

**PLANNING  
COMMITTEE**

13th November 2019

Planning Application 2016/077/OUT

Hybrid application comprising:

- 1) Outline Application (with all matters reserved with the exception of vehicular points of access and principal routes within the site) for the demolition of existing buildings and the erection of : Up to 2,560 dwellings (Class C3); Local centre including retail floorspace up to 900 sq metres (Classes A1, A2, A3) health and community facilities of up to 900 sq metres (Class D1) ; A 3FE first school (Class D1) (up to 2.8Ha site area) including associated playing area and parking and all associated enabling and ancillary works.
- 2) Detailed application for the creation of a means of access off Birchfield Road, Cur Lane, Foxlydiate Lane and emergency, pedestrian and cycle access to Pumphouse Lane. The creation of a primary access road, including associated cut and fill works and other associated earthworks, landscaping, lighting, drainage and utilities, crossings and surface water attenuation/drainage measures.

**Land To The West Of Foxlydiate Lane And Pumphouse Lane, Bromsgrove Highway, Redditch, Worcestershire, ,**

**Applicant: Heyford Developments Ltd And UK Land And Developments Ltd**  
**Ward: West**

**(see additional papers for site plan)**

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**1.0 Context and Site Description**

- 1.1 The site itself lies on the western edge of Redditch, approximately 3km west of the town centre, but largely within the administrative boundary of Bromsgrove District in the parish of Bentley Pauncefoot, and adjacent to the neighbourhood of Webheath in Redditch.
- 1.2 Approximately 1.3 hectares of the site is located in Redditch Borough (West Ward). This includes land forming part of the public highway on Foxlydiate Lane, and its junction with Cur Lane, Church Road and Great Hockings Lane, and on Birchfield Road and the field situated to the west of Nos. 12-18 Blockley Close. Accordingly, applications have been submitted to both Bromsgrove and Redditch Councils for determination. Bromsgrove District Council were minded to Grant planning permission at a special meeting convened on 14<sup>th</sup> October 2019. The formal decision notice will not be issued until a s106 agreement has been completed. Redditch Borough Council will be a signatory to that agreement; the heads of terms are summarised at section 27 towards the end of this report.

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- 1.3 The site predominantly comprises agricultural land and a number of historic field boundaries remain today, particularly within the southern half of the site. The residential neighbourhood of Webheath is located adjacent to the site on its eastern boundary, the majority of which was built towards the end of the 20th Century; its urban form comprising low density sub-urban development.
- 1.4 The site is irregular in shape, with its northern boundary predominantly bound by the A448 Bromsgrove Highway and the Foxlydiate public house. To the east lies the residential area of Webheath, where the site bounds Foxlydiate Lane, with the exception of land as part of Barn House Farm and Springhill Farm. The sites southern boundary runs along Pumphouse Lane, with further agricultural land beyond. The Spring Brook defines the lower western boundary of the site, before it reaches Cur Lane, with defines the upper western boundary, with the exception of a small parcel of land opposite Lanehouse Farm. The site boundary then follows Gypsy Lane, before it cuts eastwards. Beyond to the west is open countryside and agricultural land.
- 1.5 There are no existing habitable buildings within the site. Three existing agricultural outbuildings associated with Millfield Farm, are located on the site southern boundary, off Pumphouse Lane. A further agricultural outbuilding is located to the rear of The Yard, off Foxlydiate Lane.
- 1.6 The topography of the site is distinctive, rising by approximately 61m from the low of approximately 95m AOD at the south western 'tip' near the Spring Brook, to 156m AOD on the northern boundary near Holyoake's Farm close to the A448. Within these limits there is considerable variation in slope and orientation of the landform. There is a pronounced west to south westerly aspect to the slopes and roll in the landform of much of the site.
- 1.7 The long run of the land from the edge of Webheath between Cur Lane and the A448 has a generally western orientation. The most southern and eastern areas, where the site sits between the settlement edge and the Spring Brook, face a more north easterly direction.
- 1.8 The A448 dual carriageway runs along the north eastern boundary of the site linking Redditch with Bromsgrove and the strategic highway network.
- 1.9 Foxlydiate Lane, Church Road, Birchfield Road and Heathfield Road are roads adjacent to the site, which are subject to 30mph speed limits and cater for existing residential areas. These roads provide connectivity to local amenities and access to Redditch.
- 1.10 Cur Lane, which runs through the site, provides access to local farms, whilst Pumphouse Lane, which borders the south of the site, provides access to Church Road. Both roads are subject to the national speed limit.

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- 1.11 Foxlydiate Lane has footways present on one side of the road along its entirety; until it nears the junction with Birchfield Road, where the footway becomes present on both sides. When using these footways, access can be gained to other local roads in the residential area adjacent to the side and to local facilities.
- 1.12 The site benefits from a number of Public Rights of Ways (PRoW) which are located within the site boundary. This includes Monarch's Way which is of historical significance. The Monarch's Way footpath runs directly adjacent to and between the site, as it passes along the south eastern boundary and Cur Lane. Elsewhere, other public rights of way can be found within the site near the southern boundary of Pumphouse Lane and the western boundary of Cur Lane. A bridleway also crosses the site connecting Cur Lane and Birchfield Lane. The site benefits from very close proximity to National Cycle Route 5, which provides direct on-road connectivity into Redditch and Bromsgrove.
- 1.13 Redditch Railway Station, a GP Practice and a Secondary School can be reached within a 10 minute cycle journey from the edge of the site.
- 1.14 There are currently five bus services operating within one kilometre of the site. The nearest bus stop is located on Birchfield Road, within a five minute walk from the site. There is a good range of bus services in the locality offering frequent connections to Redditch town centre. All these services run to Redditch bus station, thus providing onward connection to other bus services. Redditch railway station is a short walk from the bus station, thus providing an easy connection with the train service into the West Midlands metropolitan area.
- 1.15 The site is bisected by two pipelines. A high pressure gas pipeline runs roughly east-west across the site, entering the site just north of Swallows Barn on Cur Lane and running in a north easterly direction and exiting the site north of a dwelling known as Hunters Hill. An Esso oil pipeline enters the site from a point just south of the Cur Lane / Gypsy Lane junction and runs north east and exits the site on the western edge of the A448. These features constitute constraints which are reflected in the layout. This is discussed further under the section headed Public Safety, later in this report.

**2.0 Proposal Description**

- 2.1 The application is submitted in hybrid form comprising elements seeking both full (detailed) and outline planning permission.

**Full planning permission is sought for:**

- the creation of a means of access from 3 locations off  
Birchfield Road,  
Cur Lane,  
Foxlydiate Lane

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and emergency, pedestrian and cycle access to Pumphouse Lane.

- The creation of a primary access road, including associated cut and fill works and other associated earthworks, landscaping, lighting, drainage and utilities, crossings and surface water attenuation/drainage measures.

**Outline planning permission (with all matters reserved with the exception of vehicular points of access and principal routes within the site) is sought for**

- the demolition of existing buildings, and
- the erection of : Up to 2,560 dwellings (Class C3); (40% of which would be affordable)
- Local centre including retail floorspace up to 900 sq metres (Classes A1, A2, A3) health and community facilities of up to 900 sq metres (Class D1) ;
- A 3FE first school (Class D1) (up to 2.8Ha site area) including associated playing area and parking and
- all associated enabling and ancillary works

- 2.2 In the event that permission is granted, subsequent reserved matters applications would be required to deal with the details of those matters approved in outline.
- 2.3 The application proposes 69.22ha of residential development (excluding land for the local centre and education uses) and would deliver up to 2,560 dwellings in a range of types and tenures. 40% of which would be affordable housing in accordance with definition prevailing in the NPPF.
- 2.4 A mixed use local centre of 0.46ha would be provided. It would include retail, health, community and residential uses. A mix of retail uses falling within A1, A2 and A3 with a maximum floor space of 900sqm, is proposed and health and community facilities with a maximum floorspace of 900sqm.
- 2.5 The development would provide a three form entry (3FE) first school which is located on a site of up to 2.8 ha.
- 2.6 49.29ha of public open space would be provided to include informal and formal open space, existing and proposed structural planting, drainage and play. Sustainable Drainage Systems (SuDS) would be provided within areas of public open space.
- 2.7 A masterplan and series of parameter plans have been submitted to guide the subsequent detailed stages.

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*Access*

- 2.8 Vehicular access to the proposed development would be taken from the following points;
- Birchfield Road
  - Foxlydiate Lane
  - Cur Lane
- 2.9 The primary access would be taken from Birchfield Road, where it meets A448 Bromsgrove Highway. The grade separated junction would be modified to accommodate a new signal controlled junction.
- 2.10 A pedestrian/cycle only access point would be taken from Pumphouse Lane.
- 2.11 The current alignment of Cur Lane from the Pumphouse Lane roundabout would be closed and replaced by a new road that would connect through the site to Birchfield Road. Cur Lane north of the Severn Trent pumping stations, would be reconnected into the new road via one of the estate roads.

*Primary and secondary vehicular movement routes*

- 2.12 The Primary vehicular route through the site would be between Cur Lane and Birchfield Road. This would both provide access to the whole development, but also provide an alternative route for existing residents from Webheath to the A448. A small number of properties may take direct access from this road, however this would be designed as a boulevard with landscaped areas including street trees, walk and cycle routes and some on-street car parking.
- 2.13 The Secondary vehicular routes through the site would be accessed off the primary route and provide a route to the various residential parcels of the new development. They would take direct access to properties. Pavements would be provided on either side, with some shared cycle routes and landscaping including street trees.

*Pedestrian and cycle movement*

- 2.14 Existing pedestrian and cycle access points to the site would be retained, along with the route of the bridleway and the existing Public Right of Way (PRoW).
- 2.15 Pedestrian and cycle access to the development would be available from Pumphouse Lane, Cur Lane, Foxlydiate Lane, the south western Barn House Farm site boundary and Birchfield Road. Pedestrians and cyclists would be provided with a network of permeable and direct routes, that connect the site with neighbouring communities and Redditch Town Centre. The National Cycle Network (Sustrans Route 5) passes through Webheath and there is an opportunity to create a high quality route through the development, including some off road segregated cycle paths.

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**Scale**

- 2.16 Storey heights would vary between 1 and 3 storeys, with the majority of development consisting of 2 and 2.5 storeys.

**Phasing**

- 2.17 It is envisaged that the development would commence in the south west corner of the site with initial reliance on the access from Foxlydiat Lane until the principal access had been constructed. The difference in levels between the Birchfield Road access and the site require substantial engineering works and earth movement within the site to facilitate this.

**Green Infrastructure Planting Retention and Removal**

- 2.18 In March 2017 a provisional Tree Preservation Order was made in respect of a number of individual trees, groups of trees and one woodland on the site. The order was confirmed by Bromsgrove District Council Planning Committee in September 2017 and remains in force.
- 2.19 Members are advised that a Tree Preservation Order (TPO) does not override the effect of a planning permission, but nor does it preclude development from proceeding, where permission is granted. The impact upon trees, and particularly those subject to a TPO which may be affected by a development is a material planning consideration. Where permission is granted for development which would have a detrimental impact upon trees or result in their loss, having established that the loss of such assets is unavoidable, or outweighed by the benefits of the scheme, a further permission under the TPO is not required.
- 2.20 In this case, the making of the provisional TPO caused the applicant to amend the proposal and secured the retention of a number of trees which would have otherwise been threatened or lost as a consequence had the development proceeded in that un-amended form.
- 2.21 The masterplan has retained a significant amount of existing tree and hedgerow planting located within the site and used this to shape areas of development. This existing planting would be retained, enhanced and improved.

**3.0 Relevant Policies :**

**Borough of Redditch Local Plan No.4  
(The policies are relevant in terms of understanding Redditch's Housing  
Need as discussed later in this report)**

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Policy 3 Development Strategy  
Policy 4 Housing Provision  
Appendix 1 RCBD1 Redditch Cross Boundary Development

Borough of Redditch High Quality Design SPD (June 2019)

**Bromsgrove District Plan**

RCBD1: Redditch Cross Boundary Development  
BDP1 Sustainable Development Principles  
BDP2 Settlement Hierarchy  
BDP3 Future Housing and Employment Development  
BDP6 Infrastructure Contributions  
BDP7 Housing Mix and Density  
BDP8 Affordable Housing  
BDP12 Sustainable Communities  
BDP16 Sustainable Transport  
BDP19 High Quality Design  
BDP20 Managing the Historic Environment  
BDP21 Natural Environment  
BDP22 Climate Change  
BDP23 Water Management  
BDP24 Green Infrastructure  
BDP25 Health and Well Being

High Quality Design Supplementary Planning Document (June 2019)

**Others**

- National Planning Policy Framework ('NPPF') (2019)
- The Planning Practice Guidance ('PPG') published in March 2014; online and continually updated
- The Community Infrastructure Levy (CIL) Regulations 2010 (as amended);
- "The Setting of Heritage Assets"(Dec 2017) produced by Historic England as updated in July 2015.
- Lanehouse Farm -Setting of Heritage Assets Assessment – (Dec 2015) by BDC
- County of Hereford and Worcester Minerals Local Plan 1997
- Emerging Minerals Local Plan (Publication Version).
- National Design Guide (2019)

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## **4.0 Relevant Planning History**

TPO (No.2) 2017	TREE PRESERVATION ORDER Tree/s on Land at Foxlydiate ADR Land Protecting 88 individual trees 16 Groups of trees 1 Woodland	Made  Confirmed	21-03-2017  19-09-2017
16/0263	Hybrid application 16/0263 comprising: 1) Outline Application (with all matters reserved with the exception of vehicular points of access and principal routes within the site) for the demolition of existing buildings and the erection of : Up to 2,560 dwellings (Class C3); Local centre including retail floorspace up to 900 sq metres (Classes A1, A2, A3) health and community facilities of up to 900 sq metres (Class D1) ; A 3FE first school (Class D1) (up to 2.8Ha site area) including associated playing area and parking and all associated enabling and ancillary works. 2) Detailed application for the creation of a means of access off Birchfield Road, Cur Lane, Foxlydiate Lane and emergency, pedestrian and cycle access to Pumphouse Lane. The creation of a primary access road, including associated cut and fill works and other associated earthworks, landscaping, lighting, drainage and utilities, crossings and surface water attenuation/drainage measures.	Minded to GRANT subject to s106	14 <sup>th</sup> October 2019

## **5.0 Consultations**

The following section includes a summary of the responses from the statutory and non-statutory consultees to the application. Copies of the full representations are available to view on the Council's website under parallel reference 16/0263. Because of the breadth and depth of representation received this section is summarised as follows:

- Highways Comments
- Other Stakeholder Comments



### **Highway Comments**

#### **Worcestershire Highways**

- **No objection** subject to Conditions, financial obligations and off site highway improvements as per the following summarised comments

#### **Transport Assessment Process**

This application was subject to pre application discussions to ensure any matters of concern were addressed and supported by a robust evidence base. To address the lack of a strategic assignment model a manual approach has been adopted using 2011 census data and a VISSIM microsimulation model has been produced by the applicant to review local assignment and capacity, this approach has been agreed by the Highway Authority.

The Transport Assessment has been split into 5 chapters so that analysis is transparent.

#### **Development proposals in more detail.**

##### **Site Access /Birchfield Road**

This access will result in a significant alteration as it becomes the primary site access. The road will be extended directly into the development and will see a new 3 way signal controlled junction introduced. This arrangement is necessary to manage the additional vehicle flows which are significant given a development of this scale. The junction is a standalone junction but it must be considered alongside the alterations proposed at surrounding junctions.

Birchfield Road / A448 Incidental to the new site access this junction is realigned and the right turn movement onto the A448 is removed. There are a limited number of vehicles currently turning right out of Birchfield Road and other routes are available for them to divert onto in advance or via the new estate road.

##### **A448 / Hewell Lane**

This junction will be subject to significant alteration to address the additional demands. The junction will be replaced with a signal controlled junction. Following discussions with the County Council's consultant and the applicant, it has been concluded that the retention of the A448 dual carriageway in its current form provides the best overall arrangement. This represents a change to the overall access strategy, but is considered to be the best balance between mitigating the development's impact, maintaining highway safety and reducing the level of public disruption. The above three junctions have been assessed together through the VISSIM model and have been demonstrated to be suitable. Additionally Worcestershire County Council has undertaken an early review of the proposal to ensure any engineering difficulties have been identified and addressed so that there are no delays to delivery.

**Cur Lane / Foxlydiate lane**

This roundabout will be realigned to improve its capacity as it becomes the secondary access point to the site. As a result Cur Lane will be diverted into the site and the road design will be such as to discourage its use for through traffic.

**Foxlydiate Lane / Site Access**

A new access is proposed to be provided. This has been designed against actual vehicle speeds and has been shown to be acceptable. It will serve as the access to and early phase of development which will ultimately connect to the spine road and the local centre.

**Pumphouse Lane**

A link is still proposed to allow for pedestrian and bicycle access.

**Warwick Highway / Icknield Street Drive / Battens Drive Roundabout**

Widening of Battens Drive and Warwick Highway East entries to the junction and improved lane markings on Icknield Street Drive

**Warwick Highway / Alders Drive / Claybrook Drive Roundabout**

Widening of the entry arms to the roundabout to provide two-lane entry to the roundabout.

**A441 Alvechurch Highway / A4023 Coventry Highway / Redditch Ringway**

Grade separated Roundabout

Partial signalisation of the junction on three arms to assist in traffic flow control.

**A441 Alcester Highway / The Slough / Evesham Road / Windmill Drive**

Roundabout

Widening on the entry to the Slough from Rough Hill Drive.

**Walking / Cycling Improvements**

There is a package of walking and cycling improvements. These will provide dropped kerbs where they are currently absent to help movement to Webheath and improvements to the cycling network to improve access to the railway station and employment areas.

**Local Centre**

There has been significant discussion around the design of the local centre given that the road is to be determined at this stage, but the surrounding land uses are a reserved matter. The applicant has proposed a design which future proofs the layout making the exact location of the pedestrian access points less critical. Whilst it is desirable to have all matters around this sensitive area resolved together it is considered that the design is sufficiently flexible to ensure that pedestrian priority is delivered.

Road Hierarchy

There is a central spine road linking Birchfield Road to Cur Lane/Foxlydiate Lane roundabout which includes the local centre. This has been designed to maintain a low speed yet to allow buses to travel unhindered. The gradient of the road has been dictated by the level of the land, however regrading will take place to ensure that the gradient complies with adopted standards and is accessible for users who are less mobile.

The residential side roads are matters for consideration in subsequent reserved matters submissions, but will reflect a slower design speed and have measures built in to encourage walking and cycling.

The A38 Route Enhancement Programme. A Strategic Outline Business Case (SOBC) was submitted to the Department for Transport (DfT) in July to obtain funds from the Major Road Network (MRN) Fund. The scheme being promoted – the A38 Bromsgrove Route Enhancement Programme - will deliver a major upgrade of the A38 corridor, (a key part of the MRN network in Worcestershire), between the junction of the A38 Eastern Bypass with the B4094 Worcester Road to the south, and M5 Junction 4 to the north. July DfT Funding of £7.5m has already been secured from the GBSLEP and £2.7m from the Highways England Growth in Housing Fund. Contributions from planning obligations will also help to deliver this scheme with contributions already received from the "Norton Farm" development and additional contributions expected to be provided from this application, Perryfields Road, and Whitford Road development sites. Other funding streams will be pursued and infrastructure will be prioritised based on the funds received and expected to ensure scheme delivery.

More comprehensive details on the A38 Route enhancement programme and the LTP4 mitigation scheme can be viewed on the original representation provided by WCC.

Clearly this planning application will add additional trips to the network but it can also be seen that it provides improved infrastructure which addresses this impact and alongside this the Highway Authority is investing in Bromsgrove and Redditch to address the existing congestion concerns.

**Contributions (justification contained in section below)**

Specific Purpose – **A38 Route Enhancement Programme**

Contribution - £2,030,099.86

- Trigger  
Prior to the Occupation of the 1280th Dwelling  
Retention Period - 5 Years from the receipt

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Specific Purpose – **Junction Improvements** as follows:

Hewell Road / Windsor Road

Rough Hill Drive / Woodrow Drive / Greenlands Drive

Woodrow Drive / Washford Drive / Studley Road

Washford Drive / Old Forge Drive

Inkniel Street Drive (B4497) / Washford Drive / Claybrook Drive

Contribution - £3,132,143.14

- Trigger  
Prior to the Occupation of the 853rd Dwelling  
Retention Period - 5 Years from the receipt of the last payment  
Any Balance of Payment to contribute towards A38 Capacity Improvements.

Specific Purpose – **Public Transport Service**

Contribution - £1,434,900

- Triggers:  
£753,600 Prior to the Occupation of the 300th Dwelling  
£404,800 Prior to the Occupation of the 1024th Dwelling  
£276,500 Prior to the Occupation of the 2048th Dwelling  
Retention Period - 5 Years from the receipt of the last payment

Specific Purpose – **Active Travel Schemes** to include:

Local Plan Infrastructure Delivery Plan, Sustainable Transport Schemes at location  
Clusters, 7,8,10

Dropped Crossing

Cycle Parking

Pedestrian / Cycle Signage to Railway Station

Travel Information Kiosks

Toucan Crossing Redditch Ringway

Identified Works Vol 2 of the Transport Assessment

Contribution - £1,005,067.00

- Triggers:  
£333,243 Prior to the Commencement of Development  
£671,824 Prior to the Occupation of the 300th Dwelling  
Retention Period - 5 Years from the receipt of the last payment

Specific Purpose – **Personal Travel Planning**

Contribution - £200 Per Dwelling with in each dwelling per Reserved Matter Phase

- Trigger: Upon commencement of each Reserved Matters Application  
Retention Period – 10 Years from Receipt

### **Conclusion regarding Highway contributions**

Whilst the application is of a significant scale and will result in an increase in movements across all modes of transport the application accords with the expected quantum in the adopted local plan. The access arrangements have been subject to considerable scrutiny and found to be acceptable and a package of physical works and financial contributions are being provided to ensure any impacts on the network are mitigated. The provision of a local centre which includes a shop and first school and community facilities will see many short distance trips internalised within the site as pedestrian movements rather than vehicle trips leaving the site. The application has evolved and the design now provides the level of certainty required.

The Highway Authority has undertaken an 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.

### **Justification of Contributions**

Further WCC comments Section 122 compliance to be considered in conjunction with comments above

These contributions have arisen from the development management process and have been considered against Section 122 of the Community Infrastructure Levy Regulations

2010 and the 3 tests detailed in NPPF paragraph 56 which are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

### **A38 Route Enhancement Programme Contribution**

The below methodology represents the approach undertaken to calculate the appropriate level of s106 contribution required based on AM and PM impact on the A38 corridor. It considers a contribution based on the percentage of development trips at each of the A38 junctions compared to a 2030 base year. The base year is calculated using Manual

Classified Count Data in 2017 for each junction uplifted to 2030 using TEMPRO. The number of trips is taken from PJA report dated 11th June 2019.

The cost of each junction of the A38 Route Enhancement Programme has then been used to calculate and the appropriate contribution for each junction.

The AM and PM infrastructure costs have been added together to create an A38 contribution of **£2,030,099.86**

**REDDITCH BOROUGH COUNCIL**

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	A	B	C	D	E	F	G	H
1	8am - 9am							
2	Reference	Locations	2017 Base Traffic	Tempo 2030	Growth (vehicles)	Development Traffic	% Growth	% of 2030
3								
4	A	A38 Hanbury Road	2186	2448	262	13	4.97%	0.53%
5	B	A38 Buntsford Drive	1990	2228	238	95	39.88%	4.26%
6	C	A38 Charford Road	3019	3380	361	94	26.01%	2.78%
7	D	A38 New Road	2643	2959	316	132	41.72%	4.46%
8	E	A38/A448 Oakalls	3885	4350	465	193	41.50%	4.44%
9	F	A38/Birmingham Road	2739	3067	328	17	5.19%	0.55%
10	G	A38 Golden Cross Lane/Braces Lane	2338	2618	280	0	0.00%	0.00%
11	H	A38/M42 J1	3196	3579	383	17	4.44%	0.48%
12								
13								
14	5pm-6pm							
15	Reference	Locations	2017 Base Traffic	Tempo 2030	Growth (vehicles)	Development Traffic	% Growth	% of 2030
16								
17	A	A38 Hanbury Road	1980	2217	237	21	8.86%	0.95%
18	B	A38 Buntsford Drive	1864	2087	223	90	40.34%	4.31%
19	C	A38 Charford Road	3064	3431	367	62	16.90%	1.81%
20	D	A38 New Road	2931	3282	351	90	25.65%	2.74%
21	E	A38/A448 Oakalls	4171	4670	499	177	35.45%	3.79%
22	F	A38/Birmingham Road	3065	3432	367	35	9.54%	1.02%
23	G	A38 Golden Cross Lane/Braces Lane	2764	3095	331	0	0.00%	0.00%
24	H	A38/M42 J1	3813	4269	456	35	7.67%	0.82%

	A	B	C	D	E	F	G	H	I
1	Reference	Location	Cost						
2	AM			% Growth	% of 2017	% of 2030		% Growth	% of 2030
3	A	A38 Hanbury Road	£ 544,617.00	4.97%	0.59%	0.53%	£ 27,057.66	£ 2,892.56	
4	B	A38 Buntsford Drive	£ 10,227,024.00	39.88%	4.77%	4.26%	£ 4,078,736.54	£ 436,031.76	
5	C	A38 Charford Road	£ 3,753,528.00	26.01%	3.11%	2.78%	£ 976,360.61	£ 104,376.50	
6	D	A38 New Road	£ 5,250,139.00	41.72%	4.99%	4.46%	£ 2,190,551.26	£ 234,177.89	
7	E	A38/A448 Oakalls	£ 6,295,641.00	41.50%	4.97%	4.44%	£ 2,612,835.63	£ 279,321.63	
8	F	A38/Birmingham Road	£ 781,284.00	5.19%	0.62%	0.55%	£ 40,510.88	£ 4,330.76	
9	G	A38 Golden Cross Lane/Braces Lane	£ 3,276,492.00	0.00%	0.00%	0.00%	£ -	£ -	
10	H	A38/M42 J1	£ 4,975,538.00	4.44%	0.53%	0.48%	£ 221,099.65	£ 23,636.36	
11							Totals	£ 10,147,152.23	£ 1,084,767.46
12	PM								
13	A	A38 Hanbury Road	£ 544,617.00	8.86%	1.06%	0.95%	£ 48,255.98	£ 5,158.74	
14	B	A38 Buntsford Drive	£ 10,227,024.00	40.34%	4.83%	4.31%	£ 4,125,263.80	£ 441,005.70	
15	C	A38 Charford Road	£ 3,753,528.00	16.90%	2.02%	1.81%	£ 634,524.56	£ 67,832.98	
16	D	A38 New Road	£ 5,250,139.00	25.65%	3.07%	2.74%	£ 1,346,800.73	£ 143,977.89	
17	E	A38/A448 Oakalls	£ 6,295,641.00	35.45%	4.24%	3.79%	£ 2,231,921.32	£ 238,600.50	
18	F	A38/Birmingham Road	£ 781,284.00	9.54%	1.14%	1.02%	£ 74,533.64	£ 7,967.92	
19	G	A38 Golden Cross Lane/Braces Lane	£ 3,276,492.00	0.00%	0.00%	0.00%	£ -	£ -	
20	H	A38/M42 J1	£ 4,975,538.00	7.67%	0.92%	0.82%	£ 381,546.20	£ 40,788.68	
21							Totals	£ 8,842,846.24	£ 945,332.41
22									
23									£ 2,030,098.86

**Redditch Infrastructure**

In terms of the Redditch junctions the approach has been to understand the route choice and a consideration of what other proposals in the local plan are outstanding. This has resulted in connections being identified to key local destinations of retail, employment and medical facilities. There are few sites left to be delivered within the Borough which are of scale and as such a 100% contribution is warranted from this application or a contribution for the balance of the scheme.

The identified junctions are:

- Hewell Road / Windsor Road
- Rough Hill Drive / Woodrow Drive / Greenlands Drive
- Woodrow Drive / Washford Drive / Studley Road
- Washford Drive / Old Forge Drive
- Inkfield Street Drive (B4497) / Washford Drive / Claybrook Drive

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A total contribution of £3,132,143.14 will allow the above junctions to have improvements delivered

**Public Transport**

A business case has been presented in the Transport Assessment and this has been assessed and agreed by the Highway Authority, it makes provision for a new bus service to connect the site to the town centre. Over the build period a contribution of £1,434,900.00 is required to make a service self-financing and this should be made over 3 time periods. It is accepted for the early phases of construction the existing public transport services in Webheath are capable of supporting the development.

**Active Travel**

The provision for infrastructure to support active travel is a mixed strategy of those pieces of infrastructure previously identified and that promoted by the applicant through the transport assessment. This hybrid approach will be delivered early in the build phase with all contributions being provided before the occupation of the 300th dwelling.

The schemes to be implemented are:

- Local Plan Infrastructure Delivery Plan, Sustainable Transport Schemes at location Clusters, 7,8,10
  - Dropped Crossing to address suitable access for all persons to key services
  - Cycle Parking In Redditch Town Centre
  - Pedestrian / Cycle Signage to Railway Station
  - Travel Information Kiosks
  - Toucan Crossing over Redditch Ringway
  - Identified Works Vol 2 of the Transport Assessment
- This contribution totals £1,005,067.00

**Summary**

The required mitigation beyond those works being delivered through Section 278 works is:

A38 Route Enhancement Programme – **£2,030,099,086**  
Redditch Infrastructure – **£3,132,143.14**  
Public Transport Services – **£1,434,900.00**  
Active Travel Infrastructure - **£1,005,067.00**

**Response from WCC Highway Authority to Bentley Pauncefoot Parish Council comments on Highway Issues**

The timing of the access works have been negotiated with the applicant based on when the access point are needed and the recognising the overall financial position of delivering a large scale urban extension. The conditions ensure that development will commence to the north eastern corner of the site and makes provision for a temporary construction access as soon as reasonably practical recognising that there is a significant engineering operation to form a temporary access and earth from within the site is needed to create this.

The A38 Route Enhancement Programme cannot have a fixed delivery date as it is subject to funding being provide from government and contributions from residential development. The Government has just released a significant sum of money, £850,000 to allow the A38 business case to be progressed and this application will also make its proportionate contribution, there is clearly a commitment to advance this important scheme. There is scope to the Highway Authority to forward fund the developer contributions in advance of them being received but such an arrangement could only be considered when there is a planning consent in place and development becomes more certain. The contribution strategy is geared to delivered improvement works nearer the site first and then to provide for further away infrastructure as the site occupation level increase. It is not necessary or reasonable to require the A38 works to be in place before the development commences. It is also important to note that where funding has already been secured works have commenced to the north of junction 1.

The applicant has suggested where development will commence and the conditions have been provided in such a manner to respond to that position. Unfortunately there will be some disruption when the development commences but measures can be provided through the Construction Environment Management Plan "CEMP" to limit the impact and the applicant will be providing a temporary access to reduce the impact further as soon as they can undertake the extensive engineering works to provide it, but in any event a condition is suggested to create a timescale by when it must happen as a latest date.

The A448 right turn ban from Birchfield Road is shown on the drawings for the main site access and as such the latest time for its delivery is prior to the occupation of the 600<sup>th</sup> dwelling. It is however noteworthy that the "spine road" linking Cur Lane to Birchfield Road has an earlier trigger and therefore it is likely that the access works will coincide with that and be earlier than the suggested 600 dwelling trigger.

The public transport contribution details are provided in volume 3 of the Transport Assessment. Early phases will rely on existing bus services within Webheath with will be within a short walk of the suggested early phases.



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The CEMP has not been agreed so there remains opportunities to control the construction phase and but the suggested position of the access off Foxlydiate Lane is close to the A448 as is the temporary access, these by their location alone will encourage access to the A448 rather than via country lanes. It is expected that there will be a series of semi-permanent signs directing construction traffic to appropriate routes given the anticipated buildout period for a site of this scale which will be agreed in the CEMP.

**Mott MacDonald (Highway Consultant for Bromsgrove District Council)**

- **No objection**
- MM on behalf of the Council have been assessing the work done by both the applicants and WCC in relation to the this scheme, and have published a number of technical notes to support their assessment. The conclusion reached is that there is no transportation reason why this scheme should not be allowed.

**Other Stakeholder Comments**

**Redditch Strategic Planning Team**

- No objection

In summary, the comments set out the status of the site including reference to the Local Plan Inspectors report, the BDP allocation and housing need. It is concluded that:

*“The principle of development on this land is considered acceptable as the site would deliver general needs and affordable housing on an unallocated area of land within the Borough and also form an integral element of the wider Foxlydiate development site.*

*For clarity, this site is not within the Green Belt and forms the part of a detailed masterplan which has been minded for approval at the BDC planning. The site contributes a fundamental part of the housing need for Redditch up to 2030. The delivery of this site ensures a continued supply of much needed housing for Redditch, including a continued contribution of affordable housing. In conclusion, from a Redditch Strategic Planning perspective this principle of development on this land is supported.”*

**Conservation Officer**

- **No objection**
- I am of the view that the potential harm to the designated heritage has been minimised by the proposed layout. Although consideration of other ways of mitigating harm such as reinforcing existing boundaries and careful consideration of development density and height would need detailed consideration later in the process, when reserved matters are dealt with.

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**Historic England**

- **No objection** subject to Condition relating to:
- Protection measures to ensure the retention of identified undesignated heritage assets during construction phase

**Worcestershire County Council Conservation and Landscape Officer**

- **No objection**

**Worcestershire Archive and Archaeological Service**

- **No objection** subject to Conditions
- Given the scale of the development, it is recommended that a programme of archaeological work is undertaken at each phase of development with the results from previous phases informing subsequent fieldwork. This programme of works would vary with each phase but is likely to comprise:
  - Trial trenching and potentially subsequent mitigation
  - Environmental sampling where necessary
  - More defined techniques when dealing with features of early prehistoric date e.g. areas of Palaeolithic potential

**Suggested Conditions:**

- The submission of a programme of archaeological work
- Written scheme of investigation

**Hereford and Worcester Gardens Trust**

- Our concern is purely for the safeguarding of heritage assets contained in the registered park and gardens of Hewell Grange. It is our opinion that the damage to these assets from the development specified in the application is likely to be no greater than slight adverse.
- We would however recommend that consideration is given to greater enhancing of the planting at the north eastern edge of the development site and an extension of its planned green space.
- We are also concerned that there would be very considerable light pollution from such a massive increase in housing and commercial stock and that no mitigation measures have been included in the application.

**Victorian Society**

No views received to date

**Health and Safety Executive**

- **No objection** subject to the following Condition:
- No dwelling units to be located within 15 metres of pipeline 7167 (HSE Inner Zone). No more than 30 dwellings at a density of less than 40 dwelling units per hectare shall be permitted within 36 metres of the pipeline HSE ref 7167 (HSE Inner and Middle Zone), as illustrated on the Land Use Parameter and Density Parameter Plans approved as part of this application or as part of any future Reserved Matters application pursuant to this permission.

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**National Grid/Cadent Gas**

- **No objection**
- This pipeline is part of the transportation system and operates at a Pressure of; 14 bar is laid subject to easements and is cathodically protected by an impressed current system.
- The Institute of Gas Engineers Standards (IGE/TD/1), states that no habitable buildings be constructed within 14 metres Building Proximity Distance of the proven pipeline position and with an approximate standard easement width of 12.2 metres furthermore, we strongly advise that you seek guidance from the Health and Safety Executive who may specify a greater distance than we require and the land use planning document, (PADHI).
- Any road crossings or parking areas over the pipeline will need protection to National Grid specification and at the developers cost.

**Cadent Gas Ltd 14/10/2019**

Should you be minded to approve this application please can the following notes be included an informative note for the Applicant.

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to

**Esso Oil Pipeline**

- **No objections** subject to the following informative:
- The content of the document "Special Requirements for Safe Working" booklet and the covenants contained in the Deed of Grant are adhered to

**Western Power Distribution**

- No views received to date

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## **WCC Biodiversity and Landscape**

- **No Objection**, subject to imposition of suitably worded planning conditions and appropriately designed S.106 agreement
  1. We are pleased to see that most of the more substantive comments provided in our previous consultation response (17/02/2017) have been addressed in this resubmission, and we welcome the provision of additional information (including more recent survey data and a net loss and gain table) and various matters of clarification.
  2. Further survey has been carried out to a satisfactory standard and we have no outstanding concerns about survey effort. We note that both phased operations (purported to be undertaken over the next c.13 years) and partial coverage of the site entail securing some future/update survey effort through imposition of condition; we have included some suggested wording to ensure this is adequately addressed through the scheme's Construction and Environmental Management Plan (CEMP).  
Conditions / s106 clauses should be imposed to address
    1. Construction Environmental Management Plan: Biodiversity
    2. Lighting Strategy
    3. Interpretation Strategy
    4. Landscape and Ecological Management Plan (LEMP)
    5. Ecological Surveillance Programme

## **Worcestershire Wildlife Trust**

- **No objection** subject to conditions relating to the following:
- A CEMP (to cover protection of retained ecological features, prevention of construction pollution, site lighting and methods of working)
- An Ecological Design Strategy (EDS) providing details for development of created and retained habitats (including temporary habitat provision, specific features such as wildlife towers and ecological enhancement of the built environment itself as appropriate). This could be in the form of a site-wide GI strategy provided it covers the relevant ecological detail.
- A LEMP with details of long term ecological / GI management including funding, monitoring and personnel responsibilities.
- Requirements for update ecological surveys as recommended in the ES, with appropriate triggers related to phasing.
- SUDS management. This must be closely linked to management of other GI and there may be merit in generating one over-arching management document covering all aspects of site GI including SUDS.
- A site-wide Lighting Strategy. This must pay particular attention to preventing light spill into the proposed dark corridors.
- The need for protected species licences for works affecting GCN and other relevant species.
- Design codes for on-plot developments. These should be guided by and seek to link development seamlessly into the strategic GI network for the site and deliver additional elements of the SUDS train.
- A statement of conformity to confirm that all relevant GI / ecological issues have been completed at each relevant stage of development.

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**Natural England**

- **No objection**
- The proposals are unlikely to have significantly different impacts on the natural environment

**Arboricultural Officer**

- There are a number of trees that are targeted for removal where there would appear to be options available with relatively minor adjustments to the layout or potential engineered solutions could be adopted to allow their retention.  
Suggested Conditions:
- A full landscape specification and plan is submitted allowing for an extensive level of mitigation tree and hedge planting balance the level of required existing tree stock loss across the site.
- All retained trees should be fully protected in accordance with BS5837:2012 recommendations throughout any ground or development works on the site.
- No storage of plant/materials within the RPAs of any retained trees.
- No alterations to the tree protection plan, tree retention plan or excavation within the BS5837:2012 root protection areas as provided within the Wardell Armstrong Arboricultural report should be made without written consent from the Council.
- Any existing or replacement tree that fails within 5 years of completion of any section of the site is to be replaced with trees of suitable sizes/species within the next available planting season.

**Worcestershire County Council Countryside Service**

- **No objection**
- The proposal affects a number of public rights of way as recorded on the Definitive Map in the parish of Bentley Pauncefoot, those being bridleway PF-530 and footpaths PF-529, 541, 607, 609, 610 and 611.
- We are pleased to see from the Design and Access Statement that the existing public rights of way are to be retained, and note that the application form states that new public rights of way are to be provided within or adjacent to the site.

**Leisure Services**

- RBC's Leisure Services confirms its original consultation request for an off-site sport contribution towards outdoor sports provision.
- We are in full agreement and support the information provided by Sport England for the proposed development to provide an off-site calculated infrastructure contribution to enhance player pathways and local club infrastructure to mitigate the impact of sport provision not being provided on site with the difficulties the location presents.
- The priority for the Council's Leisure Department for the off-site infrastructure contribution is for investment to provide a 3G artificial grass pitch at the Abbey Stadium. Leisure Services would also request other opportunities for investment locally, particularly cricket, including enhancing facilities at Redditch Cricket and Hockey Club. This needs to be included as a condition within the Heads of Terms.

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**Sport England**

- **No objection** subject to the agreement of a suitable off-site contribution towards outdoor sports provision

**Ramblers Association**

No views received to date

**Council For The Protection Of Rural England (CPRE)**

- **Objection**  
Objection to the principle of development (in the Green Belt).
- For reasons given by the councils in their site assessments and by various objectors at the Examination, this site is less sustainable than Brockhill West, unless the damage that the development of the whole of this would so to Hewell Park can be shown to be substantial.

**The Application Proposal.**

- **Intrusion into the countryside** - The development or at least the portions of it extending down Pumphouse Lane and up Cur Lane beyond (I.e north of Lanehouse Farm constitute grave intrusions into open countryside.
- **A new Village** - should have local facilities on a similar scale to those provided in such settlements, the location chosen for the local centre.
- **Height** - Any proposal for buildings of more than three storeys should be unacceptable and this should be dealt with by means of a planning condition at this stage. the area immediately adjacent to A448 should be restricted to having buildings of no more than two storeys. Any 2.5- or 3-storey buildings should be locate in the core of the site, where their landscape impact will be less. This needs to be secured by a planning condition at this stage.
- **Access** - the access arrangements as generally acceptable
- **Ecology and Archaeology** - While we accept the conclusions of the applicants' work (including in particular a lack of impact on Hewell Park), we would welcome the imposition of mitigation measures:
  - To retain as many trees as hedges as possible.
  - For an archaeological watching brief
- **Open Space and sport**- Provision for formal sports pitches should be made on site
- **Landscaping** – Further landscape screening should be required north of Pumphouse Lane
- **Monarch's Way** - The setting of this and other footpaths is important, the Monarch's Way has to use part of Cur Lane between its crossing of Spring Brook and Boxnot Farm to provide a more attractive route for walkers. A means should be found of providing a footpath through part of the site.
- **Local Centre** – The provision of this facility at specified stage needs to be secured. It should include, a community hall, a church, an Parish Council office, a health centre.

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### **Climate Change Manager**

- **No objection**
- The revised transport assessment and its recommendations are welcomed, including the proposed bus service, improvements to existing cycle and pedestrian routes to key destinations and highways improvements.
- Regarding BDP 8.175 In order to make it easier for car owners to make greener choices on the road the Council would encourage greater use of electric and plug-in hybrid vehicles by supporting electric vehicle charging points in new developments. Although still contributing to congestion, low emission vehicles do not have the air quality impacts of cars fuelled by conventional means.
- I re-iterate that communal electric vehicle destination charging points should be included within the development to meet future predictions for uptake For dwellings where domestic electric vehicle charging points are possible, these should also be offered as an optional extra to buyers. Vehicle to grid technology, solar pv and battery storage should be considered to minimise the impact on the power infrastructure.
- It is highly welcome that connectivity for wildlife has been included via hedgerows and blue infrastructure and that where this is interrupted by highways and footpaths that trees canopies would be encouraged to join. However, I would like to see more detail regarding connectivity for ground species at this level e.g. under-road crossing points.
- Much more detail regarding ongoing maintenance plans, is needed, as wildflower meadows, hedges, trees and ponds require quite intensive ongoing maintenance to maintain their biodiversity. Climate change predictions need to be factored into initial planting plans and ongoing maintenance e.g. species that would tolerate predicted future climates and combining species choice and landscape design to mean that species have sufficient water available in dry periods and sufficient drainage in wet periods.
- The inclusion of wildlife refuges, hibernacula, bird and bat boxes are very much welcomed.
- It is hoped that this welcome approach continues in the detailed design stages.

### **Environment Agency**

- **No objection** to the proposed development based on the current revised information as submitted but recommend planning conditions be imposed

### **Severn Trent Water Limited**

**No objection** subject to Conditions relating to:

- Use of impermeable lining to ponds within SPZ1 and SPZ2
- Discharge details for ponds within SPZ1 and SPZ2
- Inspection and maintenance strategy for all drainage features within SPZ1 and SPZ2
- The inspection and maintenance strategy for the drainage features can be incorporated into the maintenance and management regime contained in the Legal Obligation

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### **North Worcestershire Water Management**

- **No objection** subject to Conditions relating to:
- *Retention*: The proposed scheme must restrict rates of surface water runoff to greenfield rates up to the 1 in 100 year storm period including an additional 40% allowance for climate change
- *Phasing*: Individual or groups of ponds serve different sections of the development, details of the phased construction of ponds needs to be provided to and approved by the LPA. This should clearly indicate which pond serves each section of the development, as well as specifying that ponds will be introduced prior to the completion of the phase of the development that they serve.
- *Pollution control measures during construction*: Details of the proposed measures to control pollution, during temporary works and construction, to the adjacent watercourses should be provided to and approved by the LPA prior to the commencement of all site works.
- *Planting Scheme A* proposed planting scheme for species in and around the ponds should be provide to and approved by the LPA prior to commencement of works.
- *Maintenance* - No works or development shall take place until a SuDS management plan which will include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework has been submitted to and approved in writing by the Local Planning Authority.
- *Materials* - Details of the proposed material for use on pond headwalls, sedimentation barriers, safety fencing, board walks, dipping platforms and any other infrastructure relating to function of ponds should be provided to and approved by the LPA.

### **WRS: Contaminated Land**

- **No objection**

### **WRS: Noise**

- **No objection** subject to Conditions relating to:
- Mitigation measures for noise as set out in the Noise and Vibration Report

### **WRS: Air Quality**

- **No objection** subject to Conditions relating to:
- Secure cycle storage to encourage use of cycles and sustainable modes of travel reducing carbon emissions.
- Electric vehicle Charging Point - The provision of more sustainable transport modes will help to reduce CO<sub>2</sub>, NO<sub>x</sub> and particulate emissions from transport.
- Low Emission Boilers – to reduce NO<sub>x</sub> emissions

### **WRS: Light Pollution**

- No views received to date

### **Community Safety**

- **No objection**



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**West Mercia Police**

- No comments at this stage.
- This is likely change when we get to the detailed planning stage.
- I think it important that with a development of this size that at the detailed planning stage the principles of secured by design are followed

**Place Partnership on behalf of West Mercia Police**

- Seeks a financial contribution towards equipping staff, police vehicles and premises of £169,740 to mitigate the additional impacts of this development because existing police infrastructures do not have the capacity to meet these and because, like some other services, they do not have the funding ability to respond to growth whenever and wherever proposed.
- If, for any reason, it is not proposed to award the Section 106 contribution requested above PPL would object on behalf of WP/WMP to the granting of planning permission due to the unacceptable impacts on local emergency services.

**Bromsgrove and Redditch Clinical Commissioning Group**

- The CCG has requested an obligation to secure a contribution of £968,990 (before development commences)
- In its capacity as the primary healthcare commissioner, Redditch and Bromsgrove CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.
- The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.
- Assuming the above is considered in conjunction with the current application process the CCG would not object, otherwise the LPA may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

**Worcestershire Acute Hospitals NHS Trust**

07-10-2019

Document: Key facts about Worcestershire Acute Hospitals NHS Trust to support planning discussions with local councils in Worcestershire 04-10-2019

These documents are available on the Council's website under the documents tab relating to the application

<https://publicaccess.bromsgroveandredditch.gov.uk/online-applications/>

- The Trust has requested an obligation to secure a contribution of **£2,236,584**, which will be used directly to provide additional services to meet patient demand.
- The Trust is currently operating at full capacity in the provision of acute and planned healthcare.
- This development imposes an additional demand on existing over-burdened healthcare facilities and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population.
- The contribution is necessary to maintain sustainable development.

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**North Worcestershire Economic Development and Regeneration**

- Planning obligation sought for Town Centre Enhancement  
A contribution is sought for public realm improvements

**Worcestershire County Council: Education**

- The following mitigation is required to mitigate the impact of the development on education infrastructure:
- the provision of fully service land for a new first school with up to 3 forms of entry (3FE) (as set out in the above planning proposal description)
- the cost of the new 3 FE first school
- a contribution based on a cost per pupil dwelling for the provision of either two forms of entry (2FE) to expand either Birchensale Middle School or Walkwood CE Middle School (1 x 2FE) or, one form of entry (1FE) at Birchensale Middle School and one form of entry (1FE) at Walkwood CE Middle School (2 x 1FE).
- There is currently sufficient capacity to absorb the proposed numbers that are likely to be generated from this proposal. As at April 2018 no contribution would be sought for high school (age 13 - 18) infrastructure.

**Housing Strategy**

- **No objection**  
Affordable Housing provision is policy compliant and the tenure is acceptable  
It is at the Reserved Matters stage that siting and dwelling type will be considered.

**Bentley Pauncefoot Parish Council**

Highway Matters

- The detailed application posits three major access points to the estate: Birchfield Road, Foxlydiate Lane and the junction Cur Lane/Gt Hockings Lane/Foxlydiate Road/Church Rd, this latter access point being the southern end of the main distributor road swinging north to the Birchfield Road access. We find these points of access acceptable and welcome the self-contained nature of the associated secondary distributor roads.
- It is pleasing to note that the unsuitability of a general vehicle access to the south wing via Pumphouse Lane has been recognised. The provision of a bollard barrier allowing access only to emergency vehicles, pedestrians and cyclists is signalled in the Main Text of the Transport Assessment (4.4.1 and 4.4.26) and is welcomed. We would add, however, that whilst this intent is also signalled in the Access and Movement application plan 23451 9601, this is not the case in the Access and Movement Parameter Plan or in fig 4.2 in the Transport Assessment. We suggest that these plans should be brought into line with the text by showing the clear differentiation between the Pumphouse Lane access and the other secondary access routes. We also consider that it is important for the LPA to indicate that any future proposals to open up the Pumphouse Lane access point to other traffic would be disallowed.

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- We note the proposed change to the secondary road network linking the south wing to the north. Our response to the 2016 application indicated our disquiet at the prospect of an intrusive road bridge over the hollow way section of Cur Lane and thus we welcomed assurances made at the meeting with developers that this was no longer planned. However the Transport Assessment's General Arrangement Sheet 4, 1401-PJA-13 F does not appear to reflect this assurance. To avoid confusion, the exact nature of both crossings of Cur Lane needs to be determined and clearly documented.
- Closing off the hollow way section of Cur Lane and diverting traffic through the estate for a short distance would not, in our opinion, deter "rat-running" to and from the west. There appears to be an expectation amongst LPA, developers and consultants that planned traffic-calming measures within the estate and the improvement of the main A448/A38 would encourage the use of other roads to access Bromsgrove and the M5. Volume 11 of the Transport Assessment 1.1.1 posits that good sustainable practice requires that travel generated by new developments does not significantly affect movement within existing neighbourhoods but we suggest that the interpretation of "significance" can vary according to interest. We repeat the concerns, expressed in our earlier submissions, that any noticeable increase in traffic using the Cur/Copyholt Lane route and Holyoakes Lane, risks not only the degradation of the lanes but also their safety. We note that the Transport Assessment 2.4.20 and 2.4.21. describes Cur Lane as a single track lane with passing places, frequently used by local residents and admits to it being used to avoid existing congestion on the A38. However, the Main Text of the Assessment refers to two accidents over a five year period (3.8.15) and thus concludes that there are no highway safety issues to be addressed (3.8.20) despite the obvious physical limitations of the road. In our opinion, it would be unrealistic to expect that the lanes would not be negatively affected by the Foxlydiate development. Without traffic-limiting measures increased numbers of vehicles of all types would inevitably use the lane and impact on its safety, especially if, as the Walking and Cycling Strategy proposes (4.4.16), National Cycle route 5 is routed down it. This suggestion highlights a lack of understanding of the challenges which the lane presents to the road user, whether driver, pedestrian, cyclist or horse rider, which would be amplified once the estate is developed and which are of major concern to our residents.
- BDP1.4, ii,iii,iv states that sustainable transport would be a fundamental part of the new development and plans for the site stress the provision of comprehensive pedestrian and cycle routes. It is therefore surprising that plans for Public Transport provision are not yet finalised. We understand, however, that the developer is to fund the service in the critical early stages of development and that the route would not be an extension of a route currently operating. Given the extensive nature of the site, its topography, the central location of the proposed community facilities, the likelihood that some inhabitants would have difficulty coping with the slopes or walking for some distance and that up to 40% of the total housing stock could be affordable housing (AH), we suggest that it is important for the estate bus route to encompass all the primary and secondary routes with a regular and frequent service operating. If BDC's

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sustainable transport policy is to be upheld, a clear commitment to this provision should be given before the application is granted.

- Acceptance of the proposed road network points to an acceptance of the location of the proposed Local Centre which would be accessed by the primary distributor and pedestrian and cycle routes. BDP 8.55 recognises that the provision of facilities has the potential to reduce the need to travel but how this potential would be achieved on this estate is not yet clear. Detailed planning for the centre may be reserved for later consideration but it seems relevant here, in the context of Access and Movement, to express our concerns about how it would function as regards sustainability and the encouragement of social cohesion.
- If the centre is regarded as being crucial to establish and support the emerging community at Foxlydiate, helping to create a "sense of place" the "push/pull" factors relating to its use need careful examination. Paragraph 2.2.5 has drawn attention to the physical and social reasons why a comprehensive bus service is necessary and this, together with provision of the 3 FE First School, can be seen as an important "pull" factor towards centre use. However footfall would be considerably higher in the local centre if the health facilities, which are part of the developer's planning, were to materialise. Given that the Redditch and Bromsgrove Clinical Commissioning Group (letter to BDC 19/1/18) have ruled out funding for such provision on site, residents would inevitably be "pushed" towards off-site provision. Since one of the nearest surgeries is a 36 minute walk away and some patients may need to register in Bromsgrove rather than in Redditch, it seems logical that patients would choose car transport to access a surgery - assuming that it has the capacity to accept them and the necessary parking facilities. This "push" away for health care (and also, we add, for middle and upper school facilities) could be counterbalanced to some degree by the "pull" factors of commercial facilities and yet, in the early years of the development especially, enterprises might be unwilling to take the economic risk of opening in the intended heart of the development where passing trade is unlikely to add to their economic viability. In the absence of relevant businesses, "pull" would be replaced by "push", facilitated by the use of private transport if bus routes do not provide the necessary links. We suggest therefore that, if the aims expressed in BDP 8.54 and RCBD Policy 1.4 xiii, are to be realised, a thorough re-examination of all proposals relating to the location and functioning of the Local Centre is necessary.

## Green Infrastructure

- As residents of the adjoining rural area therefore we suggest that it is important that views into this new urban area are properly softened by the retention and planting of trees at the earliest stage possible of the development. We stress also that any screening needs to be effective screening and not token. Allied with those measures, low impact street lighting at the minimum practical level is absolutely necessary to complete the "softening" effect. We further suggest that, in the context of the provision of street trees throughout the site, a verge with trees immediately abutting private land may need an adequate indicator (perhaps a low wall) to emphasize the difference in ownership, in order to avoid possible encroachment.

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Sustainable Urban Drainage Systems (SUDS)

- We accept that the large number of ponds planned would be a positive contribution to an attractive environment but consider it essential that conditions regarding safety and maintenance responsibility are established, met and monitored.

Building Heights/Scale/Lighting

- Whilst we understand the necessity for a large amount of green space to be allocated in the site plans and welcome the concept of two story houses being placed near the rural fringe, we are concerned that the Parameter plans relating to scale indicate that dwellings of up to 3 stories would be concentrated on the highest parts of the site. This would seem to be at odds with RCBD 1.4.v. which states "In particular, development should be respectful and sympathetic to the topography of the site with no development on prominent ridge lines". The Parameter plan relating to scale and the illustrative plan relating to density and phasing may be considered as indicative only, but it seems clear that further work needs to be undertaken to bring policy and plans together. We suggest that 3 storey dwellings close to the A448 could dominate the skyline and indeed the housing leading up to them, they would be difficult to screen and would over emphasise the urban nature of the development, particularly when viewed from the adjacent rural area. We would add that the impact of such buildings and indeed of the whole estate would be given extra weight by light pollution unless its street lighting is of the low impact variety which we have mentioned in the GI paragraph. It is also of relevance, that a potentially higher population density in the area adjacent to the A448, living at some distance from the Local Centre, would also inevitably impact strongly upon travel patterns in the area.

Conclusion

- The above observations reflect our desire to contribute positively to the development of a sustainable urban extension at Foxlydiat. At the same time, however, they express our reservations about the assumptions underlying certain aspects of the development plan. The points we have raised suggest the need for further refinement and, where necessary, re-examination of the plans as currently conceived. Thus we would suggest that acceptance of the Hybrid Application in its current form would be premature.

**Tech Paper 1 response to Applicant's Transport comments**

The Technical Note fails to address the Key Principle stated in Para 1.1.1 Vol II of the Transport Assessment. "Good sustainability practice requires that travel demand generated by new development does not significantly affect movement within existing neighbourhoods. It is important that these existing activities are sustained, and that the new development offers an enhancement to, rather than a detractor from, the economic prosperity and the quality of life in the area."

The Technical Note is dismissive of the impact on traffic flows within the Parish especially on the quality of life and residential amenity of existing residents within the Parish and has not submitted adequate proposals to alleviate this. Critically the dependence upon improvements to the A38 makes assumptions which are both challengeable and uncertain.

**Tech Paper 2 Response to Applicant's Revised LVIA**

Our objection is that the plan is not in accordance with the policies for the Redditch Cross Boundary Development (RCBD) as laid out in the Local Plan which states quite clearly: RCBD 1.4. '.....ALL aspects of the delivery of the urban extensions MUST be in accordance with the Policies.....In addition, it is a requirement that the following principles are applied.....IN PARTICULAR, development should be respectful and sympathetic to the topography of the sites, with NO development on prominent ridge lines....'

The placement of the three storey buildings as proposed in the current Hybrid Planning Application is in clear breach of this requirement. There are no caveats to this Policy therefore all references to "mitigation" such as through strategic tree planting are not relevant, nor are the proposals for the "softening" of the worst scenario through architectural and landscape design.

It is obvious that a development of this scale is going to have a significant impact on the area so it is important that the policies, drawn up specifically for the cross boundary sites, are adhered to. We note that the recent document submitted by BDC Strategic Planning and Conservation, dated 14/8/19, states that the principles and criteria specified in policy RCBD1 should be adhered to. It lists the main requirements but points out that the other detailed requirements are 'equally important'. We reiterate that, should planning permission be granted, it should be a condition that this Policy is complied with.

**03-10-2019**

Bentley Pauncefoot Parish Council wish to object to the planning application on safety grounds.

1. The routing of a high pressure gas pipeline and a high pressure Esso pipeline through open countryside is deliberate. It is to reduce the risk and consequences of a major accident. Allowing such a large development to be built around both pipelines is needlessly putting people's lives at risk. The developer's plan to build the highest density of houses between the two pipelines seems particularly dangerous.

2. The high pressure gas pipeline is designated a Major Accident Hazard Pipeline (HSE ref 7167 Hanbury/Copt Heath). This is an important material consideration. Due to the extremely late publication of HSE's comments they will not be subject to full public scrutiny as they would have been had the letter been published at the time the planning application had its formal consultation periods advertised. Many believe that the consultation period has ended and that they are unable to enter any further comments. We believe this is in contravention of the Planning Practice Guidance on Hazardous Substances (Paragraph 087) <https://www.gov.uk/guidance/hazardous-substances> and the Planning (Hazardous Substances) Regulations 2015 (<http://www.legislation.gov.uk/uksi/2015/627/regulation/26>). Paragraph 26 states that: *'the public is entitled to express comments and options.....before a decision is taken; and the results of the consultations.....are taken into account in taking of a decision'*

3. The development site is steeply sloping and is currently arable land subject to regular tillage. This increases the rate of runoff and thus soil is lost from the fields each year. The gas and oil companies are regularly in touch with farmers and landowners warning them of the dangers of striking pipelines that are nearer and nearer to the surface. High pressure pipelines, carrying hazardous gases and fluids, so close to the surface increases the risks associated with them.

### **Bentley Pauncefoot PC - Comments on Traffic Issues 04-10-2019**

BPPC have submitted a number of comments on the impact of traffic from the proposed development. We wish to add the following comments to those already submitted.

1. We strongly dispute WCC's Highway Authority statement (submission dated 27th September 2019 'Road Hierarchy' section) that:  
*It should be noted that every improvement to address the developments impact has direct and immediate benefit to existing road users before the impacts of any development has materialised.*

How can this be true when most -if not all- the road improvements have either no dates specified or do not have to be completed until a significant number of dwellings have been completed?

2. WCC Highway Authority have submitted a series of conditions specifying the timing of various accesses and highways improvements. There do not appear to be any firm dates specified for the A38 Route Enhancement Programme work to begin. Further, the trigger for the developer's contribution is only 'prior to occupation of the 1280th dwelling'. Also, highway improvements to roads in the area only have to be completed before the 1281st dwelling is occupied. This surely suggests several years will elapse before any of the works are completed? In the intervening period local roads will have to cope with a significant amount of additional traffic prior to any improvements taking place.

We have been told that traffic from the proposed development, and indeed traffic from the other new developments in Webheath will be encouraged to use the main access onto the A448 towards Bromsgrove hence reducing the traffic using the narrow lanes through the Parish increasingly being used as rat runs.

The timing specified by the WCC Highway Authority conditions seems to indicate that, far from proving an immediate benefit to existing road users, there will be even more traffic trying to use the lanes through the Parish to avoid the congestion that already exists. A condition should be imposed to carry out the A38 work prior to the start of development.

3. BPPC had understood that the first access to the site would be from Birchfield Road. This was to prevent many of the problems experienced on Church Road especially as it would enable construction traffic to enter and leave the site without time constraints and to encourage construction traffic to access the site via the A448. It is therefore surprising to see WCC Highway Authority's condition that the access from Foxlydiat Lane will be the first access to the site.

We strongly object to this approach. Being a residential road it will be necessary to restrict the hours construction vehicles can access and leave the site with the inevitable results that were experienced in the area when a similar condition was imposed on Church Road. It will cause congestion problems that will not only encourage use of the lanes to avoid it but will also encourage construction traffic to attempt to access the site via the narrow lanes.

4. It is unclear to us when the right turn out of Birchfield Road onto the A448 will be removed. No detail is provided for the number of vehicles that currently use this access nor does it specify which alternative routes the traffic that currently uses it is expected to take.

5. WCC Highway Authority's document refers to a tiered contribution by the developer for Public Transport Service. It is unclear what this will be used for and what provisions will be made for public transport for the first dwellings.

6. It is disappointing that the Construction Environmental Management Plan submitted by WCC Highway Authority fails to consider the need to prevent construction vehicles using the narrow lanes for access to the site especially given the problems recently experienced during the Church Road development. This must be a condition should this application be approved.

In summary, WCC Highway Authority state that the additional vehicle flows generated by the proposed development are significant due to its scale. The planned timeframes for the enhancements and mitigation considered necessary to alleviate this do not ensure they will benefit existing users before the impact of the new development has materialised. Further the proposals fail to meet the developer's Key Principle stated in Para 1.1.1 Vol II of the Transport Assessment.



*“Good sustainability practice requires that travel demand generated by new development does not significantly affect movement within existing neighbourhoods. It is important that these existing activities are sustained, and that the new development offers an enhancement to, rather than a detraction from, the economic prosperity and the quality of life in the area.”*

Where is the enhancement to the quality of life for our residents?

**Bentley Pauncefoot PC (continued) Comments on Sustainability Issues 04-10-2019**

Bentley Pauncefoot wish to register a number of concerns relating to the sustainability of the above development at Foxlydiate in advance of the Planning Committee scheduled for 14th October 2019.

The Parish Council believes that we are now in an era where climate change/the future of our planet/sustainability is at the forefront of our political, social, economic and environmental discourse. Environmental issues are developing faster and faster and have become even more prominent since this proposed development was accepted into the Bromsgrove Local Plan. These issues must be at the absolute core of our actions: architects and developers must constantly assess their actions to ensure they meet the demands of this agenda and it is the role of planners to severely scrutinise those actions. It must be abundantly clear to the planning Committee that sustainability has led the design process. Indeed St Philips have taken the bold step of calling their proposed development a “sustainable urban extension” giving the impression, but we would maintain only the impression, that they have put it at the heart of their proposal.

What does sustainable mean?

Meeting the needs of the present without compromising the ability of future generations to meet their needs

Urban sustainability - city organised without excessive reliance on the surrounding countryside and able to power itself with renewable sources of energy

Smallest possible ecological footprint

Waste disposal / Water / energy / transport / health / materials / food production

Formerly Green Belt, the land that Heyford are proposing to develop is at the very heart of the ancient forest of Feckenham - one of the most ecologically abundant parts of the British Isles, hence why it was a royal hunting forest in Medieval times. It seems particularly important that efforts should be made by the developers to enforce the sustainability agenda that they have chosen to include in the development name.

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We would maintain that this is clearly not the case

Studies show that pasture is an increasingly important carbon store as it is less susceptible to droughts than woodland. It is apparent to those who live here that despite the recent heavy rainfall, drought conditions are now prevailing for more and more of the year making the land at Foxlydiate increasingly important as a carbon store.

Soil beneath these 336 acres sequesters at least 138 tons carbon per year  
*Globally, soils contain about three times the amount of carbon in vegetation and twice that in the atmosphere*

The sequestered carbon will be released into the atmosphere before the development rises above ground level.

And even before that

The documents include detailed description of tree removal - 39 trees to be removed, 14 groups of trees, 1 category A woodland, 2 category B woodlands and 1 category C woodland

Preliminary ecological appraisal

- hedgerow loss
- Pond loss
- Water course pollution - great efforts are being made throughout the Bow Brook catchment to enhance this habitat. Construction will result in its acidification and the starvation of the habitat of oxygen. The developers clearly see this as a sacrifice worth making, despite years of public expenditure.

No cohesive green infrastructure strategy

The WCC Ecology Report (22.09.16) p5

*The breadth of impact across the site is noteworthy: the ES recognises nearly 20% of the on-site hedgerows will be lost, the connectivity of the remaining network appears critically fragmented and the compensation planting proposals appear to conflate multiple mitigation measures making quantification of biodiversity change on site difficult to objectively measure. Nevertheless, the scale of the scheme is also noteworthy in providing the capacity to go beyond 'no net loss' for biodiversity and to deliver new and exemplary opportunities for wildlife within the natural and built environment. For a development of this scale I suggest it is critical that this benchmark is secured and appropriately showcased to promote the aspirations for high quality Green Infrastructure and to act as an exemplar for future development elsewhere within Worcestershire.*

On the Worcestershire County Council website

([http://www.worcestershire.gov.uk/info/20299/ecology\\_services/1028/ecology\\_planning\\_advice](http://www.worcestershire.gov.uk/info/20299/ecology_services/1028/ecology_planning_advice)) *The NPPF aspiration is to achieve 'no net loss' of biodiversity through the planning system, and to move to 'net-gain' for biodiversity where possible.*

If the developers are to meet this policy, they will have their work cut out at the reserved matters stage. We can assume that all the plans put forward and visualisations will be redrawn to show buildings re-orientated so that their roofs have southerly aspects, planted roofs and renewables / rainwater harvesting to make every house passive - energy efficiency/small ecological footprint.

Looking at the location of the development it has the appearance of a first step in the process of massing Bromsgrove and Redditch together - something that planning policy is meant to prevent, not encourage. It is on the opposite side of Redditch from its railway station and employment areas. Schools for older children are further than the 2Km recommended as a maximum walking distance.

*Plans and decisions should ensure the developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised*

However, the developers believe that an information campaign about cycling and buses is adequate to make this sustainable. All we have to go on for the likelihood of this being effective is the Local Sustainable Transport Fund investment in Redditch that resulted in car travel rising from 67% to 70%.

In summary we do not believe that the Planning Application presented to date demonstrates the capacity to achieve the sustainability criteria as defined above.

## **6.0 Public Consultation Response**

### **Statutory Requirements**

The application required an Environmental Impact Assessment and is accompanied by an Environmental Statement. The application has been advertised accordingly both in the press and by notification to the National Planning Casework Unit at DCLG.

A number of site notices were placed at various locations within and immediately adjacent to the site on both the first and second rounds of public consultation.

- 66 letters were sent out on the first round of consultation in 2016.
- Site Notices were posted at various locations on roads and footpaths bounding and within the site on the initial 2016 and subsequent 2018 consultation (the last expiring 7<sup>th</sup> May 2018)
- Press notices published in the local Bromsgrove and Redditch Standard expiring 14<sup>th</sup> May 2018

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## Neighbour representations

At the time of preparing this report 152 representations objecting to the application have been received since the first consultation was initiated in 2016. In summary, the representations received raised the following material issues -

## STRATEGIC PLANNING

- **Prematurity** – (Comments made prior to adoption of Bromsgrove District Plan and Borough of Redditch Local Plan No.4 in 2017 and allocation of the site for development and removal from the Green Belt)
- **Inadequate road network** – unable to accommodate additional consequential traffic on both minor local lanes and the wider road network including the A38
- **Other more sustainable sites** available elsewhere which have not been adequately considered
- **Cumulative Impact** – with other development in the area
- **Unsustainable** – In terms of its location and connectivity
- **Inadequate existing infrastructure** specifically Schools, Shops, Doctors, Dentists, sewerage system to sustain additional development of this scale
- **Brownfield sites should be developed before greenfield ones**
- **More smaller scale developments** should be pursued instead of larger developments, and thereby mitigating the pressure on one area

## HIGHWAY IMPACTS

- **Traffic congestion** – The volume of traffic will make the local road network unsafe. Capacity issues on off-site local and strategic road networks. The current local road network is simply not equipped to deal with such a large number of cars, particularly due to the sites poor connectivity to main roads and these main roads already being over stretched at peak times
- **Restriction of right turning movements** onto the Bromsgrove highway at the end of Birchfield road, will contribute to congestion and significantly increase current residents' journey times
- **Poor Public Transport provision**- lack of connectivity in regards to public transport
- **Highway safety** – particularly on existing lanes which are unlit, have no footways and no, or narrow verges where increased traffic using routes as rat runs / short cuts create a risk to pedestrians, cyclists and horse riders
- **Rat-running** - The neighbouring lanes of Bentley, Woodgate and Stoke Prior will not be able to cope with the increase in traffic travelling from the development to access the M5 south. This route is already a shortcut ratrun, the roads being narrow, winding with blind bends and single track in places resulting in frequent accidents

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- **Closure of Right hand turn onto Bromsgrove Highway**  
The plans do not allow for a right hand turn onto the Bromsgrove highway off Birchfield Rd. Commuters to Bromsgrove would have to travel through existing housing in Webheath that is already congested to get on to the Bromsgrove highway up at the next junction, adding an extra 2 to 3 miles to the journey.

**RESIDENTIAL AMENITY**

- **Disturbance During Construction** -Noise , Vibration and Dust – From construction traffic and construction over a number of years
- **Air Quality** - vehicle fumes from increased cars and general pollution
- **Privacy / Overlooking** - 3 storey homes in certain locations will result in loss of privacy
- **Overshadowing** - 3 storey homes in certain locations will result in loss of sunlight and overshadowing in surrounding homes
- **Light Pollution** – The development would result in light pollution in what is currently an otherwise dark rural area at night
- **Increased Litter** - as a consequence of more development

**PUBLIC SAFETY**

- **High Pressure Gas Pipeline** - The Council has a duty of care towards their residents to ensure that any homes and householders are not put at risk in the event of an incident with a pipeline. The construction of development in the vicinity of the High Pressure Gas pipeline, and particularly in the middle zone (15m-36m) from the pipeline represents an unnecessary risk to future residents. People should be confident that they are safe in their own home.
- **Flood Risk** higher surface run off is inevitable in the wake of development and will further increase the risk of the brook on the site flooding, and result in greater disruption due to the greater number of houses that will then be affected if the development proceeds
- **Increased crime rate** – as a consequence of more development

**ECOLOGICAL IMPACTS**

- **Bat foraging routes** – interrupted by development, removal of hedgerows/trees and lighting
- **Loss of habitat** – as a direct consequence of development
- **Contamination of aquifer** – as an indirect consequence of development
- **Loss of high grade agricultural land**

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- **Wildlife Corridors** - members of Hedgehog Rescue and others emphasised the importance of ensuring a full check of the land for existing wildlife and incorporating wildlife corridors to the development should the plan go ahead rather than creating barriers to movement of species.

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## LANDSCAPE CHARACTER AND HERITAGE IMPACTS

- **Loss of local character and identity** – The development will urbanise and change the character of the area as well as spoiling countryside views and walks
- **Loss of trees** – The development will result in the loss of both protected and unprotected trees
- **Overdevelopment** – The scale of development is too great for this rural area.
- **Building heights** – 3 storey development should be resisted particularly on higher ground adjacent to the A448
- **Setting of Listed Buildings** -concern that the development will adversely affect the setting of Lanehouse Farm

## Assessment of Proposal

### 7.0 Main Issues

The main planning issues to consider in respect of this application are;

- Strategic Planning Background
- The Principle of Development
- Loss of Agricultural Land
- Efficient Use of Land
- Transportation and Accessibility
- Heritage Assets
- Air Quality
- Green Infrastructure
- Ecology
- Water Management and Flood Risk
- Ground conditions
- Landscape and Visual Impact
- Noise
- Residential Amenity and Public Safety
- Waste and Minerals
- Infrastructure Requirements
- Planning Balance

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## 8.0 Strategic Planning Background

8.1 Paragraphs 8.53-8.54 of Appendix 1 to the BORLP4 states that :

*“The Worcestershire Strategic Housing Market Assessment (SHMA) identifies that Redditch’s housing requirements up to 2030 should be around 6,380 dwellings. The Redditch Strategic Housing Land Availability Assessment (SHLAA) identifies that Redditch Borough only has the capacity to accommodate around 3000 dwellings within its own boundaries, leaving a shortfall of around 3400. Bromsgrove District Council and Redditch Borough Council have worked together in accordance with the Duty to Cooperate to find preferred locations to accommodate this shortfall. An assessment (Housing Growth Development Study January 2013) has been carried out, building upon a consultation conducted in 2010, to ensure that the most suitable and sustainable sites have been selected.*

*Two sustainable mixed use urban extensions (Foxlydiate and Brockhill) are proposed adjacent to the west and north of Redditch Town which will deliver two new sustainable communities. The two development sites, as shown on Page 41, will provide a minimum of 3400 dwellings and comprehensive provision of associated new infrastructure to meet some of Redditch’s housing requirements up to 2030. These sites are currently designated as Green Belt\*; however exceptional circumstances exist to allocate these sites to meet development needs. These developments will create balanced communities that fully integrate into the existing residential areas of Redditch, addressing the social, economic and environmental elements of sustainable development, whilst being sympathetic to the surrounding rural areas of Bromsgrove.”*

***\*see section 9 for updated position***

8.2 Paragraph 8.55 of Appendix 1 to the BORLP4 goes onto identify Foxlydiate as Site 1 along with the various site constraints.

8.3 Policy RCBD1 in Appendix 1 to the BORLP4 states

A 148ha site at Foxlydiate is allocated as a mixed use urban extension as Site 1 in policy RCBD1. It is allocated for:

- Approximately 2,800 dwellings
- A First school
- A Local Centre
- Associated community infrastructure

8.4 Policy RCBD1 sets out detailed principles for the development of the allocated site through fifteen criteria that should be followed in order achieve sustainable communities on the cross boundary allocation sites. Notably, this includes:

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- The residential development will reflect the local requirements as detailed in the most up-to-date Housing Market Assessment and comprise of up to 40% affordable housing, with a mix of house types and tenures
- An overall Transport Assessment taking account of the individual and cumulative effects of development on transport infrastructure, alongside the mitigation necessary to maintain the safety and operation of the road network.
- Significant improvements in passenger transport to result in integrated and regular bus services.
- An overall Strategy and Management Plan for Green Infrastructure which maximises opportunities for biodiversity and recreation
- Walking and cycling routes well integrated with the Green Infrastructure network.

8.5 Policy RCBD1 forms a component of the Development Strategy Chapter of the Bromsgrove District Plan 2011-2030 adopted in January 2017 for cross-referencing and completeness.

**The current planning application**

8.6 In March 2018, the planning application was revised and the number of homes to be delivered in this application was reduced from 2,800 to 2,560 from that originally envisaged, to reflect a reduction in the extent of application site controlled by the applicant. It is envisaged that this further portion of the site (wholly within Bromsgrove District) would come forward at a later stage. The part of the site where the further land is situated (south west) lies adjacent to land scheduled for a later build phase in the development so does not prejudice the delivery of the development in its current form.

8.7 Aside from the parallel application submitted to Bromsgrove District Council, other land, also situated within the Bromsgrove District Plan allocation is subject to two current applications which were pending determination at the time of preparing this report :

17/00469/OUT at Barn House Farm, Foxlydiate Lane for up to 68 dwellings and

19/00615/OUT at Foxlydiate Hotel, Birchfield Road for 70 dwellings.

**Revised NPPF 2018/2019 and the Standardised Housing Methodology**

8.8 During the course of the application the Government has consulted on and released a revised National Planning Policy Framework (initially published in September 2018, with further very minor amendments released in February 2019).



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- 8.9 The 2018 NPPF introduces a new standard methodology to assess local housing need to inform the number of homes that should be delivered within an area. This has been introduced to provide clarity and certainty on the controversial matter of how many homes an area should be planning for. The new methodology uses Government produced household growth projections, and then applies an adjustment factor to these using affordability data from ONS, to give the Local Housing Need figure.
- 8.10 The standard methodology gives a minimum starting point for determining the number of homes needed in an area. It is not a housing requirement, it is only the starting point for determining the number of homes to plan for.
- 8.11 Despite the introduction of the standardised housing methodology for plan making there is no implication for this planning application.
- 8.12 Planning applications should be assessed against the statutory development plan for the area, which in this case is both the BDP and BORLP4. The BDP allocates the Foxlydiat site for development to meet the needs of Redditch Borough and that cannot be changed until the plan is formally reviewed. A review of the Bromsgrove District Plan has commenced and is in the early stages, with adoption of the plan not expected until 2022. A review of the Borough of Redditch Local Plan No.4 is not programmed at present, however circumstances may change

**9.0 Principle of Development**

- 9.1 The land area covered by this planning application sits on the edge of the Webheath area of Redditch and is currently white land in the Borough of Redditch Local Plan No.4 (Adopted 2017). This land was removed from the Green Belt through the adoption of Local Plan No.4.
- 9.2 The Borough of Redditch Local Plan No.4 Inspectors Report Paragraph 117 states, "Changes to the Green Belt boundary are proposed, with land to be deleted in respect of ... an area of land at Curr Lane which, although unlikely to be subject to significant development in itself, would be closely associated with the neighbouring BDP Foxlydiat site... the presence of the Foxlydiat allocation would remove the ability of these small areas of land to contribute to the purposes of the Green Belt. Exceptional circumstances to justify their removal have therefore been shown."
- 9.3 It is considered that the small part of the Foxlydiat site in the administrative area of RBC site should be considered in relation to the role it plays within the much larger Foxlydiat site so that it plays its part in contributing to the comprehensive master planning of the area. RBC submitted Strategic Planning comments to Bromsgrove District Council in relation to the larger Foxlydiat site. These comments were approved as a response at the RBC Planning Committee on 12th

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December 2018, in advance of the larger Foxlydiate site being considered by BDC planning committee on 14 October.

- 9.4 A number of the original representations received in respect of the first round of consultations make reference to the application being pre-mature and constituting inappropriate development in the Green Belt. With the adoption of the Bromsgrove District Plan in 2017, the site was taken out of the Green Belt. Those objections are therefore considered to have been addressed by the material change in circumstances which has subsequently occurred.
- 9.5 Accordingly, the development no longer falls to be assessed as development within the Green Belt as a matter of fact. For the avoidance of doubt, a refusal of this application would not have the effect of restoring the Green Belt designation which once existed. Nor would it alter its designation as 'white land' in the BORLP4.
- 9.6 Notwithstanding the change in methodology used as a starting point for calculating housing need; using the most up to date monitoring information at April 2019, neither Bromsgrove District Council nor Redditch Borough Council can demonstrate a 5 year supply of deliverable housing land sites. This means that paragraph 11d of the National Planning Policy Framework is engaged for the reasons set out below.
- 9.7 Paragraph 11 as a whole sets out a presumption in favour of sustainable development and the second part for Decision-Taking states –

*“For Decision-Taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

- 9.8 Footnote 7 of the NPPF states that *“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer*

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*as set out in paragraph 73)*". Therefore the presumption in favour of sustainable development is engaged by reason of the inability of Bromsgrove DC, and Redditch BC (who's housing need this site relates to) being able to demonstrate a five year supply of housing land, and thus the most important policies for dealing with the application could be viewed to be out of date.

- 9.9 The trigger in paragraph 11d was perhaps drafted with speculative, non-allocated, windfall sites in mind and it is felt that sites such as Foxlydiat which benefit from inclusion in a development plan were not the intended focus of the test. These sites would be expected to be in accordance with the development plan and thus be approved "without delay" (paragraph 11c). Nonetheless, the Councils are in a position where they do not have a five year supply of housing sites, the site does not fall within an area protected by policies in the Framework as listed at footnote 6 (SSSI, Green Belt, AONB etc) and therefore, by default, paragraph 11d is engaged.
- 9.10 Determination of the application does not rest wholly on section 'd' of the NPPF above, as the policies within the development plan which do not restrict the supply of housing remain material and still carry substantial weight. However, mindful of the 5 year housing supply position for Redditch, the considerations under section 'd' take on added weight.
- 9.11 At the meeting of Redditch Borough Council's planning committee on 12<sup>th</sup> December 2018, and in response to a formal consultation from Bromsgrove District Council on the duplicate application reference 16/0263 submitted to it for determination, members resolved that -
- (i) No objection be raised to the planning application and amendments proposed;
  - (ii) The comments under the heading Officer appraisal (Appendix 1 at pages 29 to 33 of the main agenda) be endorsed;  
<https://moderngovwebpublic.redditchbc.gov.uk/documents/s33625/Appendix%201%20-%20Foxlydiat%20Planning%20App%20Officer%20Comments%2026.11.18.pdf>
  - (iii) Appendix 1 be amended by officers to add further comments from Members with regard to :-
    - a. Emphasising the issue around affordable housing for Redditch as referred to at para 5.2 on page 31;
    - b. Raising the need for defined trigger points to be used in the section 106 agreements to ensure that contributions are made in a timely manner, especially with regard to education contributions; and
    - c. Emphasising the need for the design of the development to accommodate energy neutral approaches and provision of electric vehicle charging points.

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- 9.12 Redditch Strategic Planning Team advises that Redditch Borough Council does not currently have a five year housing land supply; and the current supply is 3.29 years (as at April 2019). This site would provide a contribution towards this need. The wider Foxlydiate site and this site are both crucial to enable the delivery of the housing strategy for Redditch over the plan period.
- 9.13 The Applicant has submitted an Affordable Housing Delivery Plan alongside the application which states that 40% affordable housing will be provided, which consists of a mix of house types and tenures (paragraph 5.1 and 5.2). This is in accordance with the requirements of the policy. The emerging 106 agreement, to which Redditch Borough Council will be a signatory makes it clear that the affordable housing element, like the general housing element is to meet the needs of Redditch Borough.
- 9.14 The principle of development on this land is considered acceptable as the site would deliver general needs and affordable housing on an unallocated area of land within the Borough and also form an integral element of the wider Foxlydiate development site.
- 9.15 For clarity, this site is not within the Green Belt and forms the part of a detailed masterplan which has been minded for approval at the BDC planning. The site contributes a fundamental part of the housing need for Redditch up to 2030. The delivery of this site ensures a continued supply of much needed housing for Redditch, including a continued contribution of affordable housing. In conclusion, from a Redditch Strategic Planning perspective this principle of development on this land is supported.

**10.0 Loss of Agricultural Land**

- 10.1 Paragraph 170(b) of the NPPF as amplified by Footnote 53 of the NPPF states - *“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.”*
- 10.2 There is no evidence that the housing needs of Redditch can be met by avoiding development of such best and most versatile land having regard to the extent of the designated Green Belt. The loss of such land constitutes a dis-benefit of the proposal but not one which would justify refusal when balanced against issues of 5 year housing land supply and the limited availability of land to meet such need. The Local Plan’s Inspector was aware of this issue when he endorsed this site for residential development in the plan.

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**11.0 Efficient Use of Land**

- 11.1 Overall, development will predominantly range from 25 - 40 dph (dwellings per hectare). The development of the site is influenced strongly by topography, open space provision, protected trees, pipeline off-setting zones and the safeguarding of the setting of Lanehouse Farm and the designated Hewell Grange Registered Parkland.
- 11.2 The density is acceptable in this location. The development responds to the identified constraints whilst demonstrating efficiency in terms of land use.

**12.0 Transportation and accessibility**

- 12.1 Policy RBCD.1 criterion II states that –  
*“An overall Transport Assessment will be produced taking account of the prevailing traffic conditions and the individual and cumulative effects of development on transport infrastructure. This will define the mitigation necessary to protect the safety and operation of the road network, including sustainable travel measures and any new and improved access arrangements”*
- 12.2 A detailed Transport Assessment (TA) has been prepared by Phil Jones Associates in support of the hybrid planning application. The assessment process has been lengthy and detailed to ensure the transportation evidence being used to support this application is robust. The approach adopted has been a traditional approach with engagement between WCC and BDC and also the Council’s retained independent highways consultant, to ensure that the outcomes of the assessment can be appraised fully. The TA has assessed the impact of development upon the local and strategic highway networks in terms of traffic generation and has also considered the accessibility of the site via alternative modes of travel.
- 12.3 The following Highway alterations are proposed,
- Birchfield Road (Principal site access);  
This access will result in a significant alteration as it becomes the primary site access. The road will be extended directly into the development and will see a new 3 way signal controlled junction introduced.
  - Birchfield Road / A448 Incidental to the new site access this junction is realigned and the right turn movement onto the A448 is removed.
  - A448 / Hewell Lane  
This junction will be subject to significant alteration to address the additional demands. The junction will be replaced with a signal controlled junction.

Following discussions with the County Council's consultant and the applicant it has been concluded that the retention of the A448 dual carriageway in its current form provides the best overall arrangement

- Cur Lane / Foxlydiat lane

This roundabout will be realigned to improve its capacity as it becomes the secondary access point to the site. As a result Cur Lane will be diverted into the site and the road design will be such as to discourage its use for through traffic.

- Foxlydiat Lane / Site Access

A new access is proposed to be provided. This has been designed against actual vehicle speeds and has been shown to be acceptable. It will serve as the access to and early phase of development which will ultimately connect to the spine road and the local centre.

- Pumhouse Lane

A link is proposed to allow for pedestrian and bicycle access.

12.4 Respondents objecting to the closure of the right turn from Birchfield Road onto the A448 Bromsgrove Highway have misunderstood the intention of preventing vehicles turning right. Presently vehicles turning right would cut across the path of fast moving traffic which is leaving the A448. There is a short alternate route which drivers would be able to take to would enable them to join the A448 by doubling back from the next island, which adds no more than a couple of minutes to the journey, but avoids vehicles cutting across the path of traffic travelling at speed which is leaving the A448.

12.5 All accesses have been demonstrated to be achievable and will mitigate the impacts of the proposals.

12.6 The TA has identified that off-site mitigation is needed in order to manage the capacity of several local road junctions and sets out proposed junction improvements at the following locations

- Warwick Highway / Icknield Street Drive / Battens Drive Roundabout  
Widening of Battens Drive and Warwick Highway East entries to the junction and improved lane markings on Icknield Street Drive
- Warwick Highway / Alders Drive / Claybrook Drive Roundabout  
Widening of the entry arms to the roundabout to provide two-lane entry to the roundabout.

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- A441 Alvechurch Highway / A4023 Coventry Highway / Redditch Ringway  
Grade separated Roundabout  
Partial signalisation of the junction on three arms to assist in traffic flow control.
- A441 Alcester Highway / The Slough / Evesham Road / Windmill Drive  
Roundabout  
Widening on the entry to the Slough from Rough Hill Drive.

12.7 In addition to the improvements identified above, further work has been undertaken to assess the impacts of this proposal on the A38 in Bromsgrove, the TA shows that significant amounts of traffic from this location will attempt to use the A38. A Sum of £2,030,099.86 has been identified as being required to mitigate the impacts from this scheme the methodology for this has been included in the consultee comments section above. It is considered that this is a robust methodology which allows for significant funding to be secured contributing to the A38 Route Enhancement Programme.

**Connectivity**

- 12.8 Policy RCBD1 criterion XIV is relevant in consideration of this issue  
*“XIV. Any proposals for development on either site must not individually or cumulatively jeopardise the future use of any other part of the site (s) or impede the delivery of the two sustainable communities”*
- 12.9 In order to ensure that residents of future development proposal(s), on land not included in the current application can reach the facilities within the main scheme conveniently on foot, it is proposed to secure a linkage via a suitably worded condition or clause in the legal agreement which would accompany a decision if members resolve to grant planning permission.
- 12.10 A travel plan has been prepared by Phil Jones Associates and which has considered site accessibility and has proposed a series of measures aimed at ensuring the site is accessible by modes of travel other than private car. The travel plan has proposed significant improvements to bus services serving the site, including proposals to modify existing routes to ensure enhanced connectivity.
- 12.11 The TA and Travel Plan has been the subject of extensive pre application consultation with WCC Highways, to ensure that the range of measures proposed can effectively manage travel patterns and mitigate the impact of development, whilst at the same time ensuring that the site is highly accessible for future residents.

**Highway Safety / impacts on Cur Lane**

- 12.12 The concerns expressed about highway safety and the impacts on Cur Lane by the Parish Council and other respondents are noted. The possibility of future RTAs can never be ruled out, possibly including some which might be serious. But the manner in which people drive is not something against which the planning authority can sanction, other than to secure improvements to existing road infrastructure and encourage traffic to use main roads, thereby making rat-runs less attractive options. A robust justification has been provided by the applicant using the information contained within the TA demonstrate that whilst there will be an impact on Cur Lane it would not be significant enough to require additional mitigation to be needed.

**Cycle Routes**

- 12.3 The TA proposes a network of high-quality walking and cycle routes within the development connecting to infrastructure improvements on routes within Webheath and towards Redditch town centre. During the pre-application consultation process it was suggested by Sustrans that NCN Route 5 should be diverted through the site. The existing NCN Route 5 would be retained as a marked advisory cycle route offering a choice for cyclists.
- 12.14 The proposed diverted NCN Route 5 through the development would predominantly be a leisure route for casual cyclists and as such the route would pass along a network of segregated or roadside paths. The existing rural roads surrounding the site are currently used by longer distance road cyclists. It is envisaged that these users are unlikely to divert into the site and would continue to follow local roads. More experienced cyclists, including members of cycling clubs that currently use the lanes, do not typically require segregation from traffic. If these more experienced cyclists do choose to divert through the site they would most likely choose to use the road network, rather than segregated paths to avoid conflict with pedestrians.
- 12.15 There are trade-offs associated with each route. The proposed alignment provides an off-carriageway route through the site and then follows a route beneath the A448 through Batchley towards to the town centre. The existing NCN 5 is almost entirely on-carriageway and follows the Bromsgrove Road into the town centre. Between the start of the route and the site, the proposed alignment along Copyholt Lane and Cur Lane is an option for cyclists. The existing alignment is a lower standard of road with few places for motor vehicles to pass but does carry a lower volume of traffic. Ultimately, the route through the site and connection to the external road network would be provided. The proposals simply offer a different choice of route which have benefits and drawbacks.



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12.16 Upon completion of the development Sustrans would have the choice of formally diverting NCN5 or retaining the existing alignment and the proposals simply reflect suggestions received during the consultation process. This is a decision for Sustrans, and not the developer.

**Conclusion on Transportation and Accessibility issues**

12.18 Whilst the application is of a significant scale and will result in an increase in movements across all modes of transport, the application accords with the expected quantum of development in the adopted local plan and appropriate mitigation is presented. The access arrangements have been subject to considerable scrutiny and found to be acceptable by the County Highway Authority and the Council's appointed Highway Consultants Mott MacDonald (MM). A package of physical works and financial contributions as described by the County Highway Authority are proposed via a legal agreement to ensure any impacts on the network are mitigated.

12.19 The provision of a local centre which includes a shop and first school will see many short distance trips internalised within the site as pedestrian movements, rather than vehicle trips leaving the site to find those facilities elsewhere. The application has evolved in terms of clarity on highways issues since its initial submission in 2016 and the design now provides the level of certainty required to determine its acceptability in highway terms.

12.20 The Highway Authority and Bromsgrove District Council's Highway Consultants – Mott Macdonald (MM) have independently undertaken a robust assessment of the TA. 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 residual cumulative impact.

12.21 It is also concluded that the proposed development would not cause any unacceptable harm to highway safety. In this respect, the scheme would not conflict with any relevant policies, including those which require transport and safety considerations to be taken into account, therefore there are no justifiable grounds on which an objection could be maintained on highway grounds.

12.22 As a consequence, it is considered that the proposed development would deliver sustainable development in accordance with the requirements of Policy RCBD1.9 (II-IV), and BDP16.

**13.0 Heritage Assets**

13.1 There are two heritage assets in close proximity to the Foxlydiate site, they are Hewell Grange Registered Park and Garden and Lanehouse Farm.

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- 13.2 Lanehouse Farmhouse is a multi-phase farmhouse with a number of outbuildings, most of which have been converted to residential units. The farmhouse lies to the southwest of Cur Lane.
- 13.3 In accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), special regard has been paid to the desirability of preserving listed structures or their settings or any features of special architectural or historic interest which they may possess.
- 13.4 Policy BDP20 managing the Historic Environment is relevant in that it sets out a presumption in favour of *“development proposals which sustain and enhance the significance of Heritage Assets including their setting.”*
- 13.5 Policy RCBD1 criterion XV is relevant to consideration of this issue. It states: *XV. To ensure the protection of Heritage Assets, future proposals including development boundaries should be in conformity with Policy BDP20 and informed by an understanding of the Setting of Heritage Assets set out in the most recent Setting Assessment(s) produced, or formally endorsed, by the Council in accordance with current Historic England guidance. Specifically, built development should not take place in the ‘no development’ areas identified in the Hewell Grange and Lanehouse Farm Setting of Heritage Assets Assessments (both dated December 2015).*
- 13.6 Paragraph 193 of the NPPF states that: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*
- 13.7 Paragraph 196 of the NPPF states that: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.”*
- 13.8 Paragraph 200 of the NPPF states that: *“Local planning authorities should look for opportunities for new development within.... the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”*
- 13.9 It is considered that the intervening topography, trees and hedgerows appear to prevent any inter-visibility between this site and Norgrove Court. Impact could be reduced further through other mitigation measures such as reinforcing existing natural boundaries, and carefully considering heights and densities of development in relation to heritage assets.

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- 13.10 The applicant has followed the pre-application advice of the Council's Conservation Officer in ensuring built development is precluded from an extensive area immediately to the east of Lanehouse Farm, so as to preserve the setting of this historic Grade II listed Building and the Conservation Officer raises no objection to the application.
- 13.11 It is considered that the proposed development would not conflict with the relevant legislation cited above and would accord with the requirements of the development plan in respect of RCBD1 XV and BDP20. Any residual adverse impacts upon the setting of these heritage assets could be mitigated by planning conditions with respect to landscaping.

**14.0 Air Quality**

- 14.1 Worcestershire Regulatory Services and the Council's Climate Change officer were consulted on the application. The site does not form part of or is situated in the immediate vicinity of a known Air Quality Management Area (AQMA)
- 14.2 Nonetheless, in order to mitigate the impact of development, air quality mitigation measures which seek to promote sustainable travel, electric vehicle charging points and low emission boilers are proposed.
- 14.3 It is considered that these measures could be secured by conditions and at the Reserved Matters Stage and would comply with Policies BDP1.4(b), BDP19 (s)(i) (ii) and Policy 19 of the BORLP4.

**15.0 Green Infrastructure**

- 15.1 Policy RCBD1 criterion XII. Requires that "All development must be of a high quality design and locally distinctive to its surrounding rural and urban character; contribute to the areas' identity and create a coherent sense of place; and respect and enhance the setting of any heritage asset. There should be a continuous network of streets and spaces, **including the provision of public open spaces**, creating a permeable layout with well-defined streets; (my emphasis)
- 15.2 The site proposes a large area of undeveloped open space which would be accessible to both future residents and the public. This would be privately managed by a management company the arrangements for which would be secured through the s106 agreement. The location of this space has been selected in large part to reflect identified development constraints and to preserve the setting of Lanehouse Farm, a Grade II listed building which lies to the immediate west of the application site on Cur Lane.

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- 15.3 The undulating nature of the site makes it unsuitable for the construction of large playing pitches so such provision would be sought off-site via a planning obligation and financial contribution toward enhancement of existing facilities.
- 15.4 There would also be a series of play spaces (NEAP) Neighbourhood Equipped Area for Play and (LEAP) and (Local Equipped Area for Play) and Trim Trail to be secured through the s106 agreement.
- 15.5 The proposal would be in general accordance with policies RCBD1 XII and BDP25.

**16.0 Ecology**

- 16.1 Policy RCBD1.9 (V) states that  
*“Both sites will have an overall Strategy and Management Plan for Green Infrastructure which maximises opportunities for biodiversity and recreation, whilst protecting existing biodiversity habitats and landscape geodiversity. Green Corridors should be created around Spring Brook in Site 1 Foxlydiate and the Red Ditch in Site 2 Brockhill. Both sites should be sensitively designed to integrate with the surrounding existing environment and landscape. In particular, development should be respectful and sympathetic to the topography of the sites, with no development on prominent ridge lines and where appropriate retain tree lined boundaries”*
- 16.2 Chapter 8 of the Environmental Statement has assessed likely significant effects of the Proposed Development in terms of Ecology and Wildlife, in the context of the site and surrounding area. In particular, it considers the likely significant effects of disturbance to protected species, including fragmentation and/or loss of habitat, and risk of damage and pollution of watercourses (both on and offsite). Important ecological features which are considered relevant to this assessment are Hewell Lake Site of Special Scientific Interest (SSSI), Trickses Hole SSSI, Local Nature Reserves (LNR), Local Wildlife Sites (LWS), Ancient Woodland, broadleaved woodland, species-rich hedgerows, species-poor hedgerows, standing open water, wet watercourses, great crested newts (*Triturus cristatus*), badgers (*Meles meles*), bats (*Chiropter* sp.), breeding birds, invertebrates, otter (*Lutra lutra*) and water vole (*Arvicola amphibious*), reptiles and protected plant species.
- 16.3 A series of mitigation measures are identified and which would be implemented alongside new development in order to ensure that there are no significant adverse environmental impact in terms of bio-diversity.
- 16.4 During the course of the application there has been extensive discussions between the Council’s Ecologist and the developer along with related stakeholders to ensure that the series of pools throughout the site are not solely designed for the purposes of storm water attenuation, but are also designed with regard to creating a supporting a viable wildlife habitat.

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16.5 Subject to implementation of the mitigation measures, the proposed development would comply with Policy RCBD1.9 (V), 11 and 16 of BORLP4 and BDP21 and 24.

**17.0 Water Management and Flood Risk**

17.1 Chapter 13 of the Environmental Statement by Wardell Armstrong has assessed the impact of the development in terms of Flood Risk, Water Quality and Water Resources. The chapter has assessed the likely significant effects of the proposal in terms of:

- The increase in Surface Water runoff and flood risk as a result of increased impermeable areas;
- The potential increase in pollutants reaching surface water and/or groundwater;
- The potential for reduction in flows to water resources in the catchment; and
- The underlying aquifer and risks relating to the associated Source Protection Zone and also the needs for Foul Drainage from the Site.

17.2 The Flood Risk Assessment and drainage strategy identify a series of mitigation measures to ensure that development will have a negligible impact on Water Resource receptors within the study area, including the Source Protection Zone.

17.3 The HPA drainage strategy includes the implementation of SuDS to effectively manage surface water run-off from the site to existing rates. This will ensure that the site has no undue negative impact of localised flooding.

17.4 Additionally, the drainage strategy demonstrates that the proposal will have a net negligible impact on water quality and quantity on the Spring Brook and Swans Brook & Bow Brook catchment in the long term.

17.5 As a result, through implementation of the identified mitigation measures, the proposed development will not result in any adverse impact to the water environment and the scheme would comply with the policy requirement of policies RCBD1 (Vli-IX) 17, 18 and 40 of BORLP4 and policies BDP19 and 23 of BDP.

**18.0 Ground conditions**

18.1 A ground conditions assessment has been undertaken (in accordance with relevant planning and technical guidance) in relation to potential impacts on human health from soil contamination, risks from ground gas, and the potential effects on Controlled Waters receptors.

18.2 Based upon the information available at this stage, there are no potential issues or concerns at the site that cannot be successfully managed and/or mitigated that would preclude the possibility of the proposed development.

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**19.0 Landscape and Visual Impact**

19.1 The site is not subject to any special landscape designation.

19.2 The Landscape and Visual Impact Assessment (LVIA) has assessed the topographic features, landform and the established, prominent patterns of native planting that are important to the landscape setting of the site.

The following points provide a summary of site assessment:

- The higher ground of the site is still lower than the ground beyond the site's boundaries north of the A448 and south into Webheath. The shape of the landform, are strong features that define clear and logical limits to the site and the future development;
- The containment along the boundaries is also made by existing planting in the hedgerows of Cur Lane and Gypsy Lane containing numerous prominent trees and the lanes form strong boundary lines that can effectively give form and character to the edge of the new development with sympathetic effectiveness;

19.3 The A448 along the site's north eastern edge has landscape belts of structure planting and the dual carriageway also has significant earthworks that add to the definition of the edge of the site;

19.4 The Spring Brook along the future countryside boundary of the southern area also has associated tree and hedgerow lines that further strengthen its line and forms a strong 'near natural' boundary line that can effectively give form and character to the edge of the new development with sympathetic effectiveness; and

19.5 The south eastern edge of the site sits along the current boundary of the settlement and Webheath is on land that rises higher than the site along this boundary and again containment is formed by existing elements: the rising landform; the numerous mature trees; and the buildings of Webheath at the edge of the town of Redditch.

19.6 The land use masterplan has been informed by the analysis within the LVIA and has focused development to areas where it can be contained by the landscape features of the site.

19.7 Following representations from Bentley Pauncefoot Parish Council, highlighting concerns about the visual impact of proposed three storey development on high ground adjacent to the Bromsgrove Highway, the applicant reviewed their Landscape and Visual Impact Assessment and has subsequently amended the proposal to reduce the number of storeys in that area near the ridge line and highway from three to two. This will be secured via the revised Scale Parameters Plan, the approval of which would form part of the outline approval.

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- 19.8 It is inevitable that the development will be visible from some vantage points. It is a substantial development proposal on a site which has varying levels. There is however significant scope for landscaping to mitigate impacts and soften views.
- 19.9 Taken in the round, the proposed development would result in high quality design that would comply with BoRLP4 Policies 39, 40 and BDP19.

**20.0 Noise**

- 20.1 Wardell Armstrong LLP (WA) has carried out a noise survey to assess the current ambient and background noise levels at proposed and existing receptor locations.
- 20.2 The noise survey is discussed in the baseline section of Chapter 12 of the Environmental Statement. Between the 15th and the 17th July 2015, and between the 30th and 31st July 2015 Wardell Armstrong LLP (WA) carried out attended and unattended noise surveys to assess the existing ambient noise levels at existing and proposed sensitive receptors across the site.
- 20.3 Unsurprisingly, the dominant source of noise at the sensitive areas of the proposed development is road traffic on the major roads in the vicinity of the site. The results of the baseline noise survey and noise prediction calculations indicate that the noise levels should not be a determining factor in granting planning permission in accordance with current guidance.
- 20.4 The report concludes that mitigation measures would need to be incorporated into the site design to ensure that the required internal daytime, and internal night-time noise levels, are achieved. Once these measures are implemented the effect of future road traffic noise would be negligible.
- 20.5 The land use masterplan has included an area of land alongside the A448 where a suitable form of mitigation can be provided. As such it is considered that the proposed development would comply with the criteria based elements of BDP19. I am therefore satisfied that there would not be any unacceptable impact in respect of noise from traffic for future residents.

**21.0 Residential Amenity and Public Safety**

***Construction Phases***

- 21.1 The primary source of potential harm to residential amenity would arise during the construction phase of the development, both to existing residents in the established residential dwellings surrounding the site, predominantly along its southern edge, but also of future occupiers as the development progresses and new residents move into homes which will border parts of the development still under construction.

- 21.2 In order to mitigate harm during the construction phase, a robust Construction Environment Management plan is proposed. The details of the requirements of this plan are set out in the conditions section at the end of this report.

***Privacy Sunlight and Scale***

- 22.3 The spatial relationship of any new development juxtaposed with the established development, predominantly bounding the southern end of the site, would be considered at the reserved matters stage, when detailed matters of siting and relative scale, privacy and sunlight would be considered more closely within the broad parameters set at this stage.
- 22.4 The modification to the Scale Parameter Plan generating revision 'O', in response to concerns expressed by Bentley Paucefoot Parish Council has replaced the previously proposed "up to 3 storey zones" with up to "2 storey zones" along the north eastern edge of the site flanking the A448. This change represents an improvement in terms of the potential impact upon the amenity of Hunters Hill, although the discrete relationship between new development and that existing dwellinghouse would be considered at the reserved matters stage.
- 22.5 As such it is considered that the proposed development would comply with the criteria based elements of BoRLP4 Policy 40 and BDP19.

***Pipelines***

***High Pressure Gas Pipeline***

- 22.6 The northern portion of the site is bisected by a high pressure gas pipeline. In order to safeguard future residents, the application acknowledges and responds to this constraint by provision of zones to restrict the level of built development within them. The initial objection from the Health and Safety Executive (HSE) by letter dated 23<sup>rd</sup> April 2018 stated:

*"The assessment indicates that the risk of harm to people at the proposed development is such that HSE's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case"* However the covering e-mail of 24<sup>th</sup> April 2018 stated *"The Advise Against advice is due to the housing provision that is located within the HSE Middle Zone of the pipeline. As the number of houses isn't indicated we have to assume that there will be more than 30 dwelling units that fall within this Middle Zone of 36 metres. Alternatively if you or the applicant can confirm how many houses are proposed within the HSE Middle zone then I may be able to review our advice"*



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- 22.7 Accordingly the HSE's objection was based on an assumption, in the absence of information.
- 22.8 The HSE were evidently prepared to review their objection once it was established how many dwellings were proposed within that zone. As no details of layout or the dwellings have been submitted at this stage the matter can only be dealt with by a condition which seeks to limit the number of dwellings which are subsequently proposed within that zone as a component of any subsequent reserved matters application, for that part of the site.
- 22.9 The HSE have subsequently formally confirmed in their representation of 5<sup>th</sup> September 2019 that they would have no objection to the development as proposed (which includes some residential development within the 15m-36m zone), subject to the imposition of a planning condition restricting the number of dwellings which could be constructed within that zone.
- 22.10 The matter of the high pressure gas pipeline can be addressed by the imposition of a suitably worded planning condition, such as that proposed by the HSE, and detailed in the list of draft conditions at the end of this report.
- 22.11 By means of background to this issue, the HSE were consulted as a "General Consultation Body" at all stages of the Development Plan review process for both the Bromsgrove District and Borough of Redditch Local Plans, but made no representation at that stage. Responses from other parties made on the Housing Growth Study in 2013 raised the issue of the local high pressure National Grid gas main across the site and the need to "*accommodate it within any layout*". Other references to the gas pipeline related to supply and how the high pressure mains couldn't be utilised for direct supply / connection to local dwellings.
- 22.12 A Development Delivery and Promotional Document submitted on behalf of Heyford Developments (Nov 2014) to support the then proposed housing allocation at Foxlydiate, at examination of the local plan, (prior to submission of the application) included an indicative masterplan depicting the Local High Pressure Gas Main and a buffer zone, with a band of open space running through the site for the entirety of the HSE Inner and Middle buffer.
- 22.13 A Utility Infrastructure Report (Nov 2014) produced by WSP identifies the presence of the National Grid Gas (NGG) Localised High Pressure (LHP) gas main crossing the site. It states "*the masterplan has been designed to respect the constraints associated with the LHP main*". It then goes on to consider the detailed constraints and risks posed by the gas pipeline, with reference to NGG advice and PADHI requirements. On the whole, these considerations seem to relate more to building works rather than the proximity of vulnerable land uses near to the LHP gas main.

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- 22.14 In the current application submission, the Utilities Statement (March 2016) produced by Wardell Armstrong cited National Grid Gas advice confirming that the construction of habitable buildings is not permitted within 14m of the pipeline, but stated that further advice be sought from the HSE who may specify a greater distance as they deal with site specific details. Para 2.3.5 of this report states *“The Masterplan has subsequently been developed using the PADHI regulations, noting Part 1a which permits a percentage of the development to be within the middle consultation zone. The detailed design will be subject to further discussions with the Health and Safety Executive.”* (my emphasis)
- 22.15 The developer and their consultants interested parties at the Local Plan Examination and the Planning Inspector were aware of the pipeline issue at the development plan review.
- 22.16 At the meeting of Bromsgrove Planning Committee on 14<sup>th</sup> October 2019, Members were not content to accept development within the 15 - 36 metre zone and accordingly resolved to make any approval conditional upon that limitation. Accordingly, a condition would be imposed to the effect.
- Esso Oil Pipeline***
- 22.17 The Council consulted Fisher German who are agents representing Esso in respect of their oil pipeline which crosses the northern end of the application site. Again, the application submission and masterplan acknowledge the presence of this feature and provide the relevant exclusion zone.
- 22.18 HSE also confirmed their position in respect of the oil pipeline. They have formally confirmed that the oil pipeline *“is not on our records as a major accident hazard pipeline. Therefore HSE does not need be consulted regarding this pipeline. However you would need to contact the pipeline operator for their advice”*
- 22.19 Fisher German acting on behalf of Esso Petroleum Co Ltd have confirmed their client *“has no objections to the proposals so long as the enclosed “Special Requirements for Safe Working” booklet and the covenants contained in the Deed of Grant are adhered to”*.
- 22.20 There is no objection from any relevant regulatory authority in respect of this constraint. The masterplan shows no incursion of proposed residential development within the protection zone for the oil pipeline. However the proposed principal internal service road crosses the oil pipeline at two points. Technical arrangements during construction including the two points at which the proposed service road crosses the route of the pipeline would be a separate matter between the developer and pipeline operator via a legal agreement. The Local Planning Authority does not need to duplicate such controls, so the imposition of planning conditions which sought to do that would not meet the relevant legal tests.

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**23.0 Waste and Minerals**

- 23.1 Chapter 5 of the Environmental Statement has been prepared to assess the impact of the proposed development upon mineral resources. A small part of the site is underlain by a sand and gravel deposit and the report has assessed whether the proposed development would sterilise a valuable mineral resource.
- 23.2 This report demonstrates that the site does not contain any minerals of economic value or potential value. The superficial deposits on the site, including the sand and gravel, are insignificant and the site's solid geology is of no practical significance for the purpose of this report since neither the sandstone nor the Mercia Mudstone are safeguarded minerals. Consequently, the minerals on the site cannot be regarded as a mineral resource of local significance.
- 23.3 It is therefore considered that the proposed development at this site would not cause any sterilisation of a valuable mineral resource. A separate Site Waste Management Plan has also been prepared and which sets out a methodology for managing waste on site, principally through the construction phase of development.
- 23.4 The application is therefore not considered to be in conflict with the saved policies of the Adopted County of Hereford and Worcester Minerals Local Plan 1997 or policies of the emerging Minerals Local Plan (Publication Version).

**24.0 Infrastructure Requirements**

- 24.1 Policy RCBD1 criterion XIII states that-  
*XIII. Development proposals should incorporate provision for any necessary infrastructure to be delivered in parallel with the implementation of new development;*
- 24.2 In broad terms the s106 would secure funding for a range of consequential requirements. These requirements are summarised in the following section of the report. Members should note that the 106 requirement is calculated across the whole of the application site and covers the administrative areas of both Redditch and Bromsgrove Councils. Both Councils would therefore be signatories to the single section 106 agreement.
- 24.3 Paragraph 54 of the NPPF states that:  
*"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."*

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24.4 Financial contributions to mitigate the impact of the development cannot be secured by condition, and consequently an obligation is required

24.5 Paragraph 56 of the NPPF states that :

*“Planning obligations must only be sought where they meet all of the following Tests” (Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010):*

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.*

**Education Provision**

24.6 A key element of the application proposal (aside from the provision of dwellings and local centre) is the provision of a 3FE first school. This school would be built by Worcestershire County Council on land set aside specifically for that purpose within the application site. This site would be serviced off the main spine road and situated opposite the local centre. The costs of the constructing the school would be borne by the developer and the money secured through s106 agreement.

24.7 There are two key trigger points for the first school. The first relates to the transfer of the land in a developable condition to the County Council prior to occupation of the 200th Dwelling. The second is related to the financial contribution which is broken into instalments based upon commencement and occupation.

24.8 The detailed design, scale and appearance of the school would be a reserved, and subject to a separate application. The County Council have raised no objection to the proposal. The provision of the school is timed to be delivered to meet demand arising from the new development which it is required to serve.

24.9 Worcestershire County Council are seeking a contribution towards middle school places amounting to £3,640,980 which would be paid in increments at 3 stages as the development progresses to reflect the need which would be generated as a consequence of dwellings under construction.

**Medical Infrastructure**

*NHS Clinical Commissioning Group – GP Surgeries*

24.10 The application includes a provision for a health facility albeit Policy RBCD1, does not explicitly require a surgery on site. Members will note that the NHS Clinical Commissioning Group has made representations requesting that the need they regard as arising from the development be met through the expansion of existing surgeries in Redditch.

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- 24.11 On 25<sup>th</sup> January 2019, BDC received a request for a financial contribution towards Local GP Practice Provision.
- 24.12 The Contribution to be used either/or, for the improvement of CCG facilities in Redditch town centre/ the onsite provision of CCG facilities. The contribution will be held by the LPA in a ring fenced bank account for a period of 10 years from the date of payment; payment will only be made to the CCG once proposals for future CCG facility provision have been fully demonstrated by the CCG to the LPA. This will form part of the Section 106 Agreement Heads of Terms.
- Worcestershire Acute Hospitals Trust
- 24.13 In March 2019, BDC received the first of a series of representations seeking a planning obligation to secure a financial contribution to meet annual shortfalls in NHS Service revenue.
- 24.14 Having sought Counsel's advice, it is considered that the planning obligations requested by the Worcestershire Acute Hospitals Trust (NHS Trust) requiring a developer to meet annual shortfalls in National Health Service revenue, would be likely to be unlawful; in that –
- such requests do not meet the Community Infrastructure Levy Regulations 2010 Regulation 122 tests;
  - the requests are contrary to policy and they do not serve a planning purpose; and/or
  - do not fairly and reasonably relate to the proposed development.
- 24.15 This advice from Counsel is given on the basis of consideration of all information received from the Acute Trust and any relevant additional consultee.
- 24.16 The Local Planning Authority accepts that the request is material and is more than de minimis, but the proposals do not meet the Regulation 122 requirements, or the policy requirements.
- 24.17 In summary the planning obligations requested by the Worcestershire Acute Hospitals Trust (NHS Trust) requiring a developer to make annual shortfalls in National Health Service revenue are likely to be unlawful; such requests do not meet the Community Infrastructure Levy Regulations 2010 Regulation 122 tests; the requests are contrary to policy and they do not serve a planning purpose; and/or do not fairly and reasonably relate to the proposed development. This is on the basis of consideration of all information received from the Acute Trust, including recent correspondence, and any relevant additional consultee.

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24.18 Members should have regard to that material, including the representations from the Trust, the recent letter from their solicitors dated 7.10.19 and the Rebuttal prepared by Lichfields for Redrow Homes and attached to the Redrow letter of 22.7.19. The letter of 7.10.19 is a response to an earlier version of this note. All of the documents referred to can be viewed on the Council's website under reference 16/0263. These Legal Submissions replace the earlier Submissions. This document takes into consideration the additional letter and report received from the Trust; Counsel has reviewed these and amended the Legal Submissions accordingly. Please note that Counsel remains of the same view that the Contribution requested by the Trust is not justified and not legally supportable.

24.19 The local planning authority accepts that the request is material and is more than de minimis, but the proposals do not meet the Regulation 122 requirements or the policy requirements.

*Justification for the position taken in relation to the Acute Trust Contribution*

24.20 Firstly, it is unlikely that the requested planning obligation from the NHS Trust would be for a planning purpose as required by the test set out by Lord Hodge in the Aberdeen City v Elsick Development Company case . Lord Hodge states “the restriction must serve a purpose in relation to the development or use of the burdened site. An ulterior purpose, even if it could be categorised as a planning purpose in a broad sense, will not suffice...” and that it was not sufficient “to fund infrastructure or other community facilities which were unrelated or only marginally related to their developments.”. The reason for doubt here is primarily because the request from the NHS Trust does not relate to the land in question or any relationship to the land is at best marginal and difficult to establish from the evidence provided by the Trust.

24.21 A real connection between the obligation offered and the proposed development is essential as Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 require. The guidance in case law draws a firm distinction between the offered benefits that are directly related to the proposed development and the more general benefits that have an insufficient relationship to the development, even if there is a very generalised connection. There is policy guidance to similar effect e.g. NPPF 2019 [54]-[56] and the NPPG on Planning Obligations at paras. 2-4. Whilst the NPPG section on Healthy and safe communities gives advice on consultation and consideration of the implications of development on health and care infrastructure, this must be approached in the context of the law and general guidance as to planning obligations.

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- 24.22 If case law and guidance are applied to the present situation it is considered that there is not a sufficient relationship between the development and the proposed benefit sought. The Trust is seeking financial obligations to make up for revenue shortfalls caused by growth in population specifically from housebuilding which is said not to be accounted for within sufficient time through the national funding mechanism. This is not a sufficient link to the development proposed. The legal test as set out in the Elswick case requires more than a de minimis relationship between the development and the intended contribution. As a consequence, therefore, it would be insufficient for the Trust to merely establish the existence of a plausible relationship, it would have to establish that the relationship crosses the de minimis threshold. From the information provided it is considered that the Trust has failed to establish the existence of a relationship that is more than marginal or trivial. Indeed, one of the difficulties found in considering the representations is a lack of clear explanation by the Trust why better account cannot be taken of proposals for new housing and planned growth in the local plan.
- 24.23 The relationship which the Trust contends exists with the development is insufficient because of the NHS funding model, at least as applied in this area. The Joint Strategic Needs Assessment and the Health Wellbeing Strategy both refer to the importance of population and the New Joint Strategic Needs Assessment appears to provide a mechanism for securing access to better information about local populations and as a consequence by inference, population change.
- 24.24 It is interesting to note that paragraph 20 of the Trust's letter of 12 March 2019 (Foxlydiate Lane) noted not that adjustments could not be made, but that it was "not sensible for the Trust to plan strategies to cope with further population growth on a piecemeal basis. The cost and planning implications of doing so are impractical. Instead, the Trust has considered the anticipated population and demographic growth across our area and looked at the overall impact of the proposed increased population through an internal process". Leading Counsel considers that it is difficult to see how this establishes a substantial connection between the impact of the development and the proposed contributions sought as opposed to a mechanism of greater convenience to the Trust to meet its existing obligations and points to the failure of the Trust to explain why better account cannot be taken of growth (whether by the Trust or CCG) even in its recent letter of 7.10.19.
- 24.25 There appears to be no reason why the funding model should not take account of projected population growth, including growth arising from the development. It is emphasised that the population growth as a result of the development is planned growth. The Bromsgrove District Plan 2011-2030 (adopted January 2017) Core Strategy runs to 2030 and the sites in issue are allocated by that plan. Moreover, even given the delay the Trust refers to in taking account of growth in funding arrangements, it is unlikely that a housing development will be

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built out within the year in which it is granted planning permission – still less if it is a large site, with outline permission, when reserved matters would need to be applied for and the housebuilder would be likely to phase the releases of new houses even once it was in a position to begin construction.

24.26 The use of s106 agreements to make up revenue shortfalls also appears to be contrary to the NHS Constitution for England. The NHS Constitution sets out 7 principles that guide the NHS. Principle 7 states as follows:

“The NHS is accountable to the Public, Communities and Patients that it Serves. The NHS is a national service funded through national taxation and it is the Government that sets out the Framework for the NHS which is accountable to Parliament for its operation.

24.27 The funding of a NHS revenue shortfall via developer contribution would represent and move away from the national service funded through national taxation towards a model where day to day costs are privately funded for the first year or two from the commencement of development. This has potential implications for NHS accountability to the local community it serves. It would also suggest that, if the points raised by the Trust represent a widespread difficulty with the NHS national funding arrangements, then all housing development ought to be making such an initial contribution to NHS trusts' income.

24.28 The incompatibility of the proposed planning obligation with the NHS Constitution further illustrates the fact that the proposed planning obligations do not serve a legitimate planning purpose but instead are intended to make up for asserted deficiencies in national funding.

24.29 The requested planning obligations may also undermine the distinction between healthcare purchasers (CCGs) and healthcare providers (NHS Trusts). In this situation the CCGs have the primary responsibility to provide funding for NHS Trusts not the Trusts themselves and undertake an annual commissioning plan. The use of planning obligations for this purpose is not a planning purpose and is therefore impermissible. It is not the role of the planning obligations to replace national funding for healthcare and it is far from clear here that there is a substantial link between the development and the need for income for acute health services and the services to which the Trust contends.

*Compliance with Regulation 122 of the CIL Regulations*

24.30 Apart from the issue of whether the contributions sought are lawful or material in the light of legal principles and policy, there are also significant evidential uncertainties which support the view that the suggested contributions do not meet the CIL Regulations tests.



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- 24.31 A planning obligation that is not directly related to the development, that is the position being taken here, is an immaterial consideration for the purposes of granting planning permission under Regulation 122 (2) (b) of the CIL Regulations. Leading Counsel has concluded that there is very likely an insufficient relationship between the development and the requested contribution for the contribution to serve a planning purpose. It follows from that conclusion that if the proposed s106 Agreement was entered into and taken into account when granting planning permission, the decision granting permission would be unlawful since it would fall short of the requirements of regulation 122:
- 24.32 The proposed contribution is not necessary to make the development acceptable in planning terms Regulation 122(2)(a) or is not directly related to it (122(2)(b)). This is because of the points raised above, and the concern that the Trust is seeking to use developer contributions to offset problems experienced with the national funding mechanism. As set out above, the Trust has failed to provide a clear explanation as to why these problems cannot be addressed or as to why the development is unacceptable in planning terms in the absence of the contribution. Moreover, there are unresolved concerns, given that the Trust has operated at a deficit for some 6 years (£68.790m in the last financial year) and how any developer funding would relate to the financial and operational issues already faced by the Trust and how it would be guaranteed that any funding would be used directly for the treatment of the number of new patients said to be generated by the new development; and
- 24.33 The proposed contribution does not “fairly and reasonably relate in scale and kind to the development” Regulation 122(2)(c). This is because, as already mentioned, the Trust has not explained why the commissioning has not taken into account, or could be made to take into account, the projected population prior to the occupation of the new houses, housebuilding growth and why the information provided is not sufficient to enable it to be taken into account.
- 24.34 In respect of 122(2)(c), there are also difficulties with the contentions with regard to the assumptions that new houses generate “new population” given the issue of new household formation and also the extent to which the Trust is dealing with population changes outside its main catchment. The points made by Lichfields in Section 5 of their Rebuttal appear to be sound ones and there are real concerns that simply to base an assessment on the number of new houses means that account is being taken of existing population i.e. that there would be double counting, and payments made not actually resulting from the new development. They summarise their points at paras. 6.5 and 6.6 and Members are recommended to read that for a summary of the concerns about double counting. In the Trust’s solicitors’ email of 9 September 2019, responding to the further representation made by the applicants, the Trust suggests that it will accept that 55.8% of the occupiers of new development would be new population not already accounted for. How this figure is derived is not explained.

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24.35 The Trust's email of 9.9.19 states:

"It is absolutely imperative that the Developer will mitigate the impact that it creates. Without the contribution, waiting times will increase and this will affect the overall health of the population of the development and the existing community which in turn will have a knock on effect on social, health and wellbeing of the population of the development and existing community. A poor health service makes the development unacceptable in planning terms, and contrary to the focus on healthy communities in the NPPF and local plan policy. The developer has not provided any contrary evidence to show that there would be no impact on the Health Services as demonstrated by the Trust" and "Please note that it is not the responsibility of the Trust nor within its remit to challenge the government funding models / funding policy and this has no relevance to CIL 122 assessment. The same could be otherwise considered in the respect of the Highway and Education Authority."

24.36 These statements merely repeat earlier contentions and do not explain why the funding arrangements cannot take into account population growth as a result of new housing permissions, why the planning system and developers, in particular, should be responsible for defects in the system of national funding from taxation nor what the actual impact on services is likely to be, given the duty of the NHS to treat all who require treatment in any event, in the light of the uncertainties in the calculation of unaccounted new population, and current difficulties experienced in the operation and funding of the Trust.

24.37 Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet the tests in Regulation 122 of the CIL Regulations; the NHS Trust has failed to meet these three tests both in terms of establishing the lawfulness of the obligation and in terms of meeting Regulation 122 on the basis of the representations received.

**West Mercia Police**

24.38 A request has also been received from West Mercia police for a planning obligation contribution. Although the Local Planning Authority consider this request to be material, it is not considered that the request is fully justified and it is not considered to be compliant with Regulation 122 or paragraph 56 of the NPPF 2019 for similar reasons as set out in relation to the request by Worcestershire Acute Health Trust in this report.

**Highway Contributions**

24.39 The County Highway Authority are seeking an obligation for a contribution towards a range of off site highway improvements summarised in their representation.

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**Outdoor Sports Facilities**

- 24.40 The site includes both formal public open space and incidental open space. This includes a linear park central to the site that would be equipped, together with use of the land to the ridgeline to the western boundary for more informal uses. The applicant intends to manage and maintain the on-site open space through a management company. This will be secured through the Section 106 Agreement.
- 24.41 A sum of £1,200,000 is sought for offsite outdoor sports facilities as the topography of the site is unsuitable for large sports pitches.
- 24.42 The priority for the Council's Leisure Department for the off site infrastructure contribution is for investment to provide a 3G artificial grass pitch at the Abbey Stadium. Leisure Services would also request other opportunities for investment locally, particularly cricket, including enhancing facilities at Redditch Cricket and Hockey Club.

**St Phillips Church Hall**

- 24.43 The Council received a request for an off-site contribution towards enhancements for a new hall at St Phillips Church. However it should be noted that this church extension is now substantially complete. Having carefully considered the proposal against the backdrop of the extension being substantially complete and because the planning application makes explicit provision for a community facility within the application site, a contribution to an off-site facility in this case would not meet the relevant CIL tests for that reason.
- 24.44 In concluding, the planning obligations to be collected as part of the scheme meet the tests in Regulation 122 of the CIL Regulations.

**Waste Collection**

- 24.45 Provision for the collection of waste
- i) Refuse Collection Vehicle (RCV) £88,536 prior to first occupation
  - ii) refuse bins (1 x green bin / 1 x grey bin)  
£60 per dwelling  
Payable prior to occupation of 75% of dwellings on each Reserved Matter

**Planning Obligation Monitoring Fee**

- 24.46 On 1<sup>st</sup> September 2019, the [Community Infrastructure Levy \(Amendment\) \(England\) \(No.2\) Regulations 2019](#) were introduced. These regulations make a number of changes to both the Community Infrastructure Levy (CIL) itself and introduce new requirements to report and monitor on the collection of planning obligations.

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24.47 Approval was received at a meeting of Executive Committee on 29<sup>th</sup> October 2019 to include a monitoring charge within all future planning obligation agreements (Section 106 agreements and Unilateral Undertakings), with immediate effect. Delegated powers were granted to allow the Head of Planning and Regeneration, in consultation with the Portfolio Holder for Planning and Regulatory Services, to develop and implement a charging approach in line with the regulations.

24.48 The developer is aware that an obligation and associated fee will be required. The figure of £19,940 will be revised upward in light of consequential additions relating to CCG, Town Centre Public Realm Improvement Works and Community Building.

**Redditch Town Centre (Enhancement Contributions)**

24.49 The RBC endorsed Town Centre strategy, demonstrated a need for projects to take place to improve the town centre for residents. -

24.50 This need is set in the context of the town centre needing to maintain and enhance its role. Therefore for this development proposal to be as sustainable as possible, the future residents will rely on the town centre for a large proportion of their work, access to the train, shopping and leisure activities.

24.51 Therefore it is considered appropriate for new residential development to contribute to a these important town centre projects.

**Public Realm Improvement Works**

24.52 £380,000 is sought as this is a proportionate contribution to the outstanding public realm improvement works for Redditch Town Centre.  
This will form part of the Section 106 Agreement Heads of Terms.

24.53 Suggested trigger points at this stage are:  
25% on commencement  
25% on occupation of 25% of dwellings  
25% on occupation of 50% of dwellings  
25% on occupation of 75% of dwellings

**Regeneration of key Strategic Town Centre Sites**

24.54 In addition to the public realm improvement works, Redditch Borough Council is committing to a comprehensive ambitious regeneration scheme that includes, inter alia, redevelopment of the railway quarter, redevelopment of land bounded by Church Road and the ringway, development of the former covered market area, redevelopment of the library site and the creation of a public sector hub.

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The contribution of a maximum of £1 million is sought. This will form part of the Section 106 Agreement Heads of Terms.

**25.0 Planning Balance**

- 25.1 The delivery of housing is viewed by Government as being important and a critical component of delivering economic growth. It therefore, falls that the benefits that would be secured through housing delivery must be given substantial weight.
- 25.2 The proposed development would deliver a significant level of construction based jobs over the plan period and would also create opportunities within the local supply chain and as a result of increased (induced) economic activity, derived from expenditure from new residents.
- 25.3 In addition to direct construction job creation, there will also be an indirect effect through the supply of materials and the expenditure of wages in the local economy.
- 25.4 The employment opportunities created will vary from design professions and engineers at the start of the development, to those within the construction and utility industries when the development reaches the implementation stages. These employment opportunities incorporate workers from all sectors ranging from those involved in manual labour, to professionals, managerial roles and also in the latter stages sales and marketing.
- 25.5 The development will also generate additional household expenditure from new residents which will deliver direct benefits to local firms, as well as the wider economy.
- 25.6 The proposed development would contribute to the social context of delivering sustainable development through delivery of significant housing (both market and affordable to meet the identified needs of the local community). The development would deliver a new 3FE first school, a health facility (up to 650sqm) a community building (up to 250sqm) and retail facilities (up to 6 shops). The proposals provide an extensive open space network across the site amounting to some 39% of the total site area. A total of 53.23ha of public open space will be provided to include informal and formal open space.
- 25.7 The impact of development upon any heritage asset would not exceed “slight adverse”. This must be weighed against the significant social and economic benefits that delivery of residential led development will provide and as such, it is concluded that the release of the site for new housing would deliver sustainable development and would comply with Policy BDP1.

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- 25.8 The Environmental Statement concludes that the proposed development would result in the loss of best and most versatile agricultural land. (BMV) The land use masterplan has where possible, sought to mitigate against this loss through ensuring that BMV is retained as open space and green infrastructure. Whilst the proposed development will result in loss of BMV, this must be weighed against the significant social and economic benefits that delivery of residential led development will provide and as such, it is concluded that the release of the site for new housing would deliver sustainable development.
- 25.9 If there are any significant and demonstrable adverse impacts of the proposed development, they lie in the effects on the surrounding landscape and environment. There must be some resulting environmental harm from the loss of open countryside, some trees and hedgerows, although, the principle of having to use greenfield sites if housing land supply issues are to be resolved seems unavoidable. Moreover, the site is no longer designated as Green Belt in a District where much of the land is designated as such to safeguard it from development pressures.
- 25.10 I consider that there are no residual impacts that would outweigh the considerable weight which must be afforded to the support in principle of development in the absence of being able to demonstrate a 5 year supply of deliverable housing sites as required by the NPPF. The supply of up to 2,560 homes including 40% affordable units to address an acknowledged need for market and affordable housing would have a significant economic and social benefits and contribute to the Government's aim to boost significantly the supply of housing.
- 25.11 There would also be some environmental benefits to set against the identified environmental harm; in particular the inclusion in the development of significant new green infrastructure and open space has potential benefits for biodiversity as well as social benefits.
- 25.12 As a result, it is concluded that the sum of the benefits that would be delivered by the project would demonstrably outweigh the sum of harm and that consequently, the material considerations in this case and presumption in favour of sustainable development should apply and planning permission should be granted in accordance with the advice set out in paragraph 11 of the NPPF.

**26.0 Conclusions**

- 26.1 The Foxlydiate site is a strategic mixed-use allocation in Bromsgrove District, located on the northwest edge of Redditch. It is allocated through policy RBCD.1 of the adopted Bromsgrove District Plan, for 2,800 dwellings and other supporting uses. As part of the plan-making process supporting the BDP, Bromsgrove District Council agreed through the Duty to Cooperate to assist Redditch Borough Council in delivering its housing target. This planning application sees policy RBCD.1 and

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the allocation being realised, with up to 2,560 homes making a substantial contribution towards meeting that target of 2800 dwellings and with the balance in the number of dwellings from the allocation to be made up on sites outside of the control of the current applicant.

- 26.2 The application should therefore be approved to both help the Government's goal of significantly boosting the supply of housing, and to assist Redditch Borough Council in delivering the homes needed to support its adopted plan and assist towards its future supply of housing land.
- 26.3 In conclusion, and having regard to the NPPF, BDP and all other material considerations that have become evident through consideration of this application, it is concluded that the limited harm identified does not significantly and demonstrably outweigh the benefits, as set out in terms of the presumption in favour of sustainable development test in paragraph 11 of the Framework. In fact it is the benefits of the scheme that significantly and demonstrably outweigh the harm, such that it is concluded that the development should be permitted in line with the adopted Local Plan and National Planning Policy Framework.
- 26.4 In reaching this position regard has been taken of the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 and it is considered that sufficient information has been provided for the Local Planning Authority and statutory consultees to assess the environmental impact of the application.
- 26.5 Account of all the matters raised in the representations has been taken.. The Government is seeking to boost significantly the supply of housing. Neither Council presently has a five-year housing land supply. This sustainable proposal would provide additional housing in an area where there is an identified shortage. The benefits of the proposals clearly outweigh the harm.
- 26.6 It is recommended that permission be granted.

**27.0 RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, :-**

- (a) Minded to GRANT hybrid planning permission**
- (b) That authority be delegated to the Head of Planning and Regeneration to GRANT hybrid planning permission subject to the receipt of a suitable and satisfactory legal mechanism in relation to the following:**

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**(i) £5,162,243 to mitigate for the additional demands on the wider transport network generated by the development.**

This contribution will specifically contribute to the following highway infrastructure:

- A38 Route Enhancement Programme Contribution - £2,030,099.86
- Junction Improvements - £3,132,143.14

as follows:

Hewell Road / Windsor Road  
Rough Hill Drive / Woodrow Drive / Greenlands Drive  
Woodrow Drive / Washford Drive / Studley Road  
Washford Drive / Old Forge Drive  
Inkniel Street Drive (B4497) / Washford Drive / Claybrook Drive

**(ii) Sustainable Infrastructure**

- Active travel infrastructure: £1,005,067.00
- Public transport services: £1,434,900

**(iii) Personal Travel Planning**

- £200 Per Dwelling with in each dwelling per Reserved Matter Phase

**(iv) Education Infrastructure**

- £7,471,000.00 towards the provision of fully serviced land for a new first school with up to 3 forms of entry (3FE)
- A middle school contribution calculated on a per plot basis for each reserved matters application:
  - £708 open market 2 or more bedroom flat
  - £1,769 open market 2 or 3 bedroom dwelling
  - £2,654 open market 4 or more bedroom dwelling

**(v) Off-site teen and adult play and sports facilities and play pitch improvements: £1,200,000**

**(vi) Waste Management Contribution:** comprising £88,536 towards a refuse collection vehicle

- £25.49 per 240 litre standard capacity grey receptacle (waste)
- £26.75 per 240 litre standard capacity green receptacle (recycling)
- £252.43 per 1100 litre communal usage receptacle

**(vii) Planning Obligation Monitoring Fee: (Contribution amount To be Confirmed)**

Revised Regulations have been issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met. The fee/charge is subject to confirmation following authorisation to proceed with this provision at the meeting of Full Council on 25 September 2019.



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(viii) **GP Surgery Contribution** £968,990

(ix) **Redditch Town Centre Enhancement Works**

comprising

Public Realm Improvement Works £380,000

Regeneration of key Strategic Town Centre Sites £1,000,000

**And:**

(x) **The securing of a 40% provision of on-site affordable dwelling units**  
(up to a maximum of 1024 units based 2,560 dwellings being built)

(xi) **the land on which the First School will be provided being up to 2.8 ha in area**

(xii) **The provision and future maintenance in perpetuity of the SuDs facilities**  
**Plan reference**

(xiii) **The provision and future maintenance in perpetuity of the on-site play space and open space provision, and informal gardening/allotment space**

(xiv) **The provision of a pedestrian link with the adjoining development site at Barn House Farm**

(xv) **The provision of a community hall (prior to approval of 500<sup>th</sup> dwelling)**

(c) **And that DELEGATED POWERS be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions as set out in the summary list (set out in the main agenda and with additional conditions below)–**

**Conditions:**

**Planning Conditions**

**Full Planning Permission**

- **Time**

The full element of the development to which this permission relates must be commenced not later than the expiration of three years from the date of the original permission reference 16/0263 [*date to be inserted*]

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- **Plans**

The full element of the development to which this permission relates shall be carried out in accordance with the following plans and drawings unless otherwise approved in writing by the Local Planning Authority –

- ST14523-124 – Detailed Red line Boundary Plan
- 1401-PJA-10C(II) – General Arrangement Sheet 1
- 1401-PJA-11D(II) – General Arrangement Sheet 2
- 1401-PJA-12E(II) - General Arrangement Sheet 3
- 1401-PJA-13F(II) - General Arrangement Sheet 4
- 1401-PJA-14E(II) - General Arrangement Sheet 5
- 1401-PJA-051B – Local Centre Highway Details
- ST14523-147D – Pond A
- ST14523-149D – Pond B
- ST14523-151D – Pond C
- ST14523-153D – Pond D
- ST14523-155D – Pond E
- ST14523-157E – Pond F
- ST14523-159D – Ponds G H & J
- ST14523-163D – Pond K
- ST14523-165D – Pond L
- ST14523-167D – Pond M
- ST14523-169D – Pond N
- ST14523-171D – Pond P
- ST14523-173D – Ponds Q & R

- **SPINE ROAD – details and completion**

*Transport*

- **Foxlydiat Lane Access**  
Prior to the first occupation of the development – details and construction
- **Birchfield Road Access**  
Prior to the occupation of the 200th dwelling - details and construction
- **Cur Lane Access**  
Prior to the occupation of the 400th dwelling - details and construction

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- **Main Access/Hewell Lane**

Prior to the occupation of the 600th dwelling – details and construction.

**Environment**

- Mitigation of Land Contamination
- Construction Environmental Management Plan (CEMP)
- Ecological Surveys
- Landscape and Ecology Management Plan
- Tree Protection
- Lighting Strategy

**Outline Planning Permission**

- **Time Period**

The first Application for the approval of Reserved Matters shall be made within a period of 3 years from the date of this permission. All subsequent Reserved Matters applications shall be submitted no later than 15 years from the date of this permission.

**Commencement of Development Timeframe**

The development shall begin no later than whichever is the later of the following dates:-

- i 3 years from the date of this permission; or
- ii 2 years from the final approval of the said Reserved Matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

- **Reserved Matters**

No development within each Reserved Matters area shall commence until details of the appearance and landscaping, layout, and scale of development in that phase

- **Plans**

The outline element of the development to which this permission relates shall be carried out substantially in accordance with the following plans

- Design and Access Statement
- Landscape and Visual Impact Assessment
- Environmental Statement
- 23451 9414T – Land Use Masterplan
- 23451 9610I – Land Use Parameter Plan
- 23451 9601K – Access and Movement Parameter Plan
- 23451 9604N – Scale Parameter Plan
- 23451 9605P – Green Infrastructure Parameter Plan

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- **Design Code**  
Overarching design code  
Detailed design code for each development phase to form part of the submission of each Reserved Matters application
  - **Finished Floor Levels**  
details to form part of the submission of each Reserved Matters application
  - **Refuse storage facilities**  
details to form part of the submission of each Reserved Matters application  
completion in accordance with approved details prior to occupation
  - **Hard Surfaces**  
details to form part of the submission of each Reserved Matters application  
completion in accordance with approved details prior to occupation
  - **Boundary treatment**  
details to form part of the submission of each Reserved Matters application  
completion in accordance with approved details prior to occupation
  - **Lighting Strategy**  
details to form part of the submission of each Reserved Matters application  
completion in accordance with approved details prior to occupation
  - **Archaeology and Heritage Investigation**  
Written scheme, of investigation , site investigation, assessment and publication of records, nomination of competent person to undertake works
- Off-site Highway Improvements**  
No greater than 1280 dwellings shall be occupied until detail and construction of the following-
- Junction improvement at Warwick Highway / Icknield Street Drive / Battens Drive roundabout as shown on drawing 2250-PJA-01
  - Junction improvement at Warwick Highway / Alders Drive / Claybrook Drive Roundabout as shown on drawing 2250-PJA-02
  - Junction improvement at A441 Alvechurch Highway / A4023 Coventry Highway / Redditch Ringway Grade-separated Roundabout as shown on drawing 2250-PJA-03
  - Junction improvement at A441 Alcester Highway / The Slough / Evesham Road / Windmill Drive Roundabout as shown on drawing 2250-PJA-04
- **Travel Plan**  
promoting sustainable forms of travel  
Trigger prior to first use of school and local centre

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- **Cycle Parking**

details to form part of the submission of each Reserved Matters application  
Implementation prior to occupancy

***Environment***

- Mitigation of Land Contamination
- Construction Environmental Management Plan (CEMP)
- Ecological Surveys
- Landscape and Ecology Management Plan
- Tree Protection

***Drainage***

- **Pond L details to safeguard source protection zone 1**
- **Pond J risk assessment**
- **Water efficiency measures**
- **Disposal of foul and surface water**  
restrict rates of surface water runoff to greenfield rates up to the 1 in 100 year storm period including an additional 40% allowance for climate change.
- **SuDS Management Plan**
  
- **Density of Development adjacent to Gas Pipeline**  
Notwithstanding the details shown on plan hereby approved, no dwellings shall be located in the middle zone between 15 and 36 metres shown as hatched on the Land Use Parameter Plan or as part of any future Reserved Matters application pursuant to this permission.
  
- **Electric Vehicle Charging Points**  
residential and local centre
  
- **Market Housing Mix**  
details to form part of the submission of each Reserved Matters application

**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.

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.

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