

**PLANNING
COMMITTEE**

13th September 2023

Planning Application 22/00976/FUL

Demolition of existing buildings and construction of 17 dwellings, new access via Cookridge Close, public open space, landscaping and planting, associated infrastructure and enabling works

Lowans Hill Farm, Brockhill Lane, Redditch, Worcestershire, B97 6QX

**Applicant: Claremont Land and New Homes (Redditch) Limited
Ward: Batchley And Brockhill Ward**

(see additional papers for site plan)

The case officer of this application is Mr Paul Lester, Planning Officer (DM), who can be contacted on Tel: 01527 881323 Email: paul.lester@bromsgroveandredditch.gov.uk for more information.

Site Description

Lowans Hill Farm is a former farmstead that has fallen into disrepair and comprises a range of dilapidated agricultural outbuildings forming a U-shape courtyard arrangement centred around an overgrown area of hardstanding. The farmstead dates from the 18th Century according to the County Historic Environment Record.

There was a former farmhouse on site, however, this was demolished in 2009 following significant fire damage. Surrounding these buildings and structures lie overgrown scrub and grassed areas across the remainder of the site, particularly towards the south-eastern and northern ends of the site. There are scattered trees and scrub around the site, as well as piles of rubble and building materials left over from the demolition of the farmhouse and the collapse of parts of the existing buildings. The site suffers from anti-social behaviour, this has been confirmed following an officer site visit.

The western boundary of the application site abuts the edge of a new school. The ground levels drop down to the school from Lowans Hill Farm. The existing agricultural buildings are in poor condition. There is a significant level difference between most of the site and the southern boundary. The levels drop from the site to Cookridge Close due to the remodelling that has taken place to deliver the new road. The site sits higher than surrounding developments, with the levels falling away to the south, east and west.

Brockhill Allocation and Planning History

The key policy within the Local Plan regarding the application is Policy 46. This sets out that a strategic site at Brockhill East is appropriate for a high-quality mixed-use development comprising around 1,025 dwellings, employment (8.45 hectares) and relevant community facilities and services, a district centre (including convenience retail store), a first school and a sustainable public transport network.

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Policy 46 identifies several key principles, and these include:

- To incorporate a mix of housing types and the Council's current standard of affordable housing provision
- To deliver a district centre of high-quality design, avoiding design flaws which contribute to a feeling of being unsafe which meets local convenience needs.
- To deliver a school capable of use as a community facility including playing pitches

The wider site has a long planning history but can be summarised with the following applications.

- Phase 1 (2011/177/OUT): Mixed use development of 171 dwellings, public open space (no matters reserved) and outline application for 4,738 square metres of Class B1 (Business) floorspace and access. Planning consent was granted on 3rd October 2011.
- Phase 2 (2014/256/OUT): Mixed use development of 296 dwellings, play area, Community House and public open space and outline application for up to 3,100 square metres of Class B1 (Business) floorspace and access. Planning consent was granted on 29th March 2017.
- Land at Weights Lane (2012/120/OUT) Mixed use development of up to 200 dwellings, 5,000 sqm (gross) Class B1 office floorspace with associated open space and access arrangements. Planning permission was granted on 11th March 2014.
- Land at Weight Lane (reserved matters): (2015/265/RM) Layout, appearance, scale and landscaping for the erection of 200 no. dwellings with associated infrastructure and landscaping and the discharge of conditions 5, 9, 15 and 16 of the outline application reference 2012/120/OUT. Planning Permission was granted 16th December 2015.
- New School: (16/000007/REG3) New two-form entry First School with associated external areas including access road, hard play, grass pitches, forest schools' area, and parking. County application planning consent was granted on 13th October 2016.
- Hybrid applications 19/00976/HYB and 19/00977/HYB for up to 960 dwellings consisting of a full application for 128 dwellings accessed off Weights Lane, new public open space, drainage system, engineering operations associated works and an outline application (with all matters reserved with the exception of access) for the construction of the remaining dwellings with access points off Cookridge Close, Hawling Street and Weights Lane and including a new District Centre, new play facilities, new highway network, public open space, new drainage system and surface water attenuation, engineering operations and all associated works including landscaping.

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This was approved at Redditch Planning Committee on 27th January 2021 subject to the signing of s106 agreement. Following the signing of the s106 agreement, the Redditch decision (19/00977/HYB) was issued on 1st November 2021.

- Phase 4 (22/00359/REM) Application for reserved matters approval (appearance, landscaping, layout and scale) for the construction of 72 dwellings and associated works and infrastructure, pursuant to the hybrid planning permissions 19/00976/HYB and 19/00977/HYB (Cross boundary application with Bromsgrove DC 22/00255/REM). Planning Permission was granted 26th August 2022.
- Phase 6 (22/01553/REM) Application for reserved matters approval (appearance, landscaping, layout and scale) for the construction of 109 dwellings and associated works and infrastructure, pursuant to the outline planning permissions 19/00976/HYB and 19/00977/HYB. (Cross boundary application with Bromsgrove DC 22/01608/REM). This application was approved at the 12th July 2023 planning committee meeting.

Proposal Description

This scheme does not form part of any reserved matters application. It is a full application by a new developer that proposes 17 dwellings with a density of 26 dwellings per net developable hectare, providing a mix of 2, 3, and 4 bed detached and semi-detached properties. The dwellings will be 2 storeys in height, with 6 of the 3 bed properties having garages. They will face a central area, emulating the central courtyard layout of Lowans Hill Farm.

The development proposes 0.05ha (538 sq m) of green infrastructure, including a communal wildflower meadow and native trees. It is situated near new public open space and green infrastructure in Brockhill East Phases. A 1.8m high close-boarded fence will be placed to the rear of the gardens, with a new defensible hedgerow planted beyond. The landscape strategy aims to retain existing vegetation while replanting it along new boundaries, including native species and trees. The landscape strategy is proposed to enhance the site's overall biodiversity value.

The site will be accessed through the creation of a priority junction with Cookridge Close on the southern boundary of the site. It will include a dogleg to the east to overcome the level change from Cookridge Close. The main access road will lead to a central communal area, private drives, and a new public footpath. Off-road parking is provided for each plot in line with WCC Highway standards. No public access is available to the site beyond Lowans Hill Farm.

Relevant Policies:

Borough of Redditch Local Plan No. 4

Policy 1 Presumption in Favour of Sustainable Development

Policy 2 Settlement Hierarchy

Policy 3 Development Strategy

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Policy 4 Housing Provision
Policy 5 Effective and Efficient Use of Land
Policy 6 Affordable Housing
Policy 11 Green Infrastructure
Policy 12 Open Space Provision
Policy 13 Primarily Open Space
Policy 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
Policy 44 Health Facilities

Other

National Planning Policy Framework (2021)
National Planning Policy Guidance
Redditch High Quality Design SPD
Open Space SPD

Relevant Planning History

2014/210/FUL	Reconstruction of farmhouse building to create two dwellings. Conversion of existing barns to create five dwellings and erection of garage buildings and stores	Approved	16.03.2015
2011/087/FUL	Reconstruction of farmhouse building to create two dwellings. Conversion of existing barns to create five dwellings and erection of garage buildings and stores	Approved	07.09.2011
2009/077/DEM	Application for prior notification of proposed demolition - Demolition of former Lowans Hill Farmhouse and outbuildings	Refused	23.06.2009

Consultations

Worcestershire Archive And Archaeological Service

No objection subject to condition

- Written scheme of investigation
- Site investigation and post investigation assessment
- Historic environment interpretation panel

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Conservation Officer

Object to the proposal due to the loss of these non-designated heritage assets is not acceptable in heritage terms.

North Worcestershire Water Management

No objection subject to a surface water/drainage condition.

WRS - Contaminated Land

No objection subject to a tired investigation condition

WRS - Air Quality

No objection subject to conditions regarding

- EVCP
- Cycle Parking

Housing Strategy

There should be 30% affordable housing on the site (5 units).

2/3 of these properties should be social rent

1/3 Share Ownership/First Homes/Alternative Home Ownership.

Of the whole AH provision 25% should be First Homes and any remaining percentage should be shared ownership.

The viability assessment is noted. Housing Strategy will follow officer advice on this matter.

Worcestershire Highways – Redditch

Final comment will be provided as part of a written update to the committee report.

NHS Acute Hospitals Worcestershire

No comments received.

Arboricultural Officer

No objection subject to landscaping plan

Open Space

The open space on site is noted. While is the small loss of existing open space would not normally be acceptable. Following a review of the applicant's case, the specific site circumstance of Brockhill make it acceptable in this case. No objection.

NHS/Medical Infrastructure Consultations

Redditch and Bromsgrove CCG have identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. CCG calculates the level of contribution required in this instance to be £5,520, which will be towards new and additional premises.

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Education Department At Worcestershire

The proposed development will generate 5 first school aged pupils which equates to approximately 1 pupil per year group, and as seen above the catchment schools, Holyoakes Field and Tardebigge First Schools, do not have sufficient places to accommodate these pupils. There are 5 related schools within a 2-mile walking distance of the site, Batchley First and Nursery, St Stephen's CE First, St Luke's CE First, St George's CE First and Our Lady of Mount Carmel Catholic First, which have space available, however, extant housing will generate 25 pupils of first school age per year group which will fill these spaces. Therefore, to accommodate the children generated from this proposed development a contribution is required for first Phase of education of £90,310.

The catchment middle school for the proposed development is Birchensale Middle School. The school has no available space to accommodate children generated by any new building developments within the area. Other related middle schools are St Bede's Catholic Middle, Walkwood CE Middle and Woodfield Academy. St Bede's is at capacity and looks to remain this way. The proposed development is forecast to generate three middle school aged pupils which is one pupil per year group. The catchment and related schools have approximately 16-18 spare places per year group across the area. However, extant planning will generate the need for 22 middle school places which will mean the schools will become oversubscribed. Therefore, a contribution towards the middle phase of education is required of £86,050.

The catchment for high schools for the proposed development is Trinity High and Sixth Form Centre. Trinity High is a popular school within Redditch and is currently oversubscribed. The proposed development is forecast to generate a need for a further three high school aged pupils, and as the school is full and there are no related schools a contribution for high school phase of education will be required of £74,899.

Total education contribution required £251,549.

Town Centre Co-ordinator

The Council endorsed Redditch Town Centre strategy which was developed alongside earlier versions of the Borough of Redditch Local Plan No 4 (BORLP4) demonstrated a need for the following projects to take place.

- Tackling the Ringway
- Improving Public Spaces and Car Parking
- Sense of Arrival and Signage
- Improving the Café and Restaurant Offer
- Enhancing the evening and night time economy
- Enhancements to Church Green
- Tackling the Train Station
- Rejuvenation of Silver Street/Royal Square
- Improved Lighting, Safety and Security in the Town Centre
- Public Art Programme

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- Encouraging Town Centre Living

This need is set in the context of the town centre needing to maintain and enhance its role within the region. Whilst the strategy was initially being considered under the guidance the old PPGs/PPS and the Regional Spatial Strategy their abolition and replacement with the NPPF/NPPG doesn't remove the need for the town to grow and evolve. The wider context is now set in the much more advanced BORLP4 which confirms the new dwelling requirement as 6300 new dwellings up to the 2030. The location of the new developments to reach the 6300 requirement has been influenced by the proximity and accessibility to the town centre. Therefore, for development proposals to be as sustainable as possible the future residents will rely on the town centre for a large proportion of their work, shopping and leisure activities.

The enhancement of the public spaces is a consistent feature of both the previously council endorsed town centre strategy and now the BORLP4 in the form of Policy 31 which confirms the list of projects as above for which contributions will be sought. For the sustainable development of the town to continue it is essential that the wider developments contribute to the upkeep and improved vitality of the town centre which the residents of the new developments will heavily rely upon. Therefore, it is considered appropriate for new residential development to contribute to a these important town centre projects.

The contribution would be sought for Public Realm Improvements, this would include resurfacing & new street furniture - bins, benches and lighting etc. The scheme is costed at £3,280,636.00 which divided by 6049 (housing commitments) comes out at £542 per unit.

£542 x 17 homes = £9,214

Waste Management

No objection

Public Consultation Response

- 10 letters sent 27th July 2022 (expired 20th August 2022)
- Site notices posted 1st August 2022 (expired 25th August 2022)
- Press notice published in Redditch Standard 5th August 2022 (expired 22nd August 2022)

24 representations received **objecting** to the scheme on the following issues:

- Loss of heritage asset
- Loss of green space
- Detrimental visual impact
- Poor design
- Development will add to the already congested roads in this area

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- Highways safety
- Pedestrian safety concerns
- Concerns regarding the increased noise from traffic and development
- Concerns regarding the disruption during development from site traffic and work
- Destruction of wildlife habitats
- Concerns regarding the removal of tree and hedgerows and the effect this will have on the ecology of the site and wildlife
- Impact on protected species
- Lack of infrastructure to support the development

Other issues have been raised but these are not material planning considerations and have not been reported.

Assessment of Proposal

Principle

The National Planning Policy Framework (NPPF) at paragraph 74 requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing. As of 31st March 2023, Redditch Borough could demonstrate 9.83 years supply.

The key policy within the Local Plan regarding the application is Policy 46. This sets out that a strategic site at Brockhill East is appropriate for a high-quality mixed-use development comprising around 1,025 dwellings, employment (8.45 hectares) and relevant community facilities and services including a district centre (including convenience retail store), a first school and a sustainable public transport network. However, the policy does not protect or promote the reuse of these buildings as part of the allocation.

The application site at Lowans Hill Farm is included within the Redditch Brockhill East Strategic Site, identified within the adopted Borough of Redditch Local Plan and shown on the Policies Map. The policy therefore confirms that the principle of residential development on this site is acceptable, subject to several technical and design considerations.

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 the development of poor design that fails to take advantage of the opportunities available for improving the character and quality of an area and the way it functions.

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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:

- 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.

The proposal consists of a variety of house types and sizes to cater to various occupant groups, including couples, small, medium, and larger families. The houses are designed to be two-storey, with a mix of detached, link-detached, and semi-detached types. They are oriented around a communal open space in the centre of the site and reflect former agriculture farm buildings in a contemporary domestic manner. The materials and façade composition are informed by the irregular mixed use of window and door opening positions and sizes. Certain window and door openings are accentuated with darker brick surrounds, reminiscent of larger vehicle openings. The materials used include multi-red brick, plain clay tiles, and board and batten timber cladding.

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

The layout of the scheme accords with the Council's spacing requirements as specified in the Council's SPD on High Quality Design. With all garden areas around or above 70 sqm and the garden depth of 10.5m.

Policy 5 of LP4 refers to the potential density of housing that should be encouraged in the borough. The NPPF requires local planning authorities and developers to make effective use of land, especially if this would help meet identified housing needs 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 0.66 hectare in area, 17 units of accommodation proposed represent an approximate density of 26dph. Policy 5 of the Local Plan No. 4 requires a general density of 30-50 dwellings per hectare.

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While this is lower than outlined in the policy, this is in line with the density of surrounding developments across Brockhill East and surrounding area is similar. It is considered acceptable in this instance.

Applicants History with the site

The existing agricultural buildings on site are derelict and in a deteriorating condition. The applicant purchased the site in late 2021 and commissioned Farrow Walsh to undertake a Structural Condition Survey of the site and buildings. This Survey has been submitted as part of this application and includes a comprehensive suite of photographs of the existing buildings. The Survey found that in general the existing agricultural buildings are at present dangerous structures presenting a clear danger and that demolition should be undertaken immediately and the site boundary secured. The site is at present open to access and through previous unauthorised access presents an immediate danger to human health. The risks associated with the site include collapsing structures, falling from height, contaminated materials, trip hazards and sharp objects.

It is important to highlight that the applicant has explored the potential of repair and conversion of the existing buildings into residential use, however this would involve significant capital expenditure along with the remodelling of the front of the site to achieve an appropriate access from Cookridge Close. On this basis a conversion scheme is economically unviable. It is worthy to note that Persimmon Homes were granted planning permission for the conversion of the existing barns and reconstruction of the farmhouse building in April 2015. However, this permission has now lapsed, and the site has continued to deteriorate.

It is also worthwhile to note that planning permissions has been in place since 2011 to reuse the site, but development has not been forthcoming.

Historic Environment

The site is a farmstead of 18th century origins, identified in Historic England's (then English Heritage) 2012 Historic Farmsteads Characterisation project. The original host farmhouse has been lost, demolished in 2009. The remaining buildings comprise a loose rectangular-shaped arrangement of former agricultural buildings, set atop a topographical rise. Immediately to the northwest is the new school. To the southwest, south and southeast, the surroundings retain a degree of openness, with landscape buffers between the site and nearby housing development. The farm was considered for statutory listing by English Heritage prior to the destruction of the farmhouse in 2009, however this was rejected.

Lowans Hill Farm comprises u-shaped range of agricultural buildings alongside two detached buildings. The buildings are recorded on the HER; WSM62502, WSM54852, WSM33278, WSM41577 and WSM00017. The farmstead dates from the 18th century, although most of the extant structures appear to be from the 19th, except for the detached barn to the south-east.

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The buildings retain heritage significance due to their age and the example they offer of a farmstead which has developed over time, responding to economic requirements. There is further value in the survival of historic fabric, and the group's importance to the area as a remaining vestige of its agricultural past. The topography of the site, raised up above contextual development and visible from footpaths in the adjacent landscaped area, enhances their significance due to their visible prominence.

The Impact on Lowans Hill Farm as a non-designated heritage asset (NDHA)

Non-designated heritage assets are on the lowest rung of the hierarchy of heritage assets, they do not have statutory protection, and their loss requires a balanced judgement (NPPF paragraph 203). The NPPF does not seek to prescribe how that balance should be achieved or what weight should be given to any matter.

The significance of Lowans Hill Farm as an NDHA would be totally lost due to demolition. NPPF paragraph 203 requires weighing "applications" that affect a NDHA and this means the consideration of the application (i.e. the scheme including the replacement buildings). It then requires a balanced judgement, having regard to the scale of any harm and the significance of the heritage asset. There is no requirement in this balance to give 'great weight' to the preservation of the heritage asset's significance. Paragraph 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.

To that end, the balanced judgement under paragraph 203 needs to consider the above benefits against the complete loss of heritage assets that do not qualify as locally listed buildings and generate marginal levels of streetscape and illustrative value.

However, it is considered that this harm is outweighed by the public benefit of the delivery of new homes on an allocated site, economic benefits to the local area, bringing a derelict, hazardous and disused site back into use, making effective use of land within a Strategic Site and wider environmental benefits including increased amounts of native trees, wildflower meadows, and species-rich native hedgerows, all of which will increase the biodiversity value of the site. The proposal would also give rise to limited employment during the construction of the proposed scheme. The proposal therefore contributes to public benefits that deliver economic, social, or environmental progress as identified within the NPPF.

The loss of the buildings is nevertheless an adverse effect but taking the merits of the proposed development into account and given the eroded significance of the non-designated heritage assets and their minimal levels of value, it is considered that the above benefits of the completed proposal result in an acceptable loss in heritage terms. Their proposed demolition is considered acceptable when a balanced judgement is made in accordance with paragraph 203 of the NPPF.

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Mindful of the requirements of paragraph 204 of the NPPF, a condition is proposed which sets out reasonable steps to ensure that the application proposal would take place after the loss of the heritage asset has occurred.

Landscaping and Trees

The application is supported by a landscape plan demonstrating the proposed landscaping across the site. The landscape plan includes a new communal wildflower meadow in the centre of the site and new native hedgerow and tree planting around the site.

The proposed development aims to improve biodiversity by planting more trees across the site, including near the entrance and a willow on the eastern boundary. The existing hedgerow, which is species poor, is proposed to be removed along the southern and eastern boundaries to incorporate an additional 8m sliver of land into the development. However, this loss will be compensated by creating a new native and species-rich hedgerow along the new boundaries. Additionally, new lengths of hedgerow will be planted within the site as part of the boundary treatment between dwellings. The loss of hedgerows, trees, and scattered scrub will be compensated for by the creation of a wildflower planted meadow, planting more native trees, and increased hedgerow, resulting in a biodiversity net gain.

The tree officer has visited the site and accessed the plan. They consider that the trees and hedgerow are of poor quality have limited amenity and biodiversity value and so they do not have any objection their removal. However, to mitigate these losses some replacement planting will be required; the inclusion of the new native hedgerow and Native trees is welcomed also shown on the landscape drawing.

Open Space

The proposed layout of Lowans Hill Farm includes 538sqm of on-site public open space (POS) through the provision of a communal wild flower meadow, providing attractive and natural features to the site. This area will also include the planting of new native trees.

The application site area extends beyond the existing physical boundary to the east and south, including an additional 8m sliver of land to facilitate the delivery of a viable residential scheme. This additional land allows for better spacing between dwellings and meets garden size standards. The additional 8m sliver is part of a wider area of POS delivered as part of Phase 1 of Brockhill East, amounting to about 2.9% of the POS of Phase 1 and 0.7% of the POS delivered across Phases 1 and 2. Significant areas of POS and green infrastructure are being delivered across the wider Brockhill East Strategic Site, notably as part of Phase 3. The loss of 0.08ha of POS is inconsequential in the context of wider provision in the area, as its usability is limited due to its topography and grassed area with limited ecological value. The proposed level of on-site open space is considered in accordance with Policy 12 of the adopted Local Plan and the standards for POS as set out in the Open Space SPD.

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Highways and Access

Policies 19 and 20 of the Local Plan set out a series of aspirations and requirements in relation to transportation and highway matters when considering planning applications. Furthermore, the NPPF at paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

The development site will be accessed via a new vehicle and pedestrian access point onto the Brockhill East internal access road leading towards Cookridge Close to the south.

The new access road will directly serve seven residential plots (11-17) and provide a connection to two separate internal private access drives that themselves serve the remaining residential plots (1-5 and 6-10). The internal private accesses are compliant with the WCC Streetscape Design Guide for 'Private Shared Drives and Courtyard Parking Areas', which will operate as a private driveway.

Pedestrian access to the proposed development site will be afforded via 2m wide internal footways.

The WCC Streetscape Design Guide identifies, for residential developments, the following minimum parking requirements:

2-to-3-bedroom units – 2 car spaces, 2 cycle spaces; and,
4-to-5-bedroom units – 3 spaces, 2 cycle spaces.

The development fully complies with these requirements. 9 of the proposed dwellings have a garage in addition to these spaces.

In terms of servicing, a turning head is provided in the development. The turning head can accommodate a large Refuse Collection Vehicle (RCV) measuring 11.2m in length.

The proposed development will be immaterial and have a negligible impact on the safe operation of the local highway network.

During considering the application, amended details have been sought, seeking approval for the details of the access into the site from WCC Highways. WCC Highways is seeking clarification on final technical matters regarding this matter, and a written update and further planning conditions will be provided prior to the consideration of the application.

Ecology

A Preliminary Ecological Assessment and Preliminary Roost Assessment have been submitted. This reveals that there are no notable habitats or immediate vicinity, and the loss of these habitats is considered inconsequential. The proposed development will

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result in the loss of hedgerows, trees, and scattered scrub, but will be compensated by creating a wildflower meadow and planting more native trees and hedgerows. The site lacks ponds, making further surveys disproportionate. Bats are unlikely to be roosting on the site, and the removal of trees and hedgerows could reduce the availability of foraging resources for bats. A low-impact lighting strategy will be adopted to reduce the impact on foraging bats. The removal of scattered scrub, hedgerows, and trees could result in a reduction in hedgehog habitats, and a precautionary working method will be implemented during construction. Nesting birds and common bird species were observed on the site, but the loss of habitats is inconsequential to local bird populations.

It is considered that ecological matters are acceptable subject to suitable conditions.

Impact on Residential Amenity

Overall, it is considered that, given the degree of separation, position, and orientation between the proposed dwellings and neighbouring buildings, the proposal would not result in harm to the amenity of the occupants of neighbouring properties or future occupants of the proposed dwellings, in accordance with the above policies.

In relation to the construction phase of the development a Construction Environment Management would be required prior to the commencement of the development.

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.
- 30% affordable housing - the policy requirement for affordable housing which would equate to 5 dwellings
 - Education (First, Middle and High School contributions) £251,549
 - Redditch Town Centre (Enhancement Contribution) £540 per dwelling - £9,214
 - Wheelie bin provision - (1 x green bin / 1 x grey bin) £710.60
 - Herefordshire and Worcestershire Clinical Commissioning Group (CCG): £5,520 to be allocated for the improvement and/or extension of primary care infrastructure at Kingsfisher PCN
 - LPA Monitoring fee

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Affordable Housing and Viability

Policy 6 of the Local Plan requires a 30% contributions towards affordable housing from 11 or more dwellings. For the proposed development, this would require 5 on-site affordable units. In exceptional circumstances, the Borough Council may negotiate a more appropriate level of affordable housing provision or deferred payment scheme with the applicant. A viability case is applicable to these development proposals, and a Viability Assessment is supported to demonstrate exceptional circumstances regarding the scheme's economic viability and potential issues arising from affordable housing contributions.

At the national level, paragraph 57 of the NPPF states the following about viability:

“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.”

The Planning Practice Guidance (PPG) confirms that a viability assessment is a process of assessing whether a scheme is financially viable by looking at whether the value generated by the development is more than the cost of developing it. The PPG aims to achieve a standardised approach to viability and to ensure that a balance is struck between the aspirations of developers and landowners in terms of return against risk, and the aims of the planning system to secure the maximum benefits in the public interest through the granting of planning permission. The key elements to consider include Gross Development Value, costs, land value, landowner premium and developer return.

Due to the scale of the current proposal, financial contributions and 5 No. on site affordable housing units are required. A viability statement has been submitted for this proposal (Highgate Land and Development Consultancy Limited) and has been appraised by the Council's viability advisor, Dixon Searle.

Dixon Searle has reviewed the viability and commented that the overall approach to assessing the viability of the proposed development is appropriate in terms of general principles and the approach to the development appraisal. They have identified a residual profit. When compared to the target profit, the scheme produces a surplus of £64,679. While the scheme is relatively marginal in terms of viability. At this stage, Dixon Searle's view is that a nil affordable housing outcome and other contributions have not been justified, and the scheme appears sufficiently viable to support at least a small contribution up to the level of surplus identified.

In this case, it is evident that the development cannot afford to provide 5 affordable housing units and all financial contributions (outlined above). Following review by Dixon

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Searle, the Council accepts that conclusion and takes no issue with any part of the VA. The developer has accepted that £64,679 could be made available.

When there are insufficient s106 contributions available through a development site to satisfy all the matters that require a contribution (because the site would otherwise be unviable) and the planning judgement reached is that the development should nonetheless be permitted to proceed in the public interest, the Council has to prioritise where it will allocate the monies that are available. Logically, such prioritisation would reflect the Council's corporate priorities, which are:

1. Economic Development and Regeneration
2. Housing Growth
3. Skills
4. Improved Health and Wellbeing
5. Community Safety and Antisocial Behaviour
6. Green Thread
7. Financial Stability
8. Sustainability
9. High Quality Services

On that basis where the development can directly contribute to economic growth, affordable housing (via housing growth) and education are likely to be top priorities. Accordingly, priorities around community facilities might be lesser priorities as they do not directly contribute to the Corporate Plan Priorities or other funding streams maybe available to deliver them. Clearly key infrastructure (generally such as highways) which is necessary to enable development to take place at all also must be a priority as they do contribute to the living environment and can negatively affect the local economy if not undertaken.

Where sufficient funding is not available to cover all planning s106 obligations it will be necessary to prioritise the list of contributions and may require the Council to decide that some obligations aren't met at all. It may be possible to still fund these obligations through other funding streams or alternatively it may be these obligations aren't as essential as others to make the development acceptable. The Council could prioritise the elements in relation to the agreed corporate plan whilst also taking into consideration the essential infrastructure needed specific to any site, such as highways or drainage.

The amount of s106 contribution allocated to each prioritised element will differ from site to site and will be subject to the detailed negotiations undertaken by the planning officer on behalf of the Council. Where it is the case that not all policy requirements can be met it is proposed that the Officers will prioritise in the following order:

- On and/or off site infrastructure necessary to make the development acceptable
- Affordable housing
- Education
- Open space and recreation

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- Other stakeholder contribution requests such as infrastructure costs associated with health provision.

The aims of the s106 planning obligations are necessary to make the development acceptable in planning terms. Where a site isn't policy compliant due to viability it has generally been the case that affordable housing provision is compromised first, and this has a direct consequence on the ability of the council to meet the housing needs of those who can't afford to purchase on the open market. This, in turn, impacts on the Council's budget as each year more households approach the Council as homeless as they are unable to afford housing to meet their own needs.

There are other funding streams available to infrastructure providers, such as the County Council or the Local Enterprise Partnership, which can be bid for to reduce the burden on planning obligations. This includes bidding for government programmes for highways (the Local Growth Fund or Housing Infrastructure Fund for example) or education provisions, however the Council recognises that the opportunities for bidding might be limited.

Based on these considerations and in the absence of formal guidance, the following contributions (up to the value of £64,679) are sought:

- Waste and Recycling
- Redditch TC Contribution
- Off site Affordable Housing Contribution
- LPA Monitoring fee

Officers have carefully considered that relaxation of planning obligations and shortfall in affordable housing provision in this case and consider that it can be justified in line with Policy 5 of the Local Plan. Officers consider the relaxations of the planning obligations and shortfall of affordable housing is justified.

Conclusion

The Lowans Hill Farm site is part of the Brockhill East Strategic Site allocation, with the principle of residential development established. The policy requirements do not require the repair or conversion of existing buildings. Given issues of viability preventing the conversion of the existing buildings into residential use and given their continued deterioration, the proposed development offers a sustainable and good quality solution for the Lowans Hill Farm site.

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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 and Regeneration and Leisure Services to **GRANT** planning permission subject to:

a) The satisfactory completion of a s106 planning obligation ensuring that contributions (up to the value of £64,679) are sought for the following matters:

- Waste and Recycling
- Redditch TC Contribution
- Off site Affordable Housing Contribution
- LPA Monitoring fee

b) Conditions as summarised below:

Conditions:

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

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

2) The development hereby approved shall be carried out in accordance with the following plans, drawings and supporting information:

880-D5A-00-ZZ-DR-A-0101 PO3 Site Location Plan
880-D5A-00-ZZ-DR-A-0105 P13 Proposed Site Plan
880-D5A-00-ZZ-DR-A-0301-House Type 1-2B 4P-S3-P03
880-D5A-00-ZZ-DR-A-0302-House Type 2a-3B 5P-Semi detached S3-P03
880-D5A-00-ZZ-DR-A-0303-House Type 2b-3B 5P-Semi detached S3-P03
880-D5A-00-ZZ-DR-A-0304-House Type 3-3B 5P Detached S3-P03
880-D5A-00-ZZ-DR-A-0305-House Type 4-3B 5P Detached S3-P04
880-D5A-00-ZZ-DR-A-0306-House Type 5a-3B 5P Semidetached Garage S3-P03
880-D5A-00-ZZ-DR-A-0307-House Type 5b-3B 5P Semidetached Garage S3-P03
880-D5A-00-ZZ-DR-A-0308-House Type 6-4B 6P Detached Garage S3-P03
880-D5A-00-ZZ-DR-A-0309-House Type 7-4B 6P Detached Garage S3-P03
880-D5A-00-ZZ-DR-A-0310-House Type 7a-4B 6P Detached Garage S3-P02
880-D5A-00-ZZ-DR-A-0109 P02 Demolition Plan

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

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- 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) Notwithstanding the submitted plans, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include proposed boundary treatment and other means of enclosure, hard surfacing materials, new planting, trees and shrubs to be retained, together with measures to be taken for their protection while building works are in progress.

All hard and soft landscaping 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 planting 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: To enhance the appearance of the development in the interest of the visual amenities.

- 5) Notwithstanding the submitted details, prior to above ground works a scheme for biodiversity enhancement, such as incorporation of permanent bat roosting feature(s) and or nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken.
- ii. Materials and construction to ensure long lifespan of the feature/measure.
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- iv. When the features or measures will be installed and made available.

Reason: To provide net gains for biodiversity to ensure the creation of wildlife habitat and wildlife corridors within development and minimize impact of the development on biodiversity.

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- 6) Prior to installation on site a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. These details shall include plans detailing the position of any lighting cross referenced to a Schedule detailing the level of luminance. The lighting shall be installed in accordance with the approved details and thereafter be retained in that form. Reason:

Reason: To avoid disturbance to protected species and to safeguard the amenities of the occupiers of adjoining properties.

- 7) A construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. This shall include but not be limited to the following:

- Working Hours during construction phase;
- 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.
- Comply with the requirements of Worcestershire regulatory Services Code of Best Practice for demolition and Construction Sites.

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.

Reason: To protect existing and new occupiers of residential areas from the unreasonable effects of noise, vibration, light and dust nuisance and to ensure the provision of adequate on-site facilities and in the interests of highway safety.

- 8) 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.

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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 (8) 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.

- 9) Within 12 months of the commencement of the development hereby approved, the content, design and location of an historic environment interpretation panel shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

- 10) No works above foundation level shall commence until a scheme for a surface water drainage strategy 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) and the drainage strategy submitted with the application (20-064 DRAINAGE STRATEGY REV A). 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 runoff 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 drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

- 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

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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 LPA. 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

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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. Prior to occupation of the development, a Maintenance and Management Plan shall be submitted to and approved by the Local Planning Authority for the open space area shown on the approved.

Reason: To ensure that the open space is maintained to an adequate standard for the proposed occupiers of the development.

13. The demolition works hereby permitted shall not begin until documentary evidence is provided to the local planning authority demonstrating that contracts have been entered into by the developer to ensure that building work on the site subject to this consent begins within 12 months of the commencement of demolition in accordance with the scheme for which planning permission has been granted.

Reason: To prevent premature demolition in the interests of character and appearance and to comply with Paragraph 204 of the NPPF.

Procedural matters

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