

**PLANNING
COMMITTEE**

29th March 2023

Planning Application 22/00333/FUL

Proposed Redevelopment of Land at St Gregory's Church, Winyates to construct 25 No. new affordable dwellings and associated access road. To include demolition of existing buildings, clearing of vegetation, temporary stopping up and permanent diversion of footpaths, including rerouting of Foul and Storm Sewers within the site.

St Gregory's Roman Catholic Church, Winyates Way, Redditch, Worcestershire

**Applicant: Mr Carl Taylor, Green Square Accord Limited
Ward: Winyates 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 includes the former Roman Catholic Church with existing vehicular access and car parking off Woodcote Close as well as a linear area of open land to the south of the car park. The site has been unoccupied for some time and the building has been falling into disrepair. A well used footpath link crosses the site north/south and runs along the rear of St Georges Court and links up with a footpath in between 38 and 56 Treville Close.

Part of the site is located within the Winyates District Centre as designated in the Borough of Redditch Local Plan No. 4. The site also has a visible frontage from Winyates Way.

Proposal Description

The existing church building would be demolished, and planning permission is sought to redevelop the site for residential development. The scheme provides 25 dwellings, 5 No. 2 bedroom units, 18 No. 3 bedroom units, 2 No. 4 bedroom units. The 2 and 3 bedroom dwellings would be 2 storey in height whilst the 4 bedroom dwellings would be 2½ storey in height. The scheme would be a 100% affordable housing scheme with 13 units for social rent and 12 units shared ownership.

The proposed layout shows the existing footpath that runs through the site from north to south to be altered midway across the site to enable the revised means of access. The means of vehicular access to serve the site would be off Woodcote Close. As part of the access improvements, a new footpath link is also proposed to run parallel with Winyates Way in order to provide improved footpath links to the existing bus stop on the same side of the road. In addition, a new footpath link is proposed at the rear of 56-61 Treville Close to maintain established footpath links that serve Treville Close at present.

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The dwellings are proposed to the west and east of the access road in the form of terraced and semi-detached dwellings with communal and individual car parking. At the entrance to the site, 5 units (plots 3, 4, 23, 24, and 25) have been designed in the form of two landmark corner buildings to enhance the streetscene when viewed from Woodcote Close and Winyates Way.

A 10 metre wide sewer easement exists on the site and as such defines the layout of the development including the potential number of dwellings 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 4: Housing Provision

Policy 5: Effective and Efficient use of Land

Policy 6: Affordable Housing

Policy 12: Open Space Provision

Policy 18: Sustainable Water Management

Policy 19: Sustainable travel and Accessibility

Policy 22: Road Hierarchy

Policy 30: Town Centre and Retail Hierarchy

Policy 34: District Centre Redevelopment

Policy 35: Health of District Centres

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

Others

NPPF National Planning Policy Framework (2021)

NPPG National Planning Practice Guidance

Designing Community Safety

SPD Affordable Housing Provision

Open Space Provision

Planning obligations for Education

National Design Guide

Relevant Planning History

2016/252/FUL	Residential Development at St Gregory's Church and Land to form 14 dwellings and 9 flats, including the demolition of the existing church building.	Refused	11.10.2017
20/00509/OUT	Residential Development to form 5No. self build house plots on land adjacent to St Gregory's Church Building.	Pending	

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Consultations

Highways Redditch

No highway objections to the proposed redevelopment of Land at St Gregory's Church, subject to conditions and request an IDP contribution.

Worcestershire County Council Countryside Service

No public right of way is recorded on the Definitive Map of Rights of Way crossing land within or immediately adjacent to the site of the proposed. Therefore, no comment to make on the application.

North Worcestershire Water Management

The proposed development site is situated in the catchment of Ipsley Brook. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. Based on the EA's flood mapping, risk from surface water flooding is not indicated on the main site but is indicated along Winyates Way and Woodcote Close. Correctly designed drainage will mitigate any flood risk from surface water on the site and in the surrounding area.

Minimal details in relation to flood risk / drainage of the site have been provided. Due to the size of the site a FRA will be required as well as a comprehensive drainage strategy.

A public sewer has been identified as running through the site, it would typically be required that an easement would be provided around these features however this would be subject to approval from Severn Trent Water.

Request a drainage condition is added to any permission granted.

Severn Trent Water Ltd

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

Permission is required directly from Severn Trent Water in respect to works close to, directly over the public 225mm foul sewer and a public 450mm surface water sewer located within this site.

Waste Management

No objections.

WRS - Contaminated Land

The wider area has historically been occupied as agricultural land, a number of areas of infilling are noted. A contamination tiered condition is recommended.

Housing Strategy

Am satisfied with the tenure mixed proposed and would welcome an 100% affordable housing scheme on this site.

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Viability Advisor

The Council's Viability Advisor notes that the scheme is 100% affordable housing and concludes that any Section 106 beyond affordable housing would make the scheme unviable.

Arboricultural Officer

On inspection at site, works have already taken place with most of the inner vegetation having been removed and boundary trees being felled or pruned.

No objections to the proposed loss of trees on site as highlighted in the arboricultural report but would ask for an Arboricultural method statement to be provided and a No Dig Method of construction condition as well as a landscape condition.

In respect to the removal of trees at the rear of 56 -61 Treville Close, have no objections to this as we receive numerous complaints from residents regarding these trees. Would ask for some mitigation to cover the loss of the trees.

Ecology Advisor

An Extended phase 1 Habitat Survey was completed on 10th February 2023. This is outside the optimal season for habitat and initial protected species surveys reducing the accuracy of the survey and the ability to fully assess the ecological value of the site. This in turn prevents the completion of a full ecological impact assessment where ecological features are identified.

Further surveys are required to determine; the presence/absence of bats using the church/trees as a roost, the potential impacts on foraging and commuting bats, and presence or absence of reptiles on the site. The results of these surveys will determine the impact of the development on protected species and should influence appropriate mitigation measures, which may include, but is not limited to, a sensitive lighting design and the retention or planting of trees or hedgerows within the site. A number of points of clarification are also requested.

Such surveys should be completed at the appropriate time of year and before permission is granted in accordance with central government guidance and best practice to ensure all relevant material considerations have been addressed.

West Mercia Police

No objection to this application.

Community Safety

Note revisions made to the layout in order to improve natural surveillance of the development.

Worcestershire Archive and Archaeological Service

No objection, on archaeological grounds, to the re-development of the site. However, the development will cause a degree of harm to the local historic environment through the

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demolition of a non-designated heritage asset, associated with the development of the New Town. On this basis, it is recommended that a programme of archaeological works should be secured and implemented by means of a suitably worded condition attached to any grant of planning permission. This should comprise a Level 2 Historic Building Recording (as defined by Historic England), prior to demolition.

NHS/Medical Infrastructure Consultations

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

Education Department At Worcestershire

Planning contribution required for middle school. The Middle Educational Phase contribution will be used to create additional education facilities at Ipsley CE RSA Academy, or a named middle school serving the proposed development within a 3-mile radius.

Public Consultation Response

Site Notice erected	30.3.22 expired 23.4.22
Press Notice published	25.3.22 expired 11.4.22

Two sets of neighbour consultation letters have been sent to occupiers at properties located at Treville Close, Leysters Close, Tillington Close, Holyoakes Close and St Georges Court on 22.3.22 expired 15.4.22, and 16.1.23 expired 2.2.23.

A third consultation has taken place for several properties in Treville Close in respect to the diverted footpath proposals.

1 objection received raising concerns that the proposal will decrease the value of the objector's property.

Assessment of Proposal

Principle

Part of the site is within the Winyates District Centre as designated in the Borough of Redditch Local Plan No. 4 (LP4). Policy 34 (District Centre Redevelopment) of LP4 applies and encourages general retail, community and health uses. Alternative uses can be considered in the District Centre so long as they are compatible with the existing uses. Given that this site is adjacent to existing residential development and promotes good pedestrian access to the District Centre, it is considered that the scheme would comply with this policy.

The housing requirement for Redditch Borough is for the construction and completion of 6400 dwellings between 1 April 2011 and 31 March 2030. The Local Plan No.4 became five years old on the 30th January 2022. Based on NPPF para 74 (footnote 39), the 5 Year Housing Land Supply (5YHLS) is now based on the calculated Local Housing Need, not the housing requirement in the adopted Local Plan. Local Housing Need has been

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calculated and it is noted that in the recently published Housing Land Supply in Redditch Borough 2021-2022, Redditch now has a 9.45 years supply of dwellings. The report refers to this site in Section 5 (Housing Commitments) as outlined in Table 9. As such the provision of 25 dwellings forms part of the 9.45 years supply of housing, and forms an important part of the planned deliverable sites identified over the next 5 years in Redditch.

Density of Development

Policy 5 of LP4 refers to the potential density of housing that should be encouraged in a District Centre location.

The 2021 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 125 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 0.573 hectare in area, 25 units of accommodation proposed represents an approximate density of **44dph**. Policy 5 of the Local Plan No. 4 requires a general density of 30-50 dwellings per hectare and 70 dwellings per hectare for residential development in District Centres.

Whilst the proposed density may be slightly below the density requirement set out in policy 5 for District Centres, the density would still fall within the general density requirements of 30-50 dwellings per hectare. It is also important to note that para.5.3 of the policy allows for some lower density developments on smaller sites, or when there is a site specific limitation that negates the required density to be met. As mentioned above a 10 metre wide sewer easement exists on the site, and is considered a site limitation resulting 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 is in accordance with Policy 5 of LP4.

Design and layout

The NPPF at paragraph 126 states that "The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities". Paragraph 130 confirms that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy 39 of LP4 states that development in the Borough should contribute positively to the local character of the area, responding to and integrating with distinctive features in the surrounding environment. All development proposals should:

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- Seek to optimise the potential of the site to accommodate sustainable development through making the most efficient use of the space available
- Be resilient to the effects of climate change, whilst also protecting and enhancing local distinctive and historic features to improve the character and quality of the local environment
- Incorporate features of the natural environment including infrastructure.

Policy 40 of LP4 refers to good design and states that good design should contribute positively to making the Borough a better place to live, work and visit. All development should be of a high-quality design that reflects or compliments the local surroundings and materials. It should incorporate distinctive corner buildings, landmarks, gateways, and focal points at key junctions. Key vistas creating visual links between places in the Borough should be protected and enhanced.

As mentioned above, the scheme provides two landmark buildings close to the main entrance of the site. These buildings provide an important focal point for the entrance of the scheme and Woodcote Close as well as Winyates Way enhancing the streetscene. The rest of the dwellings generally front the main access road that would serve the development.

The orientation of the proposed dwellings will ensure a greater level of natural surveillance for the area including users of the existing path which is to be altered as a result of the development. The existing path is not a public right of way, and therefore there is no onus on the developer to retain this link in their proposal. However, the applicant notes the importance of this footpath route and has incorporated it within the scheme. In addition, additional footpath links are proposed such as adjacent to Winyates Way to the bus stop, and a footpath link into Treville Close at the rear of 56-61 Treville Close. This footpath link would result in the removal of trees and poor hedgerow. A third neighbour consultation is currently being undertaken to those individual occupiers.

Revisions have been made to the proposed materials for the dwellings, which is now red brickwork and dark grey cladding with grey tiles. Parking provision for each of the units has been allocated as close to the dwellings concerned.

The design and appearance of the dwellings are of a good quality in accordance with Policies 39 and 40 of LP4, Redditch High Quality Design SPD and the NPPF.

Most of the layout of the scheme accords with the Council's spacing requirements as specified in the Council's SPD on High Quality Design. Some gardens fall below the garden area of 70 sqm and the garden depth of 10.5m. However, it is noted that the proposed garden areas whilst smaller, would be comparable to existing neighbouring properties. The distance between plots 1 and 2 and the garden boundary of 38 Treville Close is shorter than the minimum length. Amended plans have been submitted to address this matter by utilising a smaller housetype, changing the units from 3 bedroom to 2 bedroom accommodation, resulting in a slighter smaller footprint creating a varying

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garden length of 7.4 – 8.7m for these plots. The Council's SPD on High Quality Design offers some flexibility on garden provision stating that private amenity space will be expected to be suitably sited and in scale with the plot. Given that the dwellings have been amended to smaller units, it is considered that the revised garden provision would be in scale with the proposed accommodation.

Officers also had concerns in respect to potential overlooking at close quarters into the rear garden of 38 Treville Close from these plots. The applicant has revised the housetype for plots 1 and 2 which now comprise of a 90-degree oriel window at first floor level for the rear bedroom. To restrict viewing into the rear garden of No.38, the oriel window will comprise of two sides, one side will be obscure glazed facing towards No.38 Treville Close, and the other side of the oriel window will be clear glazing. Officers consider this to be an acceptable approach to addressing any potential overlooking of existing occupiers' properties. Otherwise, the layout of the scheme is acceptable. All the proposed dwellings are in accordance with the minimum space standards as outlined in the Department for Communities and Local Government's Technical Housing Standards.

Highway and Access Consideration

As part of the consideration of the application, some revisions have been made to the scheme to address initial County Highway concerns. The submission of the latest layout plan is now acceptable with County Highways confirming no objection to the scheme subject to conditions.

County Highways have noted that the site is located in a residential and sustainable location off an unclassified road and that the site is within walking distance of amenities, bus route and bus stops. An internal highway review has been undertaken and the scheme is acceptable and in accordance with the Worcestershire County Council Streetscape Design Guide.

County Highways recommend conditions and have requested an IDP (Infrastructure Delivery Plan) contribution to be used towards improvements to the local walking and cycling infrastructure.

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 and is also within Winyates District Centre. 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.

Policy 2 of LP4 requires Redditch urban area to be the main settlement and focus for development providing the highest level of services and facilities in the most sustainable location for development. Given the site is a brownfield site and is adjacent to facilities

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such as public transport routes, retail and community facilities in the area, the proposal would comply with this policy and the NPPF.

Drainage

A sewer easement crosses the site. Severn Trent Water advise that there is a public 225mm foul sewer and a public 450mm surface water sewer located within this site and that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. The applicant is aware of this requirement and will be liaising directly with Severn Trent on these matters. Severn Trent confirm that they have no objections to the proposal subject to a drainage condition.

The site falls within floodzone 1 and is situated in the catchment of Ipsley Brook. The site is not considered to have significant flood risk. Risk from surface water flooding is not indicated on the main site but is indicated along Winyates Way and Woodcote Close. Correctly designed drainage will mitigate any flood risk from surface water on the site and in the surrounding area. North Worcestershire Water Management recommend a condition for the requirement of a Flood Risk Assessment and Drainage Strategy in accordance with Policy 18 of LP4.

Landscape

It is noted that vegetation and a number of boundary trees have already been removed or pruned. An Arboricultural report has been submitted to support the application. The Tree Officer supports the conclusions of the report and recommends conditions. Recent revisions to the scheme include the provision of a new footpath at the rear of 58-61 Treville Close involving the removal of remnants of a former hedgerow which includes several trees. It is evident on site that there has been pressure to carry out works to the trees concerned as there is evidence of tree stumps as well as hard pruning on the trees. It is understood that the hedgerow concerned is a nuisance to the adjacent occupiers and as such its removal may be a benefit to the occupiers. The Tree Officer has no objection to these works.

Ecology

A Preliminary Ecological Appraisal has been submitted as part of planning documents. BS 42020:2013 cites the CIEEM EclA Guidelines as the acknowledged reference on Ecological Impact Assessment (EclA). An EclA identifies the actual or potential ecological value of all features on site, along with the potential magnitude and significance of each impact in accordance with the referenced CIEEM guidance.

An EclA provides clear and proportionate identification of avoidance, mitigation, and compensation measures. The EclA report should also consider any residual impacts that may occur following implementation of mitigation measures and any potential cumulative impacts that could occur with other plans or projects in the area.

An Extended phase 1 Habitat Survey was completed on 10th February 2023. This is outside the optimal season for habitat and initial protected species surveys reducing the accuracy of the survey and the ability to fully assess the ecological value of the site and

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prevents the completion of a full ecological impact assessment where ecological features are identified.

The report identified that the church building has moderate potential for roosting bats. As detailed in the Bat Conservation Trust's 2016 survey guidelines (Collins 2016), a minimum of two nocturnal bat surveys are required to assess for the presence or likely absence of roosting bats in the church building, and if present, classify the roost. These surveys must be completed within the active bat season between May and September exclusive. If roosting bats are identified, a European Protected Species mitigation licence must be in place before any works to the building can commence.

At present, the Preliminary Ecological Appraisal does not provide enough information on the impacts of the proposed development on ecological receptors (this includes potential for bats in the church/trees, foraging bats and reptiles) A range of other points of clarification are also sought. As such, it is not possible at present to consider appropriate conditions until additional survey work is carried out at the appropriate time of the year (May – September) and the recommendations are completed. Such surveys should be completed before permission is granted in accordance with central government guidance and best practice to ensure all relevant material considerations have been addressed.

In respect to this site, there has been a previous planning application 2016/252/FUL which included an Ecological Assessment dated 16/05/2016 by Arbtech. The conclusions of the Assessment were as follows:-

- Based on the external inspection carried out in this survey, the building has low likelihood of supporting a bat roost; very few features suitable for roosting were observed. External features suitable for roosting bats comprise the missing fascias of the southern dormer extensions allowing access into the building. As the proposals include the demolition of the building, any bat roost present will be destroyed, with the additional possibility of injuring or killing individual bat, without appropriate mitigation. Removal of the trees and grassland could impact foraging areas and also impact flight lines and commuting routes.
- Based on the survey results there are suitable basking, shelter and foraging resource for reptiles on the site. As the proposals would include the removal of some of the existing tree line/ root assemblage, understory and ground flora – suitable habitat for common reptiles - the works would impact any population present. If present on site, this would be in the form of loss of suitable habitat for foraging and basking, injury and possible killing of reptiles.
- Any works which affect the trees, scrub, understorey and ground flora on site could have an impact on nesting birds. This would be in the form of destruction of nests along with permanent loss of nesting and foraging resources.

In 2016 additional surveys were carried out on the basis of the above Assessment.

- In respect to badgers, no active badger setts identified.
- A reptile survey was carried out during September and October 2016 involving 6 visits to the site, and no reptiles of any life stage were found at the site.

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- In respect to bats, an internal inspection of the church building was carried out in August 2016. It was observed that there were suitable bat roosting locations and as such the likelihood of bats being present was moderate. Two bat surveys were carried out in August and September 2016. A moderate amount of bat foraging and commuting was recorded. However, no bats were seen emerging or returning to roost at the church during the activity surveys. Based on the survey work undertaken the likelihood of bats being present and affected by the development proposals was considered to be negligible in 2016.

Since the 2016 survey work it is understood that the landowner has exposed the building to the elements to deter bats from roosting at the site.

In respect to the current proposal, the Preliminary Ecological Appraisal submitted for this scheme is incomplete as additional survey work needs to be carried out on the site at the appropriate time of the year May - Sept. Whilst the previous ecological assessments are now out of date, evidence at that time implied that the likelihood of impact on protected species would be negligible.

Given this background, it is considered prudent that a delegated recommendation be considered for this proposal, subject to the appropriate surveys being carried out at the right time of year, and subject to them providing a similar conclusion to those made in 2016, and the conclusions include appropriate recommendations/mitigation measures to be imposed as suitable conditions.

Officers would advise Members that should the results of the surveys confirm a presence/activity of protected species, amendments may be required for the scheme and as such the proposal would need to be reconsidered at Committee at a later date.

Loss of Community facility / Loss of Non Designated Heritage Asset

The church was constructed around 1975 as part of the wider development of the Winyates area by the Redditch Development Corporation. For these reasons County Archaeology consider the building to be a Non Designated Heritage Asset due to its association with the development of the New Town, and as such, acknowledge that there would be a degree of harm to the local historic environment as a result of the demolition of the church. However, the church has not been in use since around 2005 and has been in decline for a number of years. It would appear that despite the availability of the building and its own provision of off street car parking; the site has not been used for any other alternative use or community facility. The site has become overgrown and deteriorating to a point where it has become a location for anti social behaviour. Para. 203 of the NPPF states that the effect of an application on the significance of a non designated heritage asset should be taken into account in determining applications. A balanced judgment will be required having regard to the scale of harm or loss and the significance of the heritage asset. Para. 204 states that LPAs should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. Whilst it is noted that there would be a limited loss of local history in this area, the benefits of redeveloping the site

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for much needed housing in this area as well as improving the overall appearance of the site; outweigh the loss of the building and its facilities.

Residential amenity considerations

1 letter of objection from an occupier of Leysters Close has been submitted raising concerns that the proposal will decrease the value of the objector's property.

Planning obligations

Paragraph 57 of the NPPF states that: "Planning obligations must only be sought where they meet all of the following Tests" (Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010):

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

The following matters are subject to s106 obligations:

- 30% affordable housing - the policy requirement for affordable housing (Policy 6) is 30% of units, which would equate to 8 dwellings
- Education (Middle School) £86,050 to create additional education facilities at Iplsey CE RSA Academy or a named middle school within 3-mile radius of the site.
- Redditch Town Centre (Enhancement Contribution) £13,550.00
- Wheelie bin provision - (1 x green bin / 1 x grey bin) £782.25
- Offsite Sports Facility Contribution
Enhancement to playing pitch facilities = £11,409.00
Enhancement to play area facilities = £70,995.00
Enhancement to unrestricted open space = £16,079.00
- Worcestershire County Highways Infrastructure Development Plan £73,376.00 towards improvements to the local walking and cycling infrastructure.
- Herefordshire & Worcestershire Clinical Commissioning Group (CCG) £9,430.00 to be allocated for the improvement and/or extension of primary care infrastructure at Kingsfisher PCN and/or Nightingales PCN

Totalling £281,671.00 and 8 on site affordable housing units.

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Viability

Application 2016/252/FUL

Members will note from the history of the site that planning permission has been refused under Ref: 2016/252/FUL for the demolition of the church building and the erection of 14 dwellings and 9 flats. The application was refused on 11th October 2017. The scheme concerned required a S106 Agreement due to the scale of the development. A Viability Appraisal was put forward by the applicant's viability advisor referring to site constraints and other matters, stating that a very low profit would be achieved despite including the S106 contributions. The Appraisal concluded that the S106 requirements were considered onerous and compromised the prospect of this development taking place. The Council's Viability Advisor at that time considered that the details submitted provided a bleak view of the potential sales market giving a very weak level of income as a result of the development. The recommendation of the Council's Viability Advisor was that S106 contributions could be met including affordable housing.

Your officers supported the principle of residential development; however, the application was refused permission due to the absence of a suitable S106 Agreement necessary for the scale of the development and the potential resultant detrimental impacts it would have caused to community infrastructure due to lack of provision for their improvements.

Current application

Due to the scale of the current proposal £281,671.00 financial contributions, and 8 No. on site affordable housing units are required. A Viability Statement has been submitted for this proposal and has been appraised by the Council's Viability Advisor. It is important to note that this scheme is different to that previously submitted in 2016. The scheme now proposed is 100% affordable housing development, but the same constraints on site still exist e.g. public sewer running through site restricting development. The Council's Viability Advisor notes that the scheme is 100% affordable housing and concludes that any Section 106 beyond affordable housing would make the scheme unviable.

Officers accept the findings of the Council's Viability Advisor. In addition, officers are also aware that the site is now becoming an area for anti-social behaviour resulting in break ins into the former church. It is imperative that this brownfield site is developed efficiently whilst also enhancing the general area visually. Therefore, only the following matters will form part of a S106 Agreement for the development: -

Affordable housing

As part of the requirement of Policy 6 of LP4, 8 No. units will be secured under a S106 as affordable housing. Members should note that the site is intended to be developed by an affordable housing provider, meaning that all of the units on the site will be affordable housing provision in the form of social rent and shared ownership. To ensure that the units remain affordable housing in perpetuity an Affordable Strategy Plan will be included in the S106 Agreement.

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Footpath links

Negotiations have been held with the applicant to provide a footpath link along Winyates Way to the bus stop in this locality. It is considered prudent that this matter forms part of the S106 to ensure its provision.

In addition, the existing footpath that currently crosses the site is proposed to be altered and extended to provide a footpath link into Treville Close. As part of these works fall outside the application site boundary, it is considered prudent that this matter forms part of the S106 to ensure its provision.

Monitoring

A Section 106 monitoring fee/s to ensure the obligations set down in the Agreement are met.

The applicant is agreeable to the above matters and a S106 Agreement will be drafted accordingly.

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. If further pre commencement conditions are required, then further consent of the applicant will be sought.

Conclusion

The scheme would provide a much needed mix of housing in this area of the Borough, making efficient use of the land whilst also enhancing the streetscene in this locality. It is acknowledged that due to viability constraints specific to the site, that the scheme will not deliver the associated S106 requirements. However, considering the advice of the Council's viability advisor and noting the unique constraints on site, officers consider this is appropriate. As such the scheme is acceptable and in accordance with policies in Local Plan No. 4. The location of the site close to public transport links and 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.

As mentioned above, ecological surveys are required to be carried out in respect to protected species. Given that there has been some ecological assessment work carried out on the site in 2016 which confirmed negligible impact on protected species, officers are cautiously recommending delegated powers to approve subject to the submission of the additional ecological surveys confirming the impact of the development on protected species and associated mitigation measures that can be imposed as suitable ecological conditions. It is also necessary to clarify other points raised by the Council's Ecologist.

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RECOMMENDATION:

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

- a) the submission of the additional ecological surveys confirming the impact of the development on protected species, associated mitigation measures and the imposition of suitable ecological conditions, and the suitable clarification of points raised by the Council's ecologist.**
- b) Subject to the expiry of the neighbour consultation period.**
- c) The satisfactory completion of a S106 planning obligation ensuring that:
 - 1) 30% Affordable housing be provided on site as part of the scheme (8 units), and an Affordable Strategy Plan.**
 - 2) A footpath link from the proposed access road to the bus stop along Winyates Way shall be provided as part of the scheme before the development is first brought into use and maintained as such thereafter.**
 - 3) A footpath link from the proposed access road to the footpath link at Treville Close (rear of 56-61 Treville Close) shall be provided as part of the scheme before the development is first brought into use and maintained as such thereafter.**
 - 4) Section 106 monitoring fee/s to ensure the obligations set down in the Agreement are met.****

And

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

Conditions:

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

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

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- 2) The development hereby approved shall be carried out in accordance with plans 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 approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway / driveway shall be provided on both sides of the access. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.

REASON: In the interests of highway safety.

- 5) 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 / drive, has been surfaced in a bound material.

REASON: In the interests of highway safety.

- 6) The Development hereby permitted shall not be first occupied until the proposed dwellings have all been fitted with an electric vehicle charging point. The charging point 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 point shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.

REASON: To encourage sustainable travel and healthy communities.

- 7) The Development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be

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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.

- 8) The Development hereby approved shall not be occupied until the access, parking footpaths, and turning facilities have been provided as shown on drawing (to be defined).

The development hereby approved shall not be occupied until all the footway improvements shown on drawing (to be defined) have been submitted to and approved in writing and all the proposed footpaths have been fully implemented.

Reason: To ensure conformity with submitted details.

- 9) The Development hereby approved shall not be occupied or be brought into use until the visibility splays shown on drawing (to be defined) have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

REASON: In the interests of highway safety.

- 10) 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.

- 11) 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:-

- o Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- o Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc);
- o The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.

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- o Details of any temporary construction accesses and their reinstatement.
- o A highway condition survey, timescale for re-inspections, and details of any reinstatement.

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.

- 12) No works or development shall take place until a Flood Risk Assessment and scheme for foul and surface water drainage for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include details of surface water drainage measures, including for hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015). If a connection to a sewer system is proposed, then evidence shall be submitted of the in-principle approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage. Where the scheme includes communal surface water drainage assets proposals for dealing with the future maintenance of these assets should be included. The scheme should include proposals for informing future homeowners or occupiers of the arrangements for maintenance of communal surface water drainage assets. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

Reason: In order to ensure satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues on site or within the surrounding local area and to minimise the risk of pollution.

- 13) 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 actions 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 the Environment Agency's "Land Contamination: Risk Management" guidance.

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 the Environment Agency's "Land Contamination: Risk Management" guidance.

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.

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14) 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:

- 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 205 of the National Planning Policy Framework.

15) 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 (14) 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 205 of the National Planning Policy Framework.

16) The Development hereby approved shall not commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:-

- i. Site construction access
- ii. Contractor's car parking.
- iii. Phasing of on-site operations.
- iv. Welfare facilities (requirement and siting)
- v. Storage and mixing areas.
- vi. Tree Protection (barriers and ground protection specification)
- vii. Tree Protection Plan (final version – if amendment is required)
- viii. Installation of foundations within the RPAs
- ix. Installation of hard surfaces within RPAs
- x. Installation of services within the RPA of trees to be retained
- xi. Removal of materials, facilities, and protective measures for the final phase
- xii. Post construction tree works and landscaping

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xiii. Monitoring

The measures set out in the approved Statement 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 protection of trees and hedgerows in the interests of visual amenity.

17)Any excavations within the root protection areas must be carried out by hand and in accordance with BS5837:2012.

Reason: In order to protect the trees which form an important part of the amenity of the site.

18)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 proposed landscaping scheme can also include the provision of additional tree planting as mitigation. 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.

Procedural matters

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