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COMMITTEE**

15<sup>th</sup> July 2020

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**Planning Application 19/01575/FUL**

**Residential development of 19 affordable dwellings with associated parking.**

**Former Play Area, Edgeworth Close, Redditch, Worcestershire, B98 8QQ,**

**Applicant: Mr Matthew Bough  
Ward: Church Hill Ward**

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

The case officer of this application 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 application site is located in Church Hill within an established residential area. The site itself is designated as Primarily Open Space in the Borough of Redditch Local Plan No.4 and originally a play area was situated on part of the application site, providing play facilities for the neighbouring occupiers. However, the play equipment has since been removed. The land within the application site boundary comprises of a generally sloping grassed area, with mature hedgerows and tree planting and also an area of land that is covered by scrub and poor quality trees to the west of the application site. A number of public footpaths connect within the site as well as around the perimeter of the site.

**Proposal Description**

Permission is sought for the provision of 19 affordable rented housing units, 3 No. 2 bed bungalows, 6 No. 2 bed dwellings and 10 No. 3 bed dwellings. The dwellings would be 2 storey units and all the units would be finished in brickwork and tiles.

Access to the site would be via an existing access road situated at the side of No.s 96 and 104 Edgeworth Close. This access road also provides access to a row of garages and the rear gardens of 97 – 103 Edgeworth Close. The units are a mix of bungalows, semi-detached and terraced properties. Two car parking spaces are provided for each unit as well as a car charging point and secure cycle storage.

Due to the former use of the site as a play area comprising of soft landscaping and tree planting, it is evident that some trees and hedges would need to be removed in order to implement the development.

The development is proposed to be built by the Council for new Council homes to be part of the Housing Revenue Account.

**Relevant Policies:**

**Borough of Redditch Local Plan No. 4**

Policy 1: Presumption in Favour of Sustainable Development

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Policy 4: Housing Provision  
Policy 5: Effective and Efficient use of Land  
Policy 6: Affordable Housing  
Policy 12: Open Space Provision  
Policy 13: Primarily Open Space  
Policy 16: Natural Environment  
Policy 18: Sustainable water Management  
Policy 19: Sustainable travel and Accessibility  
Policy 20: Transport Requirements for New Development  
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

**Relevant Planning History**

None

**Consultations**

**Severn Trent Water Ltd**

No objections to the proposals subject to the inclusion of a drainage condition.

**WRS - Contaminated Land**

Historic maps indicate that the overgrown area in the west of the site is a former unspecified pit which was later developed into a landscaped playground, now disused. No evidence of contamination was noted during the walkover. However, potentially contaminated land uses include unspecified pits (potentially infilled) on site and 208m north, electrical substations (closest 92m) and a number of infilled ponds located between 10 and 100m from the site.

Given the sensitive nature of the proposed use of the site and the potential for ground contamination to be present, contaminated land conditions are considered to be necessary as the degree and extent of contamination is currently unknown.

**WRS - Noise**

The submitted noise assessment appears satisfactory in terms of the methodology used and the conclusions reached. However, in terms of minimising noise from road traffic I would recommend that a close boarded acoustic fence be installed along the boundary of plots 1-5 adjacent to Church Hill Way.

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**Highways Redditch**

No objection subject to conditions and financial obligations.

**Arboricultural Officer**

Recommend conditions to protect existing trees to be retained before and during construction and landscaping details. Opportunity to make more use of the dense woodland area to the west of the site?

**Education Authority**

As the dwellings are all affordable rent, an education obligation will not be sought.

**Crime Risk Manager**

No objection.

**Worcestershire Archive and Archaeological Service**

There are no archaeological issues that would prevent or constrain development, but it is likely that archaeological deposits could be encountered in the north-east of the site due to the possibility of an earlier building on site and possibly remnants of an earlier moated site. Therefore, a condition is recommended to secure a programme of archaeological works comprising an evaluation trench in the first instance over the location of the former farmhouse followed by further mitigation should archaeological deposits of significance be uncovered.

**Red Kite Network Nat Healy (Ecology)**

Having reviewed the documents it is considered that ecological matters have been dealt with appropriately given the context of the area and proposed development. In conclusion support the application and recommended conditions to safeguard biodiversity and protected species.

**North Worcestershire Water Management**

The proposed development would be 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 (indicated above). There is some surface water risk indicated on small parts of the site (north and western areas), but suitably designed site drainage can adequately mitigate these risks. The FRA provided sufficiently identifies the potential sources of flood risk to the site.

Drainage condition is recommended to provide details of the proposed means to drain the site as a result of the development.

**RBC Parks and Open Space**

Informal comments submitted refer to other local open space facilities available nearby that have recently been refurbished in Heronfield Close and Upperfield /Northleach Close, as well as a new play facility at Willowtrees which was installed recently.

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The Team note the loss of open space to housing provision but suggest that the remaining area of open space that forms part of the application site needs tidying up to make it accessible for use for recreation, as it is currently overgrown and unkempt. If it were opened up it could be a pleasant area for the locals to use for informal play etc. This would mainly involve tree thinning and removal and making to grass perhaps with pathways through it etc.

**NHS Acute**

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

**NHS/Medical Infrastructure Consultations**

No Comments Received To Date

**Cllr Hartnett**

Concerns raised by local residents regarding the access to the site, there are garages on the right hand side and parking bays to the left of what will be the access road. The concern being how can safe access and egress of the garages and parking bays operate.

**Cllr Rouse**

Support the development of additional affordable homes to meet a need for housing, especially bungalows in Church Hill. This will enable elderly and disabled residents to downsize and move to a more appropriate dwelling, which will in turn free up much-needed 3 and 4 bedroom homes for Redditch families who desperately need them, many of whom live in Church Hill.

However, I would like to draw attention to concerns raised by nearby local residents, in particular:

The visibility for emerging and entering traffic into the new proposed estate is not great owing to the current design and layout of Edgeworth Close. Work will need to be done to cut down vegetation and improve visibility wherever possible.

Concerns around overbearing and overlooking are addressed by angling properties appropriately to ensure privacy for existing and new residents.

Residents are very concerned about the additional traffic coming in to Edgeworth Close and construction traffic during the construction phase. The builders should work with local residents to agree strategies and they should communicate regularly with residents and local councillors on topics that are likely to cause disruption.

Parking remains an issue in Edgeworth Close with not enough spaces to accommodate all residents. With only 2 spaces per house any visitors to the new estate are likely to put additional pressures on parking elsewhere in Edgeworth Close.

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## **Strategic Planning**

- The proposed provision of affordable housing to help meet the Borough's identified need is welcomed.
- The loss of open space is largely justified and the enhancements to the remaining open space are welcomed, as addressed through the Public Open Space Masterplan.
- Whilst the development of the site would lead to significant improvements to the accessibility, quality, and overall usability of the remaining open space within the site's boundary, there are some concerns relating to enhancing natural surveillance and the connectivity between the built and natural aspects of this proposal. If addressed, this could help to reduce the threat of anti-social behaviour and fly-tipping. Whilst not necessarily essential to the viability of the scheme, some consideration could be given to better integration of the open space with the built form to integrate the open space more effectively into the residential development.

## **Public Consultation Response**

5 objections and 1 representation asking a personal query should the development be approved. Comments summarised as follows:-

- 19 dwellings in such a small plot of ground will cause a volume of traffic. There's inadequate parking for residents as it is.
- Residents directly involved will lose their privacy and car parking.
- Shrubs and trees will need to be cut down.
- Park has been removed to allow for houses to be built. There are enough empty houses in Redditch without building more and infringing on people lives.
- Children use the green in the summer.
- Access to the new dwellings will be at the back of properties 97 to 99 Edgeworth Close and will result in an increased risk of injury due to increased traffic flow in a very restricted area where visibility and access is already compromised. The increase in through traffic at the back of the properties will result in increased noise levels and inconvenience. Access to the garages will be impossible as to get in we have to park at right angles across the road. Concern about construction traffic using the access road.
- Limited parking by our property at present so this will only exasperate the situation and it is not fair that the new developments have two dedicated parking spaces each while existing residents struggle to park.
- The main part of Edgeworth Close is not suited to increased traffic volume this poses a health and safety issue and an alternative access to the new housing development should be considered.

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- Removal of established hedgerows and potential loss of wildlife.
- Lack of pavement links on this section of Edgeworth Close in respect to gaining access to Arrow Valley
- There's currently a parking bay for the adjoining houses or for vans/deliveries to those homes. When it goes where will they park? Care workers and supermarket deliveries are also frequently parking up. This area is already busy!
- This road gets even busier when Marlfield Barn is used for events.
- Edgeworth Close has become a rat race, had a few near misses coming out of Close.

**Assessment of Proposal**

**Principle of the development**

The site is within an area designated as Primarily Open Space in the Borough of Redditch Local Plan No. 4. Therefore, Policy 13 of the Local Plan would apply. The policy states that open spaces should be protected and where appropriate, enhanced to improve quality, value and multifunctionality and accessibility. Proposals that would result in the total or partial loss of Primarily Open Space will not normally be granted planning permission unless it can be demonstrated that the need for development outweighs the value of the land as open space.

As this proposal involves the partial loss of primarily open space, justification is required to demonstrate that the need for the development outweighs the value of the land as open space.

The developer's justification is summarised as follows:-

- The proposed development has a number of merits to the local area which outweigh the loss of the open space on site. The Council's SMHA shows a shortfall of over 300 units of affordable housing per year to meet the need in the Borough. This application is for the development of affordable housing which will assist the Council in meeting this need and meet its strategic purpose of 'Finding somewhere to live'. Church Hill has lost significant amount of social housing through the Right to Buy scheme and this application will assist in balancing the local housing market in the area.
- The site consists of 0.99 hectares of primarily open space and woodland. Residential development is proposed on 0.75 hectares of the site, leaving 0.24 hectares to the west of the site that is currently dense woodland. The remaining open space provision will be enhanced as part of the development, and as such would be an improvement to the remaining open space.

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- The site is of low recreational, amenity and ecological value, and due to its location is used by the local community around Edgeworth Close, however, even the community amenity value of the site is relatively low. The site is no longer used as a children's play area due to the removal of the equipment, and is now only used as dog walking and informal recreation.
- Although the play area facility has been removed from the application site, there are similar uses in the local area that provide opportunities for local recreation, sports and play within a 13 minute walk of the site; some of these facilities have recently been upgraded.
  - Upperfield Close (open space & children's play area) 0.7 miles
  - Bomford Hill Park (open space, woodland) 0.7 miles
  - Willow Trees Community Centre (children's play area) 0.6 miles
  - Heronfield Children's Play Area 0.3 miles
  - Arrow Valley Country Park 0.5 miles. Arrow Valley Park is within reasonable distance of the application site.
- Whilst it is recognised that the proposed development will result in a loss of open space to the local community. In order to mitigate the impact of this loss, the proposal includes improvements to the woodland area to the west of the site. The landscape improvements to this area will provide a space that is more usable for dog-walking and informal recreation.
- A Preliminary Ecological Appraisal carried out on the site has categorised the site as having low biodiversity value. However, there is scope to provide biodiversity enhancement to the site and it is proposed that such enhancements will form part of the landscape proposals for the development.
- The proposal will be able to improve connectivity through the site, through providing better permeability, and improving the safety of the area.
- The site has been subject to fly-tipping and travellers in recent years and has caused significant maintenance issues for the Council to maintain.

**The enhanced open space facility**

The dense wooded area to the west of the site is proposed to be enhanced as compensation for the loss of the wider open space area to be developed. This area is proposed to be opened up to allow more opportunities for informal recreation and more opportunities for wildlife and biodiversity enhancements. Plans submitted show an indicative 'Woodland Walk' meandering around the space; this will be an informal path that will link into the existing footpath network. A timber bench seat will be incorporated at the northern end of the space and interpretation panel focusing on the wildlife and plant species within the site will be situated at the entrance in the south-west corner. 2 No. timber totem/sculptural elements will be included within the scheme.

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The existing vegetation will be subject to selective clearance of brambles to encourage regeneration of existing saplings and wildflowers. Some additional trees/ native saplings will be planted to ecologically enhance the species range within the space as well as providing aesthetic potential. Selected areas will be managed to encourage wildflowers. Additional oversowing of wildflower seed and incorporation of wildflower plug plants will help to facilitate this transition. In addition, some edible, native woodland plants will be incorporated within the new planting scheme to provide an additional way for local residents to enjoy the space, with species such as wild strawberries, wild garlic and berrying shrubs.

Strategic Planning have been consulted and refer to Policy 6 and 13 of Local Plan No.4 stating that the provision of affordable dwellings is welcomed by policy. However, there are some concerns relating to the fact that the proposed development is located on a site designated as Primarily Open Space.

Strategic Planning consider that whilst there is no longer a children's play area on the site, this does not automatically mean that the recreational and amenity value is low, as the site is still used as a form of amenity space, which comprises a valuable component of the Borough's open space. The applicant states that there are plenty of small open spaces provided in courtyards across Edgeworth Close and Heronfield Close which would provide better and safer places for children's play; however, it is important to consider the current provision of other nearby open space.

The Council's 2009 Open Space Needs Assessment (OSNA) is the most recently published document, and indicates that the Church Hill Ward has a deficit per 1000 population of -2.47 ha. The Borough standards have recently been recalibrated to take account of updated Census information and an audit of all open spaces. A revised standard for Church Hill Ward now shows a reduction in the deficit of open space (-2.08 ha per 1000 population). The applicant notes that there is a deficit in the Ward but argues that if Arrow Valley Park was included within the equation due to its proximity to the site, there would be an over provision of open space. The OSNA deliberately excludes Arrow Valley Park in any Ward as it is considered a sub-regional park that attracts the highest number of users from throughout the Borough, but also from further afield. Therefore the applicant's argument to develop the site based on a potential over provision of open space in the local area is disputed.

Policy 12 of Local Plan No. 4 requires new development to make provision for new and/or improvements to open space, sports and recreation facilities in accordance with the Borough Council's Adopted Open Space Provision Supplementary Planning Document (SPD) or any other form of planning obligation the Borough Council adopts. New open space should be strategically located in order for it to contribute to the Green Infrastructure Network and increase its multifunctionality". The 0.22ha of dense woodland to the south west of the site will be retained as open space as part of the scheme. Strategic Planning generally supports the open space improvements detailed in the masterplan. However, the development of this site should aim to improve connectivity, which it has partly been done with the provision of pathways which connect the improved

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area of Open Space to Marlfield Lane, and the existing dwellings on Edgeworth Close, but, as the scheme is orientated that it turns its back onto the improved open space there is no direct integrated connectivity between the two elements. Para 91a of the NPPF encourages open space to be integrated into the scheme where possible, to promote(s) social interaction’.

Planning Strategy conclude that the proposed provision of affordable housing to help meet the Borough’s identified need is welcomed. Also, the loss of open space is largely justified and the enhancements to the remaining open space are also welcomed.

Officers consider that it is regrettable that the proposed scheme would lead to the partial loss of some open space provision in this location, particularly as there is a deficit in the Ward. However, due to the contours of the land, the limited amenity quality of this open space, and taking into account existing open space facilities that are nearby that are of superior provision, the partial loss of this open space is likely to be negligible.

The benefits of the scheme would be the mix of affordable residential accommodation that is needed in this area of the Town, and the potential enhancement of the remaining open space provision that is currently densely wooded and inaccessible. Officers accept the comments made by Planning Strategy to further integrate the residential scheme with the enhanced open space facility, however, due to the restricted shape of the site, the possibility of rearranging the residential layout could reduce the number of proposed units. In addition, whilst it is accepted that the enhanced open space facility does not directly flow from the scheme itself, good connectivity/accessibility would still be provided and maintained for new and existing occupiers by utilising the adjoining footpath network.

The proposed development outweighs the value of the land as open space and as such would not conflict with Policy 13 of Local Plan No.4. The intended enhancements to the remaining open space facilities would also be in accordance with Policy 16 of Local Plan No. 4 which promotes the enhancements of the natural environment and landscape.

Density of Development

The 2019 NPPF requires local planning authorities and developers to make effective use of land, especially if this would help to meet identified needs for housing where land supply is constrained. Section 11 of the NPPF emphasises the importance of making effective use of land, and with respect to density, Para 123 states 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 total site measures approximately 0.99 hectare in area, however, approximately 0.75 hectares is the developable area. 19 units of accommodation in the developable area represents an approximate density of 26dph. Policy 5 of the Local Plan No. 4 requires a general density of 30-50 dwellings per hectare. Whilst this may be slightly below the density requirement set out in policy 5, it is important to note that para.5.3 of the policy allows for some lower density developments on smaller sites, or when providing

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bungalows. It is considered that due to the shape of the application site and desire to retain some of the existing vegetation, as well as providing bungalows for the scheme; has resulted in a slight reduction in the overall density for the site. However, the density of the scheme would be acceptable in this location as it is comparable to that of the surrounding area, and as such the proposal complies with Policy 5 of Local Plan No.4.

## Layout and appearance

Despite the shape of the application site, the layout makes the best use of the site, resulting in generous garden provision for some of the units. Whilst the scheme generally adheres with the guidelines set out in the Council's High Quality Design SPD, the distance between the rear of bungalow plot No.s 17 and 18 and the front of flats 75-80 Edgeworth Close is approximately 11.5m. This does not conflict with the Council's guidelines in the SPD but it is a unique situation. Further enhancements are being considered such as mature tree planting to reduce any potential overlooking. However, despite the extent of public consultation for the application, no objections have been submitted by the occupiers of the existing flats concerned.

The units will generally be brickwork and tile. Whilst the designs of the units are quite simplistic, the overall appearance of the units is lifted with a protruding brickwork detail on sections of the front elevation to provide visual interest to the scheme as a whole. The aesthetics of the scheme will complement the surrounding housing in the area.

## Scale

The scale of the development is comparable to the surrounding properties. Apart from the 3 bungalows that would be one and a half storeys, the rest of the scheme would be a maximum height of two storeys. The scale of development proposed is considered to be acceptable given the context of the sites surroundings.

## Highway matters

Each unit would have 2 off street car parking spaces, a vehicle charging point, as well as secure cycle storage within the garden area and complies with the requirements set out in the County's 'Streetscape Design Guide'. The site is adjacent to Church Hill Way which is used as part of the circular bus route for this area of the Town. Bus stops in the two directions of the bus route are 2 minutes away from the site, enabling very good public transport links for the scheme.

County Highways agree with the Summary and Conclusions set out in the applicant's Transport Statement which states that the site benefits from good existing infrastructure that allows access by a range of non-car transport modes. The development would have a negligible impact on the local highway network in terms of associated development traffic. Trip generation calculations show that the proposed development would not have a severe impact on the local or wider highway networks

Access to the site is via an existing access road that serves a row of garages, car parking bay, and the rear gardens of existing properties in Edgeworth Close. Several comments submitted by local residents and ward members relate to the access arrangements to the

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site. Officers have expressly queried this matter with County Highways who have stated the following:-

- In highway safety terms the proposals are not considered to be unsafe and we are still of the opinion that safety would not be compromised by the proposed development.
- There would not be a severe highways impact since the majority of pedestrian movements will be in the opposite direction.
- Vehicular speeds will be low due to the design of the access road.
- Sufficient forward visibility is available to enable drivers to see cars waiting to enter/exit a garage.
- The vehicular trips / vehicular movements generated in the vicinity of the garages will be low.
- The road would also be lit so the vehicles would be visible when waiting to enter/exit a garage at night.
- The width of the access road and short footway would also enable a car to pass a car waiting whilst the driver locks/unlocks a garage.

The speed limit would be 20mph due to the location, constraints and design of the scheme, and County Highways are happy with the visibility arrangements for the scheme.

Trip generation calculations have been included in the Transport Statement and confirm that during the highway peak hours the proposed development would generate 10 two-way vehicular trips during the morning and evening peak hours. This would equate to approximately 1 additional vehicle trip every 6 minutes. In terms of impact upon the local highway network, this level of traffic would not result in a material impact.

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." It is considered that the application site does offer some choice of transport modes given its adjacent to a circular bus route that provides a regular public transport service to the Town and its environs. 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. County Highways raise no objection to the scheme, and recommend conditions and financial contributions.

**Sustainability**

As mentioned above, the application site is located close to a regular bus route that provides a prompt public transport route to the Town and wider area. The proposed development therefore benefits from the NPPF's "presumption in favour of sustainable development" and also complies with the NPPF's objective of significantly boosting the supply of housing. In addition, the scheme meets the NPPF's requirement to make "effective use" of under-utilised land in a relatively sustainable location.

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Members will be aware that the Council cannot demonstrate a 5 year supply of housing land within the Borough. Para. 11 of the NPPF says that in such circumstances relevant policies for the supply of housing should not be considered up-to-date. The so called tilted balance as advocated by the NPPF is engaged and the presumption in favour of sustainable development, as set out in the NPPF applies. Where relevant policies are out of date Para. 11 advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, significant weight should be afforded to the fact that the scheme would make a meaningful contribution to the Councils housing figures where the Council cannot demonstrate a 5 year supply of housing land as required under the NPPF.

### Landscape

The proposed development sits on an area of land once used as a playground and recreational area. Currently the area is mainly dominated by un-kept vegetation and hedgerow trees, mainly Ash. There is a semi - mature Oak tree on the south eastern boundary that is to be retained as part of the scheme. The hedgerows around the site are acting as a litter trap and in parts have collapsed and are overhanging the footpaths. On the northern boundary a large volume of fly tipping is noticeable making the area look untidy.

Some vegetation and trees will need to be removed to facilitate the new development. However, tree and hedgerow planting that runs along the Marfield Lane would be retained. The semi- mature Oak tree on the south eastern boundary is in good condition with no signs of defect with 40+ year's life years remaining and has been incorporated within the scheme.

Due to the nature of the site, it will be necessary to remove some existing trees and hedges to enable the development. Members will be aware that the remaining Primarily Open Space land (that forms part of the application site) comprise of vegetation and trees of poor quality. In order to comply with the requirements of policy 13 of Local Plan No.4 it is intended that this area will be enhanced to make it more accessible and useable to members of the public providing an improved open space facility that would be beneficial to people and wildlife in the area. Details of the open space enhancement have been described earlier in this report and the implementation of the enhancement works will form part of the Heads of Terms of the S106 Agreement for the scheme. The enhancement of this open space area is supported by the Tree Officer and Parks and Open Space Officer.

### Drainage

Whilst a simple Flood Risk Assessment has been submitted for the scheme, no further drainage details have been supplied, however, NWWM do not raise any objections to the application and recommend the imposition of a drainage condition.

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## Residential Amenity Considerations

5 objection letters have been submitted mainly raising concerns in respect to traffic, means of access and car parking and well as construction disruption. These issues have been addressed above as part of the Highway considerations. Comments have been made in respect to any potential overlooking and these matters have also been considered in respect to the layout of the scheme.

## Planning obligations

Contributions are required for the scale of 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 increased demand from future residents, required in compliance with the SPD. In this case, a contribution to improvements to pitches and facilities in Arrow Valley Park, improvements to access paths and park surfacing, upgrade to ball court and play equipment at Heronfield Close play area, tree works and enhancement of two areas to create more usable spaces, on land adjacent to the old play area at Northleach Close and the existing play area in Heronfield Close.

### Bins and Waste Management

Contributions for refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy.

### Town Centre Enhancements

Contributions towards Town Centre Enhancements within Market Place/Church Green specifically towards improved lighting / street furniture including bins and benches in accordance with the Town Centre Strategy.

### Affordable Housing

Borough of Redditch Local Plan No.4 Policy 6 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 6 units would be required.

### Infrastructure Delivery Plan (Highways)

A financial contribution is sought to be used towards improvement to local walking and cycling infrastructure, Community transport and footway improvements.

### NHS – Worcestershire Acute Hospitals NHS Trust (WAHT)

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.

The Trust has made representations in relation to this application. It is considered that the request made by WAHT is compliant with guidance in the NPPG, support can also be found in local planning policy, and the request made by the Trust complies with the three

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tests in Regulation 122 of Community Infrastructure Levy Regulations and paragraph 56 of the NPPF (2019).

Paragraph 56 states: "Planning Obligations (the financial contribution requested by the Trust) must only be sought where they meet all of the following tests:

- (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".

Following a review of the information provided by the Trust officers consider that the Trust's request is a material consideration and should be taken into consideration as a consequence.

**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. However, as the scheme is intended to be an affordable housing scheme, the County will not be seeking a contribution on this occasion.

**Enhancement of remaining Open Space Area**

Negotiations have been held with the agent/applicant to provide an enhancement to the remaining open space area in order to improve accessibility to the area concerned for the benefit of the wider public. It is considered prudent that this matter forms part of the S106 to ensure the enhanced facility is provided on site.

The applicant is agreeable to the S106 Heads of Terms but has queried the WAHT contribution given the nature of the scheme. To take this matter forward officers are seeking authority from the Committee for a Delegation to the Head of Planning and Regeneration to agree the final sum of the financial contribution with the Trust. The purpose of agreeing this Delegation is for officers to further review the reasonableness of the sum that is being requested by the Trust.

**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.

**Other matters**

Sections 100ZA(4-6) of the Town and Country Planning Act 1990 requires the applicant's written agreement to the terms of a pre-commencement condition. Written agreement to the terms of relevant recommended conditions has been sought and agreed by the applicant.

**Conclusion**

Whilst it is regrettable that the site involves the loss of Primarily Open Space, the scheme would provide much needed and mix of housing required in this area of the Borough. The

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loss of Open Space provision is offset with the enhancement of adjoining land that is currently inaccessible to members of the public and would be an enhanced open space facility for local residents. As such the scheme is considered to be acceptable in accordance with policies in Local Plan No. 4. The location of the site to public transport links to a wide range of facilities within the Town Centre and beyond means the site is ideally located for residential development, and benefits from the NPPF's presumption in favour of sustainable development.

**RECOMMENDATION:**

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

- a) **The satisfactory completion of a S106 planning obligation ensuring that:**
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 Worcestershire Acute Hospitals NHS Trust (WAHT) to be used to provide services needed by the occupants of the new homes and the community at large. Agreement of a final sum to be Delegated to the Head of Planning and Regeneration Services (subject to verifying any deductions based on services already provided by the WAHT).**
  6. **Contribution to be paid to County Highways to be used towards improvement to local walking and cycling infrastructure, Community transport and footway improvements.**
  7. **The remaining open space area to be enhanced in accordance with the approved plans shall be provided as part of the scheme before the development is first brought into use and maintained as such thereafter.**
  8. **A Section106 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.**

**And**

- b) **Conditions and informatives as summarised below:**

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**Conditions:**

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

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

- 2) The development hereby approved shall be carried out in accordance with plans and drawings (to be defined)

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

- 3) 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.

- 4) The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

- 5) No demolition, site clearance or development shall take place until all trees and hedges and their root protection areas (RPA) to be retained on the site and around the boundaries of the site must be protected during clearance and construction phase in accordance with British Standard BS:5837 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.

- 6) 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

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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.

- 7) 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.
  - Hours of work during construction.
  - Proposals to minimise dust from construction.
  - Construction noise suppression.
  - Provision of boundary hoarding and lighting.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

- 8) No development above foundation level of the scheme hereby approved shall take place until details of acoustic fencing to be installed along the rear boundaries of plots 1-5 adjacent to Church Hill Way has been submitted to and approved by the Local Planning Authority. The approved acoustic details shall be implemented before the plots concerned are first brought into use.

Reason:- In the interests of amenities of the occupiers of those plots concerned.

- 9) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

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- a) The programme and methodology of site investigation and recording.
- b) The programme for post investigation assessment.
- c) Provision to be made for analysis of the site investigation and recording.
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework.

- 10) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (9) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework.

- 11) 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.

- 12) The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

REASON: In the interests of highway safety.

- 13) The Development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the 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

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of the same specification or a higher specification in terms of charging performance.

REASON: To encourage sustainable travel and healthy communities.

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

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

- 15) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on Drawing No. (to be defined).

Reason: To ensure conformity with submitted details.

- 16) The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

REASON: To reduce vehicle movements and promote sustainable access.

- 17) No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a. Protection of vegetation to BS5837:2012, including scrub
  - b. A Reasonable Avoidance Measures method statement for great crested newts, meeting Natural England guidelines
  - c. Ensure no materials are stored, vehicles permitted to track or fires lit within specific protection zones
  - d. Direction of security / construction lighting away from protection zones and tree canopies
  - e. Responsible persons and lines of communication
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local authority.

Reason: In the interests of protecting biodiversity in the area.

- 18) Prior to commencement of development a biodiversity strategy for the site should be submitted to and approved in writing by the local planning authority and shall

include general precautionary measures (RAMs) and proposals for on site biodiversity enhancements.

Reasonable Avoidance Measures (RAMs) should be implemented as follows:

- i) A Reasonable Avoidance Measures (RAMs) method statement should be prepared and implemented to facilitate pre demolition/ construction checks for reptiles, amphibians, bat species and small mammals.
- ii) A Reasonable Avoidance Measures (RAMs) statement should be prepared and implemented in relation to badgers during demolition and construction.
- iii) A Reasonable Avoidance Measures (RAMs) method statement should be prepared and implemented in relation to breeding birds prior to demolition and construction i.e. removal of trees, buildings and hedgerows.

Biodiversity enhancements shall include measures to increase the value of habitats on site for wildlife species likely or known to occur nearby. Such measures shall include, at least one bat brick for each new house (similar in specification to the bat bricks produced by Habitat), at least one bird box per house, wildflower seeding in public areas and retention or replacement and maintenance of an east-west hedgerow on site.

Reason: In the interests of protecting and enhancing biodiversity in the area.

- 19) Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using or having access to their breeding sites and resting places.

The strategy shall be in compliance with Institution of Lighting Professionals' Guidance Note 08/18. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of protecting and enhancing biodiversity in the area.

- 20) No development above foundation level of the scheme hereby approved shall take place until details of the bench, information boards and totem/sculpture features proposed to be installed in the remaining open space area to be enhanced, has been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the plots concerned are first brought into use.

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Reason:- In the interests of amenities of the general area.

**Informatives**

- 1) In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising from the application in accordance with the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The authority has helped the applicant resolve technical issues such as:
  - o impact of the development upon amenity of neighbours,
  - o improving the design of the proposed development.

The proposal is therefore considered to deliver a sustainable form of development that complies with development plan policy.

- 2) 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](mailto:worcestershirevehicle.crossing@ringway.co.uk). The applicant is solely responsible for all costs associated with construction of the access.
- 3) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 4) This permission does not authorise the re-siting of any street lighting columns or illuminated road traffic sign(s) affected by the proposed development. The applicant should contact the Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester WR5 2NP for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority.
- 5) The applicant is advised that Cadent Gas have identified gas service pipes and related apparatus in the vicinity of the site which may be affected by the proposed works. Prior to any works that take place on site, the applicant is advised to contact Cadent Gas.

**Procedural matters**

This application is being reported to the Planning Committee because the applicant is Redditch Borough Council, the application is for major development and requires a S106

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Agreement, and there have been more than two objections to the application. As such the application falls outside the scheme of delegation to Officers.