

PLANNING COMMITTEE – 22ND MAY 2013

UPDATE REPORT

PLANNING APPLICATION 2012/207/OUT – LAND AT PUMPHOUSE LANE, REDDITCH

Representations clarification

For clarification, the representation numbers stated in the main report are explained below:

4 representations were received in support of the application, one of which is anonymous

1002 different representations objecting have been received, however 68 of these are anonymous, and therefore 934 objections have actually been received

In this particular case, the representations both for and against have largely rehearsed the same points as each other, and as noted in the main report, it is the nature of the material planning considerations that are important to consider, rather than the volume of comment.

Anonymous representations are not normally accepted and taken into consideration as the legislation requires that we notify respondents of the outcome of the application and this is not possible where they have not provided a means of contact. Therefore, their comments are not taken into account.

Additional information received

WCC Highways

Further summary information (as appended to this Update) has been submitted by County Highways and is available on the file. It serves to clarify and reinforce their position, which remains unchanged. They continue to seek a contribution towards wider highway infrastructure improvements in the belief that it meets the 3 tests in CIL Regulation 122(2).

Officer response: Officers consider that there is no CIL-compliant reason for expecting this scheme to make a proportionate contribution to infrastructure works across both Redditch and Bromsgrove when the applicant is proposing contributions/works to deal with the scheme's immediate consequences. This is an issue for a CIL charging schedule and not section 106 obligations, and there are no mechanisms available in Redditch at the moment for seeking such a contribution.

Webheath Action Group

The action group have sought advice from a planning consultant and Counsel and provided this to the Council and to the press.

This seeks to interpret LP3 policy in a different way from that set out in the committee report on the main agenda. It seeks to interpret policy B(RA)3 of LP3 as a policy primarily relating to Green Belt rather than as a policy relating to safeguarding land or to housing land supply. As such, it notes that it would be consistent with para 85 of the NPPF and thus planning permission should not be granted on the site until LP4 is adopted, and only then if the proposal accords with LP4.

Officer response: Officers consider para 85 to relate to the process of compiling a local plan and considering Green Belt boundaries and the safeguarding of land for future development. However, Policy B(RA)3 does not mention Green Belt and does not refer to Green Belt boundaries, as it seeks to ensure future (post 2011) allocation of land to meet future development needs, which are now identified as significantly greater than previously envisaged.

In the case of LP3, this was done with different housing targets from those now identified, and in the context that there was sufficient housing land supply to meet the targets.

The current situation is significantly different, because the housing demand has risen and there is no longer an ability to demonstrate a five year housing land supply. This is considered to be of greater weight in the decision making process, because it is a problem that needs to be addressed now, rather than waiting for the progress of LP4, and because the emerging plan and the NPPF are consistent and as such carry greater weight.

Officers note that this argument fails to acknowledge/address the lack of a 5 year housing land supply and only focuses on one of the planning consideration process. As detailed in the main report, there is a balance to be had between many factors and in this case it is considered that the failure to demonstrate a five year housing land supply is of greater weight than the safeguarding of land.

Recent appeal cases support this approach, along with the views of the Council's Counsel, who in addressing the Action Group's Counsel's Advice opined:

"my view is that paragraph 85 sets out what LPAs should do when defining boundaries for the Green Belt. The fourth bullet point in that paragraph is plainly addressing a situation where a LPA devises a plan which defines boundaries for the GB and allocates safeguarded land for longer term needs. Such a plan would obviously allocate sufficient land for housing. No doubt your Local Plan did at the time. However, you now have a situation that you accept that you do not have a 5 year supply. You need to decide whether it is an appropriate response to housing applications (which would ease the shortfall) to say that paragraph 85 requires you to withhold planning permission. I do not believe that it does, because the paragraph is addressing a situation where an application is submitted on safeguarded land in the context of a plan which is delivering a 5 year supply. Yours is not."

[This point is dealt with in the Bradford MDCI decision]. Bradford MDC lost an appeal on a housing site which was allocated as safeguarded land, precisely because they were not delivering a 5 year supply.]

“I also do not share the view that the Advice sets out that relevant policies are not out of date. I infer that the safeguarded land policy will have been devised in the context of a different (lower) housing land requirement. If that requirement is out of date, then so is the safeguarded land policy. It matters not whether the safeguarded land policy is treated as a policy “for the supply of housing” for the purposes of NPPF para 49 or whether it is regarded as a different kind of policy.” [i.e. as a Green Belt policy] “In either case, it is out of date. My own view is that it can be linked to paragraph 49.”

Two appeal decisions of particular note are APP/R0660/A/12/2173294 in Cheshire East and APP/W4705/A/09/2114102 in Bradford.

In the first of these two decisions, dated in September 2012 (post NPPF) the Inspector says:

“Paragraph 49, [of the NPPF] advises that relevant policies for the supply of housing land should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.”

It goes on to say that:

“the application of paragraph 14 of The Framework is unequivocal and does not depend on the extent of the housing land shortfall.” ... “any policy that seeks to regulate the location, type or amount of development could be said to restrict housing supply.”

In this decision, the Inspector notes a lack of 5 year housing land supply and thus that the policies relating to housing land supply are out of date. This is similar to the case put in the main report on the agenda.

In conclusion, the case in the main report stands, as strengthened and expanded above, and therefore the recommendation on pages 24-26 remains unaltered.

Redditch Borough Council Planning Committee, Wed 22nd May

Agenda Item 4 – Planning Application 2012/207/OUT

Highway Authority report comments

The report does not accurately represent the highway authority comments or evidence. These are set out in detail in the Highways Contributions Report dated March 18th 2013 (HCR), sent to the Borough Council in April. Specific developer's questions were finally fully addressed in an email sent to the Borough on 14th May. Please see attached. The key issues are summarised below -

- Modelling work shows that development planned in emerging Redditch and Bromsgrove local plans has severe cumulative impact on the transport network in the two districts;
- To make the scale of development acceptable, schemes needed across network to mitigate this impact have been identified;
- Modelling of traffic generated by this site shows a correlation between the cumulative development trip distribution and individual site trip distribution, demonstrating the site will have a proportionate contribution to the severe cumulative impacts;
- Consequently, a proportionate contribution to the required schemes is necessary to make this development acceptable (1st CIL reg.122(2) test is met);
- The contributions will be used for mitigations on the network directly related to traffic distribution from it (2nd CIL test is met);
- Total cost of necessary measures is £49.995m. This is divided by the total number of cumulative development trips across both districts (131,854) (using nationally recognised forecasting methods) to give a contribution per development trip of £379.17;
- This development's estimated daily all mode trips are 1,600, giving the total contribution of £606,670.

The report contains specific inaccuracies in its reporting of the highway comments and supporting evidence. As a result the Committee will not be properly advised on the material consideration of transport effects. The specific inaccuracies are as follows.

- p.14 . Is inaccurate. States County's 'final position' but sets out initial comments without stating these were modified. The position should be reported in the round
- p.15 Inaccurately describes the information provided. States 'No evidence was provided to justify this request and no details of the schemes that it would fund or which schemes had been identified was included'. In fact, the HCR addresses these matters in detail. However, it is not mentioned, let alone summarised.
- p.16 Inaccurately suggests County's highway comments are that traffic impacts are 'largely acceptable' and 'would not result in detrimental...effects ...and certainly not the residual effects [requiring refusal]'. In fact, the County says the cumulative residual impacts are severe and the application should be refused if the contribution to mitigate this is not provided. The report does not report the requested reasons for refusal.

Consequently, the contribution is fairly and reasonably related in scale and kind to the development (3rd CIL test is met).The highway authority believe the application should be refused for the following reason –

Transport Impacts – The material consideration of the transport evidence demonstrates that the residual cumulative multi-modal transport network impacts of this development, on both the local and wider Redditch and Bromsgrove network, in combination with other development proposed in the Redditch Local Plan and Bromsgrove District Plan are severe. This harms the economy and environment. The proposal should be refused due to the material consideration of conflict with the Worcestershire Local Transport Plan. The developer has failed to offer an adequate contribution to mitigate this severe impact.

Questions from the developer

Q 1) I note the combined infrastructure cost for Redditch and Bromsgrove is just shy of £50,000,000 however my understanding is that the cost splits roughly at £22m for Redditch and 28m for Bromsgrove. Please could you confirm that the intention is to consider all sites based on the combined figure and not on a split depending on whether they are in Bromsgrove or Redditch. If this the case I would expect the level of contribution to be reduced as a result of the Redditch figure being lower?

The total cost across the Bromsgrove District & Redditch Borough Local Planning Authority's area = £49.995m. The individual costs: Bromsgrove District: £26.675m and Redditch Borough: £21.8m. However, please note that the cost for Redditch Borough will be reduced to £20.9m in consequence of the LPA's preferred cross-boundary sites. This will reduce the total cost to: £48.575m

Q 2) How has the £50m figure been determined. Have you prepared detailed costings for all improvements necessary to facilitate this contribution. If so please could you provide me with a definitive list of the measures to be implemented and their associated costs. The figure that is outlined is quite specific and so I assume some detailed work has been undertaken?

The basis of the costing of the measures needed to support the planned growth (as set out in adopted and emerging Local Plans) is provided in previous reports supplied to the LPA's on the transport infrastructure needed to support the planned growth. However, in summary:

Cost estimates for each of the proposed schemes were prepared primarily using construction rates used by WCC through the costing of schemes, including those associated with major scheme bids to the DfT and as required the SPONS Handbook. Costs can vary considerably from site to site and supplier to supplier. More detailed cost estimates will be determined when the precise details of each scheme are known during further design stages. Subsequent to the initial construction cost estimates, construction cost uplifts (as presented in the tables below) and Optimism Bias were applied.

Table 1: Uplifts Applied to Highway Schemes Base Construction Costs

Preparation	12%
Supervision	5%
Evaluation	0%
Drainage	10%
Preliminary	5%
Site Supervision	5%
Design	10%
Services and Utilities	30%
Landscape	10%
Highway Network Traffic Management (Normal Road)	10%
Highway Network Traffic Management (Strategic Road)	20%
Groundworks/Earthworks	2%
Maintenance	25%

Consultation 10%
Ecology 10%

Table 2: Uplifts Applied to Walk, Cycle and Passenger Transport Schemes Base Construction Costs

Preparation	0%
Supervision	2%
Evaluation	0%
Drainage	3%
Preliminary	5%
Site Supervision	3%
Design	10%
Services and Utilities	3%
Landscape	3%
Highway Network Traffic Management (Normal Road)	2%
Groundworks/Earthworks	2%
Maintenance	5%
Consultation	5%
Ecology	2%

These uplifts are calculated based on the construction cost and applied prior to the optimism bias being added. The uplifts cover the additional costs above and beyond the actual cost of construction. That being items including site preparation, site supervision and evaluation. A generic drainage cost is included along with design, landscaping and ecology. Different uplifts are applied for traffic management dependent on the local road network, i.e. a greater allowance is provided for on the strategic highway network.

The uplifts for sustainable mode schemes are generally less than those applied for the highway schemes. This is because the proposed schemes are generally smaller schemes which are less intrusive and have fewer associated risks. Allowances for Ecology and Drainage are often less as the proposed schemes pose less risk to local environments and SUDs and surface drainage can often be applied. The design uplift costs remain the same for both the highway and sustainable schemes.

Optimism Bias is a risk contingency built in to the estimated costs of transport schemes. The Optimism Bias is calculated by referring to 'The British Department for Transport Procedures for Dealing with Optimism Bias in Transport Planning Guidance Document – June 2004'. It is noted that all the uplift items have been added to the cost of construction prior to the 44% Optimism Bias Uplift. The Optimism Bias uplift is based upon the maximum applied rate for standard civil engineering works at this preliminary stage. This percentage, when applied, suggests an 80% probability of staying within the budget.

The cost estimates do not include Land Costs (if required).

Q 3) How has the development generated trip of £379.17 been derived as this is not identified – please provide complete methodology along with all relevant technical data?

The basis of the contribution is as set out in a Technical Note supplied to the Local planning Authority in February 2012.

The £379.17 has been calculated by taking the total cost of the measures across Bromsgrove District and Redditch Borough needed to support planned growth (as set out in adopted and emerging Local Plans), excluding schemes for which there is committed funding which is estimated at approximately £49.995m and dividing by 131,854 which is the total number of all mode trips associated with the proposed development across Bromsgrove District and Redditch Borough.

Q 4) I understand the 1600 trip per day is based on all modes. However we are already providing contributions to deal with other modes which includes a £60,000 towards a new bus services. I feel you are double counting in this respect and would ask you to reconsider the trips per day in respect of this the scheme. If not we would want to remove the £60,000 contribution?

The £60,000 contribution is toward the costs of operating the level of bus service agreed as being needed to provide a passenger transport link between the proposed development and key trip attractors and transport interchanges (including Redditch Bus and Rail Stations) needed to make the development compliant with LTP3 policies.

The contribution toward the measures needed to support planned growth (as set out in adopted and emerging Local Plans) is exclusive of the costs of delivering this service. Hence, there is no double counting of contributions.

Q 5) On that basis I also consider the £30,000 for the Birchfield Road junction to now be unjustified. This is a part contribution to deal with the combined impact of the Webheath ADR however it would now appear that this contribution seeks to deal with key infrastructure provision. On that basis I consider this contribution should no longer be required?

The scheme identified as being necessary to support the planned growth in Redditch and Bromsgrove is additional to that identified in the Webheath TA. There is no 'double counting'. The two schemes will complement each other. The schemes are outlined below:

Webheath Development TA Scheme (to which the Webheath development would contribute proportionately towards):

- Birchfield Road to be widened to 9m to accommodate both a left and right turn lane from Birchfield Lane to the A448 slip road.
- Pedestrian crossing points with associated tactile paving.

Additional measures required:

- TROs to protect the junction and its approaches