

**PLANNING
COMMITTEE**

12th October 2016

Planning Application 2016/118/OUT

Hybrid application - Outline planning for employment (5000 m2 of B1) with access details provided and all other matters reserved and detailed application for the erection of 131 new homes with associated access and associated works.

Land On Green Lane, Green Lane, Studley, Redditch

**Applicant: Mr Andrew D'Auncey
Ward: GREENLANDS**

(Site Plan attached)

The author of this report is Sarah Willetts, Planning Officer (DM), who can be contacted on Tel: 01527 881607 Email: Sarah.willetts@bromsgroveandredditch.gov.uk for more information.

Site Description

The proposed site extends to an area of 7 hectares is formed of three fields laying due south of the Alexandra Hospital in Redditch. The land is mainly undeveloped excluding a small parcel of land for a single residential property (White Cottage) accessed from Green Lane which defines the boundary to south. The site is defined by a substantial tree buffer to the south. There are two more defined open areas separated by a hedgerow running north to south. The land here mainly slopes west to east with the eastern side being more gently sloping than the western side where the sloping ground is more marked where it follows the course of the dismantled railway line forming the western boundary.

The site is located within an area identified for mixed commercial and residential use and the site shares the Borough boundary with the Studley area, Warwickshire

Relevant Policies:

Others:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

Borough of Redditch Local Plan No.3:

CS01 Prudent Use of Natural Resources
CS02 Care for the Environment
CS06 Implementation of Development

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CS08 Landscape Character
H01 Alexandra Hospital
S01 Designing Out Crime
BBE13 Qualities of Good Design
BBE19 Green Architecture
BBE28 Waste Management
BBE29 Construction Waste
BNE01A Trees, Woodland and Hedgerows
BNE03 Wildlife Corridors
BNE10 Sites of National Wildlife Importance
CT12 Parking Standards

Emerging Borough of Redditch Local Plan No.4

Policy 1 Presumption in favour of sustainable development
Policy 2 Settlement Hierarchy
Policy 2 Development Strategy
Policy 4 Housing Provision
Policy 5 Effective and Efficient use of Land
Policy 6 Affordable Housing

Policy 11 Green Infrastructure
Policy 12 Open Space Provision
Policy 13 Primarily Open Space
Policy 15 Climate Change
Policy 16 Natural Environment
Policy 17 Flood Risk Management
Policy 18 Sustainable Water Management
Policy 19 Sustainable Travel and Accessibility
Policy 20 Transport Requirements for new development
Policy 22 Road Hierarchy
Policy 23 Employment Land Provision
Policy 25 Development outside of Primarily Employment Areas
Policy 26 Office Development
Policy 39 Built Environment
Policy 40 High Quality Design and Safer Communities
Policy 47 land to the rear of the Alexandra Hospital

Relevant Planning History

None Relevant

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Consultations

Arboricultural Officer

No objection subject to conditions regarding the protection and care in the long term of the trees to be retained. This is with particular regard to the trees located in the area at the south of the site which are protected by a TPO

Parks and Green Space Development Officer

No objections subject to conditions

Development Plans

No objections

North Worcestershire Economic Development and Regeneration

Note this is a hybrid application and employment area is in outline form. The principle of development is assisted by the creation of the new access and will create more flexibility through interested parties to fulfil requirements and design although it is noted that this element would be viewed as more challenging than the remaining parcel of land.

This will help ensure that sufficient land is allocated to employment and that there continues to be an adequate supply to meet demand.

Environment Agency

No Comments Received To Date

Education Authority

The County Council have no objections to the proposal based on the size of the development. Any associated impact of the development should be appropriately mitigated for and any deficit for education provision should be secured by appropriate means

Contaminated Land- Worcestershire Regulatory Services

No objections in terms of Air Quality subject to conditions for air quality and electric charging points

North Worcestershire Water Management

No objections

Housing Strategy

No objections to the scheme as outlined, subject to the provision of affordable units as outlined and secured through appropriate means.

Highways

Subject to the provision of the applicant entering into a S278 and S106 agreement for local and wider highway improvement schemes, there is no objection to the scheme

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subject to the imposition of suitably worded conditions to ensure visibility splays, parking standards and highways notes as required

Landscape & Countryside Manager

Regarding the slow worm translocation, this has now been completed and there is no other comment to be added.

The Council is seeking mitigation for the loss of grassland from this application to be recreated at agreed sites as identified by the ecologist acting on behalf of the developer. The agreed site for this is to the south of Bordesley and Morton Stanley Park which will need to be a 25 year programme that is similar to the slow worms under a Section 106. The Council is also seeking a mitigation for loss of hedgerows within the application site by way of proposed restoration of hedges/ hedge laying at the Bordesley and Spiders Web sites within Arrow Valley Country Park along with the provision of new field gates and kissing gates.

Leisure Services Manager

Location of play equipment considered to be acceptable as there is a degree of surveillance over this space, full details requested by condition and provision to be met as part of S106 to meet any deficit

Natural England

No comments to make: Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Rough Hill and Wirehill Woods SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England..

NHS (England)

No Comments Received To Date

Crime Risk Manager

No comments received

Public Rights Of Way

No Comments Received To Date

Severn Trent Water Ltd

No comments received

Waste Management

No Comments Received To Date

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Worcestershire Wildlife Trust

No Comments Received To Date

Fire Officer

No comments to make on this application. Consultations will take place under building regs full plans submission

Stratford on Avon District Council

No Comments Received To Date

Proposal Description

There are two distinct elements to this proposal:

1. Commercial (outline)
2. Residential. (detailed)

1. The commercial element of the submission is in the form of an outline application including just access details for commercial development. Matters of appearance, landscaping, layout and scale are reserved for future consideration, and therefore only the principle of the use and the access details provided are to be considered here. The approximate location of the units is shown on the layout plan, as a result of the access details being provided.

The proposal is for B1 office/business uses (5000m²) are proposed to be located to the western side of the site. The main access road into the site would lie to the north of these units with a new 'T' junction providing access to these units to the south. Plans show how the buildings might be arranged with car parking around them to accommodate these uses. However Members will appreciate that these details are indicative only at this stage and can only provide an idea of what the resulting development may look like.

- 2) The second element is the full detailed application for 131 dwellings which would be accessed from the same access from Nine Days Lane. Changes are proposed in terms of the road layout in Nine Days Lane in order to provide the vehicular route into the site. This will involve road alignments and changes to priority. These measures will effectively be provided by a S278 agreements (agreed and determined by the Highways Authority) but to be read alongside this planning application. Other elements to this relate to the emergency vehicles access and the footpath extension along Green Lane.

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One primary route is proposed through the development with junctions off serving secondary roads and private drives within the development. The housing scheme is self contained, (ie there is no public route through the development onto Green Lane). The majority of the layout is a traditional perimeter block arrangement with parking provided with each plot rather than in separate /rear parking courts designed with natural surveillance in mind.

Pedestrian pavements within the site follow the traditional road layout along with further leisure routes running through and round the open space provision within the development.

The site also provides for open space/play space along with SuDS' drainage which has been provided via a storage/attenuation pool to manage surface water run off towards the south eastern side of the site located to accommodate the natural falls of the land

The dwellings would be a mix of units as follows:

Size of units	Private	Social		
1 bed	0	6		
2 bed	27	19		
3 bed	39	14		
4 bed	26	0		
Totals	92	39	TOTAL	131

The dwellings proposed are modern with a traditional design detail running through with a mixture of brick detailing, eaves dentil courses and projecting bay windows helping to add interest a variety to all the different house types in the development.

The application is supported by:

- Design & access statement,
- Statement of community involvement,
- Transport assessment including travel plan,
- Flood risk assessment,
- Noise assessment,
- Landscape and visual appraisal,
- Ecological appraisal
- Tree assessment
- Planning statement containing details of the Phase I and Phase II Contaminated land studies

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Public Consultation Response

Public Consultation

Site notice Posted 20.5.16

Press notice Published 20.5.16

26 Detailed responses and objections (including two local Councillors in Studley/Warwickshire) and filmed bat video (taken in Green Lane) received regarding the scheme concerning the following issues:

Traffic - Associated Impact on Nine Days Lane.

- This road is often congested and cannot cope with the additional especially given the on road parking from hospital visitor alike.
- High levels of traffic on Woodrow Drive as it serves two estates high school and hospital, especially at peak times. Road junction will be problematic and roads back up in the local area backing up to McDonald's and Washford Mill. Road is already artificially narrowed by on street parking which is unrestricted either side of the road as people avoid paying the pay and display car park for the hospital. The development will increase the amount of traffic using this road and there are highway safety concerns.
- Noted traffic survey was taken at time of year when pupils were on exam leave thus leading to findings being inaccurate.
- Part of road is steep and is particularly dangerous in the winter months despite the area being a priority for gritting.
- Question why access is not made from Green lane when this was put forward by the developer and then chose to return to other entrance.
- Will affect the junction to Nine Days Lane and the wider highway network.
- Concerns about any potential access along Green lane. This is a country lane which is used as a cut through and any new access and the development will cause an increase/ or a potential increase in the traffic. Most of Green Lane is a rural road/lane with no pavement which coupled with an increase in traffic is dangerous to all road users alike.
- Junction access and width appears inadequate to obtain access to the development for all traffic. Safety concerns regarding emergency access requirements. Unclear how and who will manage the bollard to stop general access to the site.

Local Services

- The increased pressure on local schools and facilities like doctors services has not been properly considered. Pressure on local rural villages and residents of local estate and residents along Green Lane.

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- Concerns over new access and impact on neighbouring estate at Wirehill especially given the above concerns

Ecology

- Impact on wildlife on site. There are numerous birds and mammals using the site. Deers have been seen using the site as the land has not been actively used. Bats are using the tree line for foraging and there may be associated roosts in or around the site. Bats are a common feature along Green lane especially in the early evening.
- Land is habitat for slow worms which can be seen on the site. Development would directly impact on these species reducing and removing their natural environment so the species could be lost which is unacceptable.
- Development will adversely affect the wildlife (other mammals, birds and bats) on this site and this will be a loss to the local habitat and wider environs.

Impact on trees

- Trees will be lost to the development which is considered unacceptable. Concerns that pressure would be increased to remove still more trees and open the development up to wider view. Loss of this important treed area is not acceptable as it provides a useful buffer between the two districts, an important screen and important wildlife corridor.

Flooding

- The land here naturally slopes and water will follow the easiest route. The land is presently waterlogged even within the tree buffer area. There have been some recorded and catastrophic surface water floods in the area especially across Green Lane. The sloping land means the water runs naturally off this land and when it hits the road it just spills over into houses. The proposed development would make this situation worse and it is not considered that the proposals (retention pond and improvements to current drainage ditch) address this situation in a satisfactory manner which would overcome the concerns over flooding to the residents in the local area for a development in a different District/County.

Impacts on neighbouring village of Studley

- The local village facilities are already at breaking point and the development would inevitably put increased and unacceptable pressure on this small settlement to the detriment of local residents. The increase on the local highway network would also become unacceptable given the level of trips generated by the development along this rural road with no pavement. The road is already used as a cut through (at Speed) and this development will make the situation worse. Adverse impacts on the residents of Green Lane.

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Overlooking and Loss of Amenity

- Proposed proximity of the industrial units and their related size would cause overlooking to local residents in Wirehill. Concerns about noise impact of the development on properties in the area and the associated level of activity in an area which was once undeveloped.
- 3 storey offices will be an eyesore
- Concerns about overlooking from the development to the properties in Green lane and the associated loss of amenity.

Other Issues

- Impact of the development on the value of homes in the local area.
- Over-intensive development . Why chose this Greenbelt when other brownfield sites in the town are available.
- Unused office space in the town so why develop more? It will compromise this residential area with more commercial space.
- More people increase pressure on amenities and leisure opportunities. Money will be taken out of the town to find these facilities.
- Concerns that this will have implications for the Alexandra hospital in the future.
- Concerned about the limited consultation with the residents in the area especially the residents in Wirehill. Original consultation took place by the developer this covered the whole of the estate but this has not continued and information has not been forthcoming. Tick box exercise when most people objected but the development still goes ahead in this format.
- Limited consultation by the Council did not cover the same number of dwellings the developer did when residents of Wirehill are the most affected.
- Advertising of the planning application is poor limited to small signs on footpath. None were placed within the Wirehill estate or on local post boxes only found out about it by walking past.
- Notices and time to comments were advertised over bank holiday when people are away.

Further comments received in regard to S278 details and plans:

- Do not consider that the changes proposed would alleviate traffic concerns.
- Conflicts of pedestrian and vehicular traffic
- Concerned about the proposals with regard to the priority changes to junction. Road safety implications and concerns with no audit of this provided.

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Assessment of Proposal

Residential proposal

Principle

The residential element of the proposal is located within an area designated within Local Plan 3 and Emerging Plan 4 for potential employment and residential development to meet local needs beyond 2011 (Site 210 - Appendix 2 Local Plan 4). The Emerging Plan identifies this site and other land around it as a sustainable location for mixed use development including residential, to meet local needs and thus considers it a strategic site.

It also identifies a local housing need. The residential development potential of this site contributes towards the Council's five year land supply. Therefore, it is considered that the principle of the development of this site for residential purposes accords with both the current and the emerging local policy framework and consideration of the details follows.

Linked Issues

The policy framework and SPD 'Land to the Rear of the Alexandra Hospital Development Brief was adopted on 17.9.07 identified the need for the B1 units within the plan period 2006-2011 on site IN69 as part of the wider site

The objectives to provide a parcel of land suitable of B1 development that is fully ??and results in a high quality designed scheme that will have no adverse impacts on neighbouring properties or the activities of the neighbouring hospital. The site is accessible and can be seen as enabling the potential employment uses to come forward.

The regulations require a time limit for commencement of development to be attached to a planning consent, and also, where reserved matters are involved, that a time limit for the submission of further details be attached. In this case, two linked conditions are recommended, to cover the full residential element of the proposal and also the outline B1 elements, such that the residential should commence within the usual three years from granting of consent, and that the B1 element cannot commence until the relevant outstanding reserved matters have been granted and that these should be submitted within three years of the consent being granted and implemented within five years. This reflects the usual standard conditions, but combines them appropriately for the nature of this application.

Affordable Housing

The emerging policy seeks 30% of the housing to be provided as affordable housing to meet the Borough's needs. 39 units are proposed for this purpose as set out in the table above and meet this 30% requirement. These affordable units have been spread throughout the site, the majority of which are 2 and 3 bed units and as such meet the policy requirements set out in the saved and emerging local plans.

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Open space, play and recreation

The proposed development provides for amenity/open space and play space for toddler and junior provision and would be sufficient to serve the residents of the development proposed especially to meet the demand of younger people which may be moving to the development. Given the provision is made on site there is no requirement to provide additional facilities off site for the younger children.

Provision for older (teenage) children may be adequately accommodated off site (Arrow Valley). This will ensure that the development as proposed complies with the policies set out in the SPD and the identified need. It is recommended that a clause be included to provide for improvements to teen provision at a suitable local site and met through a suitable legal mechanism.

It is likely that playing pitches would also be provided for in the vicinity of the current application site (Arrow Valley) as the demand for them would rise to a sufficient level that their provision would be required. It is recommended that a clause be included in the planning obligation to seek a contribution towards playing pitch provision in the vicinity rather than provide any on site, if future development does not occur within a specified period, in order that no long term deficiency of provision occurs in relation to occupiers of this site.

Design and layout

The layout of the development has been considered in direct response to the natural topography and site features/constraints in mind. In this case there is strong retained planted area on the south of the development formed of mature trees and which helps soften the development along Green Lane to the residential development along this lane. The western boundary retains a tree line along the disused railway line to the houses on the opposite side and open areas are proposed within the development that stretch from North to South. This area also incorporates a play area. A proposed attenuation pond is located to the south eastern side of the development. This leaves a larger clear developable area across the centre of the site

Access to the site is proposed from Nine Days Lane. The housing will form a traditional pattern of roadway and pavements to either side of perimeter blocks most with their own private amenity spaces to the rear creating natural surveillance and with on plot parking which helps provide a safe and secure environment for further surveillance compliant with your adopted policies. These perimeter blocks will be formed from a mix of house types and design layout. Some plots have a distinct 'I' shape design, these designed corner plots help add interest and help form a positive corner layout.

The design and appearance of the proposed dwellings is a mixture of traditional detailing with a modern execution in a mixture of complementary styles. It is considered that the overall character and appearance of the proposed residential development would be appropriate and acceptable to the surrounding development in the area.

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There are no concerns regarding overlooking, loss of light, privacy etc. between the proposed dwellings due to their design, orientation and levels. Like all new development perspective occupiers will be 'buying into' this layout .

Members will note that there are also no adverse issues to the existing residents of 'Wirehill' or to the properties in Green lane given the landscape topography, landscape and adequate distance which ensures no direct overlooking.

The design and location of development is such that it would be unlikely to result in any noise, light or air pollution and there have been no objections on these grounds from Environmental Health Officers when commenting on the proposals with regard to the adjacent hospital incinerator, subject to the imposition of suitably worded conditions in association with air quality.

Highways, parking and access

It is acknowledged that there is significant public concern regarding the development with regard to the highways network and highway safety. Concern is based on

- * The amount of traffic expected to be on the highways network from the development
- * The suitability of the Nine Days Lane for the access
- * the local and wider impacts of the development on the highway network and associated pedestrian and other road users safety.

The application has been subject to a full assessment. This assessment has covered aspects of traffic numbers, flows and projections at different peak usage. It also covers the requirements to access the site and the associated impacts on not just the local highways network but a much wider remit to main routes.

Nine Days Lane provides the primary route into the Wirehill estate and the road, whilst wide, is constricted by on street parking primarily due to hospital parking thus reducing the available carriageway and access around the tight corner in the road. Local residents are particularly concerned about the amount of vehicles using the road and the associated congestion if the proposal were approved as the road situation causes congestion now.

The NPPF encourages assessments of proposals and the test of the impact of an associated development in by a local and wider remit. The assessment provided has acknowledged and identified that whilst trip generation would significantly increase and would impact on the immediate road network the impact on the road network was not considered to be severe and Highways are satisfied that these may be adequately mitigated for locally and in the wider highway network.

The assessment results identify the need to remodel local junctions and further studies to ensure that the local and wider highway network could accommodate the development as

proposed and this may be adequately mitigated through suitably worded conditions and a clause be included in any S106 to provide for improvements on the highway network at a required local and wider areas. The development locally is also subject to highways changes to Nine Days lane for changing priority of the junction through details in the S278 which have been duly noted and are subject to separate highways approvals.

Your Highways Engineers have thoroughly assessed the submission as proposed and are satisfied that whilst there would be 'impacts' potentially caused by the development going ahead these may be suitably mitigated for both the local and wider highway network. They are satisfied that subject to the imposition of suitable conditions and the applicant entering into highways agreements (S278) and a S106 for off-site highways improvements the development is considered acceptable.

Landscaping and trees

There is a strong mature/semi mature tree buffer to the south and west and open grassland across the site currently. Hedgerows form the existing field boundaries, and the mature trees, especially to the south, are protected by preservation orders (TPO). These trees are proposed to be retained in the form and layout of the proposed new development helping to maintain the strong landscape identity and an effective softened southern boundary of the site with Green lane, along with a retained and new western boundary with the disused railway line.

The landscape assessments/survey of the site show the retained tree areas and proposed new areas of landscape opportunities. It is acknowledged that there will be a loss of the open grassland of the site as the area across the centre of the site is the location of the new development. Whilst it is unfortunate, it is the most logical area given the need to retain most of the mature tree screening and main hedge boundary feature. However, mitigation measures include additional boundary and plot landscaping along with landscape proposals for and around the pond area. The proposed landscaping would help maintain a softened appearance to the development and increase opportunities for biodiversity especially as the scheme matures.

It is considered that the proposals are considered to be acceptable in this regard. A leisure link pedestrian route is proposed as part of the scheme, effectively creating a leisure route around the site and around the retained landscape area and attenuation pond. It is also intended that a separate management plan for improvement and management of the grassland area in Bordesley and Spiders Meadow will offset any loss of the grassland in this instance in accordance with your Policy B (NE)1 of the Redditch Borough plan 3.

Ecology and Landscape

The NPPF requires the planning systems to recognise and protect the natural and local environment. In this case this proposal has been subject to a number of detailed appraisals. This is embodied into policy B (NE) 3 of the Redditch Borough Plan 3

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Separate surveys have been submitted in relation to protected species. It is noted that a number of detailed concerns have been raised with regard to the presence of protected species and other animals and loss of habitat on site, these comments include reference to slow worms, deer, birds and bats.

The surveys provided have highlighted a number of species present on the site which would require protection measures/compensatory measures to be in place to ensure that no undue harm will occur. This includes Slowworms, Newts and Bats.

These mitigation measures have included a detailed appraisal of slow worms being found on the site. It is clear in standing advice provided by Natural England that if a protected species may not be adequately retained and mitigated for on site then suitable off site provision will be required.

In this case slow worms are afforded special protection in line with the standing advice from Natural England. The colony could not be adequately mitigated for on site given the type of environment and amount of worms affected so in this particular instance they have been provided with an alternative comparable habitat (hibernacula) and have been moved to a new location. Members will appreciate that, to ensure their proper protection this species have been subject to a separate agreement for their relocation and protection and further measures are recommended via conditions and elements of the S106 to secure their future and management in their new improved surroundings.

Comments have also been received in regard to bats on the site. The proposal includes a detailed bat survey. The results indicate that there was some potential for roosts, these within the treed area to the south. This area is proposed to be retained thus ensuring no direct adverse impacts from the development on any colony present. Flight paths also remain unaltered by the development. The report recommends mitigation measures to ensure bats can remain in the location and conditions proposed will ensure this takes place.

No evidence of newts were found on the site however is envisaged that the new attenuation pool provides an ideal wet land environment to encourage a wider and more diverse range of species and may be adequately controlled by the imposition of suitably worded conditions.

It is considered that the proposal would and can adequately mitigated for slow worms off site and to adequately retain other species on site, along with increasing wet land opportunities around the pond, thus helping to encourage biodiversity within the new development in compliance with your adopted policies and the guidance in the NPPF.
Flooding

The site is not recognised for its potential for flooding. However a number of comments have been received with regard to standing water on the site. The natural slope of the land means that surface water will tend to head south and east. It is understood that this

has created issues for homes in this vicinity and homes on the opposite side of Green Lane during large rainfall events.

The application has been supported by a flood risk/drainage assessment. Improvements are proposed in terms of the drainage channels adjacent to the road and the scheme has also proposed an attenuation pond to store/accommodate extra water from the site before it gets towards the drainage channels and road.

Drainage engineers have assessed the scheme and are satisfied that subject to conditions that the SuDS Pool and drainage channel alterations will ensure that regular flooding events would not occur.

Sustainability

Due to the increasing standards demanded through the Building Control regulations separate from the planning process, it is anticipated that this development would be implemented to a highly sustainable standard, if consent is granted.

The supporting information indicates that in most areas the proposal is to a good standard of sustainability and that every dwelling would have features such as water butts, compost bins, secure cycle storage and electric charging points which may be secured by conditions.

Building regulations will further require sustainability features to be integrated into the buildings, so the matter needs no further consideration here.

Impact on local Services

Comments have been received with regard to the impact on local services in both Districts. Based on the proposal as it currently stands whilst it is appreciated that there would be a difference to both Redditch and neighbouring Studley, it is not considered that the development would have such an effect to warrant a refusal based on these grounds alone. Members will note that the applicant has agreed to enter into an agreement to provide for contribution towards improvements for local education facilities in the Borough where there is an identified deficit recommended by the Education Authority.

Planning Obligations

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

1. Highways matters as agreed with the County Highways Authority including:-
S278 and S38 agreements for improvements to the local highway network.

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2. A contribution for highways improvements off site to the local and highway networks as agreed in a raft of measures identifies by the highways Authority. This will also include selected Traffic Regulation Orders
3. A contribution towards County education facilities would normally be required in relation to the private market housing proposed
4. An off-site contribution towards playing pitches, play areas and open space in the area due to the increased demand/requirement from future residents is required in compliance with the SPG over and above the areas provided on site.
5. The proposal would also require that 30% of the dwellings be provided as affordable units for social housing in line with SPD policy and their retention for this purpose in perpetuity. In this instance 39 affordable units retained as such in perpetuity (insofar as Right to Buy or Acquire legislation permits)
6. A contribution towards the provision of wheelie bins for each dwelling on the Development.
7. Town centre strategy contributions.
8. Phased long term management plan of the protected species in their new habitat and monitoring of the species population
9. Mitigation for the loss and reinstatement/restoration of hedgerows off site and the longer term (25 year) management of the Bordesley and Spiders Meadow Grassland habitat.
10. Marketing Strategy for the employment area

An agreement has been drafted with input from the applicant's and the Council's solicitor on this basis.

For all these reasons, the residential element of the proposal is considered to be acceptable.

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Outline Business/Employment Proposal

Principle

The policy framework and SPD 'Land to the Rear of the Alexandra Hospital Development Brief was adopted on 17.9.07 identified the need for the B1 units within the plan period 2006-2011 on site IN69. This is also embodied in the Emerging Local Plan 4.

The objectives to provide a parcel of land suitable of B1 development that is fully and results in a high quality designed scheme that will have no adverse impacts on neighbouring properties or the activities of the neighbouring hospital.

The site is accessible and can be seen as enabling the potential employment uses to come forward. Members will note two linked conditions are recommended, to cover the full residential element of the proposal and also the outline B1 elements, such that the residential should commence within the usual three years from granting of consent, and that the B1 element cannot commence until the relevant outstanding reserved matters have been granted and that these should be submitted within three years of the consent being granted and implemented within five years. This reflects the usual standard conditions, but combines them appropriately for the nature of this application.

Highways

There are no concerns raised by the Highways Officer, subject to the imposition of suitably worded conditions in relation to the access road and the access point and therefore there are no concerns raised regarding access and safety. Matters of pedestrian/cycle access and parking requirements would be dealt with under the detailed layout provided in a future application and so are not of concern here. The adjacent highway is of a suitable standard that it could support a future bus service which might assist in accessing the site sustainably, however bus service provision is not a matter that can be controlled through the planning arena.

Design of the Development

Comments have been received with regard to the design of the development however as noted above the development is subject to any design considerations at a later stage and any indicative designs should be treated as such.

Other matters

Matters of scale, appearance, layout and landscaping are reserved for a future application where such details would be provided and considered under the policy framework at that time.

Members will note that there are marketing obligation requirements directly related to the business element of the proposal and this area is subject to appropriate marketing strategies embodied into a S106.

Conclusion

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In consideration of all the above matters the proposal meets the NPPF challenges to provide development that is sustainable and that the development meets the economic, social and environmental role in compliance with the relevant local and Framework principles and in detail and would be unlikely to cause harm to interests of amenity or safety, providing conditions and appropriate legal mechanisms are imposed .

RECOMMENDATION:

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

- a) The satisfactory completion of a S106 planning obligation ensuring:**
- Highways matters as agreed with the County Highways Authority through S278 and S38 agreements through on site changes to and improvements on the junction with Nine Days lane and Green Lane
 - A contribution towards education provision
 - Arrangements for the provision and maintenance of the on-site open space provided and maintained by the developer
 - Mechanisms towards off-site playing pitch provision
 - 39 residential units to be provided as affordable housing and retained as such in perpetuity (insofar as Right to Buy or Acquire legislation permits)
 - A contribution towards the provision of wheelie bins for each dwelling on the development
 - Replacement of hedgerows and grassland management/improvement of Spiders Meadow and Bordesley and long term management programme
 - Town centre strategy contribution; and
- b) The conditions and informatives summarised below:**

Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason :- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) Development on any part of the site shall not commence until all reserved matters or full permission have been granted approval for that part of the site, as applicable.

- b) Application for approval of matters reserved in this permission shall

be made to the Local Planning Authority in respect of each element of B1 uses of the development as agreed with the Local Planning Authority not later than 3 years from the date of this permission.

c) The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.

d) The matters reserved for subsequent approval include the following:-
Layout, scale, appearance and landscaping for the B1 uses of the site

Reason:- In accordance with the requirements of Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

- 3) Prior to the commencement of residential development details of the form, colour and finish of the materials to be used externally on the walls and roofs of the dwellings and garages and details of the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area and in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3.

- 4) Prior to the commencement of the residential and commercial element of the development, details of measures to enhance biodiversity across the site, (based on the Biodiversity Outline Plan) and or amendments, shall be submitted to and approved in writing by the Local Planning Authority.

Where reserved matters are required, these details should be included within any landscaping reserved matters application. The development shall be implemented by the Management Company in accordance with the approved details within the Biodiversity Management Plan as set in the proposals. These details shall be subject to review, amendment and monitoring by the Management Company through the developer and shall be retained as such.

Reason: In the interests of sustainability and biodiversity and in accordance with Policies CS2, B(NE)1a and B(NE)3 of the Borough of Redditch Local Plan No.3.

- 5) Details of the method of construction and surfacing materials to be used within the Root Protection Areas (RPAs) as shown on plan 6507- A- 03 D of trees shall be submitted to and approved in writing by the Local Planning Authority. The works shall then proceed in accordance with the approved details.

Reason: In the interests of the longevity of the trees, the construction method and surface materials need to be appropriate.

- 6) No part of the development hereby approved shall be occupied or brought into use until full details of a landscape management plan, to include long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned domestic gardens) and Nature Conservation proposals, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall cover a period of at least ten years from the commencement of occupation of the development and the approved plan shall be fully implemented and all landscaping to which the plan relates shall continue to be maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To secure the effective and ongoing maintenance and management of landscape areas in the interests of visual amenity and community safety and in accordance with Policy CS.8 of the Borough of Redditch Local Plan No.3.

- 7) No part of the residential or commercial development hereby permitted shall not be first occupied until the highway improvements/offsite works/site access comprising:-
1. the proposed site access to include the change of priority junction on Nine days Lane, the site access gateway feature, the footpath/cycleway crossing of the site access and the access junction to the commercial area all as generally indicated on drawing 14070 113 revision C,
 2. the footpath/cycleway/emergency access between the western end of the site and Green Lane as generally indicated on drawing 14070 S278-2,
 3. the footpath/cycleway access between the eastern end of the site and Green Lane to include a new section of footway on the north side of Green Lane to connect the access with the existing footway to the east as generally indicated on drawing 14070 S278-1,
 4. the proposed parking scheme on Nine Days Lane as generally indicated on drawing T15006 104 revision B, and
 5. lighting of the existing footway/cycleway (Footpath 47) between the site and Woodrow Drive have been constructed and completed.

Reason: To ensure the safe and free flow of traffic onto the highway.

- 8) No part of the residential or commercial development hereby approved shall begin until a Construction Management Plan to include details of:
- a. Parking for site operatives and visitors

- b. Area for site operatives' facilities
- c. Parking and turning for delivery vehicles
- d. Areas for the storage of plant and materials
- e. Wheel washing equipment
- f. Boundary hoarding (set clear of any visibility splays) has been submitted to, and approved in writing by, the Local Planning Authority. Only the approved plan shall be implemented throughout the construction period.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety and To prevent indiscriminate parking in accordance with the NPPF and Policy CS6 of the Borough of Redditch Local Plan No.3.

- 9) The development hereby permitted shall not be brought into use until the accesses, turning areas and parking facilities for the residential element of the application shown on the approved plan have been provided. These areas shall thereafter be retained and kept available for those users at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 10) Prior to the occupation of the residential development a marketing strategy for the B1 development land shall be submitted and approved in writing by the Local Planning Authority. Marketing shall be carried out in accordance with the approved strategy.

Reason: To encourage the provision of B class accommodation in the town on a designated site in accordance with Policy E(EMP)6 of the Borough of Redditch Local Plan No.3 and the NPPF.

- 11) The development hereby permitted shall not be brought into use until the applicant has submitted to, and have approved in writing by, the Local Planning Authority an Employment Travel Plan for the commercial element of the application that promotes sustainable forms of access to the site. In order to reduce car travel and increase travel by more sustainable transport modes the Plan shall specify targets for mode share shifts to be achieved within 5 years of the first occupation of the site. The Plan shall be implemented and monitored in accordance with its terms. In the event of failing to meet these targets at the end of the 5 year period, a revised Plan shall be submitted to and be approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority.

Reason: To reduce vehicle movements and promote sustainable access.

12) Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation as outlined in the Phase I survey (URS) dated March 2013 and Phase II survey (GRM Development Solutions), must not commence until conditions a to e have been complied with:

a A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

b Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

c Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

d The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

e Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning

Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 13) Prior to the commencement of development, details of the play equipment, surfacing and means of enclosure of the play area shall be submitted to and approved in writing by the local planning authority. The equipment and associated works shall be implemented in accordance with the approved details prior to the occupation of the residential development and retained as such in perpetuity.

Reason: In the interests of having sufficient leisure facilities for the occupiers of the site and the wider area.

- 14) Prior to the commencement of development on site the developer must provide an air quality impact assessment. The air quality impact assessment must be undertaken by a suitably qualified professional (s). The Air Quality Impact assessment must consider the impact of the development on local air quality and relevant sensitive receptors, the impact of existing local air quality on the development and relevant sensitive receptors and any necessary mitigation measure required. Additionally, the cumulative impact of all locally committed developments (small scale and large scale major sites > 10 properties) on existing local air quality must be considered to assess if further mitigation measures, other than those recommended as part of the above, are required,

The details of all required mitigation measures identified as part of the above must be agreed with Local Planning Authority. All required mitigation measures must be carried out in accordance with the details agreed by the Local Planning Authority prior to the operation/occupation of the development

Reason: To assess the potential health risks to relevant sensitive receptors from local air quality and identify mitigation measures. NPPF paragraph 124 states "Planning policies should sustain compliance with and contribute toward EU limit values or national objective for pollutants, taking into account the presence of Air Quality Management Area and the cumulative impacts on air quality from individual sites in local areas. The new development should ensure that any new developments in Air Quality Management Areas is consistent with local Air Quality Action Plan

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- 15) Secure cycle parking facilities should be provided at the development as determined by Worcestershire County Council LTP3 Policy and AQAP Measure 5.3.7. Full details of the location, type o rack, spacing, number, method of installation and access to cycle parking should be submitted to and approved by the Local Planning Authority prior to the prior occupation of the development

Reason : In order to contribute to wider sustainability in accordance with paragraph 29 of the NPPF.

- 16) Prior to the occupation of the residential development a scheme detailing installation of an electric vehicle charging point (EVCP) shall be submitted to and approved by the Local Planning Authority. This scheme shall include specifications of the EVCP where they will be located and these shall be operational upon occupation of the development.

Reason: In order to provide development in accordance with air quality principles and paragraph 35 of the NPPF.

- 17) Prior to the occupation of the commercial development a scheme detailing where electric vehicle charging points (EVCP) shall be submitted to and approved by the Local Planning Authority. This scheme shall include specifications and these shall be operational upon occupation of the development

Reason: In order to provide development in accordance with air quality principles and paragraph 35 of the NPPF.

- 18) Prior to the occupation of the development hereby approved (outline and reserved matters/Detailed) a full lighting scheme shall be submitted in writing in accordance with the recommendations of Bat Survey Report Dated February 2016. This scheme shall be implemented in accordance with these recommendations and shall be retained as such in perpetuity.

Reason: In order to ensure a lighting scheme is provided in line with protected wildlife and recommendations and in accordance with policy B(NE)3 and the guidance contained in the NPPF

- 19) Prior to the commencement of the development of site details of the footpath link shall be provide in writing for approval by the Local Planning Authority. This link shall be and shall be implemented in accordance with the details provided and retained as such in perpetuity.

Reason: To secure a sustainable pedestrian connection from the site and to improve permeability. In accordance with saved policy B(BE) 13 of the Redditch local Plan

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- 20) Full details of the final scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details approved shall be fully implemented prior to first use or occupation of the development.

Reason:- To allow proper consideration of the proposed foul and surface water drainage systems and to ensure that the development is provided with a satisfactory means of drainage and in accordance with National Planning Policy Framework.

- 21) Prior to development commencing full details of refuse storage /bins facilities shall be submitted to and approved in writing by the Local Planning Authority. The details thus approved shall be fully implemented prior to first use or occupation.

Reason:- In the interests of providing adequate refuse storage capacity in a visually acceptable manner. To ensure refuse storage is reasonably accessible to facilitate the collection of refuse from the development. In the interests of amenity and in accordance with Policies B(BE).13 and B(BE).28 of the Borough of Redditch Local Plan No.3.

- 22) Prior to the commencement of development on site details of the barrier control mechanism to limit access from and to Green Lane by emergency vehicles only shall be submitted and approved in writing this access shall be implemented and retained in perpetuity.

Reason: To ensure a well designed development and ensure no through access and associated highway safety.

Informatives

- 1) HN1 - Mud on Highway

The attention of the applicant is drawn to the need to keep the Highway free from any mud or other material emanating from the application site of any works pertaining thereto.

HN2 - Public Rights of Way Affected

A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act, 1990, provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.

HN6 - Section 278 Agreement

No work on the site should be commenced until engineering details of the improvements to the Public Highway have been submitted to and approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

HN7 - Section 38 Agreement Details

If it is the Developer's intention to request the County Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to the County Council's Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act, 1980, entered into.

HN8 - Drainage Details for Section 38

It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, the County Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The applicant is, therefore, advised to submit the Engineering details referred to in this conditional approval to the County Council's County Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP at an early date to enable surface water disposal arrangements to be assessed.

Procedural matters

This application is reported to Planning Committee for determination because the application is for major development (more than 1000 sq metres of new commercial / Industrial floorspace), and as such the application falls outside the scheme of delegation to Officers.