Should re-use industrial land for housing
- Over intensive development
- Housing here won't sell so shouldn't be allowed – it already doesn't
- Should not build expensive executive style housing
- Should not build on contaminated land
- Development should stop before the Borough boundary – don't want Redditch to join up with Bromsgrove and Studley
- Should build more employment opportunities for existing residents

**PLANNING
COMMITTEE**

22nd May 2013

Highways & access

- Surrounding road network is already too busy and this would make it worse
- The access on Church Road would be dangerous and result in more local traffic accidents
- The local accident rate is already very high and this would make it worse
- The applicant claims no accident records but locals see near misses all the time
- Access onto Pumphouse Lane would be in regular use as it would not be possible to restrict it to emergency use only
- Unacceptable impact on surrounding road network
- Additional traffic would cause congestion and noise disturbance
- No local jobs so new residents would commute by car and add to congestion
- Additional traffic would increase danger to pedestrians in surrounding area where no pavements exist
- Proposal would result in on-street parking on existing roads causing congestion and queuing
- No public transport in the area so increase in traffic would be greater than if it were well served
- Bus service in area has been reduced and this would increase demand
- Road network unsuitable for public transport services
- Traffic volume would increase even if improvements made to network
- Impact on local footpath network – more erosion
- Should build road link to A448
- Roads not big enough for buses
- More traffic means more emissions

Drainage

- The development would lead to more run-off into the Bowbrook which would then flood further downstream at Feckenham
- Would increase risk of flooding in various places
- Unsustainable to pump sewage up rather than have it gravity fed down to a treatment works

Affordable housing

- Redditch doesn't need more affordable housing
- Affordable housing should be provided, not private housing
- If provided affordable housing in other parts of the town, no development would be needed in Webheath

Education

- Local schools are already oversubscribed so unsustainable trips to other schools would result and is unacceptable
- Increased competition for school places not fair
- Local school class sizes are already too large

PLANNING COMMITTEE

22nd May 2013

Open space

- The loss of open space, habitats and wildlife unacceptable
- Loss of scenic, recreational countryside
- There is no local park that the new residents could use
- Would have negative impact on landscape character

Community facility

- There is already a community (village) hall, another one isn't needed
- There are only two shops in Webheath and they wouldn't be able to cope with the additional demand
- The village hall is fully booked so there would be nowhere for the new residents to have social amenities

Other issues

- Insufficient health service facilities such as GPs and dentists in this area
- Negative impact on local horse riding routes and businesses
- Like the town as it is – it shouldn't be changed
- Loss of views of heritage and landscape
- Impact on residential properties opposite would be negative
- There won't be a hospital to treat additional patients
- Loss of valuable trees unwelcome

Other issues which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application.

More information on public consultation responses

177 additional responses were received as a result of the re-consultation following receipt of the amendments and additional information. However, these largely reiterated the original comments, and only the following additional points were raised:

- The subsidised bus route will stop when the subsidy stops
- Buses in Webheath never work because there is always insufficient demand
- Existing bus service inadequate so more people will still not be able to use it
- Mitigation strategies are insufficient
- To make Webheath inclusive, smaller homes are needed as it already has larger ones
- In order to demonstrate that this doesn't prejudice whole ADR, application should include both access points to whole of ADR

It should also be noted that when making further contact with those who had made representations, approximately 75 were returned as unknown or having incomplete addresses and therefore would be considered anonymous and should not be taken into account. However, the nature of comments was very similar across all replies.

PLANNING COMMITTEE

22nd May 2013

There were also a significant number of respondents who simply stated that they objected, without giving any reasons.

Some representations sought to protect the Green Belt or the AONB (Area of Outstanding Natural Beauty), however it is made clear in this report that the development site does not include any Green Belt, nor is it within an AONB.

Members of the committee will be aware that it is not the volume of response that they should take into account, but the substance of the comments made and its relevance as material considerations in the planning process.

Consultee Responses

Internal consultees:

Development Plans team

Made comments in August 2012, but then updated them in February and April 2013. The latest version is reported here:

Note the policy framework in relation to this application, particularly that the site forms part of the designated ADR in LP3, and that the recently published (for consultation) draft Local Plan 4 identifies the land previously within the ADR as a strategic site for housing in order to meet the needs of the Borough, thus seeking to bring the ADR forwards for residential development. Also note that the SHMA (Strategic Housing Market Assessment) identifies a need for housing in the borough. The NPPF presumption in favour of sustainable development also remains along with the objective for local planning authorities to identify land to meet their housing needs and allow housing development thereon.

As demonstrated in the evidence base published in support of the current local plan four consultation and the housing growth consultation, a document has been included that sets out fully the current position in terms of the five year housing land supply. The Council is required to demonstrate a five year supply of land that is available and deliverable in order to meet the housing growth target, along with a 5% buffer. However the current position is that the Council can only demonstrate a 3.5 year housing land supply (including the 5% buffer). Therefore, in order to prevent the council getting further behind in meeting its housing need target, land needs to be released for residential development as soon as possible.

Therefore, the principle of residential development on this site is actively promoted, subject to ensuring that this would not prejudice the development of the remainder of the ADR and the provision of suitable infrastructure in order to ensure that the development is and remains sustainable. Issues such as connectivity between this and future development on the remainder of the strategic site and matters such as ecology and archaeology should be considered in the light of comments from other appropriate experts.

PLANNING COMMITTEE

22nd May 2013

Local Plan 4 also uses the information provided in the supporting documents to note that there is both a need for housing in Redditch and a shortage of housing land supply such that significant pressure to allow housing development exists. Therefore, LP4 seeks to address this difficulty by identifying sites within Redditch which would be suitable for housing. Thus, the inclusion in LP4 of *Policy 48 Webheath Strategic Site* takes forward the ADR designation from LP3 and puts forward the site as being capable of providing a large amount of the housing needed in the Borough. The application appears to satisfy the relevant criteria of the emerging strategic site policy and thus is supported to create the first phase of a sustainable development.

Arboricultural team

- Note that the whole site is covered by an existing Tree Preservation Order (TPO) and that there is a significant quantity of mature trees and hedging on the site worthy of retention.
- Identifies the brook and its tree belt as important.
- Support the applicant's intention to retain most of the trees and hedges, and note that there is some maintenance needed in some places.
- Note that in some cases where removal is necessary, this is accepted, especially given the applicant's intention to provide replacement planting, which is supported.
- Keen to ensure in the future that methods of construction are appropriate when near to trees that are to be retained.
- Important to ensure that any ground works to alter levels are done sympathetically to trees
- Design of residential development will need to reflect tree positions and canopies to ensure no damage or danger to their longevity

Landscape & Countryside Officer

Principles demonstrated in the application submission are acceptable, therefore no objections subject to these being followed through into the more detailed reserved matters stage of the application process.

Biodiversity Officer

The documentation was accepted as accurate and thorough. No objections raised subject to conditions to protect the biodiversity for the future.

Housing Strategy team

Subject to minor alterations to tenure of affordable housing, no objection. These alterations have been agreed in the drafting of the planning obligation.

Housing Options team

No objections received

Leisure Services

Confirmed which elements of open space, play and pitch provision should be included on-site at reserved matters stage and which elements would be better

**PLANNING
COMMITTEE**

22nd May 2013

served by a contribution towards enhancement of off-site provision. This should be included in the planning obligation and at reserved matters application stage.

Climate Change Manager

No objection to proposals to meet minimum standards (Code for Sustainable Homes Level 3) but would be keen to encourage higher standards and lower carbon emissions if possible. No objection made to loss of existing dwellings on the site.

Waste Management team

Wheelie bin requirement confirmed for inclusion in the planning obligation

Community Safety team

Comments relate to the detail of the indicative layout contained within the D&A statement. These are to be carried forward to reserved matters stage and have been passed to the applicant for information. Comments relating to hedge heights and tree canopy droop align with those made by tree and biodiversity officers. Concern over access points to be balanced against sustainable and recreational travel benefits. No objection in principle.

The **Ward Members for West Ward** were also formally consulted on this occasion but have made no formal response.

North Worcestershire Water Management Service (NWWM)

No objections to the planning application, acknowledges that other controls through other legislation would apply at later stages of the development process.

Economic Development Unit

No comments to make as no B class uses (office, manufacturing, storage/distribution etc) either proposed or lost

County consultees:

County Highway Network Control

Have commented at various stages of this application, and their final position is reported here:

Confirm that the Transport Assessment (as amended) has been found acceptable and that the existing highway network, subject to specific improvements to which this application should seek financial contributions, is able to cater for the increase in traffic generation that would result from this proposal. Note that longer term junction improvements off site would be required if further development occurred on the remainder of this ADR. This development should contribute towards the off-site junction works proportionally, along with the remainder of the ADR at a later date. This application also results in the need for contributions towards changes to nearby Traffic Regulation Orders and start-up costs to establish increased bus service provision.

**PLANNING
COMMITTEE**

22nd May 2013

Additionally, a request was made on 26th February 2013 for a significant financial contribution to wider infrastructure improvements across the whole Borough as a result of potential future development impacts on the wider highway network resulting from a range of potential residential developments. No evidence was provided to justify this request and no details of the schemes that it would fund or how schemes had been identified was included.

On the basis that all the contributions sought are agreed, highways raise no objection subject to the imposition of conditions and informatives:

Conditions regarding the vehicle and cycle parking standards to be met as a result of the reserved matters applications, the completion of the highways works to provide a pavement along Church Road, the agreement and implementation of a construction environmental management plan, and the provision of the engineering details of the on site roads and their phasing to ensure that as occupation occurs, vehicle access onto the highway network is possible.

Informatives for the applicant to note the requirements of separate but related legislation. These items are covered below in the recommended planning obligation, conditions and informatives.

It is made clear in the comments that if any individual element is not forthcoming, they would be keen for the application to be refused on the basis that the lack of contribution would not minimise any negative impacts on accessibility and the wider transport network.

County Education Service

Confirmed need for contributions towards education provision in the wider area and requested this be included in a planning obligation.

Worcestershire Regulatory Services (WRS): Environmental Health

No objection to report submitted, but request conditions be imposed to ensure that further site works are carried out in accordance with the submitted report.

County Rights of Way Officer

No objection as no likely impact on adjacent bridleway, subject to compliance with relevant separate legislation requirements.

County Archaeologist

Welcomed the submission of additional information and raised no objections to it subject to the imposition of conditions to ensure that the report recommendations are implemented.

External consultees:

Bromsgrove District Council

No objections received

**PLANNING
COMMITTEE**

22nd May 2013

Worcestershire Wildlife Trust

Notes the contents of the various associated documents and the proposed mitigation and enhancement suggested in the ecological surveys and raises no objection subject to conditions.

Environment Agency

Following thorough consideration of supporting documentation, assessments and reports, confirm that these are all reliable and credible documents, and that the development should proceed in accordance with particular recommendations within them. Note that some information will be commented on by WRS, STW and/or NWWM. Raise no objections subject to conditions regarding minimum finished floor levels and particular elements of the supporting documentation as well as some informatives relating to technical matters during construction.

Natural England

Initially raised concerns regarding the impacts of the proposed development on nearby protected newts, however following the submission of additional information, the objection has been removed subject to a condition requiring that development be implemented in accordance with the mitigation strategy.

Severn Trent Water (STW)

No objection subject to a condition regarding drainage details

Crime Risk Manager

Provided joint response with community safety team, as noted above.

Bentley & Pauncefoot Parish Council

Concerns raised regarding increased volume of traffic; potential for flooding of the ford on Pumhouse Lane; and loss of rural landscape and associated amenity.

Tardebigge Ward Member

No comments received

(The last two relate to the adjacent Parish in Bromsgrove District which abuts the site to the south west)

Background information for Planning Committee Members determining the application

Further to the comments made by the County Highway team and the additional request for wider infrastructure contributions, independent legal advice was sought on the position of the Borough Council as planning authority, the substance of the County's request and the weight or otherwise that it could be given in the decision to be made. The following assessment and recommendation is made in the light of that advice.

**PLANNING
COMMITTEE**

22nd May 2013

Assessment of Proposal

The key issues for consideration in this case are set out below:

Principle

The site lies within an area designated as an Area of Development Restraint (ADR) in Local Plan 3 (LP3), which was identified as part of the previous local plan review. This means that this area of land in Webheath, which is larger than just the application site, was identified as likely to be suitable for development to meet future needs beyond the plan period, i.e. beyond April 2011. LP3 proposed that as part of the review when compiling the next local plan, evidence be gathered to identify whether that need for development remained, and if so for what kind of development.

The draft local plan 4 will replace LP3, and has recently been published for consultation along with a document specifically on housing growth. LP4 seeks to bring forward the Webheath ADR as a strategic site for residential development, following the identification of a housing need within the Borough which is greater than that which can be met.

The NPPF is a more recent document than LP3. The NPPF states a presumption in favour of sustainable development, and the advice relating to existing and emerging local policies is such that Officers consider that weight should be attached to the SHMA and other emerging evidence, as well as the content of the NPPF. Weight can also be given to LP3 policies where they are consistent with the NPPF objectives; only those which are consistent have been used in the consideration of this application.

The site has clearly been identified as suitable for development, although at the time of LP3 the type and quantum of need was unclear. Evidence is now emerging that the Borough does have a significant housing need which it cannot currently meet and the NPPF seeks to encourage development providing that it is sustainable, hence the strategic site designation in LP4. Therefore, in this case, it is considered that the principle of housing development on this site is acceptable, providing that it can be demonstrated that it is sustainable. The Borough has a significant shortfall in its five year housing land supply which granting consent on this site would assist in redressing. The guidance at para 49 of the NPPF suggests that where the supply cannot be met, the LP3 housing policies are considered to be out of date and in turn the guidance at para 14 then goes on to suggest that in such cases, providing there are no identified adverse impacts of a proposed development and it is considered to be sustainable, then housing proposals should be approved without delay. It is considered appropriate to ensure that the development would not prejudice the future development of the remainder of the designated ADR/strategic site, and that the infrastructure that would be associated with the development would both meet its needs and again not preclude future development.

PLANNING COMMITTEE

22nd May 2013

LP4 and the housing growth consultation are newly emerging documents, which would normally only be afforded limited weight in the decision making process. However, the evidence base behind these documents has been available for some time now, along with other documents such as the SHMA and SHLAA. Further, the NPPF is more recent than LP3 and suggests that sustainable development to meet identified needs is to be pursued. Therefore, because there is clearly a need for development and this ADR site has been brought forward as a strategic site in the emerging plan as a result of a supporting evidence base, it is considered to be an appropriate place to locate residential development, subject to the following further considerations of detail.

The policy circumstances in this case for allowing this development in this location are unique to this site and are therefore not considered to set a precedent for other future applications, which would all be considered on their own merits.

Density

It is acknowledged that overall this proposal represents a low density form of development in this location; however, the proposed open space areas also need to be taken into account, along with the capability of the surrounding infrastructure to support the development and the character of the surrounding built form and its relationship with the proposed development site. Therefore, it is considered acceptable to allow a low density development in this case.

There are also some principle matters that should be considered at this stage in order to ensure that particular elements of the development are properly controlled later in the process. The issues are largely related to highways, access and drainage matters.

Highways and access

In considering the acceptability of the proposed development, it should be demonstrated that the proposal would not cause any additional significant harmful effects on the existing highway network; that it would not prejudice the remainder of the ADR coming forward in terms of any potential upgrades or remodelling works that might be required; that it would contribute towards any works necessary as a result of the wider ADR being developed; and that the proposed access points are to an acceptable design.

A significant amount of highway modelling work has been undertaken in order to demonstrate the likely volume and nature of additional vehicle trips that would result from the proposed development, and the impact that these would have on the existing highway network, in terms of capacity, junction design and queues of traffic, including delaying existing and proposed traffic.

The County Council have advised that this is largely acceptable, and that whilst the proposed development will have impacts on the highway network, these would not result in detrimental effects on traffic flows or highway safety, and certainly not the residual effects that NPPF para 32 requires if permission is to be refused on

**PLANNING
COMMITTEE**

22nd May 2013

transport grounds. They have identified that the provision of a pavement along Church Road would be necessary and therefore its provision is sought through the planning obligation (as noted below).

The modelling also shows that if the remainder of the ADR/strategic site development were to come forward, some junction improvements would be required, but that the trigger of need for these improvements is beyond the quantum of development proposed in this application. However, in considering the ADR comprehensively it is appropriate to expect a proportion of the costs to be met by the development on this site. Highways have also identified a package of measures that would be required in order to mitigate any effects caused by this development. It has particularly been noted that improvements are required at the junction of Birchfield Road with the A448 in the vicinity of the Foxlydiat public house. As a result, contributions towards this scheme are sought and would be necessary in order to make this proposed development acceptable. This is noted further below as part of the details relating to the planning obligation.

The highway modelling has shown that the proposed development would not preclude the future development of the remainder of the ADR, as there are other points on the existing highway network where access could be gained to the site, as well as through this site. Therefore in those terms, the proposal does not prejudice access to any future development of the remainder of the ADR.

The access point into the site from Church Road was originally shown as a T junction. This remains, but has been re-designed as part of the amendments to the application, so that the detailed highway geometry is acceptable to the County Highways team.

In order to ensure that the site is as accessible and sustainable as possible, close attention has been given to the pedestrian and cycle routes on and through the site. It is noted that the site is in very close proximity to the national cycle network route 5. Therefore, links from the site to this network should be provided and clearly signed to an appropriate standard, and a requirement for this is included within the planning obligation (see below).

Much study and discussion has occurred regarding the existing bus service provision in the area and that which would be required as a result of this development. A proposal for improving the bus routes has been agreed between County highways and the applicants and the latter have agreed to provide some funding towards the implementation of this improved service. It is considered more likely that with additional residents, demand would rise to a level that makes a service viable. This is summarised in the planning obligation information below.

In all these respects, the proposed development is considered to comply with the relevant detailed policy framework and provide sufficient mitigation for any impacts that would result from the development.

**PLANNING
COMMITTEE**

22nd May 2013

The additional financial contribution sought by the county highway team is not considered to be justifiable. No evidence has been provided to demonstrate what the money would be used for, how the amount has specifically been calculated, or why this particular development should contribute this money over and above the other contributions to schemes that are required as a result of the proposed development. This information appears not to be available to the agents or to the public, and therefore it would be unreasonable to seek these contributions from the applicants. The applicants have indicated that whilst they are willing to entertain the other financial requests made in relation to this application, they consider this to be unjustified and unreasonable and are therefore not willing to make this payment. As there is no justification to seek the payment, it would also be considered unreasonable to seek to refuse the application in the absence of the payment, which would not be compliant with the legislation relating to seeking wider contributions towards off-site infrastructure [CIL Regulations 122(2)]. These currently cannot be met in Redditch due to being at a very early stage in the process of compiling, publishing, consulting and adopting a charging schedule.

Drainage and flooding

Whilst there may be existing flooding issues in parts of the Borough, caused by a number of different factors, it is not a requirement of this planning application to solve other difficulties elsewhere. Providing that there is sufficient evidence to demonstrate that this proposal would not make any existing situations on or off site any worse, then that is sufficient to result in a positive recommendation.

The utility companies have a requirement from government, under separate legislation, to provide network capacity and connections to the network for both the provision of a clean water supply and the removal of foul water. The cost of connection is normally borne by the developer, but central government provide funding for the cost of the provision and maintenance of the infrastructure. Therefore, providing that the utility company consider that they have the available network capacity and there is somewhere that an acceptable connection can be made, then they would not normally participate further in the planning process, nor should the drainage matters be considered further as they would be dealt with under separate legislation.

It is well known and documented that drainage in this area has been a difficulty, and that the current network operates 'unsustainably' in the sense that water is pumped uphill and then on to the Spernal treatment works rather than gravity fed to the nearer Priest Bridge treatment works at the southern end of the borough. Whilst this is a concern to residents and to Officers, it is not possible to control it through the planning process as noted above.

Severn Trent Water have indicated that there is sufficient network capacity to support the proposed development and that a suitable connection from the site can be made, and therefore there is no further role for the planning service to make in this element of the decision.

**PLANNING
COMMITTEE**

22nd May 2013

In terms of surface water run-off and the brook along the eastern edge of the site, this is dealt with by the NWWM team. It is important to ensure that the increase in surface water run off that would be caused by the proposed development would not result in an increase in the potential for flooding in the area, and that the proposed development itself would not flood. Both NWWM and the Environment Agency (EA) have thoroughly considered the supporting Flood Risk Assessment and other relevant documents provided by the applicants and consider these to be acceptable. It has been demonstrated to their satisfaction the quantity of run off that would occur, and that the infrastructure to deal with this appropriately has been included in the design of the development, particularly the balancing pond(s) that are proposed. It has also been shown that there would be no net gain in the water quantity and no net loss in the water quality in the brook and therefore there is no need for any mitigation work further downstream as the flows would remain unchanged. The final details of the balancing pond(s) will be dealt with at reserved matters stage, however the information provided demonstrates that there is more than sufficient ability to provide these to a satisfactory standard and capacity within the site as proposed. Therefore there are no outstanding concerns in this regard and the conditions and informatives requested are included in the recommendation below.

As a result of other legislation currently being brought into force, it is likely that there will be a requirement in the future to transfer such balancing ponds to NWWM, along with a maintenance contribution and this is therefore included within the planning obligation details below. The advice of expert colleagues in this field, however, is that the proposals for dealing with clean water, foul water and surface water run-off generated as a result of the proposed development are acceptable and would not result in any additional impacts elsewhere either surrounding the site or further downstream in the existing brook, and therefore no concerns are raised in this regard and the details of the proposal are considered to be policy compliant.

Affordable housing

The application is supported by an Affordable Housing Delivery plan which details how the development of the site would include provision of affordable housing. It includes two different options.

Option one proposes that affordable housing be provided on site, in complete compliance with the current adopted policy framework, i.e. that 40% of the units would be provided as affordable housing, and that this would be pepperpotted throughout the development, and each phase if the development was phased. 65% of these units would be rented and 35% would be intermediate housing.

Option two proposes that the 35% intermediate housing would be provided on site, but that the 65% rented housing would be provided off site. This option results in a greater number of affordable housing dwellings being provided, as the total development quantum increases, however it reduces the speed with which they could come forward and any link to this development or this area.

PLANNING COMMITTEE

22nd May 2013

Whilst the delivery plan provides details of how the two options could be delivered, it does not comment on which the developer would prefer or the relative merits of either proposal.

As option one is the policy compliant option, and there is a significant identified need for this type of accommodation both in the Borough as a whole and particularly in this part of it, this is the one that Officers would prefer to pursue in this case. There are no identified benefits to option two that are considered to outweigh the case for option one. The details of this provision would be dealt with in the planning obligation (see below).

Open Space

Whilst the details of the open space provision would be dealt with at reserved matters stage, it is important at outline stage to ensure that agreement in principle is achieved. The policy requirements of play equipment provision, playing pitch provision and general open space provision, on a site of this size can be either on or off site, depending on the existing provision and opportunities in the area. The Leisure team have confirmed that on this occasion, they would prefer the equipped play and open space provision to be on-site, but that the nearby playing pitches should be enhanced and thus an off-site contribution be sought in this regard. This should be included within the planning obligation (see below) but is considered to be both appropriate and acceptable in this case.

Waste bins

In line with the recently adopted county waste core strategy, the applicant has been asked to provide a contribution towards the provision of bins to each new property and this is included in the planning obligation details below.

Planning Obligation

The size of the proposed development is above the policy threshold for requiring contributions which should be sought via a S106 planning obligation:

- A contribution towards County education facilities would normally be required in relation to the private market housing proposed; and
- A contribution towards playing pitches, play areas and open space in the area due to the increased demand/requirement from future residents would be required in compliance with the SPG; and
- The proposal would also require that 40% of the dwellings be provided as affordable units for social housing in line with SPD policy and their retention for this purpose in perpetuity.

However, in this case, the issues are slightly different, as noted under the separate headings above. Therefore, the planning obligation as proposed would seek the following:

- A contribution towards County education facilities in the area; and

**PLANNING
COMMITTEE**

22nd May 2013

- A contribution towards off-site enhancements of playing pitches in the area due to the increased demand/requirement from future residents in compliance with the SPG; and
- The provision and maintenance of on-site play areas and open space due to the increased demand/requirement from future residents in compliance with the SPG; and
- 40% of the dwellings to be provided as affordable units for social housing in line with SPD policy and their retention for this purpose in perpetuity; and
- A contribution towards the provision of wheelie bins or other appropriate waste and recycling infrastructure to service the new development; and
- Access to the balancing ponds for maintenance is granted, along with a financial contribution towards their maintenance and the potential for their future transfer if applicable; and
- A financial contribution towards off-site highway junction improvements at the Foxlydiat junction of Birchfield Road and the A448; and
- The provision of a pavement along Church Road in accordance with a scheme to be submitted and agreed in liaison with the County highway team; and
- A financial contribution towards bus service provision in Webheath; and
- A financial contribution towards any necessary resultant Traffic Regulation Orders required in the vicinity of the site.

This is considered to be acceptable in that it relates to the proposed development and complies with the policy framework.

Other issues

Whilst it is unfortunate that the existing built form on the site would be lost, there are no policy justifications that would support its retention or seek to protect it. There is minimal built form on the site, and not all of it would be considered of sufficient merit to warrant retention, thus in this case it is suggested that this small loss is of less weight than the benefits of the proposed development.

It is noted here, as on many schemes, that there is a conflict between providing more pedestrian/cycle links within and into the site for permeability and sustainability; and the perceived security risk associated with more entry and exit routes. Close attention to the detailed design at reserved matters stage will seek to reach a balance between good links and residential security. Given the outline nature of the application and the comments from the County specialist, it is not

PLANNING COMMITTEE

22nd May 2013

considered likely that the proposed development would result in any detrimental impacts on the bridleway and footpath network in the area.

There are no concerns regarding contaminated land on this site due to the information supplied by the applicant and the comments of the county experts on these matters, however conditions are attached to the recommendation as requested in order to ensure that the matter is dealt with appropriately if any should be found once work commences on site.

Conclusion

When balancing the various elements and considerations of the proposed development, Officers consider that the policy acceptance of the principle and the detailed considerations of the sustainability of the proposal result in significant benefits to the Borough, particularly in relation to the need to provide homes and the lack of ability to demonstrate a five year housing land supply and that they outweigh any potential negative considerations of the proposed development. The concerns raised largely relate to matters that would be addressed either as part of the details to be submitted in the future, or that have been addressed as part of this application, and as such this considered recommendation remains favourable.

Recommendation

That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning & Regeneration to GRANT planning permission subject to:

- a) The satisfactory completion of a S106 planning obligation ensuring that:**
- On site open space and play equipment is provided and maintained in perpetuity; and
 - Off-site playing pitch contributions; and
 - 40% residential units are for the provision of social housing in perpetuity; and
 - A financial contribution is paid to the County Council towards primary education provision; and
 - A financial contribution towards the provision of wheelie bins for the new development; and
 - Access to the balancing ponds for maintenance is granted, along with a financial contribution towards their maintenance and the potential for their future transfer if applicable; and
 - A financial contribution towards off-site highway junction improvements; and
 - The provision of a pavement along Church Road; and
 - A financial contribution towards bus service provision; and
 - A financial contribution towards TRO variations as necessary.

**PLANNING
COMMITTEE**

22nd May 2013

and

b) Conditions and informatives as summarised below:

Conditions

1. Time limit for commencement of development and clarification of reserved matters and timings for their submission
2. Tree protection during construction
3. What to do if trees damaged during construction
4. Method of construction to be agreed
5. Ground levels around trees to be agreed
6. Implement as per ecological appraisal
7. Agree and implement a landscape and ecological design plan
8. Agree and implement a construction and environmental management plan
9. Agree and implement a landscape and environmental management plan
10. No demolition in the breeding season
11. Check for bats immediately pre tree felling and pre building demolition
12. Check for badgers on site immediately prior to work commencing
13. On-site ecological contact to be appointed and liaise with Council
14. Full biological re-survey if not started on site by May 2014
15. Site operatives to be trained in ecological recognition
16. Implement as per the environmental risk assessment (con land)
17. SUDS details to be included in RM submission?
18. Bird and bat boxes to be provided to our agreement
19. EA request on FRA/suds details and their implementation
20. Construction hours limits on site
21. No occupation until sewage infrastructure OK
22. What to do if find con land during development
23. Implement as per GCN mitigation strategy
24. STW drainage condition
25. Approved plans specified
26. Minimum ffls (finished floor levels) to protect against flooding to be agreed and implemented
27. Implement as per archaeological survey
28. What to do if unexpected archaeology found during construction
29. Each dwelling not to be occupied until the road between it and the existing highway network has been implemented fully
30. Church Road access to be constructed in accordance with details agreed
31. Details for on-site internal roads –what needs to be included
32. Submit, agree and implement on site road phasing details
33. Church Rd pavement to be agreed and implemented
34. Construction vehicle wheel washing to be agreed and implemented
35. Site operatives parking to be agreed and implemented

**PLANNING
COMMITTEE**

22nd May 2013

Informatives

1. Reason for approval
2. NB S106 attached
3. RPAs (Root Protection Areas) to inform details layout/design of reserved matters
4. PROW information re separate legislative requirements
5. EA technical information and advice to applicant
6. Info for L&E plan and cemplan to be as per SC comments in info of 28/8/12
7. RM to be in conformity with principles set out in supporting documents
8. Sustainability important to council and should aim higher than code for sustainable homes level 3 wherever possible
9. NB community safety comments when designing detailed layout
10. Retain 'pignut grassland' wherever possible in detailed design
11. Mud on highway – to be kept to a minimum
12. Private apparatus in the highway not included in this permission
13. Alteration of highway not included in this permission
14. S278 agreement separate legislation but needs to be complied with
15. S38 agreement separate legislation but needs to be complied with
16. S38 drainage details – what to do
17. Extraordinary maintenance costs can be recovered by county
18. No consent given for temporary signs directing the public to housing developments

Procedural matters

Significant attempts have been made beyond the legislative requirements to ensure that the application has been publicised within the local community and that all those who wish to respond have been given the opportunity to do so.

The application is reported to Planning Committee because it is a major application with a favourable recommendation; because it includes a requirement for a planning obligation; and because more than two objections have been received.