

Name of Applicant	Proposal	Expiry Date	Plan Ref.
St Modwen Developments Mr Richard Hickman	Erection of 41 dwellings landscaping and associated development infrastructure. Land Off, East Works Drive, Cofton Hackett, Worcestershire,	24.12.2015	15/0819

RECOMMENDATION: (a) MINDED to APPROVE FULL PLANNING PERMISSION

(b) DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:

- (i) £2,460.00 as a contribution towards the provision of wheelie bins for the scheme.
- (ii) The on-site provision of affordable housing to be maintained as such in perpetuity.
- (iii) Trigger points to be provided to ensure the following when the next phased application is submitted for residential development:-
 - To ensure the implementation of the open space area adjacent to the site.
 - To ensure the submission of an application for a community centre.

Consultations

Environment Agency Consulted 06.10.2015
No Comments Received To Date

Birmingham City Council Consulted 05.11.2015
No Comments Received To Date

Highways Department- Worcestershire County Council Consulted 05.10.2015
Recommend conditions.

Worcester County Council Minerals & Waste Consulted 05.10.2015
No Comments Received To Date

Aisling Nash County Archaeological Officer Consulted 05.10.2015
No Comments to make on the scheme.

Worcester Regulatory Services- Contaminated Land Consulted 05.10.2015
Recommend conditions.

Worcester Regulatory Services- Noise, Dust, Odour & Burning Consulted 05.10.2015
I have reviewed the noise assessment and I am happy with its conclusions. All of the recommended noise mitigation measures should be implemented.

Worcester Regulatory Services- Air Quality Consulted 05.10.2015
Recommend informatives.

Landscape & Tree Officer Consulted 05.10.2015

The development will have no impact on any of the existing trees. I would have no objection to the proposed development subject to tree protection measures being implemented.

Leisure Services Consulted 05.10.2015

I endorse recommendations contained in the Alder Ecology - Longbridge East Phase 2A Ecology Assessment.

Strategic Housing Consulted 05.10.2015

This proposal does not meet the required property sizes or tenure mix on the site. I am also concerned that the affordable housing has been 'stuck' in the corner of the development next to the railway and require that the affordable housing is integrated more into the development. I am also concerned about the visual appearance of the proposed social rented.

Drainage Engineers Internal Planning Consultation Consulted 05.10.2015

No Comments Received To Date

Strategic Planning- Consulted 05.10.2015

No Comments Received To Date

Cofton Hackett Parish Council Consulted 05.10.2015

Enthusiastically approve of the scheme. It is recommended that the developers also complete the park area between the new properties and those in Shadow Close.

Health & Safety Executive Consulted 05.10.2015

No Comments Received To Date

West Mercia Constabulary Consulted 05.10.2015

No objection.

Worcestershire Wildlife Trust Consulted 05.10.2015

No Comments Received To Date

Natural England Consulted 05.10.2015

No Comments Received To Date

Joe Holyoak Consulted 05.10.2015

The majority of the 41 houses in Phase 2A address Arrow Park, facing north, and careful thought has evidently been given to the streetscape which they make. The rhythm of groups of three-storey gabled houses, interspersed with dual-frontage two-storey houses on street corners, the two types further distinguished by changes in building line and by contrasting materials, is well considered. This should make a quite distinctive place.

Severn Trent Water Consulted 05.10.2015

No Comments Received To Date

Network Rail Consulted 05.10.2015

Recommend conditions.

NHS England Consulted 05.10.2015
No Comments Received To Date

Education Department At Worcestershire- Sarah Smith Consulted 05.11.2015
No objections.

Public Consultation

3 letters of objection summarised as follows:-

- Provision of a temporary access might hinder the opening of the new park.
- Concern with access arrangements through Shadow Close to serve the development.
- 3 storey units out of keeping with the area.
- Concern with overlooking from the 3 storey units.

Relevant Policies

Bromsgrove District Local Plan 2004 (BDLP):

DS3	Main Locations for Growth
DS11	Planning Obligations
DS13	Sustainable Development
S4	Monitoring of Housing Sites
S7	New Dwellings Outside the Green Belt
S14	Range of Housing Types and Tenures
S15	Affordable Housing in Urban Areas
C4	Criteria for Assessing Development Proposals
C5	Submission of Landscape Schemes
C6	Sites for Environmental Improvements
RAT5	Provision of Open Space
RAT6	Open Space Provision in New Residential Developments
TR1	The Road Hierarchy
TR8	Off-Street Parking Requirements
TR11	Access and Off-Street Parking
TR13	Alternative Modes of Transport
ES2	Restrictions on Development Where Risk of Flooding
ES7	Sites Suspected of Contamination
ES14A	Noise Sensitive Development

Bromsgrove District Plan Proposed Submission

BDP1	Sustainable Development Principles
BDP2	Settlement Hierarchy
BDP3	Future Housing and Employment Development
BDP7	Housing Mix and Density
BDP19	High Quality Design
BDP21	Natural Environment
BDP24	Green Infrastructure
BDP25	Health and Well Being

Others:

Longbridge Area Action Plan	
SPG1	Residential Design Guide
SPG11	Outdoor Play Space

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
Worcestershire Waste Strategy

Relevant Planning History

B/2008/0333 Site Re-modelling, re-profiling and alterations to River Arrow and culverts:
Approved 18.03.09

B/2008/0529 Mixed use development comprising residential (C3) including houses and apartments, residential institutions (C2) including sheltered elderly care, retail (A1, A2, A3, and A5) and non residential institutions (D1) including library and community centre with a neighbourhood centre, parking service and highway infrastructure open space including new public park, enhancement works to river arrow, recreation facilities, public transport routes, footpaths, cycleways, landscaping, service infrastructure, highway access and infrastructure, drainage flood storage areas, public art and street furniture (outline).
Withdrawn

11/0748 Mixed use development comprising residential (C3) and/or residential institution (C2), community use building (D1), public open space, deculverting of part River Arrow, site re-profiling, access, parking, landscaping and associated development infrastructure (outline).
Withdrawn

11/0750 Erection of 229 residential dwellings, neighbourhood park, children's play area, associated landscaping and access works (full application).
Approved 2 Nov 2012

11/0882 Re-profiling and re-modelling of site levels, deculverting of part of the River Arrow and associated infrastructure including construction access.
Approved 12.01.12

Site Description

The site forms part of the former MG Rover Works known as Powertrain. A considerable amount of remediation work has taken place in this area in order to make the site suitable for residential development. Phase 1 comprised of 229 dwellings that is mainly served off Groveley Lane. This application site is a continuation of phase 1 and is located to the south of the recently created Arrow Park.

The site is generally an open land setting with a number of established trees growing along the boundary of the site. The site is slightly elevated compared to phase 1 however, the site levels decline from the west to the east (adjacent to the railway line)

Proposal Description

The application is phase 2a for residential development. This application proposes 41 No. dwellings. The scheme includes 4 No. 5 bedroom dwellings, 15 No. 4 bedroom dwellings and 8 No. 3 bedroom dwellings for open market housing. 4 No. 3 bedroom dwellings, 6

No. 2 bedroom dwellings are for affordable rent, and 2 No. 3 bedroom dwellings, 2 No. 2 bedroom dwellings are for shared ownership.

The proposed layout shows vehicular access off Groveley Lane through the recently built phase 1 development via East Works Drive and Shadow Close. The access will create a circular route when linked in with phase 1 development as well as a cul de sac. The scheme also includes roads that do not have any frontage development. Development for these roads is likely to be included in the next phase of residential development. In curtilage car parking would be provided for most of the units, however, the dwellings backing onto the railway line would have communal car parking at the rear.

The designs of the dwellings are varied and are different to that provided under phase 1. Some of the units overlooking the public park (Arrow Park) are three storeys high; however, the remainder of the units would be 2 storeys. The applicant has deliberately applied 3 storey units fronting the park to provide greater scale in relationship to the open space.

A variety of materials / colours are proposed to add interest to the streetscene, such as brick, render, stone cladding, and composite timber cladding.

Assessment of Proposal

Principle

The site is designated in the Bromsgrove District Local Plan for Employment Uses, however, under the Longbridge Area Action Plan (LAAP) and the emerging Bromsgrove District Plan this site forms part of a larger site designated for residential development. Policy H2 of the LAAP would apply and requires a minimum of 700 dwellings to be provided overall in this area of the Action Plan providing a mix of sizes, types and tenures. Members will be aware that planning permission has already been granted for 229 dwellings under phase 1 (north of the application site) that is close to completion.

Policy H2 also requires that an overall density of 40 - 50 dwellings per hectare be achieved. There is an aspiration that the northern end of the site be developed at higher densities which in turn allows for the southern section of the site to be developed at lower densities, where the impact of development would be greater adjacent to rural surroundings. The density of this site (phase 2a) falls within a range of 30 - 40 dwellings per hectare. This is comparable to that of phase 1 which falls within a range of 30 - 45 dwellings per hectare.

Policy BDP2 of the emerging Bromsgrove District Plan encourages the delivery of housing on previously developed land. This site was formerly part of the MG Rover Works, therefore redevelopment of this site for housing would comply with policy. Policy BDP1 of the emerging plan encourages sustainable development with emphasis on accessibility of public transport options, compatibility with adjoining uses, visual amenity, quality of natural environment, and economic benefits for the District. The site is close to good public transport links and is within an area that is currently being regenerated to create improved local facilities / job opportunities as well as enhancing / creating new open space facilities. This phase provides a pedestrian link to an open space / informal recreation area adjacent to plots 11 and 12. It is considered that the scheme would comply with this policy, as well as core planning principles set out in the NPPF.

Policy H2 of the LAAP requires a target of 35% of dwellings to be affordable. The affordable housing proposed for this scheme falls just shy of the 35% (34%) and provides 14 No. 2 – 3 bedroom dwellings of affordable rent / shared ownership tenure. The social housing is proposed to be located generally to the east of the site. Officers would normally encourage this provision to be broken up into smaller clusters and interspersed with the open market housing. Comments from Strategic Housing reflect this approach. However, although the 14 units are located in one cluster, this is a particularly small phase of the overall redevelopment of the East Works site. Therefore, on balance, Strategic Housing accept the provision in one location on this occasion but state that future phases need to improve the integration of the social housing within the open market housing. In addition, the approach of locating social housing adjacent to the railway line will not be considered acceptable in future phases.

Although the scheme is just short of the 35% requirement the scheme would not conflict with policy H2 of the LAAP. The social housing provision would form part of the S106 Agreement.

It is considered that the overall scheme accords with paragraph 50 of the NPPF that states LPAs should "deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities". The principle of residential development would comply with the NPPF and accords with the LAAP, and emerging BDP. Therefore, the principle of residential development on this land is considered to be acceptable.

Highways and access

The layout shows a continuation of existing access roads from phase 1 into the application site creating a loop and cul de sac. Worcestershire Highways note that several roads have no or little frontage development and advise that the applicant runs a risk that the road arrangement may need to alter in the future to accommodate future applications. However, overall they consider the scheme to be acceptable and recommend conditions.

A temporary access is shown next to the proposed cul de sac that will be provided for the purposes of the show home for sales. Objections have been made to this provision. The access is temporary and a condition could be imposed to require that the land be made good once it is no longer needed. The condition could also include a time period for the temporary access. The applicant has been requested to clarify this matter and if necessary a condition could be imposed.

Layout and Scale

The layout comprises of a combination of 2 and 3 storey dwellings, most of them would be set back from Arrow Park and provide an attractive focal point. A number of the house types have dual aspect particularly those located on corner locations in order to enhance the streetscene.

Whilst the layout generally complies with the spacing requirements set out in the Bromsgrove District Council Residential Design Guide SPG, there is a shortfall of some of the units that directly face each other. The minimum spacing required is 21 m, however, the spacing of some of the units in this phase is 15 m. Whilst this is quite a shortfall, the same distance has been provided for dwellings under phase 1 (Shadow Close). Having

walked the phase 1 area where this shortfall exists, it is considered that the overall spacing does not give rise to uncomfortable / intimidating surroundings. On balance, the spacing provided is acceptable on this occasion and is unlikely to be detrimental to the amenities of the potential occupiers.

Objections have been made by existing occupiers of phase 1 in respect to the three storey units and spacing between the two phases. The spacing requirement in SPG 1 for three and two storey units facing each other is 27.5 m. The distance proposed between phase 1 and 2a ranges from 45 - 77 m and far exceeds the Council's minimum spacing requirement.

Open Space Provision

The proposed layout does not include the provision of any on site open space facilities. However, the plan does show a pedestrian link to a potential open space / informal recreation area that is outside the application site boundary but falls within the ownership of the applicant. The area concerned would exceed the open space provision required for 41 dwellings (approx. 4341 sq m). Therefore, a trigger approach is proposed at the point when an application for phase 2b is submitted / approved that the open space facility be implemented on site. This would be a matter to be included within a S106 Agreement.

Noise and contaminated land

WRS has been consulted and do not raise any concerns in respect to the scheme and recommend conditions / informatives.

Neighbour objections

Objections submitted relate to several matters including the temporary access and concern that it could hold up the use of the new park. Officers are currently seeking clarification on this matter.

Other comments relate to the 3 storey element of the scheme and how they would impact on the amenities of existing neighbouring occupiers. As mentioned above ample distance would be maintained between the two phases and the variety of house types and house heights creates a visually and interesting streetscene /environment. The Urban Designer supports the design of the scheme.

Concerns also relate to construction traffic driving through the phase 1 development to access this site. Officers would clarify that it has always been the intention that additional phases would be served via Groveley Lane. Therefore, occupiers of phase 1 would have been aware of this matter at the time of moving into the properties concerned.

Planning Obligations

As mentioned above a Section 106 Agreement is proposed for this development to cover the following matters:-

Affordable Housing Provision. To ensure that the 14 affordable housing units are provided in perpetuity.

Under the Worcestershire County's Waste Strategy a financial contribution will be sought to cover the provision of wheelie bins for each unit.

Open space / informal recreation facilities for this scheme. A trigger point be included in the S106 Agreement to ensure that this facility is implemented as part of the next phase of residential development.

Under the outline application (11/0748) a community centre of around 450 sq m would have been secured via a S106 Agreement. However, the outline application was never implemented as full planning permission was granted for the 229 dwellings. Given the overall number of units proposed in the East Works area, there is still a need for a community centre. Therefore, the S106 Agreement will need to include a trigger point to ensure a scheme for a community centre be submitted under the next phase of residential development.

The applicant is agreeable to these heads of terms and a S106 Agreement is in the process of being drafted.

Conclusion

The principle of residential development is considered to be acceptable and would comply with policies in the LAAP and emerging Bromsgrove District Plan. The principle of residential development would also be compliant with the NPPF.

Despite one element of the development not fully complying with the Council's SPG on Residential Design, on balance, the layout of the proposal is considered to be acceptable and would otherwise generally comply with the Council's Residential Design Guide.

RECOMMENDATION: (a) MINDED to APPROVE FULL PLANNING PERMISSION

- (b) DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:
- (i) £2,460.00 as a contribution towards the provision of wheelie bins for the scheme.
 - (ii) The on-site provision of affordable housing to be maintained as such in perpetuity.
 - (iii) Trigger points to be provided to ensure the following when the next phased application is submitted for residential development:-
 - To ensure the implementation of the open space area adjacent to the site.
 - To ensure the submission of an application for a community centre.

Conditions:

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

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

- 2) The development hereby approved shall be constructed and completed in accordance with the plans to be defined.

Reason: To accurately define the permission for the avoidance of doubt and to ensure that the development is satisfactory in appearance in order to safeguard the visual amenities of the area.

- 3) Details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be subject to the approval, in writing, of the local planning authority before any work on the site commences. The development shall then be carried out in accordance with the approved details.

Reason: To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.

- 4) Before the commencement on site of any works which are the subject of this permission, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-
- a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;
 - b) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.

The approved scheme shall be implemented within 12 months from the date when any of the buildings are first occupied.

Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004.

- 5) Before any materials or machinery are brought on to the site or any development, demolition, installation of services or site clearance works of any kind are commenced the developer shall erect protective fencing as illustrated by BS 5837:2005 on a line concurrent with the tree protection distances given in BS 5837:2005 and to the specific approval of the local planning authority. The developer shall maintain such fences to the satisfaction of the local planning authority until all development, the subject of this permission, has been completed. No activities on the land within the fenced areas shall be permitted including excavation, changing of levels or disturbance in any way from the passage or storage of vehicles and machinery unless such activity is given the specific prior permission of the local planning authority.

Reason: In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004.

- 6) Recommendations and mitigation measures set out in the Longbridge East Phase 2A Ecology Assessment dated 16 September 2015 shall be implemented.

Reason:- To ensure sufficient wildlife enhancement measures in accordance with Policy C10A of the Bromsgrove District Plan.

- 7) The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.

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

- 8) Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved drawings.

REASON: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 9) Recommendations and noise mitigation measures set out in accordance in the Noise Assessment shall be implemented.

Reason:- In the interests of amenities for the potential occupiers and in accordance with ES14A of the Bromsgrove District Local Plan.

- 10) 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 in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme commencing.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

Reason:- To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be

carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and in accordance with ES7 of the Bromsgrove District Local Plan.

- 11) The following must be complied with prior to the occupation of any building. The below requirements can be undertaken in a phased manner where agreed in writing with the Local Planning Authority:
- (a) A detailed scheme for ground gas risk assessment must be undertaken and a written report of the findings and any recommendations for remedial measures produced. This report is subject to the written approval of the Local Planning Authority.
 - (c) Where risk assessment deems necessary a remedial scheme detailing any required gas protection measures must be prepared and is subject to the approval of the Local Planning Authority. The remedial 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.
 - (d) The approved remedial scheme must be carried out in accordance with its terms prior to the occupation of any building unless otherwise agreed in writing by the Local Planning Authority
 - (e) Following completion of the measures identified in the approved remedial scheme a validation report that demonstrates the effectiveness of the remedial measures carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any building.

Reason:- To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and in accordance with ES7 of the Bromsgrove District Local Plan.

- 12) The following must be complied with prior to the occupation of any building. The below requirements can be undertaken in a phased manner where agreed in writing with the Local Planning Authority:
- (a) A scheme for clean cover design relating to garden and landscaped areas must be submitted to and agreed in writing by the Local Planning Authority prior to any clean cover system being installed.
 - (b) The approved clean cover scheme must be carried out in accordance with its terms prior to the occupation of any building unless otherwise agreed in writing by the Local Planning Authority.
 - (c) Following installation of the approved clean cover scheme a validation report that demonstrates the effectiveness of the clean cover system must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any building.

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

offsite receptors, and in accordance with ES7 of the Bromsgrove District Local Plan.

Informatives

1) In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising from the application in accordance with the NPPF and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010. The authority has helped the applicant resolve technical issues such as:

- access and parking provision,
- the impact of the development in the street scene,
- impact of the development upon amenity of neighbours,
- improving the design of the proposed development.

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

2) This applicant is referred to the Section 106 Agreement accompanying this application.

3) Given the site is adjacent to a railway line, the applicant is advised is advised of the following:-

- that details including foundation design of the acoustic fencing / close boarded fencing would be subject to the Network Rail Asset Protection Engineer review and agreement.
- Prior to the commencement of the development, details of the acoustic fencing and mitigation measures shall be submitted to Network Rail.
- Any scaffolding which is to be erected /constructed within 10metres of a boundary to a railway line must be erected in such a manner that at no time will any poles over-sail the railway line. A method statement giving details of measures to be taken to prevent construction materials from the development reaching the railway (including protective fencing) shall be submitted to the LPA before the development commences.
- Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to Network Rail.
- Prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to the Local Planning Authority and Network Rail.
- Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to the Local Planning Authority and Network Rail.
- The applicant is advised that Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to the Network Rail Asset Protection Engineer once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway. We require reviewing the RAMS to ensure that works on site follow safe methods of

working and have taken into consideration any potential impact on Network Rail land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at AssetProtectionLNWSouth@networkrail.co.uk to discuss the proposal and RAMS requirements in more detail.

- Network Rail would request that no trees are planted next to the boundary with our land and the operational railway. Network Rail would request that only evergreen shrubs are planted and we would request that they should be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height.

- The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.
 - There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil.
 - Any future maintenance must be conducted solely within the applicant's land ownership.
 - Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by a third party that may adversely impact its land and infrastructure.
 - Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

- Network Rail requests that the developer ensures there is a minimum 2 metres gap between the buildings and structures on site and our boundary fencing.
 - To allow for all construction works on site and any future maintenance to be carried out wholly within the applicant's own land ownership and without encroachment onto Network Rail land and air-space. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949).
 - To ensure that should the buildings and structures on site fail or collapse that it will do so without damaging Network Rail's boundary treatment or causing damage to the railway (e.g. any embankments, cuttings, any lineside equipment, signals, overhead lines) and to prevent the materials from the buildings and structures on site falling into the path of trains.
 - To ensure that the buildings and structures on site cannot be scaled and thus used as a means of accessing Network Rail land without authorisation.
 - To ensure that Network Rail can maintain and renew its boundary treatment, fencing, walls.

- o That the proposal will not be impacted by overhead electrified lines. Induced voltage can affect structures or individuals up to 20m from the overhead line. AC lines have overhead cables, DC lines are third rail.
 - o There are no Party Wall issues for which the applicant would be liable for all costs.
 - o To ensure that the applicant does not construct their proposal so that any foundations (for walls, buildings etc) do not end up encroaching onto Network Rail land. Any foundations that encroach onto Network Rail land could undermine, de-stabilise or other impact upon the operational railway land, including embankments, cuttings etc. Under Building Regulations the depth and width of foundations will be dependant upon the size of the structure, therefore foundations may impact upon Network Rail land by undermining or de-stabilising soil or boundary treatments.
 - Network Rail requests that the LPA and the developer (along with their chosen acoustic contractor) engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings. Network Rail is aware that residents of dwellings adjacent to the railway have in the past discovered issues upon occupation of dwellings with noise and vibration from the existing operational railway, as a consequence of inadequate mitigation measures for the site, and therefore it is a matter for the developer and the LPA via mitigation measures and conditions to ensure that these issues are mitigated appropriately prior to construction.
 - o The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.
 - o Network Rail also often carry out works at night on the operational railway when normal rail traffic is suspended and often these works can be noisy and cause vibration.
 - o Network Rail may need to conduct emergency works on the railway line and equipment and these would not be notified to residents in advance due to their safety critical nature.
 - o The proposal should not prevent Network Rail from its statutory undertaking
- 4) If it is the Developer's intention to request the County Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to the County Council's Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act, 1980, entered into.
- 5) It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, the County Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The applicant is, therefore, advised to submit the Engineering details referred to in this conditional approval to the County Council's County Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP at an early date to enable surface water disposal arrangements to be assessed.

- 6) The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.
- 7) Appropriate cabling and an outside electrical socket must be supplied for each property to enable ease of installation of an electric vehicle charging point (houses with dedicated parking). For developments with unallocated parking i.e. flats/apartments 1 EV charging point per 10 spaces (as a minimum) should be provided by the developer to be operational at commencement of development. The charging point must comply with BS7671. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

Case Officer: Sharron Williams Tel: 01527 534061
Email: sharron.williams@bromsgroveandredditch.gov.uk