

**PLANNING
COMMITTEE**

12th September 2018

Planning Application 18/00169/FUL

Full application for 42 dwellings, following the design parameters set within application: 17/00542/OUT. Residential development on previously approved employment area.

Land On Green Lane, Green Lane, Wire Hill, Redditch, Worcestershire.

**Applicant: Mr Luke Webb
Ward: Greenlands Ward**

(see additional papers for site plan)

The author of this report is Helena Plant, Planning Officer (DM), who can be contacted on Tel: 01527 881335 Email: h.plant@bromsgroveandredditch.gov.uk for more information.

Site Description

The application site extends to 1.06 ha (2.62 acres) and forms a roughly rectangular parcel of land situated to the south of the Alexandra Hospital and to the north of Green Lane, Redditch. The land is owned by two parties; a triangular portion on the western side is owned by the Borough Council with the remaining portion being owned by the Homes and Community Agency. Both these parties have been served the appropriate notice under certificate B.

Ancillary development associated with the Hospital is located to the north of the site with the residential area of Batsford Close and Nine Days Lane to the west. Dividing the site from Batsford Close is the route of a dismantled railway which now provides a footpath/cycle link to agricultural land to the south of the site and extends into land administered by Stratford-on-Avon District Council. This footpath/cycle route is tree lined and reflects the soft tree lined boundary of the southern margins of the site

The site is devoid of dividing hedges or stand-alone trees and levels drop towards the southern boundary and towards the east. The site has been cleared following the granting of permission 2016/118 and subsequent amendment 2017/00542 both of which were Hybrid applications. Application 2017/00542 allowed for the construction of 140 dwellings and that scheme, which sits to the east of the site, is underway with a number of residential units being occupied.

This application site is related to permission 2017/00542 in that it was the subject of consent (in outline) for office development.

Proposal Description

This application is submitted in Full and seeks consent for 42 residential dwellings and associated works. Of these dwellings 29 would be market housing with 13 affordable units.

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As with the adjoining development, the dwellings proposed have a traditional design detail running through with a mixture of brick detailing, eaves dentil courses and projecting bay windows helping to add interest and variety to the development. The dwellings are largely brick construction, under a tiled roof, there are also a limited number of rendered units. The units are arranged to provide a mixture of terraced, semi-detached and detached dwellings. A pair of bungalows and small flatted unit are included.

Development approved under 2017/00542 retained the existing vehicle access arrangements in that the existing residential area (Batsford Close etc.) retains vehicular priority, with the new development being accessed off Nine days lane with a 'give way' provision on exit. This situation is retained in the current proposal. The subtle changes to road alignments and associated matters such as lighting, pavement extensions will be provided by the S278 Agreement which is agreed and determined by the Highways Authority and implemented by the developer.

The site is to be accessed from within the existing approved residential layout, with a spur road which runs into the centre from the east. This will provide access north and south to dwellings which will be oriented to front onto the footpath/cycle way (plots 150 -176). The turning head at the southern boundary of the site will be extended to provide access for a small group of dwellings along this boundary (plots 177 - 180). The result is largely of outward facing development with gardens abutting each other to the rear. A mix of single or detached garages sit behind the rear elevation of dwellings, whilst there are some areas of communal parking around plots 152 -156 and 139 and 161.

The housing scheme is self-contained, (i.e. there is no public route through the development onto Green Lane). Pedestrian pavements within the site follow the road layout along with further leisure routes running through and round the open space provision within the adjoining development. 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, are all located in the adjoining residential development to the east.

The application is supported by a number of reports:

Marketing report
Ecological appraisal
Landscaping Plan
Planning statement
Transport assessment addendum
Detailed plans and elevations and associated information (landscape plans, materials plans, boundary treatments etc.)

Relevant Policies

Borough of Redditch Local Plan No. 4

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Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Settlement Hierarchy
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 Primarily Employment Areas
Policy 26: Office Development
Policy 39: Built Environment
Policy 40: High Quality Design and Safer Communities
Policy 47: Land to rear of the Alexandra Hospital

Others

National Planning Policy Framework (2018)
NPPG National Planning Practice Guidance
Employment Land Review 2013
Employment Land Supply in Redditch Borough 2011- 2017
Employment Land Monitoring SPG
Rear of Alexandra Hospital SPD
Encouraging Good Design SPG
Open Space Provision SPD
Designing Community Safety SPD
Planning obligation SPD

Relevant Planning History

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.	Approved subject to Section 106 Agreement	23.01.2017
17/00542/OUT	Revised Hybrid layout for 2016/118/	Approved	15.02.2018

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OUT (for detailed residential element to provide 140 new homes) plus associated access and works. (House type changes and substitution of plots) subject to Section 106 Agreement

Consultations

North Worcestershire Economic Development and Regeneration

Summarised as below;

Our original comments identified a number of deficiencies with the marketing report that was submitted to support the planning application. The further revisions of the report have gone some way to helping resolve these identified issues.

Our starting point is always to resist the loss of commercial land to other uses, as once it has gone it will not be readily replaced. However, in this instance the applicants have provided evidence (Marketing Report Rev E) that helps to substantiate the case for considering alternative uses at the site. The opportunity has been marketed for the required period of time and this has not resulted in any firm interest from commercial operators, as is evidenced by the supporting information provided by the applicants, which includes the schedule of enquiries.

Whilst it is always with regret that employment land is considered for other uses, in this instance it is considered that the applicants have been able to provide supporting information that suggests the site has not proved to be attractive for commercial operators and therefore, could be considered for alternative uses. The evidence and report provided therefore help to satisfy the criteria set out the Redditch Local plan No. 4 (Policy 24), which dictates how applications such as this should be considered.
30.08.2018

Leisure Services Manager

Summarised as below;

Based on the additional units and the increased demand on play and sports areas, provision should be made to expand/improve /enhance the existing play provision onsite for toddler/junior to cope with additional residents. Where provision is not feasible on site appropriate calculated sums are required for the provision to be met off site. 15.05.18

Natural England

Summarised as below;

Provides advice on a number of areas covered by the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017.

- States no objection with respect to statutory nature conservation sites.
- Advises LPA to examine and apply NE standing advice with respect to protected species.

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- The site affects a Priority Habitat as defined and as such the LPA should aim to conserve and enhance biodiversity. If significant harm cannot be avoided, mitigated, compensated for then permission should be refused.
- LPA should ensure development isn't adjacent to a local site (local wildlife or local nature reserve) and impacts are understood
- LPA should consult NE if development affects SSSI

21.02.18

Arboricultural Officer

Summarised as below;

The revised development proposal does not seek to remove any more vegetation or trees than previously indicated in the Proposed Hybrid Layout. The revised proposals do not alter the influence on the existing tree stock either within the site or along the eastern or southern boundary tree belts.

No objections to the revised soft landscaping proposals with respect to species selection and tree location. Recommends conditions. 22.02.18

Parks & Green Space Development Officer

No Comments Received To Date

Senior Community Safety Project Officer Community Safety

No Comments Received To Date

Strategic Planning and Conservation

Summarised as below;

This proposal is contrary to Policy 47 - Land to the rear of the Alexandra Hospital, unless the criteria in Policy 24 - Development within primarily Employment Areas can be satisfied.

The applicant has addressed criteria (i) and (ii) of Policy 24 - Development within Primarily Employment Areas. With regard to criterion (i), loss of this land for employment uses will not cause or accentuate a significant shortage of land for employment use in the Borough.

With regard to criterion (ii) and the viability of the land for employment uses, the applicant has undertaken a period of unsuccessful marketing and demonstrated this through the submission of a Marketing Report, albeit that some advice from officers relating to supporting evidence was not taken on board. 31.08.18

Education Authority

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No objections. Market housing will be required to pay contributions for education based on additional Children. Families and Communities have undertaken a full assessment of the proposal note that the application includes for the following additional open market dwellings: 4 x 2 bed, 16 x 3 bed and 9 x 4 bed. The proposal will put additional pressure on school places in the area particularly in the first school phase of education.

The contribution on the increased number of dwellings be consistent with the remainder of the site submitted under 2016/118 and 17/00542. 26.03.18

WRS - Contaminated Land

Summarised as below;

Records indicate filled ground (NE) and railway ground land (NW corner) are within 250m of the site. Recommends conditions relating to contamination and landfill/ground gases accordingly. 07.03.18

North Worcestershire Water Management

Summarised as below;

The vast majority of the site is classified as Flood Zone 1 and the risk of fluvial flooding is therefore considered to be low.

With respect to surface water there are areas of risk across the site with pooling located around existing drainage features. As the site typically has sloping gradients care needs to be taken to ensure that individual plots are designed appropriately. However it is not considered that there is significant flood risk from this source.

There is an existing flood risk assessment covering the original outline planning application 2016/118/OUT. The information in this assessment relating to flood risk of the site is also applicable to the application. However addition information about the runoff from this additional part of the site is required. Recommends conditions controlling runoff rates and drainage details. 05.03.18

Housing Strategy

Summarised as below;

Satisfied with the provision of 13 affordable housing units in the positions shown. Requires the tenure to be confirmed (and suggests a pattern) and for delivery to follow the requirements of phase 1 of the development. 16.05.18

Highways Redditch

Summarised as below;

The evidence presented comparing the trip generation from the consented B1a development to the proposed C3 dwellings confirms that the impact from the proposed development is a net benefit compared to the traffic generation that could occur.

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Therefore from a transport perspective the principle of residential development in lieu of employment land is acceptable.

This application will require amendment to the consented scheme as it alters the access arrangements by removing the access to the employment land and introducing a new residential road. The prospective section 38 agreement requires amendment and this will have implications for the ability for that agreement to proceed due to the design alterations. Additionally it should be noted that the applicant has decided to retain the estate as a private development and therefore the new residential road cannot be adopted as a future highway. Areas of the layout do not represent an optional design (i.e courtyard accessed between plots 160-162). However given the private nature of the estate there are no implications for the publicly maintained highway and the accessibility to parking areas will be a matter of consideration for the future householder.

It will be necessary to amend the previously agreed section 106 planning obligation to remove the payment associated with the employment land and ensure it reflects the impact of this development.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted and consultation responses from third parties the Highway Authority concludes that there would not be a severe impact and therefore there are no justifiable grounds on which an objection could be maintained.
09.03.18

Landscape & Countryside Manager

No Comments Received To Date

NHS (England)

No Comments Received To Date

Crime Risk Manager

No objections or comments regarding this application. 20.02.18.

Waste Management

Summarised as below;

No objections. S106 contributions needed to go towards cost of bins. 08.05.18

Worcestershire Wildlife Trust

Summarised as below;

No objection, but recommend conditions to cover the biodiversity recommendations referenced by FPCR. 17.05.18

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Fire Officer

No Comments Received To Date

Stratford- On- Avon District Council

Stratford-on-Avon District Council raise concern to the loss of the area for employment purposes and would seek strong justification that all sale routes and other acceptable employment uses have been explored before any other possible use of the site can be approved. 31.05.18

Severn Trent Water Ltd

Summarised as below;

No objections to the proposals subject to the inclusion of conditions. 16.02.18

Worcestershire County Council Countryside Service

Summarised as below;

The proposal should have no detrimental effect on the public right of way provided that the applicant also adheres to the following obligations: No disturbance to path width, surface, no storage of materials on the path, no vehicle movements to interfere with the right of way, no additional barriers to be placed on the path. Refers to NPPF para 75 where policies protect and enhance rights of way and Circular 1/09 which sets out that PROW's are material considerations. 06.03.18

Town Centre Co-ordinator

Seeks S106 monies to support public realm improvements in Alcester Street (section remaining near the library and continuing into Market Place). (Scheme previously contributed to is incomplete at moment) 26.06.18

Public Consultation Response

A total of 83 neighbour notification letters were sent on 15.02.18.

Site notices were displayed on 13.03.18

The development was advertised in the Redditch Standard on 09.02.18

One representation and two objections have been received and summarised as below;

- Impact on Batsford close residents will be greater
- Questions final arrangements for road junction improvements
- Poor and dirty condition of road during development
- Questions if double yellow lines are to be used given on street parking
- Need for improvements on to Woodrow Drive; lights or roundabout.

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- Considers change from business to residential is a good thing but objects to access from Oakdale Road. Considers access should be closer to the junction with Nine Days Lane so reducing traffic flow through the estate being better for families and improving safety as there would be a junction.

In addition four other representations have been received, these are summarised below;

Stratford-on-Avon District Council raises concern to the loss of the area for employment purposes and would seek strong justification that all sale routes and other acceptable employment uses have been explored. 16.05.18

Studley Parish Council refers to retaining the gap between Studley and Redditch as being identified in the adopted plans of both Council's. Not using the site for business use increases the demand for sites such as the Eastern Gateway which leads to the loss of green belt land. Questions the suitability of emergency access route. Suggests some homes should be specifically allocated for Hospital employees. 16.05.18

Ward Member for Studley with Mappleborough Green; (Cllr Kerridge) states the all site boundaries should be enhanced to reduce the visual impact from Green Lane and the wider countryside and benefit public amenity. Distances of plots from boundaries should be maximised. Lighting should be low impact and low level. Emergency entrance to Green Lane should not be for general use. Advocates new planting here. 16.05.18

Ward Member for Studley and Sambourne; (Cllr Hazel Wright) notes that land was allocated in Stratford-on Avon District to serve the employment needs of Redditch. If it is now acceptable to develop the site for housing instead what is the value of the plan process and why is land outside Redditch needed for housing. 18.03.18

Assessment of Proposal

The Principle of the development

The Borough of Redditch Local Plan No 4 (BoRLP4) designates land to the rear of the Alexandra Hospital as a 'Strategic Site' as detailed in Policy 47. The site provides a sustainable location for a mixed use development of employment and housing, thus assisting in meeting the vision and objectives of the plan and strategic needs for the period 2011 - 2030.

The application site is specifically identified for employment purposes within this strategic allocation (site reference IN69 on the proposals plan.) Policy 47 sets out the principles to be applied to delivery of the site establishing that with respect to the employment element it should "incorporate a minimum of 5000sqm (1.85ha) of B1 office development or employment development that is medically related".

Borough of Redditch Local Plan No.4 (BORLP4) was adopted on 30 January 2017; therefore all planning applications should be determined with regard to the policies in the

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Plan. This proposal, for residential development on the part of the site identified for employment purposes, is not in compliance with Policy 47.

Ensuring the availability of sufficient and suitably located employment land for the plan period is important to the economic wellbeing of the Borough. Policy 23 sets out that around 55 hectares of land are required for employment purposes up to 2030. The policy seeks to guide the location and development of employment land whilst remaining flexible to the changing economic climate. The Employment Land Review (ELR) is the evidence base used to understand the demand and supply of employment land within the Borough.

Policy 24 (Development within Primarily Employment Areas) sets out that development which would restrict the ability of employment areas to provide for employment needs will not be permitted. However it does establish a limited set of circumstances when non-employment development could be permitted, including;

- (i) such development would not cause or accentuate a significant shortage of land for employment use in the Borough or area concerned ; and
- (ii) it is no longer viable as an employment area either following a period of unsuccessful marketing or a viability assessment . Consultation must be undertaken with the Economic Development and Reeneration to ascertain this; or
- (iii) the site is no longer appropriate for this use due to one of a number of unresolvable reasons (i.e. residential amenity/environmental impacts).

24.7 establishes that in considering the impact of the loss of employment land that regard will be had to the individual and the cumulative effects of that loss as well as the qualitative nature of the supply. The Council will consider if the proposal will detrimentally impact upon employment land provision and if the applicant can demonstrate the site is unable to be developed due to constraints and or other issues, then it may be that, an alternative use can be accepted.

The applicants have presented a Marketing Report (revision E received 24th August 2018) which address points i) and ii) of Policy 24. This report examines the context of the site within the objective of 55 ha of employment land being required up to 2030 and includes a commentary around the amount and nature of office space available in the town centre, the characteristics of the local market and information about comparable sites. This concludes that the loss of this site would not cause or accentuate a significant shortage of land for employment use in the Borough or area. The Council's Employment Land Supply monitoring document (2017) indicates a supply of 62.89 hectares was available in 2017. Taking this into account, along with the size of the site at 1.06 hectares, Officers do not consider that the loss of the site would cause or accentuate a significant shortage of employment land for the Borough at this time.

The Marketing element of the report tracks the history, scope and results of the marketing exercise. Marketing was initiated in June 2015 and formalised in Nov 2015 and thus had been running for 2 years and 3 months at the date of the submission of the current application (in line with ELM SPG Para 2.10). The Council, in conjunction with Economic

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Development Colleagues, have robustly examined the type of enquiries received during this time, their relevance to the allocation of the site and the efforts made by the applicant to secure the correct type of end users on the site. It is concluded however that there has been no firm or appropriate interest in the site for its B1 employment use. The lack of demand for office space in the Borough as a whole, combined with the amount of space currently available has contributed to this outcome. This conclusion is specific to this site and indeed its locational characteristics, not being part of a business park or close to a motorway location, has possibly played a part in reaching this view.

The applicants have demonstrated therefore that the loss of this parcel of land would not constrain the future supply of employment land as a whole and the land has been shown to not be suitable for employment purposes following a marketing exercise. In the context of the wider strategic allocation in Policy 47 the principle of housing on the site, subject to compliance with other criteria, is therefore an acceptable alternative proposal.

Turning back to the design and environment and infrastructure criteria of Policy 47 the following is noted;

Design

The layout of the development responds to the locality and reflects the development being implemented to the immediate east of the site. Dwellings are arranged so as to front onto the access roads/cycleway with private amenity spaces to the rear creating natural surveillance with 'on plot' parking helping to provide a safe and secure environment with good natural surveillance. Residential amenity within the development is protected as a result of the design, orientation and levels of the proposed dwellings and the layout generally complies with guidance in the Council's adopted Design Guide. The applicants Planning statement outlines how the proposed layout satisfies the requirements of Policy 40 for development to be of High Quality in line with the NPPF (2018)

House types reflect the ongoing development with a mixture of traditional detailing and materials. Consideration has been given to the frontage areas within the development with the use of plots designed to fit on corner positions, continuation of features such as walls at important road junctions as well as sensitive use of hard surfacing and landscaping to publically visible areas. Plots the western margins of the site are sufficiently set off the tree lined boundary to the cycleway to ensure the character of this area is protected. There are no adverse impacts on the amenities of existing residents of 'Wirehill' or to the properties in Green Lane given the topography, strong retained planted area on the south and adequate distance between dwellings. The land is used effectively and achieves a density of 41 dph in line with adopted Policy 5.

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, which includes the functioning of the hospital to the north and the existing residential development to the east and west.

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Housing type and tenure

Policy 6 requires sites of more than 11 dwellings to make a 30% contribution to affordable housing, with onsite provision and a suitable mix of types and sizes of dwellings. As a result 13 affordable units, (including 2 bed and 3 bed houses) are provided within the development as well as a single flatted unit. The provision, tenure and retention of these units in the long term needs to be addressed through an appropriate legal mechanism, and subject to that control, the scheme is acceptable to the Housing Strategy Officer.

With respect to the wider market housing it is noted that 20 of the 29 units provided are 2 or 3 bedroomed units (including 2 bungalows) with the remaining 9 units being 4 bedroomed. This mix of housing sizes is considered to be consistent with the objective of providing a range of units but also of addressing the specific needs of the Borough as a whole as required by Policy 4.

Natural features and ecology

With respect to natural site features, especially its biodiversity and its relationship with the Rough Hill and Wire Hill Woods SSSI, Members will be aware that the current development included extensive surveying of the wider land parcel. This highlighted a number of species present on the site which required protection measures/compensatory measures to ensure that no undue harm would occur. Some species (Slowworms) required a specific off site translocation agreement to be provided for, whilst other species were subject to the requirements of some conditions, satisfactorily retained onsite. Other aspects such as the increasing wet land opportunities around the attention pool on the wider site have helped to encourage biodiversity within the new development in compliance with adopted policies and the guidance in the NPPF.

The site has been cleared and has remained fallow since that time. The current Ecological Appraisal (dated January 2018) concludes there are no ecological constraints on the site as there are no habitats of value or vegetation suitable to support protected species. Mitigation has already been addressed through the previous application, however in line with adopted policies enhancement of biodiversity opportunities is required by condition.

Drainage

There is an existing flood risk assessment covering the original outline planning application 2016/118/OUT. This identified the site as being in Flood Zone 1 where the risk of fluvial flooding is considered to be low and the information in this assessment relating to flood risk of the site is also applicable to the application.

As part of previously approved development an attention pool and associated drainage channel alterations were proposed. Drainage engineers assessed the scheme and were satisfied that subject to conditions that this arrangement was acceptable. This provision

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remains relevant to the current scheme and subject to the imposition of conditions is acceptable to statutory consultees.

With respect to surface water runoff flood risk, based on the EA surface water flood risk mapping there are areas of risk indicated across the site. Areas of pooling are generally located around the existing drainage features on such as the existing watercourse and ditches. As the site typically has sloping gradients care needs to be taken to ensure that individual plots are designed appropriately, i.e. FFL and landscaping. As advised by consultees, conditions are imposed to address this matter.

Tree planting

There is a strong mature tree buffer to the south of the site. This area which includes protected trees is of an extent and maturity that assists in integrating the site within the local landscape. Additional tree and hedge growth to the west of the site and lining the cycleway also contribute positively to the natural landscape immediately adjacent to the site. The Tree Officer has considered the impact of the development on these existing areas as well as the package of proposed planting within the site and subject to conditions protecting existing features, raises no objections in the context of Policy 16.

Green infrastructure and open space, play and recreation

Development of the adjoining site facilitated the provision of a leisure link pedestrian route around the site and around the retained landscape area and attenuation pond. This provided the opportunity for existing planted areas to be retained and enhanced through additional planting as well as providing important connectivity corridors between existing areas. The application site supports this approach by further enhancing the boundary to the west along the cycleway and ensuring it has a positive role within the development.

With respect to play and recreation provision, the adjoining site incorporated an area for toddler and junior play. The current proposal does not include such a provision within its boundaries however given the connectivity and proximity of the existing provision, utilising that facility is considered acceptable. Provision through a legal mechanism to improve the facilities to serve the additional development demand is proposed.

Provision for older (teenage) children and playing pitches was accommodated off site (Arrow Valley) as part of the associated development. A similar provision is proposed for the current scheme through a suitable legal mechanism to ensure that no long term deficiency of recreational facilities occurs.

Turning now to the second arm of Policy 47; Infrastructure, the following is noted;

Pollution/waste water/flood risk

The first three and last bullet point of 'infrastructure' require various assessments and considerations to be given to the sites aquatic environment. The outline application noted

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that the site had limited potential for flooding however standing water had been an issue historically with the natural land slope creating pooling at the south/southeast. The approved flood risk and drainage strategy on 2006/118/OUT provided for drainage channels and an attenuation pond to store and control the discharge of surface water from the site. These controls were considered acceptable to drainage engineers and ensured that the wider aquatic environment was satisfactorily protected. The current scheme utilises this approach and effectively connects to that system in order that this betterment to site drainage is still provided.

Transport assessment and infrastructure/connectivity

Application 2016/118 attracted significant public concern in relation to the impact of the development upon the highways network and highway safety. That application was subject to a full Transport Assessment (TA) covering traffic numbers, flows and projections at different peak times. It also covered the requirements to access the site and the associated impacts on the local highways network, but also 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. Local residents were 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 consideration of the impact of the development in a local and wider context. The TA acknowledged that whilst trip generation would significantly increase and would impact on the immediate road network, the impact was not considered to be 'severe'. Officers were 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, that this impact could be adequately mitigated for locally and in the wider highway network.

The current scheme includes a revised TA (TA Addendum 3) which addresses the key changes in so far as they relate to highways issues including; internal layout, removal of B1, increasing residential numbers and access arrangements to Nine Days lane.

It is concluded that;

- Internal layouts would still satisfactorily accommodate refuse and service vehicles.
- The removal of the B1 element results in a net reduction in two -way traffic generation compared with the approved scenario (table 3.2 morning peak hour reduced by 72 evening peak reduced by 55).
- The junction arrangements provisionally agreed as forming the basis of a section 38 agreement have been interrogated in the light of the additional demand and found to be robust and will continue to operate within capacity.

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Members will note that revised TA has been fully appraised by the County Council's Highways Officer who supports the conclusions above. It is noted that the internal roads of the estate will be retained as private and thus not adopted by the Highway Authority, but that subject to amendments to the legal agreement, the necessary agreements being in place and conditions, that no objections are made to the scheme.

The site will be in close proximity and easily accessible from the existing cycle footway to the west. This facility has been improved and extended along the side of Nine Days Lane as part of the agreement associated with the earlier schemes. In addition a recreational footpath link runs along the southern margins of the site providing linkage across the site towards the open space to the east. These features ensure the site has good connectivity with local infrastructure.

Conclusions

Borough of Redditch Local Plan No.4 (BORLP4) was adopted on 30 January 2017; therefore all planning applications should be determined with regard to the policies in the Plan. Residential use of this part of the strategic site does not accord with the type of development envisaged by policy 47. However the applicants have submitted site specific evidence that has satisfied Economic Development and Regeneration colleagues that the site has been appropriately marketed for a period of time with no relevant interest being expressed. Furthermore it has been shown that an alternative use of this land parcel will not cause or accentuate a significant shortage of employment land in the Borough as required by Policy 24. The exceptions set out in Policy 24 have therefore been met and in the context of the wider strategic allocation in Policy 47 the principle of housing on the site, subject to compliance with other criteria, is an acceptable alternative proposal.

In coming to this conclusion the advice in the NPPF (2018) is noted. Para 81 (Building a strong and competitive economy) sets out that Planning policies should *'d) be flexible enough to accommodate needs not anticipated in the plan ...and to enable a rapid response to changes in economic circumstances'*. Para 120 (making effective use of land) states Planning policies and decisions need to reflect changes in the demand for land. This paragraph discusses the need for regular reviews and where there is no reasonable prospect of an application coming forward for the allocated use criteria b) sets out that alternative uses on the land should be supported.

The requirements for development of the strategic site as set out by policy 47 have been considered as part of this report and the matters arising have been addressed by the submission details or are controlled by conditions and or legal mechanisms. It is noted that with respect to highways matters that there is a degree of betterment in associated with the number and number and timing of trips and this adds weight in favour of the scheme. The adjacent site is being built out at the current time and the provision of additional units on the application site will contribute to the Council's 5 year housing land supply position.

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Overall the development is considered to represent a sustainable form of development in accordance with the relevant development plan policies, where a departure from Policy has occurred this had been evidence and justified.

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.
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 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 in compliance with the SPG
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 13 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.

The applicant has expressed their broad agreement to the Heads of Terms as set out above and an agreement is being drafted with input from the applicant and the Council's solicitor on this basis.

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 that:**

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1. Highways matters as agreed with the County Highways Authority including:-S278 and S38 agreements for improvements to the local highway network.
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 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 in compliance with the SPG
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 13 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.

and

b) Conditions and informatives as 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) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Full application form

Marketing report Rev E By Harris Lamb job G4773 August 2018

Planning Statement by RCA ref RCA043ai January 2018

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Transport Assessment Addendum 3 dated Nov 2017
Ecological appraisal by FPRC January 2018

H7808-PL-01 A Amended Planning layout

H7808-BTP-01A BOUNDARY TREATMENT PLAN
1519-PL1-13A LANDSCAPING - SECTION 1
1515-PL1-14A LANDSCAPING - SECTION 2

DWB2 2 - - 7 PLANNING ELEVATIONS & FLOOR PLANS
H403 - - C7 PLANNING ELEVATIONS & FLOOR PLANS
H417 - - B7 PLANNING ELEVATIONS
H417 - - B7 PLANNING FLOOR PLANS
H433 - - - 7 PLANNING ELEVATIONS
H433 - - - 7 PLANNING FLOOR PLANS
H469 - - X7 PLANNING ELEVATIONS
H469 - - X7 PLANNING FLOOR PLANS
P204 - EC7 PLANNING ELEVATIONS & FLOOR PLANS
P231 - - D7 PLANNING ELEVATIONS
P231 - - D7 PLANNING FLOOR PLANS
P341 - E - 7 PLANNING ELEVATIONS
P341 - E - 7 PLANNING FLOOR PLANS
P382 - E - 7 PLANNING ELEVATIONS & FLOOR PLANS
SH27 - - X5 PLANNING ELEVATIONS & FLOOR PLANS
SH35 - - X5 PLANNING ELEVATIONS & FLOOR PLANS
SH39 - - X5 PLANNING ELEVATIONS & FLOOR PLANS
C2131 043A - Garages

REASON: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 3) Prior to the first occupation of the dwellings, a scheme to secure biodiversity enhancements on the site shall be submitted to, approved in writing by the Local Planning Authority and implemented on site. These enhancements shall accord with the Biodiversity Outline plan and reflect the contents of the Worcestershire Biodiversity Action Plan.

Reason; In the interests of improving the biodiversity credentials of the site in accordance with the Worcestershire Biodiversity Action Plan.

- 4) Retained trees and their Root Protection Areas (RPA) must be protected during the construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate. No storage of plant or materials shall occur within the RPA of any retained tree.

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Reason; To ensure the existing tree growth is protected and retained for visual amenity and landscape reasons.

- 5) The landscaping schemes forming part of the approved plans list shall be implemented in their entirety by the end of the first available planting season, following the first occupation of the dwellings hereby approved. Any plants or trees that fail or are removed or seriously damaged/diseased within 5 years of completion of the landscaping, shall be replaced with suitable sizes/species as originally proposed.

Reason; In order to protect the visual amenity of the site and ensure its integration into the immediate landscape.

- 6) No works or development shall take place until a scheme for foul and surface water drainage, along with a maintenance plan for this drainage scheme, has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall include a plan showing finished floor levels of the dwellings and associated garages. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff treatment. The approved scheme shall be completed in accordance with the approved scheme prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area and to minimise the risk of pollution. This is required prior to development commencing to ensure the matter is resolved adequately before the construction of the units starts and that this work is undertaken at the appropriate land level.

- 7) The Development hereby approved shall not be occupied until the access, turning area and parking facilities shown on drawing H7808-PL-01 A Amended Planning layout has been provided. These areas shall thereafter be retained and kept available for their respective approved uses at all times.

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

- 8) The development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing a Travel Plan for the residential element of the application that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator.

Reason: To reduce vehicle movements and promote sustainable access.

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- 9) The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's parking standards

- 10) 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 in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme commencing.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

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

- 11) The development shall make provision for the following;

(a) Gas protection measures (complying with CIRIA Characteristic Situation 2 as a minimum requirement) should be incorporated within the foundations of the proposed structures; or

(b) A risk assessment should be undertaken to establish whether the proposed development is likely to be affected by gas emissions from the landfill site, provided to and approved in writing by the Local Planning Authority, prior to the commencement of development. Such an assessment shall be carried out in accordance with current UK guidance and best practice.

(c) Where the approved risk assessment (required by condition (b) above) identifies ground gases or vapours posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such ground gases or vapours has been submitted to and approved in writing by the Local Planning

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Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

(d) Following implementation and completion of the approved remediation scheme (required by condition (c) above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

Reason: To ensure that the risk to buildings and their occupants from potential landfill or ground gases are adequately addressed.

- 12) No part of the 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)
 - g. Hours of operation for the construction phase of the development

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, in the interests of highway safety and to prevent indiscriminate parking in accordance with the NPPF.

- 13) Prior to the occupation of the development hereby approved, a full lighting scheme shall be submitted to and approved by the Local Planning Authority. That scheme shall be in accordance with the recommendations of Bat Survey Report Dated February 2016 as attached to 2016/118/OUT. 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.

- 14) Notwithstanding the submitted materials plan H7808-MDL-01A, prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs 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.

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Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area

- 15) The Development hereby permitted shall not be first occupied until each dwelling has been fitted with an electric vehicle charging point in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the charging point shall be kept available for the charging of electric vehicles.

Reason: To encourage sustainable travel and healthy communities.

Informatives

- 1) In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising from the application in accordance with the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The authority has helped the applicant resolve technical issues such as advising the applicant over the content and scope of the Marketing Report.

The proposal is therefore considered to deliver a sustainable form of development that complies with development plan policy. Where a departure from those policies occurs this has been justified.

- 2) Section 278 Agreement

The granting of this planning permission does not remove any obligations on the applicant to undertake a technical design check of the proposed highway works with the Highway Authority, nor does it confirm acceptance of the proposal by the Highway Authority until that design check process has been concluded. Upon the satisfactory completion of the technical check the design would be suitable to allow conditions imposed under this permission to be discharged, but works to the public highway cannot take place until a legal agreement under Section 278 of the Highways Act 1980 has been entered into and the applicant has complied with the requirements of the Traffic Management Act 2004. The applicant is urged to engage with the Highway Authority as early as possible to ensure that the approval process is started in a timely manner to achieve delivery of the highway works in accordance with the above mentioned conditions.

The applicant should be aware of the term "highway works" being inclusive of, but not limited to, the proposed junction arrangement, street lighting, structures and any necessary traffic regulation orders

- 3) Section 38 Agreement Details

If it is the applicant's intention to request the County Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense,

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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 by the County Council as Highway Authority and an Agreement under Section 38 of the Highways Act, 1980, entered into.

4) 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.

5) No Drainage to Discharge to Highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

6) Redditch parish footpath RD-610 crosses the access to the application site and is adjacent to the site boundary. The proposal should have no detrimental effect on the public right of way provided that the applicant also adheres to the following obligations:

- No disturbance of, or change to, the surface of the path or part thereof should be carried out without our written consent.
- No diminution in the width of the right of way available for use by the public.
- Buildings materials must not be stored on the right of way.
- Vehicle movements and parking to be arranged so as not to unreasonably interfere with the public's use of the right of way.
- No additional barriers are placed across the right of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.
- The safety of the public using the right of way is to be ensured at all times.

The applicant should note the National Planning Policy Framework requires polices to ensure the protection and enhancement of public rights of way and

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access. The developer should also be aware of the Department of Environment Circular 1/09 (part 7) which explains that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and that the grant of planning consent does not entitle developers to obstruct a public right of way. The Definitive Map is a minimum record of public rights of way and does not preclude the possibility that unrecorded public rights may exist, nor that higher rights may exist than those shown.

- 7) WRS recommend the applicant is advised that the following is required for validation of installed gas mitigation measures:

A technical specification of the membrane installed from the membrane supplier/producer confirming appropriate mitigation for the characterisation of the site gas regime and confirmation of installation by an independent third party such as:

a validation report from an experienced geo-environmental consultant including photos and/or; validation report from LA Building Control or NHBC inspector or registered membrane installer including photos.

If you have any further queries regarding this matter or information provided in support of the application requiring comment by the Land and Air Quality Team, please do not hesitate to contact us via wrsenquiries@worcsregservices.gov.uk or 01905 822799 quoting the above reference number.

Procedural matters

This application is being reported to the Planning Committee because the application requires a S106 Agreement. As such the application falls outside the scheme of delegation to Officers.

Procedural matters

This application is being reported to the Planning Committee because two (or more) objections have been received.

Procedural matters

This application is being reported to the Planning Committee because part of the site is in the ownership of Redditch Borough Council. As such the application falls outside the scheme of delegation to Officers.