

**PLANNING
COMMITTEE**

15th January 2020

Planning Application 19/01060/OUT

Outline planning application for residential development (up to 73 units) with all matters reserved except for Access.

Former Clive Works , Edward Street/Bromsgrove Road, Redditch, Worcestershire, B97 6HA.

**Applicant: James Smith & Son (Redditch) Ltd
Ward: Central Ward**

(see additional papers for site plan)

The author of this report is Sharron Williams, Planning Officer (DM), who can be contacted on Tel: 01527 534061 Ext 3372 Email: sharron.williams@bromsgroveandredditch.gov.uk for more information.

Site Description

The Former Clive Works site is a brownfield site, situated on the periphery of Redditch Town Centre. The railway station and railway line about the site to the east. The site is currently used as a surface level car park accessed off Edward Street following the demolition of the Clive Works complex in the mid-2010s; which included two mid-19th century villas, namely No16. Boxwood House and the Master's house, and a complex of brick built industrial buildings also dating from the mid-19th century.

Proposal Description

Outline planning permission for residential development is sought with all matters reserved except means of Access.

Matters such as Appearance, Landscaping, Layout and Scale would be considered at the Reserved Matters stage; however, an indicative plan has been submitted under this outline application that shows how the site could be redeveloped. The indicative plan shows an apartment complex of up to 73 units in a U-shaped plan enclosing an associated car park and amenity provision within the scheme. The indicative plan also shows a pedestrian gated access off Bromsgrove Road to the railway station. The indicative plan shows 48 No. 1 bed units and 25 No. 2 bed units. Indicative elevational plans show the apartments to be between 2-5 storeys in order to achieve the number of units proposed for the site.

Relevant Policies :

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 3: Development Strategy

Policy 4: Housing Provision

Policy 5: Effective and Efficient use of Land

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Policy 6: Affordable Housing
Policy 12: Open Space Provision
Policy 15: Climate Change
Policy 16: Natural Environment
Policy 17: Flood Risk Management
Policy 18: Sustainable Water Management
Policy 19: Sustainable Travel and Accessibility
Policy 20: Transport Requirements for New Development
Policy 22: Road Hierarchy
Policy 30: Town Centre and Retail Hierarchy
Policy 31: Regeneration for the Town Centre
Policy 36: Historic Environment
Policy 37: Historic Buildings and Structures
Policy 39: Built Environment
Policy 40: High Quality Design and Safer Communities

Others

NPPF National Planning Policy Framework (2019)
NPPG National Planning Practice Guidance
Redditch High Quality Design SPD
Open Space Provision SPD
Town Centre Strategy
Worcestershire Waste Core Strategy

Historical document

Edward Street Development Brief 2007

Consultations

Arboricultural Officer

The proposed development sits on land currently being used as a car park, on the south east boundary lies two Lime trees currently protected under Borough of Redditch TPO No. 147 2014. These two trees appear in good form and vigour with no visual signs of structural defect or disease. As part of the indicative layout, a new path is to be constructed which passes through the R.P.A of these two Lime trees and could possibly encroach the root protection area. Suitable conditions will be required to ensure that the footpath is suitably built without hindering the root protection area and the trees be protected during construction.

Crime Risk Manager

No objections to this application.

Conservation Officer

The proposed access is the only matter to be determined at this stage; it is considered the principle of development and the proposed access would comply with conservation policies as set out in the NPPF (2019) and the Borough of Redditch Local Plan No.4 (2017). Therefore, have no conservation objections to the outline permission for this site.

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Any future reserved matters application should be accompanied by a Heritage Statement due to the site's sensitive location within the setting, and adjacent to, a locally listed non-designated heritage asset.

Urban design Welcome the redevelopment of this site, as it currently has a significantly detrimental impact on the area through erosion of the street scene creating a negative first impression of the town from the railway station. Will deliver the regeneration of a significant strategic site, and contribute towards the residential provision of the town centre.

As the scheme progresses to reserved matters, there will inevitably be a higher level of detail required with specific consideration given to the following principal elements:

- Clarification on the separation of affordable and private apartments.
- Breaking up the large car parking areas with soft landscaping.
- Whether parts of the scheme need a further bin storage point.
- Potential re-siting of the cycle store to form a more integrated part of the scheme and to account for a likely high level of cycle access from the southern boundary.
- Whether the amenity space is sufficiently integrated into the scheme, and whether proximity to the railway line and bin storage undermines its environmental quality.
- Exploring a design that provides contemporary response to the site's historic form enhancing and drawing from a historically rooted sense of place, creating an appropriate gateway to the historic town.

Network Rail

The proposed development is obviously situated extremely close to the existing railway line. Provisions will need to be made in the building designs to mitigate against the risk of complaints from residents about noise arising from the operational railway. The station operates a Public Address (PA) systems and also periodic night-time maintenance takes place by Network Rail that are routine railway operations.

There is the provision of new tree planting along the eastern perimeter edge on the indicative plan (directly adjacent to the railway line). Provisions will need to be included in any planning consent to ensure that the landowner proactively manages the growth of these trees to reduce both the impact of leaf fall in the Autumn and also the risk of branches falling onto the lines.

Note the proposed pedestrian access (with gate) linking the development directly to the railway station (and therefore avoiding a slightly more circuitous route over the road bridge on Bromsgrove Road). The developer will need to discuss the arrangements for this access with WMT (as leaseholder of the station area) – including the proposals for the design, operation and maintenance of the proposed gate to ensure that no additional costs are borne by WMT.

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Waste Management

The plans show access to a bin area that is contained within the property boundary and although these are shown being accessed with vehicle tracking software, it is my opinion that this will be too difficult to access due to the parking area. My suggestion to overcome this issue would be for the developers to create an access to the bin area directly off Edward Street thus allowing the Waste crews to pull up on Edward St and access the bins.

Unsure that there is enough capacity for our collection method (alternate weekly domestic/recycling) shown on the plans for the proposed underground system.

Education Authority

If development goes ahead in this area, there would be a need for a contribution towards local education facilities which includes Holyoakes Field First School and Birchensale Middle School.

Worcestershire Archive and Archaeological Service

The proposals affect an area which is likely to have previously contained heritage assets of below-ground archaeological interest. Looking at the evidence set out in the desk-based assessment (DBA) submitted with the application, particularly the geotechnical data, I think any archaeology across most of the site would either have been removed or heavily truncated. The only area where deeper deposits may have existed is along the medieval route into the town, in the southern part of the site. Here the DBA evidences a very deep hole running across most of this area.

The DBA suggests that a conditioned watching brief would be appropriate, but I do not see this as a viable strategy. Given the depth of modern disturbance, I think a watching brief would fail to pick up archaeology, if present. The only possible strategy in this case would be an evaluation, however, unsure there is enough potential in this case to justify an evaluation. Whilst it is possible that something may have survived, I think the potential is low, therefore, I have no further comments on this application.

Highways Redditch

No objection subject to conditions and financial obligations.

The application has been submitted with a transport assessment and travel plan, the former of these has been updated. The updated assessment addresses the anticipated demands that the site generates, but it should be noted that the Highway Authority considers that with the demolition of the former buildings that all the residential trips are considered to be new trips.

The proposed access is considered to be suitable and the site overall is considered to be a sustainable location with easy access to local services, retail and transport interchange.

The internal site layout is a matter for future consideration as it is only considered to be a representation on one form of layout. As such matters of car parking quantum and

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justification, cycle parking location and access to the railway station are not matters for comment at this stage.

It is considered appropriate for the applicant to provide financial contributions to mitigate the additional demands that this proposal places on the transport network, these look to address cycle access to employment areas within Redditch and vehicle impacts on the A38 based on anticipated commuter trips to employment land in Bromsgrove.

North Worcestershire Water Management

Recommend conditions.

WRS - Contaminated Land

Recommend conditions.

WRS - Noise

Noise and Vibration:

The submitted noise and vibration assessment appears satisfactory and indicates that with appropriate mitigation noise and vibration should not adversely impact future residents.

However, potential effects of noise and/or vibration should be considered again at the reserved matters stage and a suitable mitigation scheme developed to adequately protect the development in its final form. Therefore at the reserved matters stage, when the detailed design is finalised, the applicant should submit a revised noise assessment, together with the chosen noise / vibration mitigation products, for further comment.

Construction Phase Nuisance:

In order to minimise any nuisance from noise, vibration and dust emissions, during the construction phase, the applicant should refer to the WRS Demolition & Construction Guidance and ensure its recommendations are complied with.

Hereford & Worcester Fire And Rescue

No comments submitted.

North Worcestershire Economic Development And Regeneration

No objections to this proposal which falls in line with regeneration plans for the area.

Town Centre Co-ordinator

No objection to the above proposal from a Town Centre Strategy perspective and support the application for residential on this gateway site.

Housing Strategy

Happy with the distribution of the affordable units in separate blocks with their own access. 1 bed flats will meet Redditch's housing need.

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Leisure Services Manager

Request a contribution towards enhancing existing open space and sport facilities in the locality.

NHS Mark Fenton Associate Director, Estates & Facilities Management

No Comments Received To Date

NHS/Medical Infrastructure Consultations

Request a contribution towards the need for additional primary healthcare provision in order to mitigate the impacts of the development.

NHS Acute Hospitals Worcestershire

Request a contribution to enable the Trust to provide services needed by the occupants of the new homes and the community at large.

Public Consultation Response

1 objection letter that relates to the allocation of car parking spaces to the proposed housing.

Assessment of Proposal

Principle of development

The site falls within a large strategic site designated to regenerate the Town Centre. This strategic site includes three parcels of land which have been identified and amalgamated for consideration as one. The parcels of land include land at Prospect Hill, Edward Street and Church Road each of which has been the subject of a Supplementary Planning Document. Due to the opportunities to create linkages between these sites, they have been amalgamated to form one Strategic Site. Policy 31 of the Redditch Local Plan No.4 applies and encourages the following for regeneration purposes:-

- Realise the potential development opportunities
- Improve and diversify the Town Centre offer
- Improve the physical environment
- Expand on the business and cultural offer of the Town Centre
- Increase residential accommodation.

In addition, the Town Centre Strategy identifies the following as priority projects:-

- Tackling the ringway
- Improving public spaces
- Sense of arrival and signage
- Improving the café and restaurant offer
- Enhancing the evening and night time economy
- Enhancements to Church Green
- Tackling the train station
- Rejuvenation of Silver Street area

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- Improved lighting, safety and security in the Town Centre
- Public art programme
- Encouraging Town Centre living.

These projects are considered to be priorities in terms of delivering changes needed to ensure the future of Redditch as a sustainable Town Centre, where appropriate financial contributions will be sought to ensure the delivery of these priority projects.

To deliver significant amounts of the Council's residential, retail and office requirements, development in the Town Centre should not compromise the above projects and should incorporate a mix of uses including residential, employment (B1), retail and leisure.

The proposal put forward for this part of the strategic site is residential and as such is in accordance with one of several uses considered to be acceptable in this location of the Town. The site is approximately 0.45 hectares in area with 73 units of accommodation proposed; representing a density of 162dph. This is a similar density to that considered favourably on the nearby Victoria Works application site (18/01515) and the Trades and Labour Club site (2016/024).

The 2019 National Planning Policy Framework (NPPF) requires local planning authorities and developers to make effective use of previously-developed land, especially if this would help to meet identified needs for housing where land supply is constrained. Section 11 of the Framework emphasises the importance of making effective use of land, and with respect to density, Para 123 comments that "Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site." The paragraph also states that local planning authorities should refuse applications which they consider fail to make efficient use of land.

Policy 5 of the Borough of Redditch Local Plan No.4 (Effective and efficient use of land) encourages densities of 70 dwellings per hectare adjacent to the Town Centre and District Centres. It then goes on to say that higher densities will be sought in locations close to public transport interchanges.

Taking into account that the site is adjacent to the Town Centre, the railway and bus station, it is considered that a higher density scheme would be appropriate and acceptable in this location, and as such the proposal complies with Policy 5 of Local Plan No.4 and the NPPF.

Access

Access is the only matter to be considered at this stage and the means of access is proposed off Edward Street, which is a single lane one-way road connecting to Bromsgrove Road. County Highways have considered the application and have no objection to the means of access off Edward Street and as such recommend conditions.

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Waste Management have raised concerns regarding access into the site due to the indicative parking bays shown adjacent to the means of access, but note that accessing the waste compound directly off Edward Street itself would not be an issue. County Highways have no objection to the proposal and would have considered HGVs and emergency vehicles using the access. The current indicative layout does show direct access to the waste compound from Edward Street. However, in respect to the internal site layout, provision of parking, cycle storage and waste compound arrangements, this would be a matter for future consideration as the indicative layout submitted is only a representation on one form of layout and this could easily change at Reserved Matters stage.

Sustainability

Given the close proximity of the site to the bus and train station, the site is in a sustainable location and as such there would be scope for a reduced provision of car parking in any future scheme, similar to that approved under the Victoria Works and Trades and Labour Club schemes.

Section 9 of the NPPF requires that "significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help reduce congestion and emissions, and improve air quality and public health." Given the position of the site, it is considered that this site offers a genuine choice of transport modes. The proposed residential redevelopment therefore benefits from the NPPF's "presumption in favour of sustainable development" and also complies with the NPPF's objective of significantly boosting supply of housing in this area.

In addition, the scheme meets the NPPF requirements to make "effective use" of under-utilised land, with the proposed density of redevelopment reflecting the site's highly sustainable location.

Policy 19 of the Local Plan (Sustainable Travel and Accessibility) focuses on the need to reduce private car use and increase the use of public transport. The County's 'Streetscape Design Guide' states that "for both residential and commercial developments in town and city centres the applicant may choose not to provide car parking spaces at all. Consideration must be given to the opportunity to access the site sustainably, the availability and capacity of public car parks, existing parking restrictions, the number of linked trips and the implementation of an approved Travel Plan or welcome pack."

Scale

The indicative plans submitted shows the blocks of apartments with varying roof heights starting with two storeys adjacent to Edward Street to respect the scale of the nearby residential units on Bromsgrove Road and commercial buildings and increasing to five storeys as the scheme gets closer to the bus and train station.

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Whilst the scale of the building is not intended to be approved at this stage, it is considered the scale of development shown would be acceptable given the context of the sites surroundings.

Layout and appearance

The indicative plans submitted shows the layout and potential elevations of the buildings. The buildings are potentially located around the perimeter of the east, south, and western boundaries of the site with car parking provided within the centre and informal open space areas to the north of the site. Indicative elevational plans show varying roof lines and brick and render finish. The layout and appearance of the proposal is not approved at this stage. However, following comments from Urban Design, Conservation, Highways and Waste Management, any layout scheme submitted at Reserved Matters Stage would need to address the following matters:-

- Breaking up the large car parking areas with soft landscaping.
- Appropriate location/provision of bin storage facilities.
- Potential re-siting of the cycle store to form a more integrated part of the scheme and to account for a likely high level of cycle access from the southern boundary.
- Whether the amenity space is sufficiently integrated into the scheme, proximity to the railway line and bin storage may undermine its environmental quality.
- Exploring a design that is sensitive to the location of its setting in respect to a locally listed non-designated heritage asset nearby, and provides a contemporary response to the site's former historic form enhancing and drawing from a historically rooted sense of place, creating an appropriate gateway to the historic town.

The indicative layout shows the provision of a gated pedestrian access from Bromsgrove Road to the railway station. This has been negotiated to enhance general access to the station. Whilst the layout is not for approval at this stage it is considered prudent to impose a condition to ensure that the footpath link is incorporated within the final layout of the scheme at the reserved matters of the development.

Landscaping

The indicative layout shows the retention of the two Lime trees close to the southern eastern boundary of the site that are protected with a Tree Preservation Order. Appropriate conditions are recommended to ensure their protection during development.

Drainage

The site is located within flood zone 1 and the risk to the site from surface water flooding is indicated as low based on the EA's flood mapping although there is some surface water risk indicated on Edward Street. An indicative drainage strategy has been provided for the scheme, however, more information would be required at the reserved matters stage. NWWM do not raise any objections to the application and recommend the imposition of a drainage condition.

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Residential amenity considerations

Only 1 letter of objection has been submitted and relates to the allocation of potential car parking to the proposed housing. Officers would clarify that this level of detail would be considered at the reserved matters stage when considering the layout of a scheme and the final number of bedroom units.

In respect to residential amenity, a spacing of at least 27.5 m between the potential apartments fronting Bromsgrove Road and existing dwellings can be achieved on the indicative plan and as such complies with guidelines set out in the Council's SPD on High Quality Design.

Planning obligations

Contributions are required for the development proposed. This would be sought via a planning obligation and cover the following matters:

Open space

Contributions towards off site open space provision due to increase demand from future residents is required in compliance with the SPD. In this case, a contribution to support improvements to the existing toddler and junior play area at the site at Terrys Memorial Playing Fields, open space improvements at the Garden of Remembrance at Plymouth Road and playing pitch infrastructure at Redditch Cricket Hockey and Rugby Club and Redditch HDA Bowling Club have been suggested.

Waste

Contributions towards refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy. A total of 32 No. 1100 litre bins would be required for the scale of the development. This part of the obligation would cover the cost of 16 recycling and 16 domestic communal 1100 litre bins.

The indicative plan shows underground storage for domestic and recycling waste. Whilst this is welcomed from a visual amenity point of view, the cost for providing the underground storage facilities and bin receptacles would be at the cost of the developer. Given that this detail could change at the reserved matters stage to the traditional approach it is considered prudent to still apply this matter as a Heads of Term to ensure that the waste facilities are paid for by the developer.

Town Centre

Contribution towards Town Centre Enhancements in accordance with the Town Centre Strategy. This contribution would be used towards enhancements to the railway station and surrounding area to provide a sense of arrival and could include public art programme identified as priority projects under policy 31 of the LP4.

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Affordable housing

Policy 6 of Local Plan No.4 requires the provision of 30% affordable housing on sites of 11 or more dwellings, incorporating a mix of tenure types. Due to the number of units proposed, a total of 22 units would be required.

NHS - Redditch and Bromsgrove Clinical Commissioning Group (CCG)

Redditch and Bromsgrove Clinical Commissioning Group (CCG) have requested a contribution as the development is likely to have an impact on the services of 6 GP practices nearby that do not have capacity for the additional growth resulting from this development. The contribution would be used towards the need for additional primary healthcare provision in order to mitigate the impacts of the development.

Education

County Education state that a contribution would be payable for education provision in accordance with the adopted SPD in the case of development providing two bedroomed (or more) open market dwellings. Contributions would support works at the catchment area schools Holyoakes Field First and Birchensale Middle School.

Highways

A financial contribution is sought to mitigate the additional demands that this proposal places on the transport network, these look to address cycle access to employment areas within Redditch and vehicle impacts on the A38 based on anticipated commuter trips to employment land in Bromsgrove.

NHS – Worcestershire Acute Hospitals NHS Trust

Worcestershire Acute Hospitals NHS Trust has requested a contribution to enable the body to provide services needed by the occupants of the new homes and the community at large. Officers accept that the request is material. However, legal advice received concludes that the requests do not meet the CIL regulation 122 tests; this request would be contrary to policy and does not serve a planning purpose; and/or does not fairly and reasonably relate to the proposed development. A contribution for this matter will not be pursued.

Footpath/cycle link to railway station

Negotiations have been held with the agent/applicant to provide a gated access from Bromsgrove Road to the railway station in order to improve accessibility in this locality. It is considered prudent that this matter forms part of the S106 to ensure its provision.

Monitoring

A Section 106 monitoring fee (as of 1 September 2019, revised Regulations were 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.

Following on from officer's request for the above contributions, the applicant's agent has responded as follows:-

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“We submitted the planning application as an Outline to establish the principle of residential development on this former employment site with the access not being a Reserved Matter.

With the planning application we provided a sketch indicative scheme, prepared by our Architects, to provide some context for the Outline application and we made you aware that our Clients would not be carrying out the development nor necessarily building the scheme shown in the indicative sketch proposals. In addition, we provided engineering, environmental and supportive consultation reports as agreed with you in our pre-application consultation meetings.

The Section 106 contribution requests made by your planning application consultees have been based upon the indicative sketch proposals primarily related to the number and type of units. Given that the site is to be sold competitively, the actual detailed scheme may well be different in form and content as you appreciate. You will therefore appreciate that my Clients are not in a position to confirm or agree either the payment list or the detailed amounts requested at this point in time as that will be the responsibility of the selected developer of the site. However, your list and the payments are extremely helpful in providing the parameters for the developers and on an initial viewing the requests generally seem compliant.

With the help of the Savills Birmingham office, we have been jointly instructed to dispose of this land and will hopefully start that exercise, subject to a satisfactory outcome with your planning committee”.

Officers consider that as this is an outline application for a site that is likely to have potential sales interest in the New Year, there is the possibility that the above contributions could fluctuate dependent upon the end user. It is also possible that a separate planning application may be submitted in the meantime by the end user whilst this application remains pending. However, officers consider it prudent for now that the above contributions still be included within the recommendation of this application.

Conclusion

The site is an open hardsurfaced area being used informally for car parking purposes; however, this has a highly negative visual impact on an important landmark site into the Town Centre.

The site is ideally located for residential redevelopment in accordance with policy 31 of the Local Plan No. 4 positioned in an optimum position for the train station, bus station and the wide range of facilities within the Town Centre. The application therefore benefits from the NPPF's presumption in favour of sustainable development and complies with Local Plan Policy 5 in respect to high density development, as well as providing a meaningful contribution towards the Council's 5 year supply of housing as well as affordable housing provision

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The indicative scheme shows how one form of high density development could create a vibrant and attractive scheme in this area of the Town. However, as Matters such as Appearance, Landscaping, Layout and Scale would be considered at the Reserved Matters stage, and given that there are details to be refined in respect to the positioning of cycle facilities, amenity provision, and design of the building/s that could apply a contemporary approach to reflect the former heritage of the area; it is very likely that the scheme will change.

The proposed scheme would arguably serve as a catalyst for the redevelopment of the wider area in a manner which would be compatible with the Borough Council's priorities for enhanced vitality and viability of the Town Centre and promotion of sustainable development. The principle of the development in this location is acceptable.

RECOMMENDATION:

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

a) The satisfactory completion of a S106 planning obligation ensuring that:

1. Contributions are paid to the Borough Council in respect to off site open space and equipped play and sport provision in accordance with the Council's adopted SPD.
2. Contributions are paid to Borough Council towards the provision of domestic and recycling bins for the new development in accordance with the County's Waste Strategy.
3. Contributions are paid towards Town Centre enhancement in accordance with the Town Centre Strategy.
4. 30% Affordable housing be provided on site as part of the scheme.
5. Contribution to be paid to the Redditch and Bromsgrove Clinical Commissioning Group (CCG) to be used towards the need for additional primary healthcare provision in the area.
6. Contribution to be paid to County Education to support works at the catchment area schools Holyoakes Field First and Birchensale Middle School.
7. Contribution to be paid to County Highways to address cycle access to employment areas within Redditch and vehicle impacts on the A38 based on anticipated commuter trips to employment land in Bromsgrove.
8. A gated cycle/footpath link from Bromsgrove Road to the railway station shall be provided as part of the scheme before the development is first brought into use and maintained as such thereafter.
9. A Section106 monitoring fee (as of 1 September 2019, revised Regulations were issued to allow the Council to include a

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provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met.

And

b) Conditions and informatives as summarised below:

Conditions:

- 1 Details of Appearance, Landscaping, Layout, and Scale (hereafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

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

- 3 The development hereby permitted shall begin no later than two years from the date of the approval of the last of the reserved matters to be approved.

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

- 4 The development hereby approved shall be carried out in accordance with the following plans and drawings (to be defined).

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

- 5 The reserved matters application for residential development shall include a total number of dwellings which is no more than 73 residential units.

Reason: To provide certainty to the extent of the development hereby approved and to maximise the efficient use of this brownfield site.

- 6 The number of storeys adjacent to Edward Street shall vary between 2-3 storeys maximum. Along Bromsgrove Road, there will be a gradual rise in the number of storeys from 2 -5 storeys.

Reason: To provide certainty to the extent of the development and to ensure that the overall height of the buildings respect the surrounding area.

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- 7 The reserved matters scheme shall incorporate a provision of housing that shall be predominantly 1 - 2 bed units.

Reason: To provide certainty to the extent of the development and to ensure the right provision of housing is provided in this area of the Town.

- 8 Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

- 9 The Development hereby approved shall not be occupied until the access shown on Drawing 3889-GA-002 rev P03 has been provided.

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

- 10 The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:-

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.
- Proposals to minimise dust from construction.
- Construction noise suppression.
- Piling techniques.

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- Programme of works (including measures of traffic management and operating hours).
- Provision of boundary hoarding and lighting.

The development shall be carried out in accordance with the approved management plan.

Reason: To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of adjacent occupiers.

- 11 The Development hereby approved shall not be occupied until the applicant has submitted a travel plan in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and this has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator and thereafter implemented as updated.

REASON: To reduce vehicle movements and promote sustainable access.

- 12 The development hereby permitted shall not be first occupied until the appropriate number of electric charging spaces have been fitted with an electric vehicle charging point in accordance with Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a highway specification in terms of charging performance.

Reason: To encourage sustainable travel and healthy communities.

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

Reason: To comply with the Council's parking standards.

- 14 No works or development above foundation level shall take place until a final scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff treatment. This scheme should be indicated on a drainage plan and the

approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

15 Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 6 have been complied with:

1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.
2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".
3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
4. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

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

- 16 No development shall take place until an assessment for potential effects of noise and/or vibration and suitable mitigation scheme for the development in its final form shall be submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first use of the development and retained for the life of the development hereby approved.

Reason: To ensure that the development can be carried out safely without unacceptable excessive noise and vibration for the potential occupiers.

- 17 No demolition, site clearance or development shall take place until all trees and hedges and their protection areas (RPA) to be retained on the site and around the boundaries of the site must be protected during site clearance and construction phase in accordance with BS5837:2012 and shall remain in situ for the duration of the development.

Reason:- To ensure the protection of trees and hedgerows in the interests of visual amenity.

- 18 No development shall take place until details of proposed footpaths and their construction that are proposed close to the protected Lime trees shall be submitted

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to, and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the first use of the development hereby approved.

Reason: To ensure the protection of trees and hedgerows in the interests of visual amenity.

- 19 No development above foundation level of the scheme hereby approved shall take place until all hard and soft landscaping details have been submitted to and agreed by the Local Planning Authority. The approved works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason:- In the interests of the visual amenity of the area.

- 20 No development above foundation level of the scheme hereby approved shall take place until full details of a landscape management plan, to include long term objectives, management responsibilities and maintenance schedules for all site play areas/amenity areas/landscaped areas within the scheme has been submitted to and agreed by the Local Planning Authority. The landscape management plan thus approved shall be fully implemented upon first use or occupation of the development and thereafter, all landscaping to which the plan relates shall continue to be maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the effective and ongoing maintenance and management of these areas in the interests of visual amenity and community safety

Informatives

- 1 The local planning authority is aware of the requirement in the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with applicants in a positive and proactive manner, seeking solutions to problems arising from applications.

In this case the applicant:

- o sought detailed pre-application advice from the authority and acted upon this advice in advance of the application submission

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The proposal therefore delivers a policy compliant sustainable form of development.

- 2 Due to the nature of this proposal, this application is subject to a s106 Agreement.
- 3 This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email worcestershirevehicle.crossing@ringway.co.uk. The applicant is solely responsible for all costs associated with construction of the access.
- 4 It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particular reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- ' Informing, respecting and showing courtesy to those affected by the work.
- ' Minimising the impact of deliveries, parking and work on the public highway.
- ' Contributing to and supporting the local community and economy.
- ' Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principle contractor will engage with the local community, this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for a site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing Legislation.

- 5 Worcestershire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils Travel Plans Officer. As part of this process the applicant must register for Modeshift STARS Business and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored. Worcestershire County Council can assist applicants with this process should they need.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at www.modeshiftstars.org

- 6 The applicant is advised of the following comments from Network Rail:-

Measurements to railtracks

When designing proposals, the developer is advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

RAMS – CDM –

The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer. The applicant /developer should submit the RAMs directly to:

AssetProtectionLNWSouth@networkrail.co.uk

FENCING

The applicant will provide at their own expense (if not already in place):

- A suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land.
- The fence must be wholly constructed and maintained within the applicant's land ownership footprint.
- All foundations must be wholly constructed and maintained within the applicant's land ownership footprint without over-sailing or encroaching onto Network Rail's boundary.
- The fence must be set back at least 1m from the railway boundary to ensure that Network Rail can maintain and renew its boundary treatments.
- Existing Network Rail fencing, and boundary treatments, must not be damaged or removed in any way.
- Network Rail will not allow any maintenance works for proposal fencing or proposal boundary treatments to take place on its land.
- Proposal fencing must not be placed on the boundary with the railway.
- Any fencing over 1.8m in height will require agreement from Network Rail with details of foundations and wind loading calculations submitted for review.

- The fence should be maintained by the developer and that no responsibility is passed to Network Rail.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.
- All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.
- Buildings and structures must not over-sail Network Rail air-space.
- Any future maintenance must be conducted solely within the applicant's land ownership.
- Rainwater goods must not discharge towards or over the railway boundary
- Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by a third party that may adversely impact its land and infrastructure.
- Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

Scaffolding

Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

This is to ensure that the safety of the railway is preserved, and that scaffolding does not:

- Fall into the path of on-coming trains
- Fall onto and damage critical and safety related lineside equipment and infrastructure
- Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).

Vibro-Impact Machinery

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail for agreement.

- All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.

- The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

Drainage proposals and Network Rail land

Please discuss drainage proposals with Network Rail. The applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

- All surface waters and foul waters must drain away from the direction of the railway boundary.

- Soakaways for the proposal must be placed at least 30m from the railway boundary.

- Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.

- Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's land and infrastructure.

- Proper provision must be made to accept and continue drainage discharging from Network Rail's property.

- Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway.

- The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway.

- Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.

Excavation and Earthworks and Network Rail land

The applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:

- Alterations to ground levels
- De-watering works
- Ground stabilisation works
- Works to retaining walls
- Construction and temporary works
- Maintenance of retaining walls
- Ground investigation works must not be undertaken unless agreed with Network Rail.
- Confirmation of retaining wall works (either Network Rail and/or the applicant).
- Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.
- For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.

Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

3m Gap

Network Rail requires that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint including all foundation works.

Noise

The developer (along with their chosen acoustic contractor) is recommended to engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing operational railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings.

Network Rail is aware that residents of developments adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.

To note are:

- The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running, heavy freight trains, trains run at weekends /bank holidays.
- Maintenance works to trains could be undertaken at night and may mean leaving the trains' motors running which can lead to increased levels of noise and vibration.
- Network Rail carry out works at night on the operational railway when normal rail traffic is suspended and these works can be noisy and cause vibration.
- Network Rail may need to conduct emergency works on the existing operational railway line which may not be notified to residents in advance due to their safety critical nature, and may occur at any time of the day or night, during bank holidays and at weekends.
- Works to the existing operational railway may include the presence of plant and machinery as well as vehicles and personnel for works.
- The proposal should not prevent Network Rail from its statutory undertaking. Network Rail is a track authority. It may authorise the use of the track by train operating companies or independent railway operators and may be compelled to give such authorisation. Its ability to respond to any enquiries regarding intended future use is therefore limited.
- The scope and duration of any Noise and Vibration Assessments may only reflect the levels of railway usage at the time of the survey.
- Any assessments required as part of CDM (Construction Design Management) or local planning authority planning applications validations process are between the developer and their appointed contractor.
- Network Rail cannot advise third parties on specific noise and vibration mitigation measures. Such measures will need to be agreed between the developer, their approved acoustic contractor and the local planning authority.
- Design and layout of proposals should take into consideration and mitigate against existing usage of the operational railway and any future increase in usage of the said existing operational railway.
- Noise and Vibration Assessments should take into account any railway depots, freight depots, light maintenance depots in the area. If a Noise and Vibration Assessment does not take into account any depots in the area then the applicant will be requested to reconsider the findings of the report.

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Trees

Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

All vegetation on site should be in line with the recommended tree matrix for the reasons outlined in the document.

<http://wcms-internet.corp.ukrail.net/community-relations/trees-and-plants/>

BAPA

As the proposal includes works which may impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

The applicant / developer should liaise directly with Asset Protection to set up the BAPA (form attached).

AssetProtectionLNWSouth@networkrail.co.uk

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

The developer is requested to contact the Network Rail Asset Protection team at least 20 weeks before works commence on site.

Procedural matters

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