



## **BROMSGROVE DISTRICT COUNCIL**

### **VIRTUAL MEETING OF THE PLANNING COMMITTEE**

**MONDAY 17TH AUGUST 2020**  
**AT 6.00 P.M.**

**MEMBERS:** Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), S. J. Baxter, A. J. B. Beaumont, S. P. Douglas, A. B. L. English, M. Glass, S. G. Hession, J. E. King, P. M. McDonald and P.L. Thomas

### **AGENDA**

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest  
  
To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
4. Hybrid Application - comprising - 1) Outline Application (with all matters reserved with the exception of vehicular points of access and principal routes within the site) for the demolition of existing buildings and the erection of up to 2,560 dwellings (Class C3); local centre including retail floorspace up to 900 sq metres (Classes A1, A2, A3) health and community facilities of up to 900 sq metres (Class D1); A 3FE first school (Class D1) (up to 2.8Ha site area) including associated playing area and parking and all associated enabling and ancillary works. 2) Detailed application for the creation of a means of access off Birchfield Road, Cur Lane, Foxlydiate Lane and emergency, pedestrian and cycle access to Pumphouse Lane. The creation of a primary access

road, including associated cut and fill works and other associated earthworks, landscaping, lighting, drainage and utilities, crossings and surface water attenuation/drainage measures - Land To The West Of Foxlydiate Lane And Pumphouse Lane, Bromsgrove Highway, Bromsgrove, Worcestershire – Heyford Developments Ltd and UK Land and Developments Ltd (Pages 1 - 54)

5. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting.

K. DICKS  
Chief Executive

Parkside  
Market Street  
BROMSGROVE  
Worcestershire  
B61 8DA

7th August 2020

**If you have any queries on this Agenda please contact**

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## **BROMSGROVE DISTRICT COUNCIL**

### **PLANNING COMMITTEE**

# **GUIDANCE ON VIRTUAL MEETINGS AND PUBLIC SPEAKING**

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Due to the current Covid-19 pandemic Bromsgrove District Council will be holding this meeting in accordance with the relevant legislative arrangements for remote meetings of a local authority. For more information please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police Crime Panels meetings) (England and Wales) Regulations 2020.

The meeting is open to the public except for any exempt/confidential items. Where a meeting is held remotely, “open” means available for live viewing. Members of the public will be able to see and hear the meetings via a live stream on the Council’s YouTube channel, which can be accessed using the link below:

[Live Streaming of Planning Committee 17th August](#)

Members of the Committee, officers and public speakers will participate in the meeting using Skype, and details of any access codes/passwords will be made available separately.

If you have any questions regarding the agenda or attached papers please do not hesitate to contact the officer named below.

#### **PUBLIC SPEAKING**

The usual process for public speaking at meetings of the Planning Committee will continue to be followed subject to some adjustments for the smooth running of virtual meetings. For further details a copy of the amended Planning Committee Procedure Rules can be found on the Council’s website at [Planning Committee Procedure Rules](#).

The process approved by the Council for public speaking at meetings of the Planning Committee is (subject to the discretion and control of the Chair), as summarised below:

- 1) Introduction of application by Chair
- 2) Officer presentation of the report
- 3) Public Speaking - in the following order:-
  - a. objector (or agent/ spokesperson on behalf of objectors);
  - b. applicant, or their agent (or supporter);

- c. Parish Council representative (if applicable);
- d. Ward Councillor

Each party will have up to a maximum of 3 minutes to speak, subject to the discretion of the Chair.

Speakers will be called in the order they have notified their interest in speaking to the Democratic Services Team and invited to unmute their microphone and address the committee via Skype.

- 4) Members' questions to the Officers and formal debate / determination.

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**Notes:**

- 1) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Team on 01527 881406 or by email at [p.ross@bromsgroveandredditch.gov.uk](mailto:p.ross@bromsgroveandredditch.gov.uk) before 12 noon on Thursday 13<sup>th</sup> August 2020.
- 2) Advice and assistance will be provided to public speakers as to how to access the meeting and those registered to speak will be invited to participate via a Skype invitation. Provision has been made in the amended Planning Committee procedure rules for public speakers who cannot access the meeting by Skype, and those speakers will be given the opportunity to submit their speech in writing to be read out by an officer at the meeting. Please take care when preparing written comments to ensure that the reading time will not exceed three minutes. Any speakers wishing to submit written comments must do so by 12 noon on Thursday 13<sup>th</sup> August 2020.
- 3) Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues, the case officer's presentation and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view in full via the Public Access facility on the Council's website [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)
- 4) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Bromsgrove District Plan (the Development Plan) and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the Development Plan and the "environmental factors" (in the broad sense) which affect the site.

- 5) **Although this is a public meeting, there are circumstances when the committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded and for any such items the live stream will be suspended and that part of the meeting will not be recorded.**

# Agenda Item 4

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Heyford Developments Ltd And UK Land And Developments Ltd	<p>Hybrid application 16/0263 comprising:</p> <p>1) Outline Application (with all matters reserved with the exception of vehicular points of access and principal routes within the site) for the demolition of existing buildings and the erection of : Up to 2,560 dwellings (Class C3); Local centre including retail floorspace up to 900 sq metres (Classes A1, A2, A3) health and community facilities of up to 900 sq metres (Class D1) ; A 3FE first school (Class D1) (up to 2.8Ha site area) including associated playing area and parking and all associated enabling and ancillary works.</p> <p>2) Detailed application for the creation of a means of access off Birchfield Road, Cur Lane, Foxlydiate Lane and emergency, pedestrian and cycle access to Pumphouse Lane. The creation of a primary access road, including associated cut and fill works and other associated earthworks, landscaping, lighting, drainage and utilities, crossings and surface water attenuation/drainage measures.</p> <p>Land To The West Of Foxlydiate Lane And Pumphouse Lane, Bromsgrove Highway, Bromsgrove, Worcestershire,</p>	21.08.2020	16/0263

## 1.0 Background

- 1.1 Members will recall that they resolved to Grant Planning Permission at Planning Committee on 14<sup>th</sup> October 2019 subject to conditions and completion of a multilateral s106 agreement.
- 1.2 Following the resolution by Bromsgrove DC Planning Committee the parallel application 2016/077 was reported to Redditch BC Planning Committee on 13<sup>th</sup> November 2019 and was deferred for further consideration to consider options regarding access for construction traffic. Subsequently, on 19<sup>th</sup> February 2020, members of Redditch BC Planning Committee considered the proposal and additional information supplied by the applicant and resolved to grant Planning Permission subject to conditions (modified from those upon which Bromsgrove DC based its resolution to Grant) to reflect concerns about construction traffic routing) and completion of a multilateral s106 agreement.
- 1.3 Between the application being originally considered by Bromsgrove DC in October 2019 and subsequently by Redditch BC at their Planning Committees in and February 2020, the Council had sought a further legal opinion regarding the legitimacy of a request for a financial contribution towards Worcestershire Acute Hospitals Trust which has led to officers amending their position.

## 2.0 Purpose of this Report

This application has been brought back before Members to consider -

- 2.1 The District Council's revised position on the request from the Worcestershire Acute Hospital NHS Trust for financial contributions towards medical infrastructure.
- 2.2 The additional representations from Bentley Pauncefoot Parish Council and others received since 14<sup>th</sup> October.
- 2.3 The update from the 19 February 2020 meeting of Redditch Planning Committee relating to 2016/077/OUT and the resolution from Redditch Members in relation to that matter to grant planning permission subject to revised conditions concerning sequencing and trigger points for access construction to manage construction traffic in the interests of residential amenity.

## 3.0 RECOMMENDATION:

- (a) Minded to **GRANT** hybrid planning permission
- (b) That **DELEGATED POWERS** be granted to the Head of Planning Regeneration to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following:
  - (i) **£5,162,243 to mitigate for the additional demands on the wider transport network generated by the development.**

This contribution will specifically contribute to the following highway infrastructure:

    - A38 Route Enhancement Programme Contribution - £2,030,099.86
    - Junction Improvements - £3,132,143.14

as follows:

Hewell Road / Windsor Road  
Rough Hill Drive / Woodrow Drive / Greenlands Drive  
Woodrow Drive / Washford Drive / Studley Road  
Washford Drive / Old Forge Drive  
Inkfield Street Drive (B4497) / Washford Drive / Claybrook Drive
  - (ii) **Sustainable Infrastructure**

Cycle infrastructure improvements £333,243.00

    - Town Centre active travel infrastructure: £1,005,067.00
    - Public transport services: £1,434,900
  - (iii) **Personal Travel Planning**
    - £200 Per Dwelling with in each dwelling per Reserved Matter Phase
  - (iv) **Education Infrastructure**
    - £7,471,000.00 towards the provision of fully serviced land for a new first school with up to 3 forms of entry (3FE)
    - A middle school contribution calculated on a per plot basis for each reserved matters application:



- £708 open market 2 or more bedroom flat
  - £1,769 open market 2 or 3 bedroom dwelling
  - £2,654 open market 4 or more bedroom dwelling
- (v) **Off-site teen and adult play and sports facilities and play pitch improvements: £1,200,000**
- (vi) **Waste Management Contribution: £24,2136 comprising**  
£88,536 towards a refuse collection vehicle  
Waste bins £60 per dwelling  
(based on the maximum number of 2560 units)
- (vii) **Planning Obligation Monitoring Fee: £19,940**  
Revised Regulations have been issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met. The fee/charge is subject to confirmation following authorisation to proceed with this provision at the meeting of Full Council on 25 September 2019.
- (viii) **GP Surgery Contribution (To be Confirmed)**
- (ix) **Redditch Town Centre Enhancement Works (To be Confirmed)**
- (x) **The securing of a 40% provision of on-site affordable dwelling units**  
(up to a maximum of 1024 units based 2,560 dwellings being built)
- (xi) **the land on which the First School will be provided being up to 2.8 ha in area**
- (xii) **The provision and future maintenance in perpetuity of the SuDs facilities**
- (xiii) **The provision and future maintenance in perpetuity of the on-site play space and open space provision, and informal gardening/allotment space**
- (xii) **The provision of a pedestrian link with the adjoining development site at Barn House Farm**
- (xiii) **A financial contribution of up to a maximum of £2,212,151 to meet annual shortfalls in NHS Service revenue.**
- (c) **And that DELEGATED POWERS be granted to the Head of Planning Regeneration to agree the final scope and detailed wording and numbering of conditions as set out in the summary list at the end of this report**
- (d) **And that DELEGATED POWERS be granted to the Head of Planning and Regeneration, to consider any additional representations received following the resolution on the application and prior to the issuing of the Decision**

## **4.0 Summary of Consultation Responses (received since 14th October 2020)**

### **4.1 Bentley Pouncefoot PC**

**07-02-2020**

Bentley Pouncefoot Parish Council is writing to draw your attention to the concerns raised in a report received from ttc, the transportation consultancy, regarding the highways and transportation submission for this application.

The report indicates a number of issues that could impact the safety of the accesses and roads planned. We are bringing this to your immediate attention as the applicant has applied for detailed planning permission for these elements. Hence we would expect all aspects related to the elements of the detailed planning application to be fully evidenced and meet all safety and design requirements. It appears that this is not the case. We will be providing a copy of our consultants full report shortly but we were advised that we should bring this to your attention without delay. Below are just some of the points raised in the report.

1. All designs have been prepared for 'Planning Application purposes only' and no Road Safety Audits or Design Compliance reports have been conducted/prepared for any of the site access points.

Without a Stage 1 Road Safety Audit how can there be confidence that there are no underlying safety issues that would, or could, materially affect the designs?

How can there be confidence that the proposed access arrangements are compliant with the relevant design standards?

2. With reference to the proposed planning conditions, Worcestershire County Council have stated that mitigation is not required at 4 external junctions, affected by the development proposals, until the occupation of the 1,280th dwelling. It is not clear how this threshold has been determined and whether these junctions will continue to operate safely until this point. Furthermore, the modelling continues to consider a 2030 future design year when it has been established that the development will take at least 14 years to construct. The impacts of the development for a realistic future design year of 2035 should be considered and the trigger point for delivering mitigation should be clearly evidenced.

How can we be confident that the development will not have a 'severe' impact on the local highway network and ensure compliance with National Planning Policy Framework Para. 109?

3. No swept path analysis has been provided for the main spine road so there is no confirmation that buses (or indeed any vehicles using it) can be adequately accommodated without encroachment into oncoming traffic lanes or mounting kerb lines along traffic islands.

Swept path analysis ensures proposed designs are safe but a full swept path analysis has not been carried out. It is clear that further work is necessary for the Birchfield Road access but how can we be sure the design proposed is safe without it? Given the scale of this development and the amount of traffic that will be using the roads through the

development and the accesses it is concerning that important design documents and evidence are missing.

These are just some of the points our consultants have raised. We will submit the full report shortly.

We trust that you will act on this information to ensure that there are no material considerations that have not been taken into account.

## **10/02/2020**

Bentley Pauncefoot Parish Council's overriding concern has always been the impact of the development on the roads and lanes in the surrounding area. We have tried to work constructively with the planning authority to ensure the effects are minimised so it was surprising and disappointing when WCC Highways submitted a document, just before the application went before BDC's Planning Committee, that significantly changed some key elements of their submission in July 2018. It changed the phasing of the accesses and spine road together with highway improvements necessary to mitigate for the impact the traffic from the development will have. BPPC raised their concern about these changes in our submission of 4th October 2019.

As RBC's Planning Committee unanimously voted to defer their decision because of their concerns regarding the access phasing agreed by WCC Highways, BPPC took the opportunity to have the plans reviewed by an independent traffic and transport consultancy.

Their report is attached and their findings are worrying, particularly as the applicant is applying for full planning permission for all the accesses and spine road. The report points to safety issues and questions whether the phasing specified for the creation of the spine road and highway improvements will impact local roads. They also point out that unless the first school and local centre are built early in the build schedule they will not 'internalise' movements. This will negate the reduction in traffic movements claimed and may impact capacity in local first schools. Coupled with the significant change in traffic movements in the surrounding area in the last few years as developments along Church Road have been completed mean that we believe that the analysis submitted with this application significantly underestimates existing traffic. Modelling should be updated to ensure that the development will not have a 'severe' impact on the local roads in contravention of NPPF para 109.

## **11/02/2020 Comments on 'Construction Access Review'**

- Using Foxlydiate Lane is not shown to be safe or suitable for construction access.
- The Foxlydiate Lane access will require significant work to bring it up to standard. The plans described do not meet Highways standards.
- Only movements of all construction traffic arriving and leaving from/towards Birchfield Road have been examined.
- The Road Safety Report referred to has not been provided.

- We believe that the amount of traffic entering and leaving the site each day is an underestimation given that construction of drainage, show homes etc could also be taking place while the main access is being constructed.
- Option 1 should be considered in more detail.
- What will be the impact of Barn House Farm and the Foxlydiat Hotel sites also being constructed?

## **Bentley Pauncefoot PC Tech Note 01.A Summary**

**Road Safety:** Road Safety Audits and Design Compliance Reports should be submitted. Swept Path Analysis a full suite of Swept Path Analysis should be undertaken to ensure all design are compliant, serviceable and safe.

**Forward Visibility:** The applicant's intention concerning vegetation clearance should be confirmed

**Vertical Alignment and Visibility:** The designs should be updated to ensure they accord with the Council's design standards

**Footway/Cycleway Widths:** The designs should be updated to ensure they accord with the Council's design standards

**Traffic Distribution and Impacts on Cur Lane:** distribution and the impacts on Cur Lane should be reviewed

**Modelling:** No evidence has been submitted to demonstrate that this number of dwellings (1,280) can be accommodated without further detriment to the operation of the 4 off site junctions the modelling should be updated to reflect the intended completion date of the development and the Council should re-review the threshold for delivering mitigation in light of the revised modelling to ensure that the development will not have a 'severe' impact on the local highway network to ensure compliance with National Planning Policy Framework Para. 109.

**Phasing:** A more detailed phasing plan should be provided and modelled, with assurances that key local services and facilities are constructed in tandem with the proposed dwellings to ensure the proposed local centre is actively used by residents at the earliest opportunity to reduce unnecessary trips onto the external highway network.

## **Bentley Pauncefoot PC Tech Note 02.A Summary**

- The access appraisal has failed to acknowledge the potential of the Option 1 construction access and it is requested that further consideration is given, based on the contents of the Technical Note.
- The access appraisal has sought to justify the use of Option 4 but has not provided sufficient evidence to ensure it is deliverable, safe and a suitable means of access.
- The access appraisal has sought to quantify the number of trips associated with the use of the Foxlydiat Lane construction access, but it is considered that these are unlikely to be realistic given the lack of any input from a potential developer.

- If access from Foxlydiate Lane is progressed, then the wording of the proposed condition needs to be amended to ensure no dwellings are constructed prior to the opening of the Birchfield Road access.
- The wording of the condition for the Construction Environmental Management Plan needs to be updated to include reference to agreed and prescriptive construction access routes to avoid any unnecessary construction activity on the local highway network.

## **18 February 2020 – Queries re Sequencing and triggers for Access Construction**

If we understand the conditions correctly, they are as follows:

1. Access on Foxlydiate Lane to be used initially for construction of the main Birchfield Road access and 'haul road' between them ONLY.
2. Once the Birchfield Road access is completed it will be used SOLELY for construction traffic (which will not be allowed to use any other access) until 'prior' to the occupation of the 600th dwelling
3. For the first 399 dwellings occupied the Foxlydiate Lane Access will be the ONLY access.
4. The Cur Lane Access :
  - is this the roundabout only or both the roundabout and the new connection to the rest of Cur Lane?
  - it (they?) have to be completed prior to the occupation of the 400th dwelling.
5. The main Birchfield Road access and Hewell Lane improvement works have to be completed prior to the occupation of the 600th dwelling.

If the above is correct it means that Foxlydiate Lane will be supporting all the traffic for the first 399 houses then a portion of 599 houses.

From the Construction Access Review Plan it appears that a Road Safety Audit has only been carried out *to ensure the safe operation of the junction for use by construction traffic* (Para 2.3.6)

Can Foxlydiate Lane cope with such a large volume of additional traffic? This does not appear to have been considered in the Plan submitted. The original Transport Assessment for the development appears to show a total of 9 vehicle movements both in and out of the Foxlydiate Lane access during both am and pm peaks. If the analysis of the safety and junctions have been carried out based on these numbers they would surely need to be re-evaluated prior to approving such conditions?

**3<sup>rd</sup> March 2020**

Bentley Pauncefoot Parish Council (BPPC) remain deeply concerned that matters material to the above planning application (referred to as Foxlydiat) have not been fully considered as required by the NPPF. We therefore feel it is essential that, in the first instance, we write to you as Head of Planning, to put these concerns on record.

Highway safety is now explicitly referenced in the NPPF as a reason for refusal. A further important requirement for all development proposals is safe and suitable access for all users. If a proposed development is not safe and suitable then, irrespective of volumes of traffic or queuing, the development can be considered unacceptable. Hence, highway safety is clearly a material consideration.

Both Highways England and WCC Highways acknowledge that the scale of the Foxlydiat development means it will have a significant impact on the road network so we would expect the LPA to take great care to ensure that the safety risks and impact are clearly identified and addressed.

BPPC do not believe this has been carried out to an appropriate degree and further believe that the planning committees were not provided with the evidence to enable them to make an informed decision.

We will concentrate on two issues in particular:

- the Construction Access Plan
- Cur Lane (West) Access

**Construction Access Plan:**

**a)** Without doubt, the plan to use Foxlydiat Lane for all the traffic associated with the first 600 houses poses a significant safety issue. If construction goes ahead based on the phasing of accesses proposed at the RBC Planning Committee meeting on 19th February, we have grave concerns for the safety of both existing residents and the occupiers of the first dwellings built, including schoolchildren.

Inexplicably, for a plan that will impact residents for many years before additional accesses are completed, the Construction Access Plan and conditions put before RBC's planning committee on February 19th do not appear to have been reviewed by WCC Highways. No evidence has been provided to demonstrate that the Foxlydiat Lane access, situated at the brow of a steep incline on a narrow residential road, complies with NPPF para 108 as a 'safe and suitable' access for all users. Not only is it necessary for this access to cope with a very large number of vehicle movements but also vulnerable pedestrians, such as small children, as the First School will not be built before these dwellings are occupied.

The applicant refers to a Road Safety Audit having been carried out (para 2.3.6 of the Construction Access Plan), but states that it was solely for construction vehicles. As a copy of that audit has not been made public, we do not know all its conclusions.

No evidence has been provided to demonstrate that the impact of the traffic on Foxlydiate Lane and the junctions at either end of it will not be severe. In Table 2.9 of Vol IV of the TA it is stated that, based on 2800 dwellings, the total movements will be 1345 during the am peak and 1322 during the pm peak. These figures include trip rate reductions for affordable houses and 'internalised' trips that assume the First School and local centre are open.

As Foxlydiate Lane will be the only access for all occupied houses initially, we can extrapolate these figures for the dwellings that will use it. Hence, 599 dwellings would generate 288 vehicle movements leaving and entering the Foxlydiate Lane access in the am and 283 during the pm. Given that the First School and local centre will not have been built there will be no internalised trips so the number will inevitably be even higher.

Almost 300 vehicle movements are far in excess of the 9 vehicles movements stated for the Foxlydiate Lane access during the am and pm peaks in Table 2.9 of the TA (Vol IV). Presumably, any road safety audits carried out for that access were based upon this much smaller number.

With no First School or local centre on site there will also be a greater number of pedestrians using the access, including parents with pushchairs and young children. There is no footpath on the application side of Foxlydiate Lane and the footpaths towards Church Road require pedestrians to cross the road twice. This clearly cannot be safe. Yet there is no reference, either within the Construction Access Plan, nor the conditions proposed by the LPA, to insist on the creation of safe pavements for pedestrians.

The safety of accesses and highways are material considerations for good reason. We do not believe they have been fully considered for this application.

**b)** Using Foxlydiate Lane for construction vehicles is clearly problematic and dangerous. BPPC has always expressed concern with using Foxlydiate Lane for construction access and, up until WCC Highways submitted revised conditions in September 2019, had understood that all construction access would be from Birchfield Road. As soon as we were aware of this change, we voiced our concern to the case officer and submitted a written objection in early October. When the application was deferred by RBC's Planning Committee, for this very reason, BPPC took the opportunity to commission a report from a professional transport consultant. Their report has shown, among other things, that two construction lorries cannot pass each other safely on Foxlydiate Lane.

The evidence, in the Construction Access Plan, that informs the conclusion that Foxlydiate Lane is the only option for the initial construction access, contradicts information provided in the TA and has prevented all options being fully considered.

A disadvantage listed for Option 1, in Table 2.1 of the Construction Access Plan, is that the route is outside of the site boundary and adopted highway. This is both incorrect and misleading. The Access Drawing 1401-PJA-044 provided in appendix F of Vol I of the TA (shown below) clearly shows that it is within the site boundary and the adopted highway. WCC Highways Boundary maps (42-4-15-R Plans 3 and 4 provided by the applicant in appendix E of Vol I of the TA) confirms this. The spur of land is included in the area for which planning approval is sought and lies *within* the highway boundary. It covers the point at which the bridle path meets Birchfield Road. The area is not required to accommodate the proposed improvements to the junction and there is nothing else

proposed along that section of road. There seems to be no logical explanation for it other than it was originally planned to be the initial access point for construction. The 'spur' is also present on plan 1401-PJA-012E(ii), one of the plans listed for full planning permission.

On February 18th, having seen the conditions proposed for the Construction Access Plan, BPPC submitted a series of questions requesting clarification of our understanding and raising some questions regarding the safety of using Foxlydiat Lane. In Update Report 2, provided for the RBC Planning Committee meeting on February 19th, 2020, the Officer's response to BPPC's questions 7, 8 and 9 stated '*There is no objection from the Highway Authority or BDC's Highways Consultant in this respect*'. Yet, the planning committee meeting had to be halted to enable the WCC Highways Officer to identify the location of Option 1 in order to answer questions raised by committee members. It appeared that WCC Highways had not reviewed the Construction Access Plan prior to the meeting so we do not understand how they could have no objection. BDC's Highways Consultant did not appear to be at the committee meeting and we have not seen any written response from them.

When the meeting reconvened the Highways Officer stated that it is Highways preference to use roads 'lower in the road hierarchy' for construction access. Hence, Foxlydiat Lane is preferable to Option 1. Not only is it deeply concerning that Highways would prefer to have large construction vehicles manoeuvring on a narrow residential road, with all the risks it poses, but also completely contradictory given they are apparently content that Birchfield Road, at a point very close to Option 1, will become the main construction access!

A further disadvantage of Option 1 listed by the applicant is that it would conflict with a bridle path. No evidence is provided for the frequency of use of that path, and any impact on its users should surely be weighed against the safety and conflict issues that will result from using Foxlydiat Lane. The applicant's own analysis points out that an advantage of Option 1 is that it offers 'at grade' access to Birchfield Road, whereas the Foxlydiat Lane access is unmade and has a significant difference in levels that will require work to build it up to a gradient suitable for construction access (as stated in para 2.3.6 of the Construction Access Plan). Option 1 is already surfaced and could accommodate construction movements from the outset.

There are clear benefits to using Option 1 for the initial construction access, rather than Foxlydiat Lane, but the benefits have been stifled by misleading information provided in the Committee report. The choice of the initial access point has consequently gone unchallenged by the Planning Committee.

BPPC is puzzled why WCC Highways did not appear to have been consulted on the Construction Access Plan, nor the report on it that was prepared for us by a professional traffic consultant. It appears that they were only asked to comment on an email submitted by BPPC giving a brief outline of the detail included in the reports.

We have no doubt we will be told that these plans are preliminary and are subject to further work but the access points are material considerations for the detailed element of the planning application. How can a decision be considered safe if it cannot be demonstrated that it complies with the requirements laid down in the NPPF?



## **Cur Lane (west) Access**

At a meeting with Planning Officers in September 2019 we asked for confirmation that the point at which Cur Lane is diverted into the development is classified as an access. They confirmed that it is. Yet there is no detailed plan of the access nor any evidence provided to ensure that it will meet the requirements of the NPPF for all the traffic that will use it. This access forms part of the detailed planning application yet neither the LPA, WCC Highways nor Mott MacDonald appear to have checked that the applicant had supplied all the plans for all the accesses. This, coupled with a lack of full swept path analysis etc as detailed in the report we submitted on 11th February, indicates that material details of highway safety cannot have been fully considered by the Planning and Highway Authorities.

BPPC have repeatedly raised our residents' concerns regarding the impact that the development will have on Cur and Copyholt Lanes, given the marked increase in traffic that has taken place since the Church Road developments were completed. A sample survey indicates that traffic levels, certainly during peak hours, already exceed those estimated for 2030 'without scheme' by the applicant. There have also been a number of key changes to facilities and employment areas that will have affected vehicle movements. It is surely critical that, given the significant scale of this development, modelling to ensure '*any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree*' (NPPF 108(c)) is based on an accurate starting point?

We know from the Church Road developments (that were substantially smaller than even the initial construction phase of Foxlydiate), that construction lorries totally ignored Planning Conditions and used narrow country lanes as cut throughs to avoid congestion and to take the shortest route to the construction sites. With the increase in traffic on our lanes, and no physical barrier to prevent construction lorries accessing the site via Cur and Copyholt Lanes, we believe that there is a huge risk to the safety of our residents.

## **Conclusion**

Since the decision was made to include Foxlydiate in the Bromsgrove and Redditch Local Plans BPPC have taken a balanced and constructive approach. We set up a Temporary Working Party specifically to work co-operatively with the Planning Authority in order to mitigate the negative impact of building over 2,500 homes within a rural Parish of just 170 residences. As we have made clear throughout the process our residents' main concern is the impact on the lanes through our Parish, especially as it will be many years before any mitigation measures, to ease congestion on the main roads, takes place. As expressed within this letter we feel we must put our concerns on record. Throughout the period the application has been considered there have been a number of issues that we have had to raise including the failure to place documents in the public domain (such as the letter from the Health and Safety Executive in relation to the Major Accident Hazard and the reports we commissioned). This calls into question the transparency and openness of the process. We feel that our representations regarding highway safety, on behalf of our residents, have largely been dismissed and even the reports we commissioned from professional traffic consultants have only received a contradictory response from the Officer.

As a consequence, we have little confidence that our concerns will be addressed by the Planning Authority. We will continue, therefore, to explore every media, political and legal avenue open to us to highlight and place on record our concerns.

## **WCC Highway Authority response to e-mail of 07 February 2020 from BPPC re Safety Concerns**

1. Road safety audits are not mandatory for the Local Highway Network, however WCC requires them as good practice at the Section 278 design review stage. For planning applications, a road safety auditor is consulted and safety comments are provided. It can occasionally be beneficial for a safety audit at the planning application stage depending on the nature of the proposal but the absence of one does not result in the submission being unacceptable. In the case of the primary access arrangements at Birchfield Road/Hewell Road junctions the applicant has provided a stage 1 safety audit in April 2016 and updated in May 2019, these have been provided to the Highway Authority to support the submission. The detailed designs would be subject to 3 further safety audits as part of the implementation process. Not only has this process taken place but the proposals have been reviewed by a multidisciplinary team who have expertise in road design and sustainable travel infrastructure, therefore the committee can have confidence that expert opinion has been sought in the review process.
2. The triggers for the implementation of the highway works are a negotiated position based on a technical appraisal provided by PJA, the applicants transport consultant. The submitted transport evidence submitted has been audited by WCC and their term service consultant, additionally it has been reviewed by Mott MacDonald on behalf of Bromsgrove District Council. The evidence before the Highway Authority shows that there would not be a severe impact, no evidence has been presented to challenge this conclusion.
3. The main spine road connecting Birchfield Road and Cur Lane (roundabout) is a relatively straight road. There are no junctions to negotiate or tight bends, it is self-evidence that larger vehicles such as buses, delivery vehicles and refuse vehicles can negotiate this layout. The fact that a tracking detail has not been provided between the junctions does not prevent officers from observing the suitability of the proposed street based on experience of the requirements of larger vehicles. Tracking details of the Birchfield Road junction can be found in TA volume 1 appendix 1F so can be viewed by Parish Council if they wish.

### **4.2 Further Representations (from local residents)**

Since the application was last reported to committee a further representations were received. The comments raised are summarised below.

**PARKING FOR CONTRUCTION EMPLOYEES** - Of the 15 – 20 staff working daily on site where will those people park their vehicles. It can only be on Foxlydiat Lane.

**UTILITY SUPPLIES TO SITE COMPOUND** - Those staff require full Welfare facilities onsite i.e. Water for drinking/WC;s etc., electricity all of which need connection off the main utilities supplies situated in Foxlydiat Lane causing more disruption to residents due to excavation of the road for these connections.

**INEFFECTIVE ENFORCEMENT OF CEMP** The (CEMP) states it would limit impact to residents with an opportunity to control the construction phase. This clearly did not work for the residents living near the Church Road Webheath development sites or the Council so why will this be any different? Recent incidents on Church Road don't instil confidence in a CEMP as a means of effectively addressing concerns about highway safety and mud on road.

**OUTDATED TRAFFIC DATA** W.C.C. Highways used the 2011 traffic census data plus a vissum microsimulation model produced by the applicant to review local assignment and traffic capacity – census data totally out of date by 8 years and does not take into account the Church Road Webheath and the Birchfield Road developments sites.

### **FOXLDIATE LANE UNSUITABLE FOR CONSTRUCTION TRAFFIC**

At the time of preparing this update a further 9 representations had been received from the public

- only 5 metres wide;
- always a number of vehicles parked, restricting free flow of the traffic.
- Construction vehicles could not pass each other safely.
- already being accessed by the additional residential traffic from the Great Hockings Lane site and the 2 new housing developments on Church Road Webheath.
- only has spasmodic street lighting on one side.
- The undulation makes for limited visibility near the proposed entrance site.
- totally unsuitable for the envisaged 600 new homes and the estimated 1200 + vehicles.
- Road surface already been destroyed and damaged by 20 years of construction traffic leading to church road and beyond with no repair, upgrading or maintenance.
- Conflict of on road parking of visitors or carers at junction of Foxlydiate lane and Cur Lane, with construction traffic.

These proposals will have a severe impact on the residents of Foxlydiate Lane and the local vicinity if approved by the planning committee. Other alternatives should be considered.

**DISRUPTION TO SERVICES** - That to service these residential properties on the periphery of the development site next to Foxlydiate Lane, connections to gas main, water main, sewage system and electricity supply would have to be made by the utility companies digging up the lane, causing further disruption to the local residents and users of Foxlydiate Lane, with temp traffic control or road closures.

**SEQUENCE OF DEVT** For public Health & Safety reasons, the only way a new building site of 2400 houses can go ahead is to build the appropriate spine road first.

**HOSPITAL CAPACITY** Local hospitals are already in special measures as can't cope with amount of people living in Worcestershire now.

**ALTERNATE ACCESS LOCATION** – Property should be acquired by the developer on Birchfield Road between the Foxlydiate Inn and Foxlydiate Lane to facilitate level access to the application site, saving money and engineering works which would arise from the proposed access

## **5.0 Relevant Policies**

### **5.1 Bromsgrove District Plan**

RCBD1: Redditch Cross Boundary Development  
BDP1 Sustainable Development Principles  
BDP2 Settlement Hierarchy  
BDP3 Future Housing and Employment Development  
BDP6 Infrastructure Contributions  
BDP7 Housing Mix and Density  
BDP8 Affordable Housing  
BDP12 Sustainable Communities  
BDP16 Sustainable Transport  
BDP19 High Quality Design  
BDP20 Managing the Historic Environment  
BDP21 Natural Environment  
BDP22 Climate Change  
BDP23 Water Management  
BDP24 Green Infrastructure  
BDP25 Health and Well Being

High Quality Design Supplementary Planning Document (June 2019)

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

**(The policies are relevant in terms of understanding Redditch's Housing Need as discussed later in this report)**

Policy 3 Development Strategy  
Policy 4 Housing Provision  
Appendix 1 RCBD1 Redditch Cross Boundary Development

### **5.3 Others**

- National Planning Policy Framework ('NPPF') (2019)
- The Planning Practice Guidance ('PPG') published in March 2014; online and updated
- The Community Infrastructure Levy (CIL) Regulations 2010 (as amended);
- "The Setting of Heritage Assets"(Dec 2017) produced by Historic England as updated in July 2015.
- Lanehouse Farm -Setting of Heritage Assets Assessment – (Dec 2015) by BDC
- County of Hereford and Worcester Minerals Local Plan 1997
- Emerging Minerals Local Plan (Publication Version).
- National Design Guide (2019)

## 6.0 Relevant Planning History

Reference	Description of Development	Decision	Date
TPO (No.2) 2017	TREE PRESERVATION ORDER Tree/s on Land at Foxlydiat ADR Land Protecting 88 individual trees 16 Groups of trees 1 Woodland	Made  Confirmed	21-03-2017  19-09-2017
2016/077 Redditch	Hybrid application comprising: 1) Outline Application (with all matters reserved with the exception of vehicular points of access and principal routes within the site) for the demolition of existing buildings and the erection of : Up to 2,560 dwellings (Class C3); Local centre including retail floorspace up to 900 sq metres (Classes A1, A2, A3) health and community facilities of up to 900 sq metres (Class D1) ; A 3FE first school (Class D1) (up to 2.8Ha site area) including associated playing area and parking and all associated enabling and ancillary works. 2) Detailed application for the creation of a means of access off Birchfield Road, Cur Lane, Foxlydiat Lane and emergency, pedestrian and cycle access to Pumphouse Lane. The creation of a primary access road, including associated cut and fill works and other associated earthworks, landscaping, lighting, drainage and utilities, crossings and surface water attenuation/drainage measures.	Resolution to Grant subject to completion of s106	19-02-2020

16/0263 BDC Resolved to Grant Planning Permission at Planning Committee on 14<sup>th</sup> October 2019 subject to conditions and completion of a multilateral s106 agreement. The Officer report, update sheets and appendices to that decision can be viewed on-line – Committee Papers for meeting of **BROMSGROVE** Planning Committee **14-10-2019**  
<https://moderngovwebpublic.bromsgrove.gov.uk/ieListDocuments.aspx?Cid=108&MID=3357>

2016/077 RBC Deferred consideration of the application on 13<sup>th</sup> November 2019. Committee Papers for meeting of **REDDITCH** Planning Committee **13-11-2019**  
<https://moderngovwebpublic.redditchbc.gov.uk/ieListDocuments.aspx?Cid=112&MID=3192>

2016/077 RBC Resolved to Grant Planning Permission at Planning Committee on 19<sup>th</sup> February 2020, subject to conditions and completion of a multilateral s106 agreement. Committee Papers for meeting of **REDDITCH** Planning Committee **19-02-2020**  
<https://moderngovwebpublic.redditchbc.gov.uk/ieListDocuments.aspx?Cid=112&MID=3203>

## **7.0 Assessment of Proposal**

### **Review of Request by Worcestershire Acute Hospital Trust (WAHT ) for s106 contribution**

- 7.1 In March 2019, RBC received the first of a series of representations seeking a planning obligation to secure a financial contribution to meet annual shortfalls in NHS Service revenue. In the report to committee last November, the Local Planning Authority accepted that the request was material and was more than de minimis, but at that time were advised that the proposals did not meet the Regulation 122 requirements, or the policy requirements.
- 7.2 Officers have further reviewed the request made by the Trust and are now satisfied that the request is supported by and is in compliance with the following policies in the NPPF, particularly: paragraph 8 Social Objective, paragraph 20(c) Strategic Policies, paragraph 34 Development Contribution set out in Development Plans, paragraph 54 to 57 Planning Obligations, paragraph 56 reflects the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations, paragraph 91(c) and paragraph 92(b) promoting healthy communities.
- 7.3 Officers are also satisfied that the request made by the Trust is compliant with national guidance in the NPPG, particularly for example NPPG 23(b) (Planning Obligations) especially paragraphs 001-005 and 035. Also relevant is NPPG 53 (Health and Safer Communities) especially paragraphs 1-3.
- 7.4 Officers have also concluded, having considered a number of ministerial appeal decisions and reference to case law provided by the Trust, that any impacts on a Trust ability to meet services for the local communities is capable of being a material consideration in the determination of a planning application. Your officers are of the opinion in relation to the application before you that the Trust request is a material consideration and should be taken into consideration as a consequence. Officers are also satisfied that support can be found in local planning policy to support the request being made by the Trust.
- 7.5 A further point is whether the request made by the Trust is in compliance with the three tests in Regulation 22 of Community Infrastructure Levy Regulations and paragraph 56 of the NPPF (2019). Paragraph 56 states: "Planning Obligations (the financial contribution requested by the Trust) must only be sought where they meet all of the following tests: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development".
- 7.6 Officers are satisfied following a complete review of all of the background information provided by the Trust and the developer's representatives that these tests are met, but further work and review is required by officers in relation to the exact financial sum of the contribution requested by the Trust.

- 7.7 To take this matter forward officers will be seeking authority from Committee for a delegation to the Head of Planning and Regeneration of Bromsgrove and Redditch Councils, to agree the final sum of the financial contribution not exceeding £2,212,151 with the Trust and representatives from the developers.
- 7.8 The purpose of agreeing this delegation is for officers to further review the reasonableness of the sum that is being requested by the Trust and to ensure that all appropriate reductions have been made as part of the calculations although it should be noted that the maximum sum of £2,212,151 has been agreed between the Trust and the developer's representatives.
- 7.9 The steps that the Trust undertakes to calculate the mitigation of the impact of new development is as follows:
1. The total population of the development (5,965) is calculated by multiplying the number of dwellings in the development (2,560) by the average number of people expected to live in each house (the multiplier in this case is 2.33).
  2. The calculation takes into account that the final impact on Trust resources caused by the occupation of the development (3,281). The calculation takes into consideration population or population already resident in the district and as a consequence receiving treatment from the Trust. This would include for example affordable housing, so this sum would be deducted. A further purpose of the delegation to the Head of Planning and Regeneration Bromsgrove and Redditch Councils is to ensure through a full review that all necessary deductions are made at this point (for example, any population growth for which the Trust already receives funding).
  3. The amount of activity in a historical 12-month period undertaken by the Trust that originated from the Lower Super Output Area (LSOA) in which the new development will be constructed is identified from Trust records and a percentage rate of provision for the LSOA is calculated.
  4. The activity that will be generated by the new development is derived from the multiplication of the development planned population by the historical rate of activity generated by the LSOA.
  5. This is multiplied by the delivery costs per activity to give the basic cost of delivering activity to the new population. These costs (known as reference costs) are nationally set on an annual basis.
  6. The calculation then factors in the cost of premium rate staff to arrive at the full cost mitigating the development's impact.
  7. To demonstrate the total cost of mitigating the impact of the development, the basic cost is added to the premium cost.

## ***Request by WAHT to see Counsel's Legal Opinion***

- 7.10 At the meeting of Redditch Borough Council's Planning Committee on 13<sup>th</sup> November, RBC Members questioned the information contained in the Update Report regarding the Acute Hospital Trust, and in particular the Council's position regarding the Trust's request to see the Counsel's legal opinion in full.
- 7.11 The Council's legal advisor stated that full disclosure of the legal opinion was not material to the planning application, and would not prevent the Members from making a decision. However, in light of the late representations received from the Acute Hospital Trust (received on 13<sup>th</sup> November 2019), the Council would review the case law cited with regard to access to legal documents, as follows.
- 7.12 In the case of Emma Brooksbank v The Information Commissioner, Rydale District Council, the decision made by the first tier tribunal (General Regulatory Chamber) was that Council's i.e., Rydale Council's legal opinion and instructions relating to this particular application should be disclosed in the public interest.
- 7.13 This decision can be clearly distinguished on the peculiar facts of the Emma Brooksbank case.
- 7.14 In the Emma Brooksbank case considerable time had elapsed since the instructions were sent and also the opinion received. In the Foxlydiate case, the instructions were very recent and as is the opinion, legal privilege is particularly strong where advice is recent and the issue to what it relates is current.
- 7.15 In the Emma Brooksbank case, it is the situation that the Councils had a dual role as selling landowner and planning application decision maker but the fact that the third party wished to develop separate sites and would be unlikely to be permitted if planning permission was granted for the Council's land. There must be an argument that in the circumstances the Council could be said to be pre-disposed to grant planning permission for its own land. Such pre-disposition may have been motivated by a desire to maximise their revenue. The situation here argues for the maximum transparency. In the Foxlydiate application both Bromsgrove District and Redditch Borough Councils are only acting as decision makers and no Council owned land is involved.
- 7.16 The advice received by officers is that the Emma Brooksbank case can be distinguished in a number of ways that the Local Planning Authority is not legally bound to disclose the advice of Counsel and the legal instructions to Counsel.  
There is always a period of time following the granting of a planning application during which it can be challenged, under the judicial Review. This is not material to the consideration of the application before the Committee.

## Summary

- 7.17 Officers have obtained further advice regarding the contribution requested by the Worcestershire Acute NHS Hospitals Trust. The advice provided confirms that the amount requested is reasonable in this case. This is now a component of the revised recommendation at (b) (xiii).



## **Officer comments in response to Bentley Pauncefoot Representations**

- 7.18. The technical submissions made to BDC/RBC for the hybrid applications have scrutinised by highways officers at Worcestershire County Council and by independent transport consultants (Mott Macdonald) acting on behalf of Bromsgrove District Council. There are no outstanding technical objections and neither WCC Highways or Mott Macdonald deem there to be a severe impact on the local highway network.
- 7.19. Further design development would be undertaken prior to construction, the details of which would be submitted to and approved by the planning authority and the highway authority in accordance with the proposed planning conditions.
- 7.20. The proposed development has been subject to detailed discussion and review by the relevant statutory consultees and there remains no outstanding technical or highway matters.
- 7.21 Further work is required in terms of the other conditions including the Construction Environmental Management Plan. Delegated authority to the Head of Planning and regeneration is sought to produce the final list and wording of conditions as per part 'c' of the officer recommendation.

## **Response to Representations from the Public**

- 7.22. Parking for site operatives would be available on-site as soon as the contractors compound is erected, which precedes any other substantive construction on site.
- 7.23 Connecting to electricity, water gas and telecommunications infrastructure may generate some short-term disruption, but that is an unavoidable consequence of any development proposal. It is not a reason to withhold planning permission.
- 7.24 Permission cannot be reasonably withheld because enforcement of another development in the locality was perceived to be ineffective. However, the Local police have been in contact with your officers to discuss the CEMP in the event Members decide to grant permission in accordance with officer's recommendation which seeks delegated authority to agree the wording of the CEMP condition. As the adverse impacts of a development in terms of issues such as times of deliveries, mud on the road can be mitigated and secured through imposition of a condition, those issues are not determinative to the grant of permission.
- 7.25 In this case, the primary construction traffic route would be created before any construction of dwellings commenced. The only construction traffic using the Foxlydiate Lane access would be to construct that access and the haul road to facilitate construction of the Birchfield Road access so it can be used for construction traffic for the duration of the construction phase.
- 7.26 Once the Birchfield Road access is provided for use by construction traffic, then the Foxlydiate Lane access would only be used by traffic arising from the new residential development.

- 7.27 It is not proposed or necessary for the short-term construction traffic associated with the construction of the Birchfield Road ramp and haul road to utilise the whole length of Foxlydiate Lane when using the proposed Foxlydiate Lane access / egress. It would be routed via Birchfield Road / A448.
- 7.28 The applicant has considered alternative options. The proposal has been amended such that a condition would preclude any construction traffic associated with the future construction of dwellings from utilising Foxlydiate Lane. The only construction traffic using Foxlydiate Lane would be to facilitate the construction of the haul road and primary construction access onto Birchfield Road.
- 7.29 Having received further Legal Advice from Counsel, the position of the Local Planning Authority with regard to being able to seek a contribution from the developer sought by Worcestershire Acute Health Trust which would positively assist with the provision of Acute Hospital services has been agreed in principle. The detail associated with this matter is covered in further detail in the preceding section of this report, so not repeated here.
- 7.30 Representations suggesting that the applicant acquires property on Birchfield Road to facilitate an alternate access to that proposed assumes that these landowners were not previously approached the other landowners when the proposal was first conceived and appears to infer that a developer would consciously expend more money on an engineering solution than was necessary, had there been a more cost effective alternative available to them. The Council is not the developer. The Council is the Local Planning Authority tasked with determining an application submitted by a developer.
- 7.31 Moreover, the alternative scenario does not form part of the application proposals which were submitted to the Local Planning Authority and then subsequently placed before members of both Bromsgrove and Redditch Planning Committees to consider. Members cannot re-design the proposal, nor is that their role or responsibility. Nor is the Council in a position to acquire all the land forming the local plan allocation so it can be developed as a single parcel.
- 7.32 Members of both committees are similarly tasked with determining whether or not what is proposed in the application before them is acceptable; as opposed to considering whether an alternative, which is not formally before them in the form of an application, might be acceptable. Furthermore, had a proposal been submitted and considered alongside the current proposal, it would not be reasonable to reject one scheme in favour of another. Decisions are not made by comparison in that manner, but on their own merit; so conceivably more than one proposal could be acceptable and approved, if two proposals had been formally submitted. Both Bromsgrove and Redditch Planning Committees have resolved to grant planning permission, so have, in effect determined that the proposal, in its current form, is acceptable.
- 7.33 The costs of the requisite highway works are borne by the developer. It is not for the Local Planning Authority to comment upon whether proposals are well conceived by a third party from a financial perspective, but if there were an issue, then the developer could have advanced a viability case in response to the other financial

contributions they are required to make to ensure a policy compliant proposal to mitigate the impacts of the development. That has not occurred.

- 7.34 If another application were to be submitted which sought to amend the access proposals in light of any land which was not previously available to the developer; then such an application would be treated on its own merits.

### **Managing Construction Traffic**

- 7.35 In November 2019 Redditch BC Planning Committee deferred consideration of the application to enable further consideration to be given to access to the site for construction traffic. In January 2020, a Construction Access Review Document was submitted which informed the decision of Redditch Planning Committee in reaching its subsequent resolution to grant permission at the subsequent meeting (Feb 2020).
- 7.36 The current (October 2019) resolution of Bromsgrove Planning Committee delays need to provide the Birchfield Road construction access until 200 dwellings have been occupied, (which would mean both construction traffic associated with the construction of the dwellings and resultant traffic would be using the Foxlydiate Lane access) whereas the (Feb 2020) resolution by Redditch Planning Committee ensures that no dwellings are constructed until the Birchfield Road access is provided. An outcome of the Redditch (Feb 2020) resolution was to ensure construction traffic (other than that required to construct the Birchfield Road access), uses the Birchfield Road access instead of the Foxlydiate Lane access for the construction of any dwellings to ensure Foxlydiate Lane is freed of that construction traffic, once the Birchfield Road access is provided. It is therefore necessary to seek Bromsgrove Planning Committee's resolution to bring its decision in alignment with that of Redditch.
- 7.37 The purpose of the proposed revision to the conditions is not to restrict residential traffic flow, mindful that both committees have already resolved to approve the substantive proposals with the access/egress points as detailed in the positions on the plans placed before them, but to further mitigate the potential impact of construction traffic on Foxlydiate Lane which your officers consider would represent a betterment for local residents.
- 7.38 The modified requirement that the Birchfield Road access to be provided before the construction of any dwellings does not imply that it would be solely used by construction traffic thereafter, only that it won't be required to be completed to an adoptable standard until the relevant trigger point of the occupation of the 600th dwelling. That trigger point does not preclude the submission of those details and completion of the Birchfield Road access to adoptable standard prior to the trigger point. It is an end stop. There is nothing in the draft conditions which would explicitly preclude the use of the Birchfield Road access by future residents before the occupation of the 600th Dwelling, once it had been provided.
- 7.39 A revised summary list of the conditions can be found in the final section of this report. The Highway conditions have been provided in full for clarity.

7.40 The proposed sequence of Highway construction is as follows -

- Details of Access onto Foxlydiate Lane (relating to use temporary use by construction vehicles to construct Birchfield Road access and associated haul road) submitted to and approved by LPA
- Provision of access onto Foxlydiate Lane in accordance with those approved details
- Details of Construction access onto Birchfield Road submitted to and approved by LPA
- Provision of construction access onto Birchfield Road
- Cessation of use of access onto Foxlydiate Lane by construction traffic
- Construction of housing using Birchfield Road access for construction traffic
- Details of Access onto Foxlydiate Lane (relating to permanent use by occupiers of completed dwellings) submitted to and approved by LPA
- Completion of access onto Foxlydiate Lane for use by future residents prior to occupancy
- Completion of spine road connecting Cur Lane and Birchfield Road prior to occupation of 400<sup>th</sup> dwelling.
- Details of alterations to Cur Lane access and island works/ junction of Cur Lane/Foxlydiate Lane/Church Road/Great Hockings Lane prior to occupation of 400<sup>th</sup> dwelling submitted to and approved by LPA
- Completion of alterations to Cur Lane access and island works/ junction of Cur Lane/Foxlydiate Lane/Church Road/Great Hockings Lane prior to occupation of 400<sup>th</sup> dwelling
- Details of main site access works onto Birchfield Road and improvements to Hewell Lane prior to the occupation of the 600<sup>th</sup> dwelling submitted to and approved by LPA
- Completion of main site access works onto Birchfield Road and improvements to Hewell Lane Prior to the occupation of the 600<sup>th</sup> dwelling
- Details of off site highway improvements prior to occupancy of 1280 dwellings submitted to and approved by LPA
- Completion of off site highway improvements prior to occupancy of 1280 dwellings

## **Conclusion**

Members of Bromsgrove DC Planning Committee previously resolved to approve planning permission in relation to the substantive proposal. The only recommended change is to the conditions relating to construction traffic and officers position in relation to the financial contribution sought by the Worcestershire Acute Hospital Trust. Both are considered to be betterments and Members are accordingly invited to Grant planning permission in accordance with the revised recommendation which follows.

## RECOMMENDATION:

- (a) Minded to **GRANT** hybrid planning permission
- (b) That **DELEGATED POWERS** be granted to the Head of Planning Regeneration to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following:
- (i) **£5,162,243 to mitigate for the additional demands on the wider transport network generated by the development.**  
This contribution will specifically contribute to the following highway infrastructure:
- A38 Route Enhancement Programme Contribution - £2,030,099.86
  - Junction Improvements - £3,132,143.14
- as follows:
- Hewell Road / Windsor Road
  - Rough Hill Drive / Woodrow Drive / Greenlands Drive
  - Woodrow Drive / Washford Drive / Studley Road
  - Washford Drive / Old Forge Drive
  - Inkfield Street Drive (B4497) / Washford Drive / Claybrook Drive
- (ii) **Sustainable Infrastructure**
- Cycle infrastructure improvements £333,243.00
  - Town Centre active travel infrastructure: £1,005,067.00
  - Public transport services: £1,434,900
- (iii) **Personal Travel Planning**
- £200 Per Dwelling with in each dwelling per Reserved Matter Phase
- (iv) **Education Infrastructure**
- £7,471,000.00 towards the provision of fully serviced land for a new first school with up to 3 forms of entry (3FE)
  - A middle school contribution calculated on a per plot basis for each reserved matters application:
    - £708 open market 2 or more bedroom flat
    - £1,769 open market 2 or 3 bedroom dwelling
    - £2,654 open market 4 or more bedroom dwelling
- (v) **Off-site teen and adult play and sports facilities and play pitch improvements: £1,200,000**
- (vi) **Waste Management Contribution: £24,2136 comprising**  
£88,536 towards a refuse collection vehicle  
Waste bins £60 per dwelling  
(based on the maximum number of 2560 units)

**AND**

- (vii) **Planning Obligation Monitoring Fee: £19,940**  
Revised Regulations have been issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met. The fee/charge is subject to confirmation following authorisation to proceed with this provision at the meeting of Full Council on 25 September 2019.
- (viii) **GP Surgery Contribution (To be Confirmed)**
- (ix) **Redditch Town Centre Enhancement Works (To be Confirmed)**
- (x) **The securing of a 40% provision of on-site affordable dwelling units (up to a maximum of 1024 units based 2,560 dwellings being built)**
- (xi) **the land on which the First School will be provided being up to 2.8 ha in area**
- (xii) **The provision and future maintenance in perpetuity of the SuDs facilities**
- (xiii) **The provision and future maintenance in perpetuity of the on-site play space and open space provision, and informal gardening/allotment space**
- (xii) **The provision of a pedestrian link with the adjoining development site at Barn House Farm**
- (xiii) **A financial contribution of up to a maximum of £2,212,151 to meet annual shortfalls in NHS Service revenue.**
  
- (c) **And that DELEGATED POWERS be granted to the Head of Planning Regeneration to agree the final scope and detailed wording and numbering of conditions as set out in the summary list below.**
  
- (d) **And that DELEGATED POWERS be granted to the Head of Planning and Regeneration, to consider any additional representations received following the resolution on the application and prior to the issuing of the Decision.**

## **Conditions:**

1. 3 year Time Limit for Implementation of Full Planning Permission
2. Plans relating to Full Permission
  - ST14523-124 – Detailed Red line Boundary Plan
  - 1401-PJA-10C(II) – General Arrangement Sheet 1
  - 1401-PJA-11D(II) – General Arrangement Sheet 2
  - 1401-PJA-12E(II) - General Arrangement Sheet 3
  - 1401-PJA-13F(II) - General Arrangement Sheet 4
  - 1401-PJA-14E(II) - General Arrangement Sheet 5
  - 1401-PJA-051B – Local Centre Highway Details
  - ST14523-147D – Pond A
  - ST14523-149D – Pond B
  - ST14523-151D – Pond C
  - ST14523-153D – Pond D
  - ST14523-155D – Pond E
  - ST14523-157E – Pond F
  - ST14523-159D – Ponds G H & J
  - ST14523-163D – Pond K
  - ST14523-165D – Pond L
  - ST14523-167D – Pond M
  - ST14523-169D – Pond N
  - ST14523-171D – Pond P
  - ST14523-173D – Ponds Q & R
3. 3 year time limit for submission of first reserved matters application. All subsequent reserved matters applications shall be submitted no later than 15 years from the date of the permission
4. 3 year time limit Commencement of development approved in outline
5. Plans relating to Outline Permission
  - Design and Access Statement
  - Landscape and Visual Impact Assessment
  - Environmental Statement
  - 23451 9414T – Land Use Masterplan
  - 23451 9610I – Land Use Parameter Plan
  - 23451 9601K – Access and Movement Parameter Plan

- 23451 9604O – Scale Parameter Plan
- 23451 9605P – Green Infrastructure Parameter Plan

**6.** Approval of Reserved Matters – Appearance, Landscaping, Layout, Scale

**7.** Design Code for each Reserved matters application

**8.** Finished Floor Levels

**9.** Refuse Storage Facilities

**10.** Hard Surfaces

**11.** Boundary Treatment

**12.** Lighting Strategy

**13.** Programme of Archaeological Work

**14.** Details of Construction Access onto Foxlydiate Lane

Before development commences, engineering details of a dedicated construction access onto Foxlydiate Lane shall be submitted and approved in writing by the Local Planning Authority and constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the Highway.

**15.** Details of Dedicated Construction Access onto Birchfield Road

Prior to the construction of any dwellings hereby permitted, engineering details of a dedicated construction access onto Birchfield Road shall be submitted and approved in writing by the Local Planning Authority and constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the Highway.

**16.** Access Arrangements for Construction Traffic

Once the dedicated construction access onto Birchfield Road and construction of the haul road linking the Foxlydiate Lane access to the Birchfield Road construction access are provided, use of the Foxlydiate Lane access by construction traffic will permanently cease and construction traffic for the development will then use the dedicated construction access off Birchfield Road and that access only.

Reason: To limit the disturbance of construction traffic on the amenity of residents in the locality.



## 17. Details of Access onto Foxlydiate Lane Prior to Occupancy

Prior to the first occupation of the development hereby permitted engineering details of the access onto Foxlydiate Lane shall be submitted 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 details.

Reason: To ensure the safe and free flow of traffic onto the highway.

## 18. Trigger Point for Spine Road connecting Curr Lane and Birchfield Road

Prior to the occupation of the 400th dwelling the spine road connecting Curr Lane and Birchfield Road shall be constructed or otherwise completed in accordance with the approved plans.

Reason: To facilitate access to the Local Centre and enable Public Transport Access

## 19. Trigger Point for details and construction of Cur Lane access and island works

Prior to the occupation of the 400th dwelling hereby permitted engineering details of the alterations to Cur Lane and the junction of Cur Lane/Foxlydiate Lane/Church Road/Great Hockings Lane shall be submitted and approved in writing by the Local Planning Authority, and constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the highway.

## 20. Trigger Point for details and construction of Birchfield Road Access Prior to Occupation and improvements to Hewell Lane

Prior to the occupation of the 600th dwelling hereby permitted engineering details of the main site access works onto Birchfield Road and improvements to Hewell Lane shall be submitted and approved in writing by the Local Planning Authority, and constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the highway.

## 21. Trigger point for off-site junction improvements

No greater than 1280 dwellings hereby permitted shall be occupied until engineering details for the following highway improvements/offsite works have been submitted and approved in writing by the Local Planning authority, and the schemes have been constructed in line with the approved details;

- Junction improvement at Warwick Highway / Icknield Street Drive / Battens Drive roundabout as shown on drawing 2250-PJA-01
- Junction improvement at Warwick Highway / Alders Drive / Claybrook Drive Roundabout as shown on drawing 2250-PJA-02
- Junction improvement at A441 Alvechurch Highway / A4023 Coventry Highway / Redditch Ringway Grade-separated Roundabout as shown on drawing 2250-PJA-03

- Junction improvement at A441 Alcester Highway / The Slough / Evesham Road / Windmill Drive Roundabout as shown on drawing 2250-PJA-04

Reason: To ensure the safe and free flow of traffic onto the highway.

## 22. Details and construction of internal roads prior to occupancy of dwellings

No dwelling within each reserved matters application shall be occupied until drawings of the access works and relevant adjoining highway works for that phase comprising: -

- Spine Road Design
- Local Centre Public Square
- Lighting and Street landscaping details

Have been submitted to and approved in writing by the Local Planning Authority; and those works have been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the highway.

## 23. Travel Plan

## 24. Cycle Parking

## 25. Land Contamination

## 26. CEMP (Construction Environment Management Plan)

Prior to commencement of development of each Reserved Matters application and or the works permitted through the hybrid application, a Construction Environmental Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority.

shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Thereafter all works for that Development Phase shall be carried out in accordance with the approved Statement throughout the construction period.

The CEMP shall provide for the following where relevant:

- 1) Risk assessment of potentially damaging construction activities.
- 2) Identification of "biodiversity protection zones" including protection of retained trees as per BS5837:2012.
- 3) Practical measures (both physical measures and sensitive working practices) to avoid (e.g. RAMs) or reduce impacts during construction to be provided as a set of Method Statements.
- 4) The location and timing of sensitive works to avoid harm to biodiversity features.
- 5) The times during construction when specialist ecologists need to be present on site to oversee works.
- 6) Responsible persons and lines of communication

- 7) The role and responsibilities on site of a suitably competent Ecological Clerk of Works (ECoW).
- 8) Use of protective fences, exclusion barriers and warning signs.
- 9) Mammal crossings including detailed designs of culverts and mammal ledges.
- 10) A Wildlife Enhancement Strategy to include detailed specification and location of measures including wildlife towers, bat and bird boxes and reptile hibernacula together with any infrastructure requirements for the ongoing management and maintenance of these features, e.g. access for and storage of machinery required to maintain nature conservation areas.
- 11) Details of any temporary construction accesses and their reinstatement
- 12) Details of site operative parking areas, material storage areas and the location of site operative facilities (offices, toilets etc).
- 13) arrangements for unloading and manoeuvring.
- 14) Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- 15) A highway condition survey, timescale for re-inspections, and details of any reinstatement.
- 16) Measures to suppress dust arising from demolition, groundworks and construction.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. On completion of the ecological mitigation and enhancement works specified in each Method Statement, a brief Statement of Conformity shall be submitted to the Local Planning Authority by the Ecological Clerk of Works confirming successful implementation.

Reason: In order that the Local Planning Authority can properly consider the effect of the works on the environment.

## **27. Hours of working and deliveries**

Demolition/groundworks/construction/deliveries work shall not take place outside the following hours:

Monday to Friday 07:00 - 18:00 hrs

Saturdays 08:00 - 13:00 hrs

And there shall be no work on Sundays or Bank Holidays

Reason: In the interests of residential amenity

## **28. Ecological Update**

## **29. Landscape Management Plan**

## **30. Tree and Hedgerow Protection**

## **31. Provision of hard and soft Landscape Details with each reserved matters application**

32. New tree and planting maintenance
33. Pond 'L' construction details
34. Pond 'K' Construction details
35. Water efficiency measures (residential 110 litres per person per day. Non residential to accord with BREEAM and a minimum of 25% for non-specified building types)
36. Details of Foul and surface water drainage with each reserved matters application  
The proposed scheme must restrict rates of surface water runoff to greenfield rates up to the 1 in 100 year storm period including an additional 40% allowance for climate change.
37. Details of SuDs management plan including details on future management responsibilities
38. Electric Vehicle Charging Points
39. Lighting Strategy
- 40 Gas Pipeline

There shall be no dwellings constructed within the 36 metres of the high pressure gas pipeline 7167 (HSE Inner and Middle Zone) as illustrated on the Land Use Masterplan 23451 9414 Revision T, or as part of any future Reserve matters application pursuant to this permission.

Reason: In the interests of public safety.

**Case Officer:** Simon Jones Tel: 01527 548211  
Email: [simon.jones@bromsgroveandredditch.gov.uk](mailto:simon.jones@bromsgroveandredditch.gov.uk)

# 16/0263

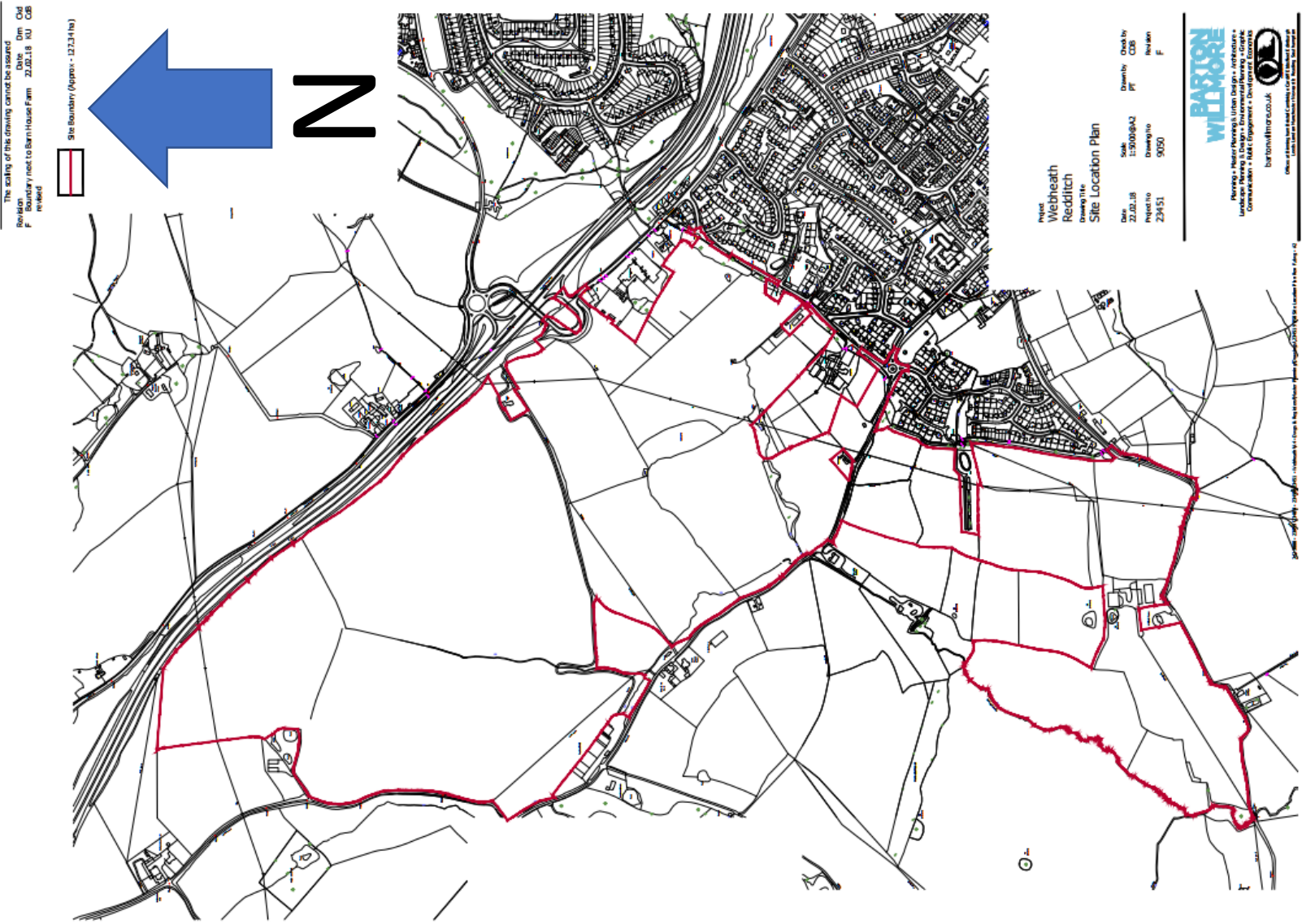
## Land To The West Of Foxlydiate Lane And Pumphouse Lane Bromsgrove Highway, Bromsgrove, Worcestershire

Hybrid application comprising:

- 1) Outline Application (with all matters reserved with the exception of vehicular points of access and principal routes within the site) for the demolition of existing buildings and the erection of : Up to 2,560 dwellings (Class C3); Local centre including retail floorspace up to 900 sq metres (Classes A1, A2, A3) health and community facilities of up to 900 sq metres (Class D1) ; A 3FE first school (Class D1) (up to 2.8Ha site area) including associated playing area and parking and all associated enabling and ancillary works.
- 2) Detailed application for the creation of a means of access off Birchfield Road, Cur Lane, Foxlydiate Lane and emergency, pedestrian and cycle access to Pumphouse Lane. The creation of a primary access road, including associated cut and fill works and other associated earthworks, landscaping, lighting, drainage and utilities, crossings and surface water attenuation/drainage measures.

**Recommendation: Approve**

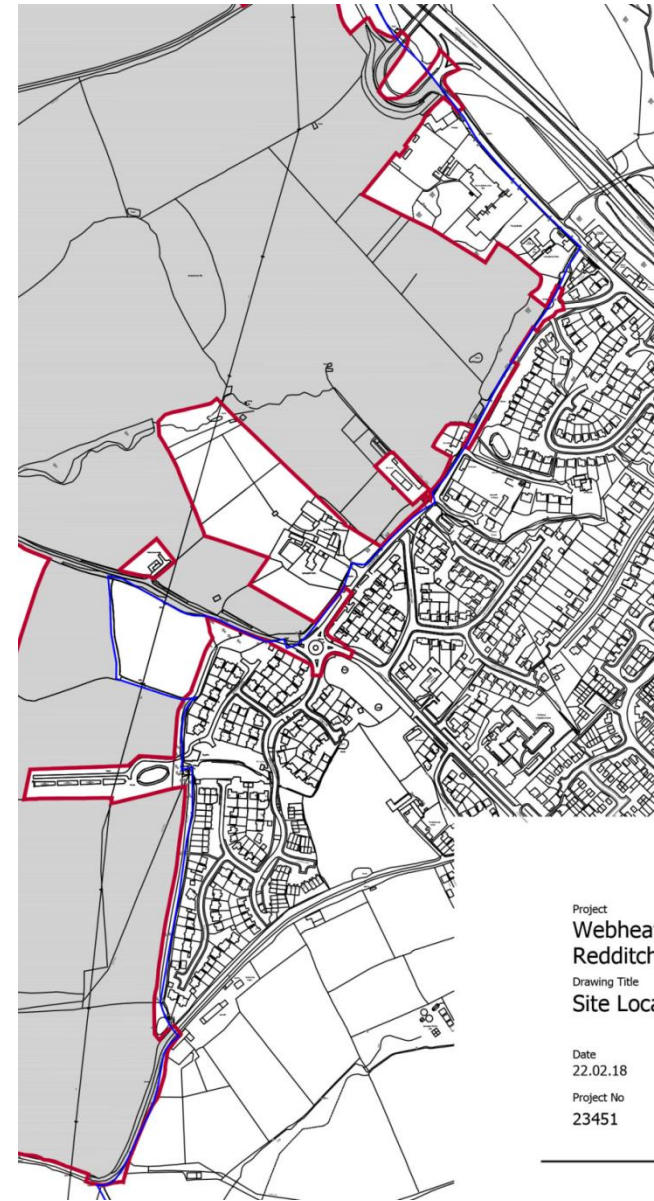
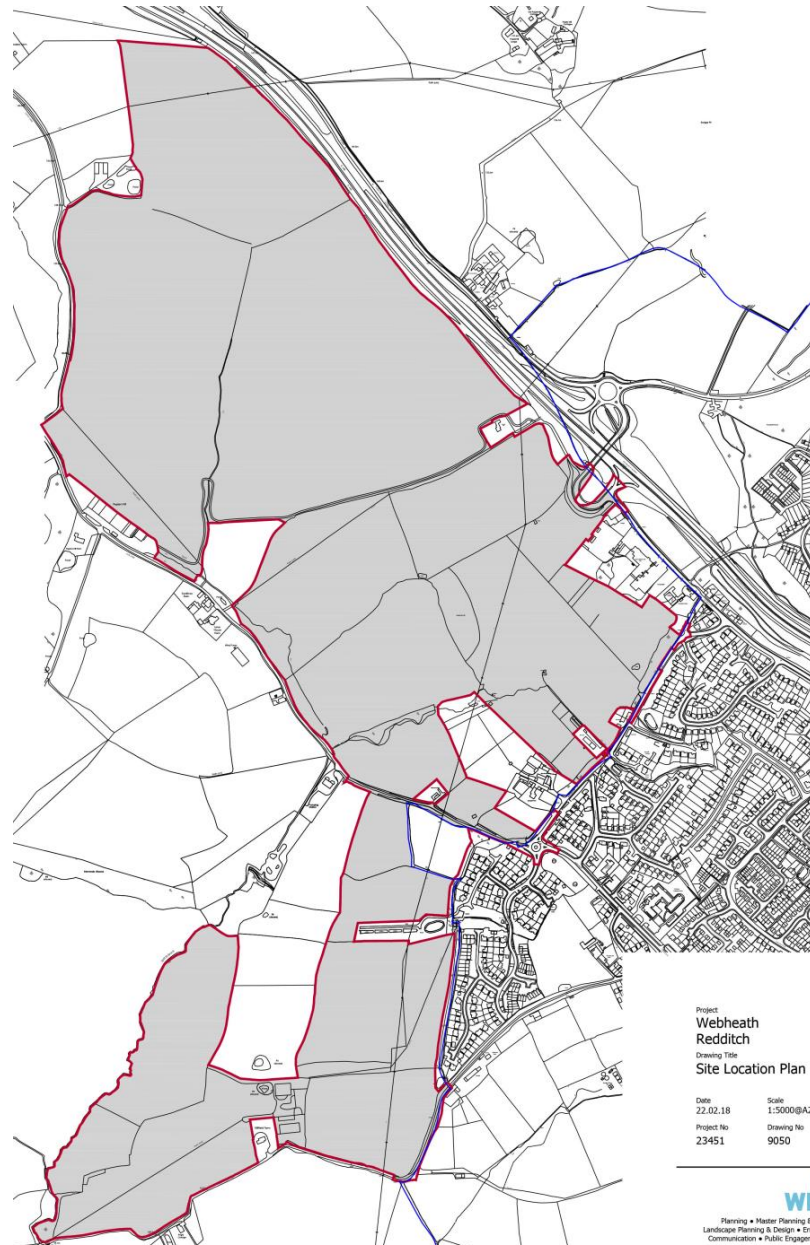
# Location / Site Plan



# Context

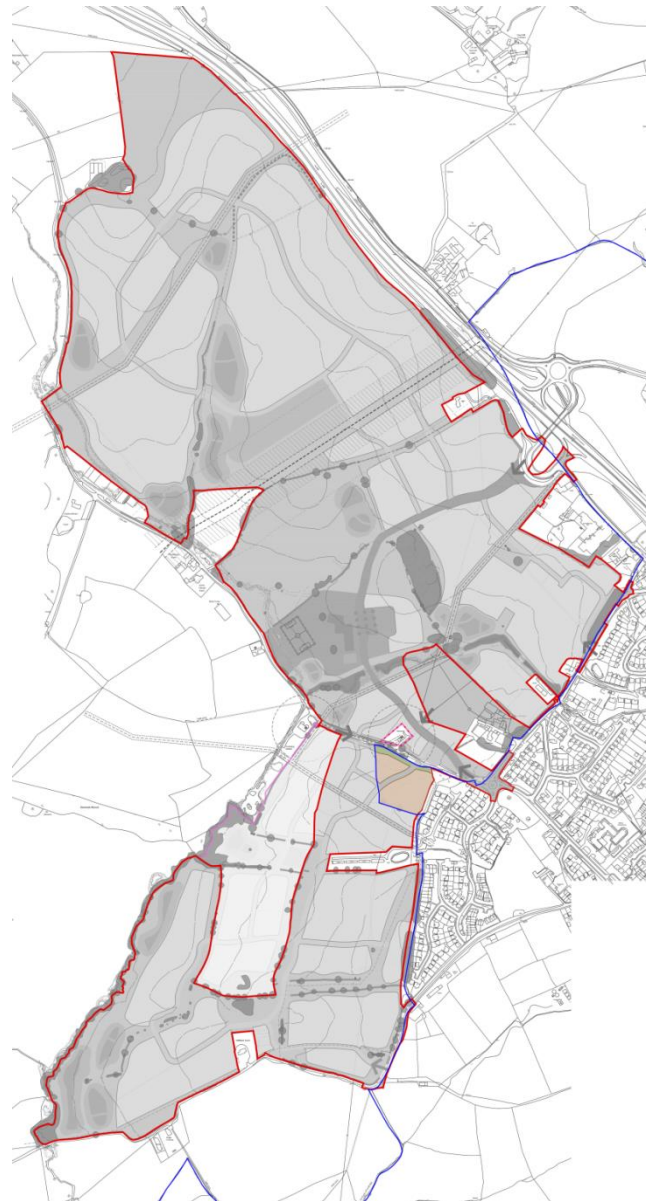


# Administrative Boundaries





# Land Use Masterplan with part of site within BDC shown Grey



	Site Boundary	
	Vehicular Access	
	Emergency & Pedestrian / Cycle only access	
	Residential land (inc. estate roads)	69.22 Ha
	3 form entry Primary School	2.74 Ha
	Community Building	
	Mixed Use	0.46 Ha
	Primary infrastructure (inc. roads adjoined by open space on both sides)	
	Public Open Space (inc. retained/proposed structural planting and drainage)	47.62 Ha
	Area for formal play	1.67 Ha
	Attenuation basins	6.71 Ha
	Existing retained trees and hedgerows	
	Area of additional tree planting	
	Water Borehole and Source Protection Zone	
	Local High Pressure Gas Main	
	Local High Pressure Gas Main HSE Middle Zone	

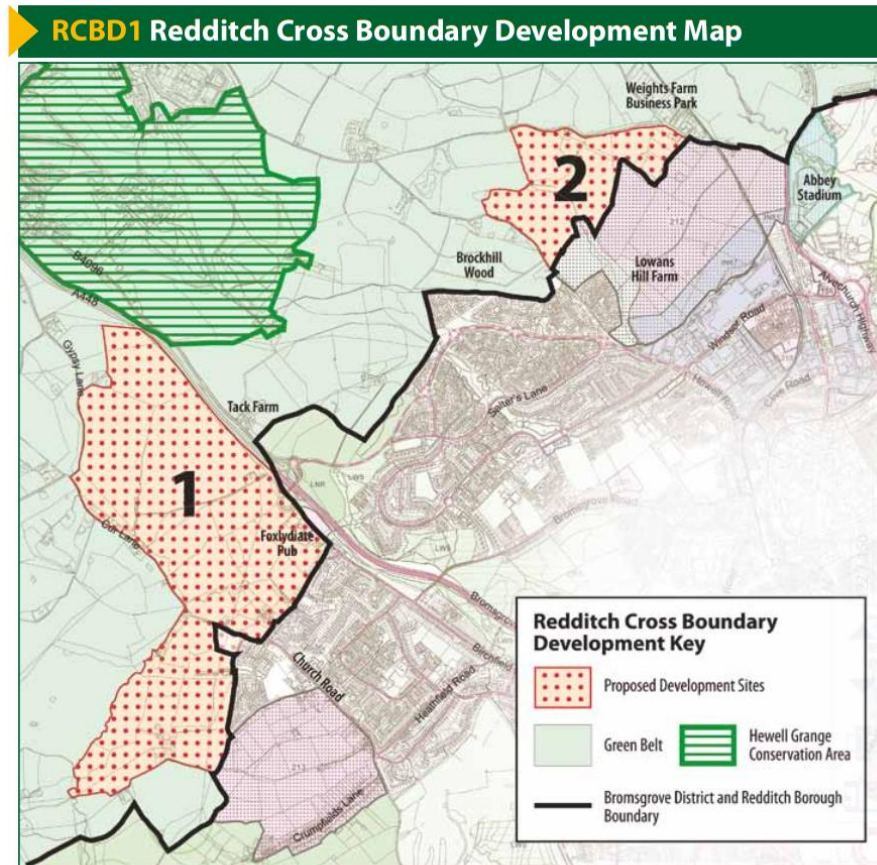
	ESSO Pipeline with associated easement
	Water Mains with associated easement
	Public Rights of Way
	Bridleway
	Monarch's Way
	Proposed ditch diversion
	5m contours
	Planning application 17_00469_OUT
	Development area that will be bought forward at a future time
	Area of Assessment
	Redditch district boundary

Note: Plan to be read in conjunction with detailed highways and drainage drawings and cut&fill exercise.

Project  
**Webheath Redditch**  
 Drawing Title  
**Land Use Masterplan**

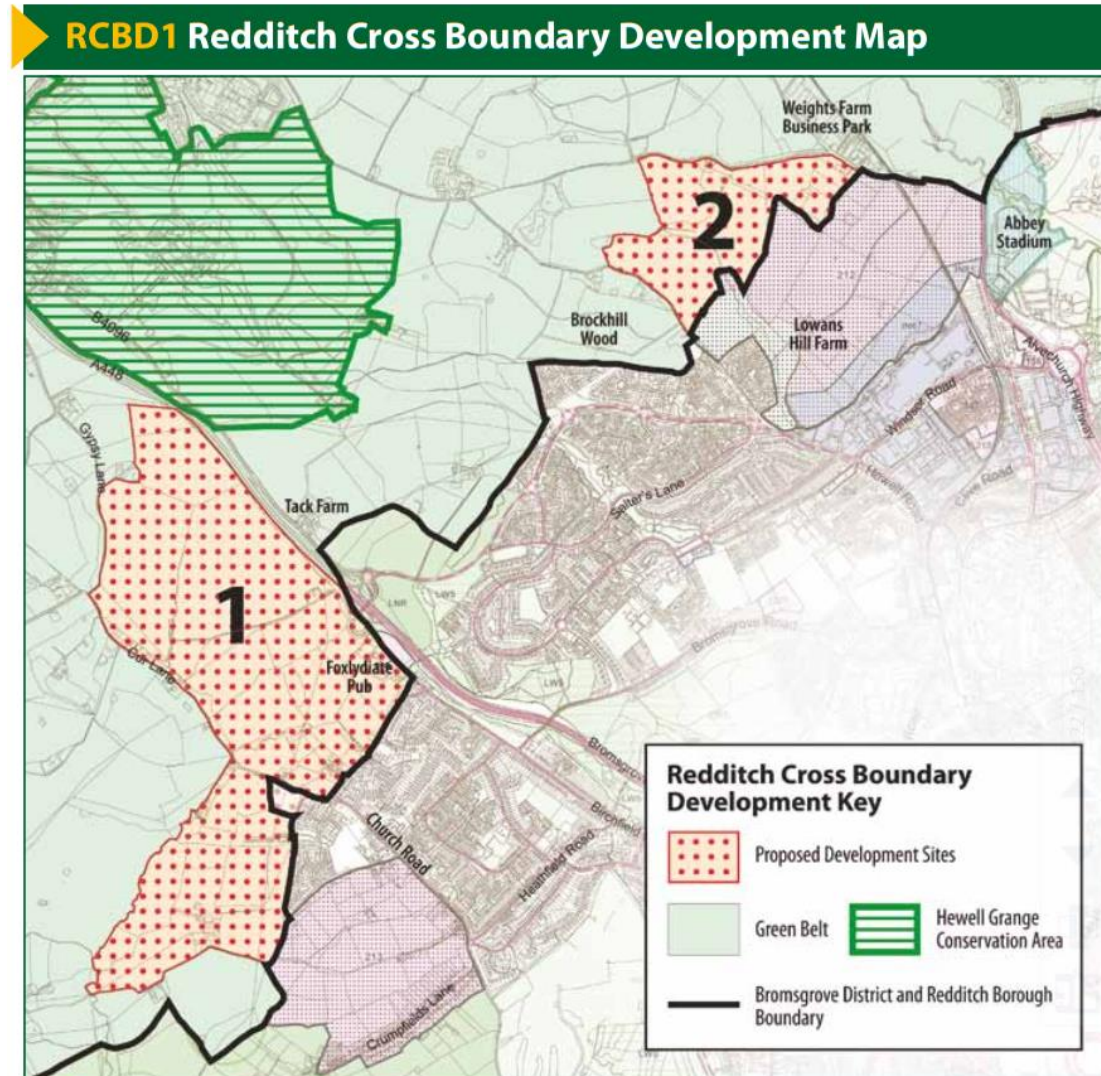
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Project No	Drawing No	Revision	
23451	9414	T	

# Extract from Bromsgrove District Plan

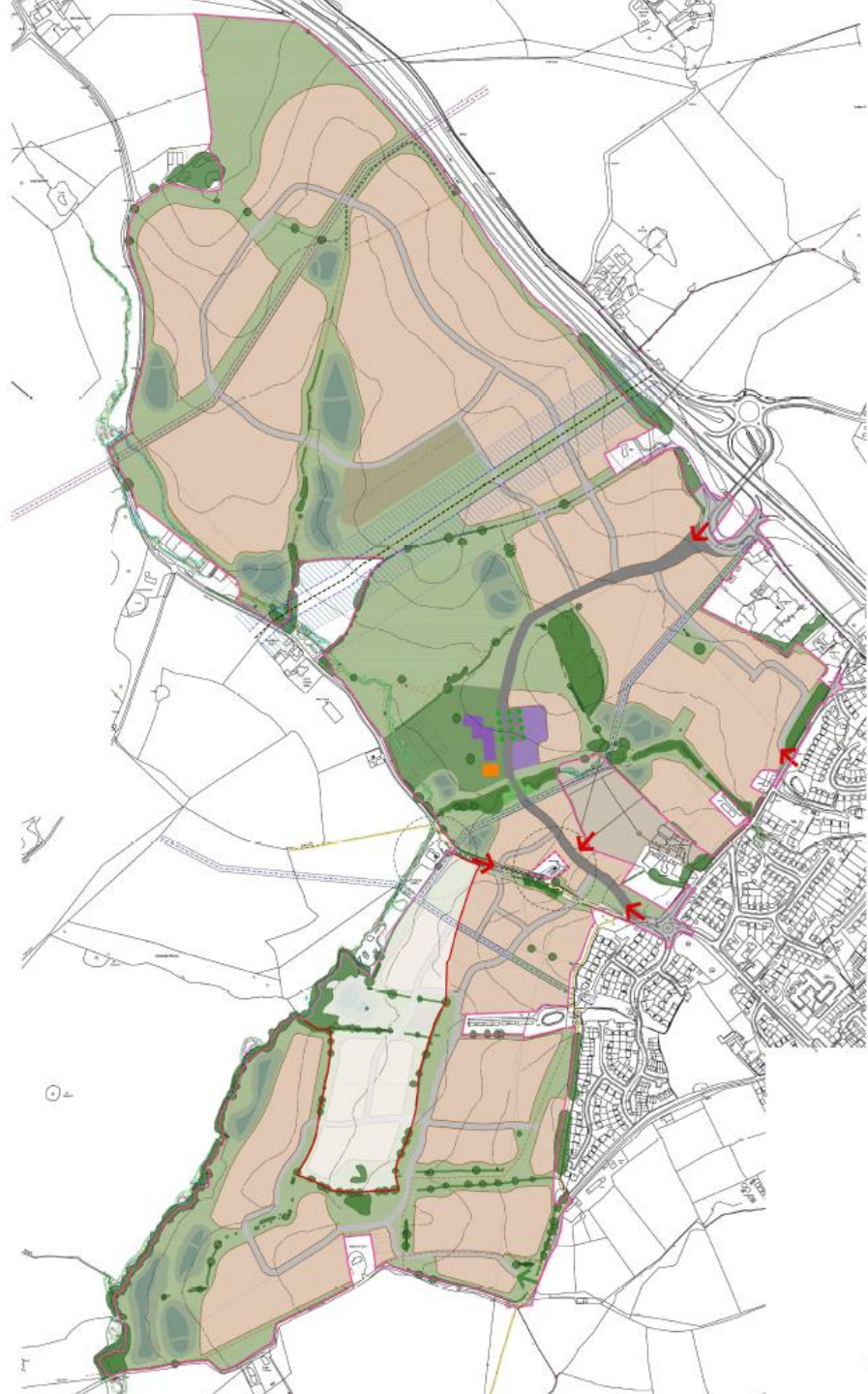


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




















# Extract from Appendix 1 of Borough of Redditch Local Plan No.4



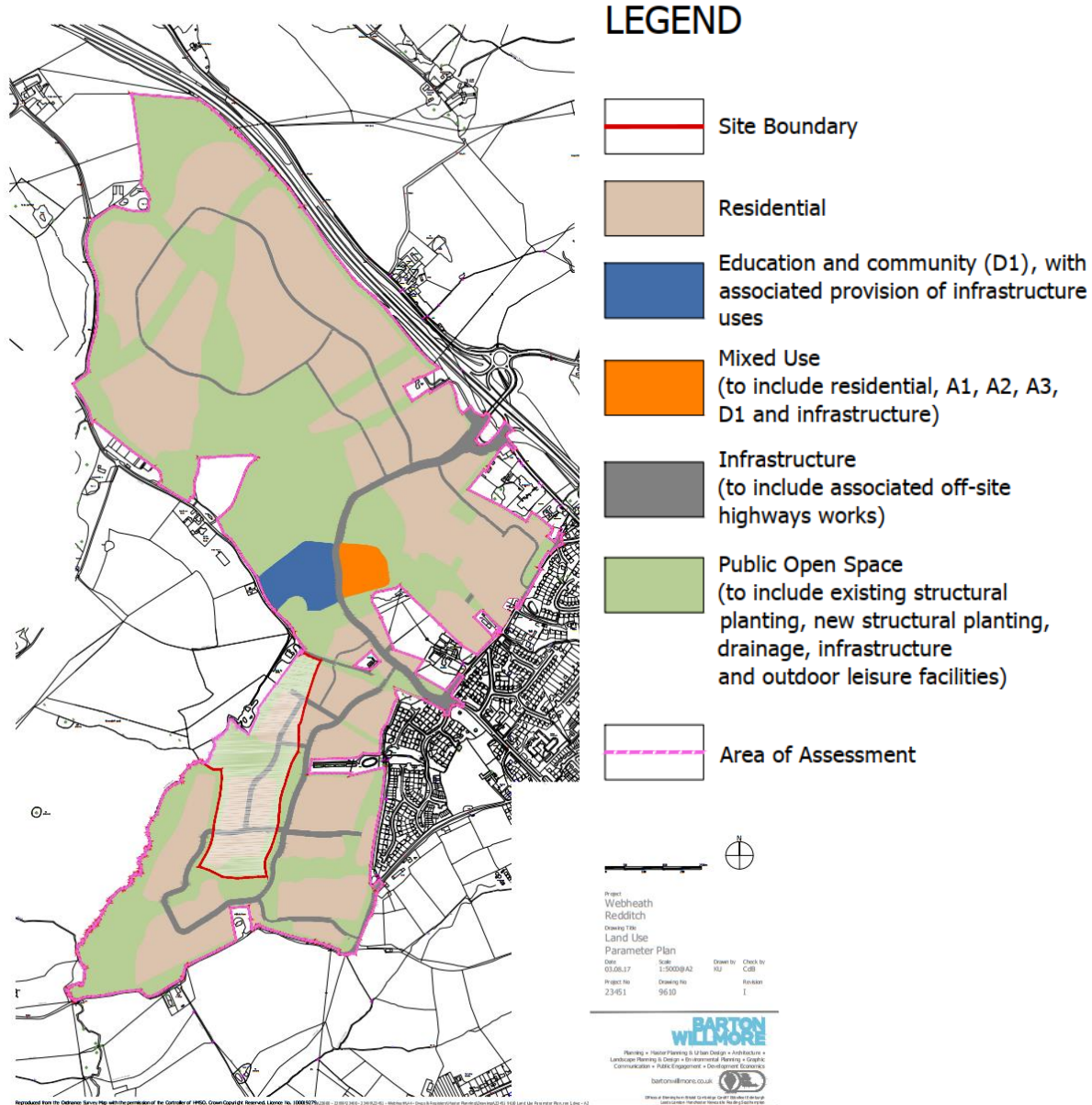
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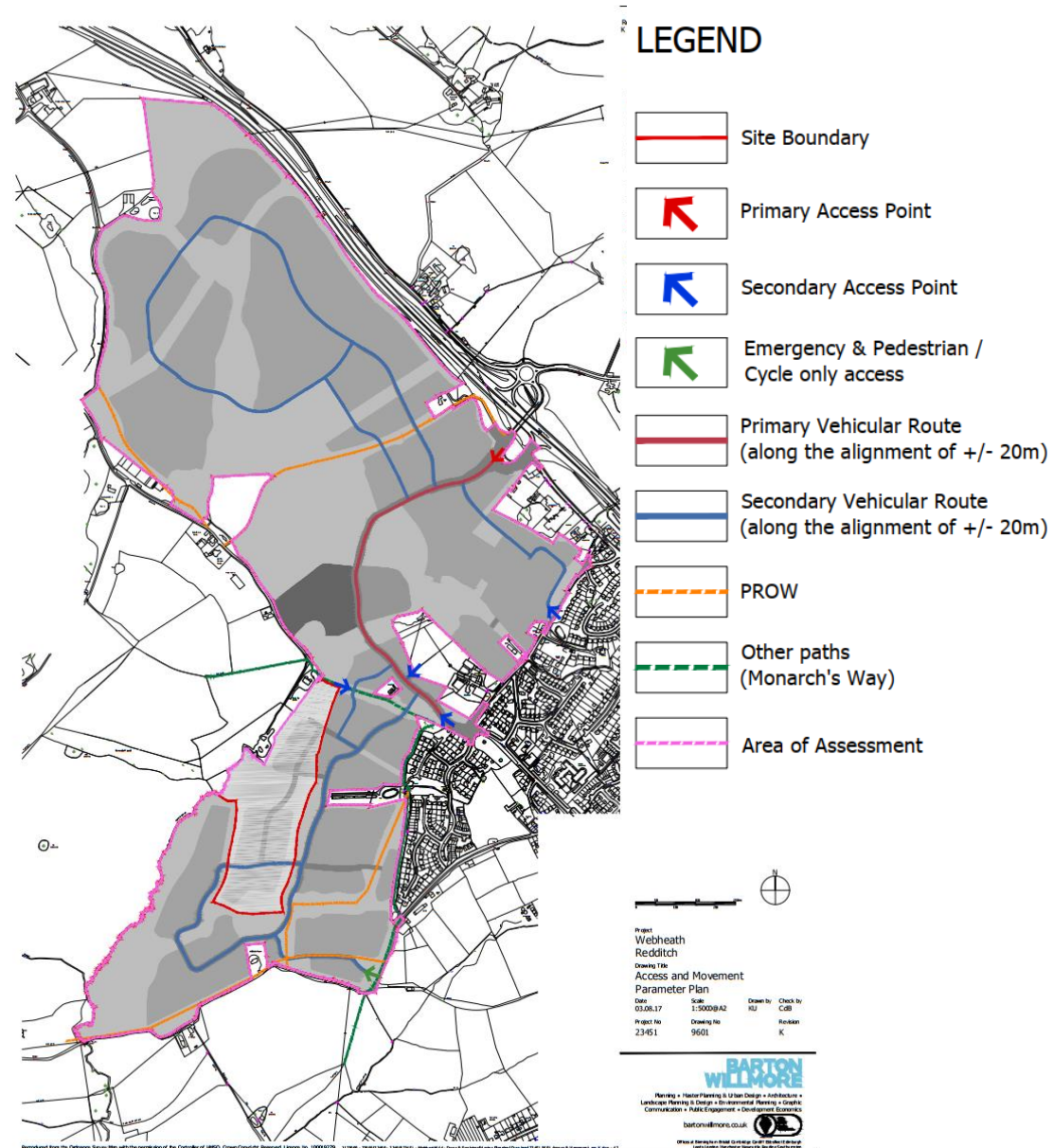
# Land Use Masterplan

	Site Boundary			Area of additional tree planting
	Vehicular Access			Water Borehole and Source Protection Zone
	Emergency & Pedestrian / Cycle only access			Local High Pressure Gas Main
	Residential land (inc. estate roads)	69.22 Ha		Local High Pressure Gas Main HSE Middle Zone
	3 form entry Primary School	2.74 Ha		ESSO Pipeline with associated easement
	Community Building			Water Mains with associated easement
	Mixed Use	0.46 Ha		Public Rights of Way
	Primary infrastructure (inc. roads adjoined by open space on both sides)			Bridleway
	Public Open Space (inc. retained/proposed structural planting and drainage)	47.62 Ha		Monarch's Way
	Area for formal play	1.67 Ha		Proposed ditch diversion
	Attenuation basins	6.71 Ha		5m contours
	Existing retained trees and hedgerows			Planning application 17_00469_OUT
Project <b>Webheath Redditch</b>				Development area that will be bought forward at a future time
Drawing Title <b>Land Use Masterplan</b>				Area of Assessment
Date 26.07.17	Scale 1:2500@A0	Drawn by KU/PT	Check by CDB	
Project No 23451	Drawing No 9414		Revision T	

# LAND USE Parameter Plan **OUTLINE**



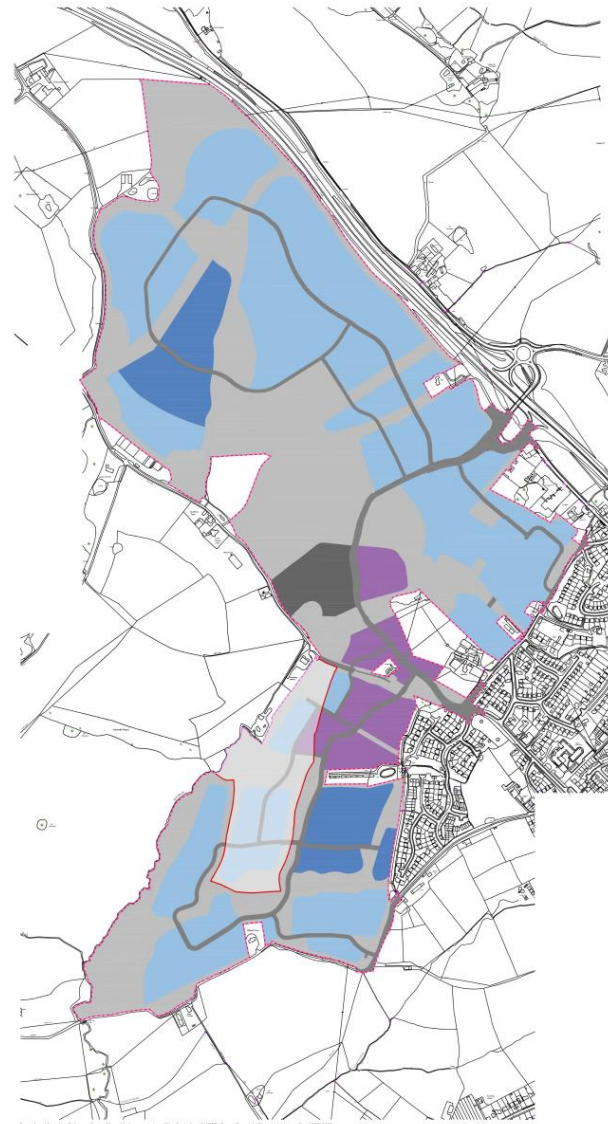
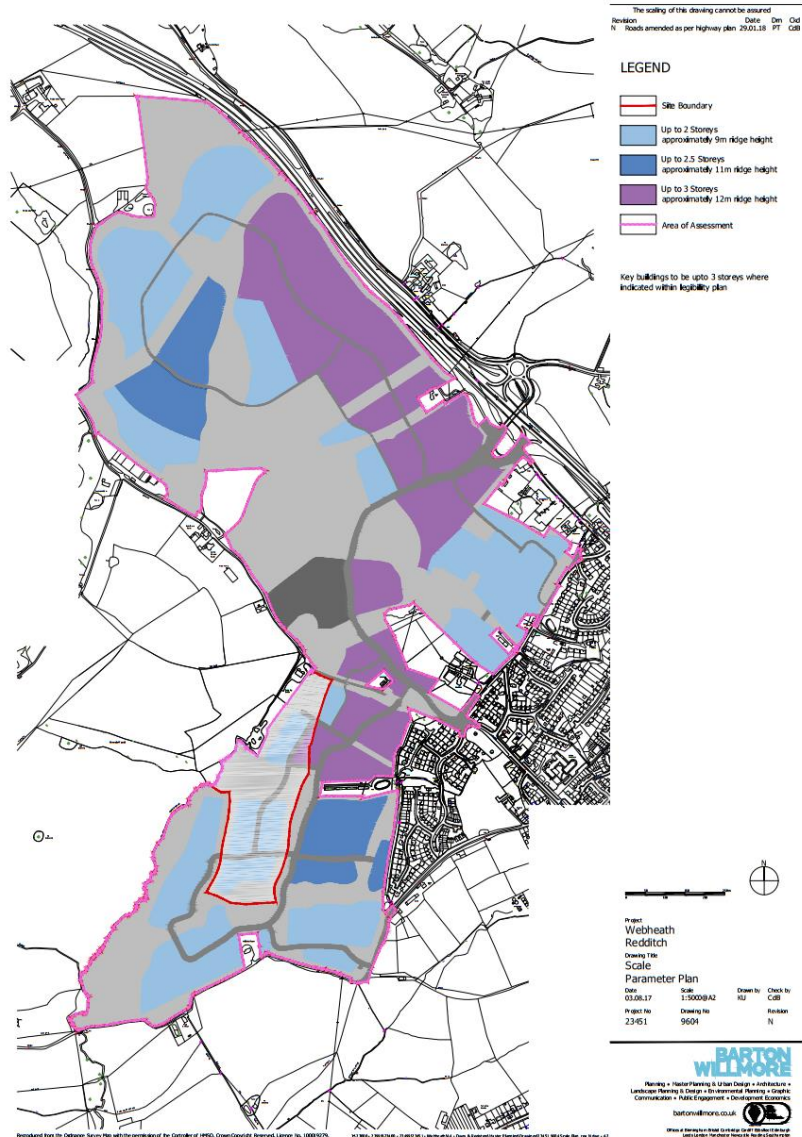
# Access & Movement Parameter Plan **OUTLINE**



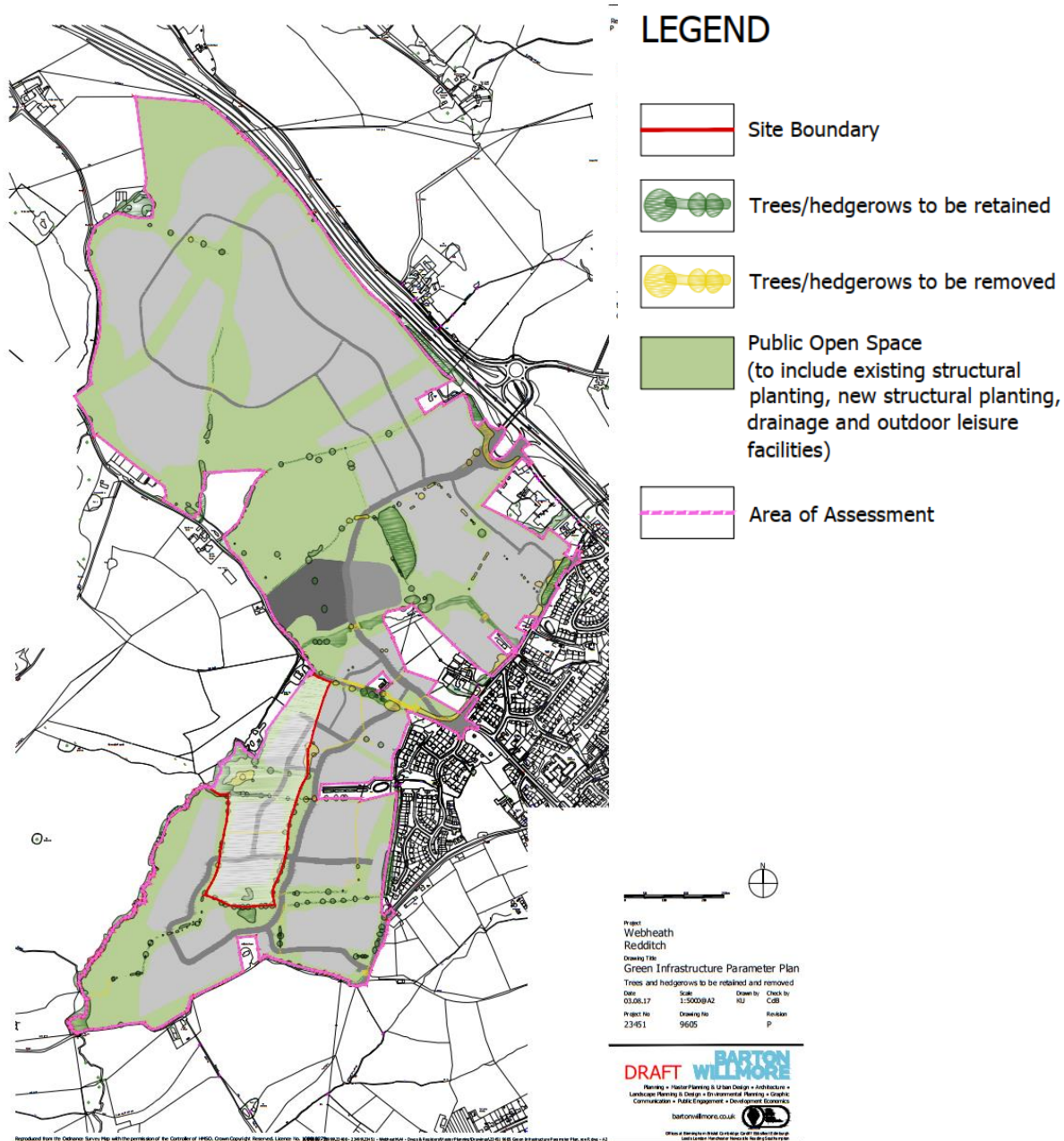
# SCALE Parameter Plan OUTLINE

SUPERSEDED

AMENDED Rev O

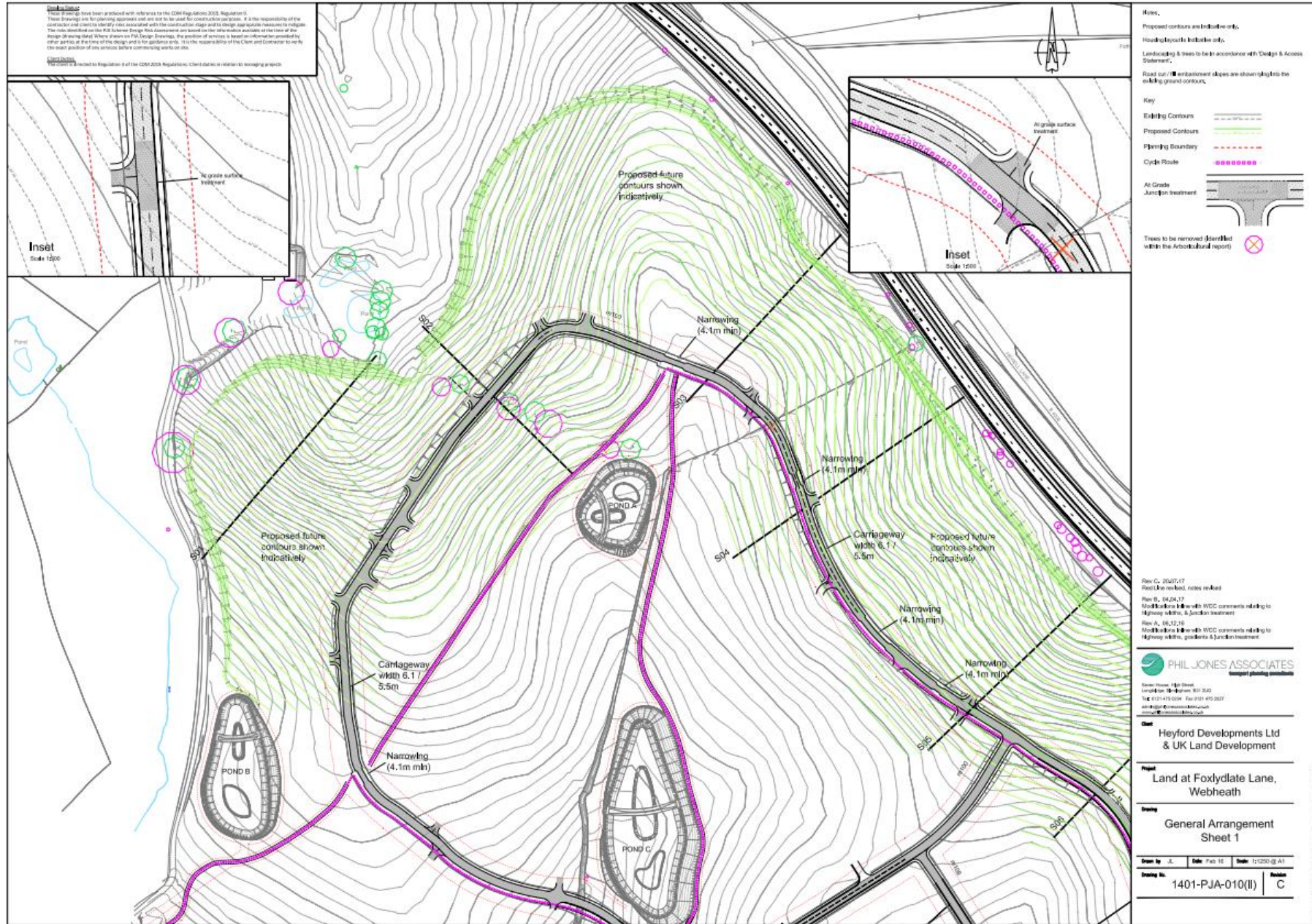


# Green Infrastructure Plan **OUTLINE**

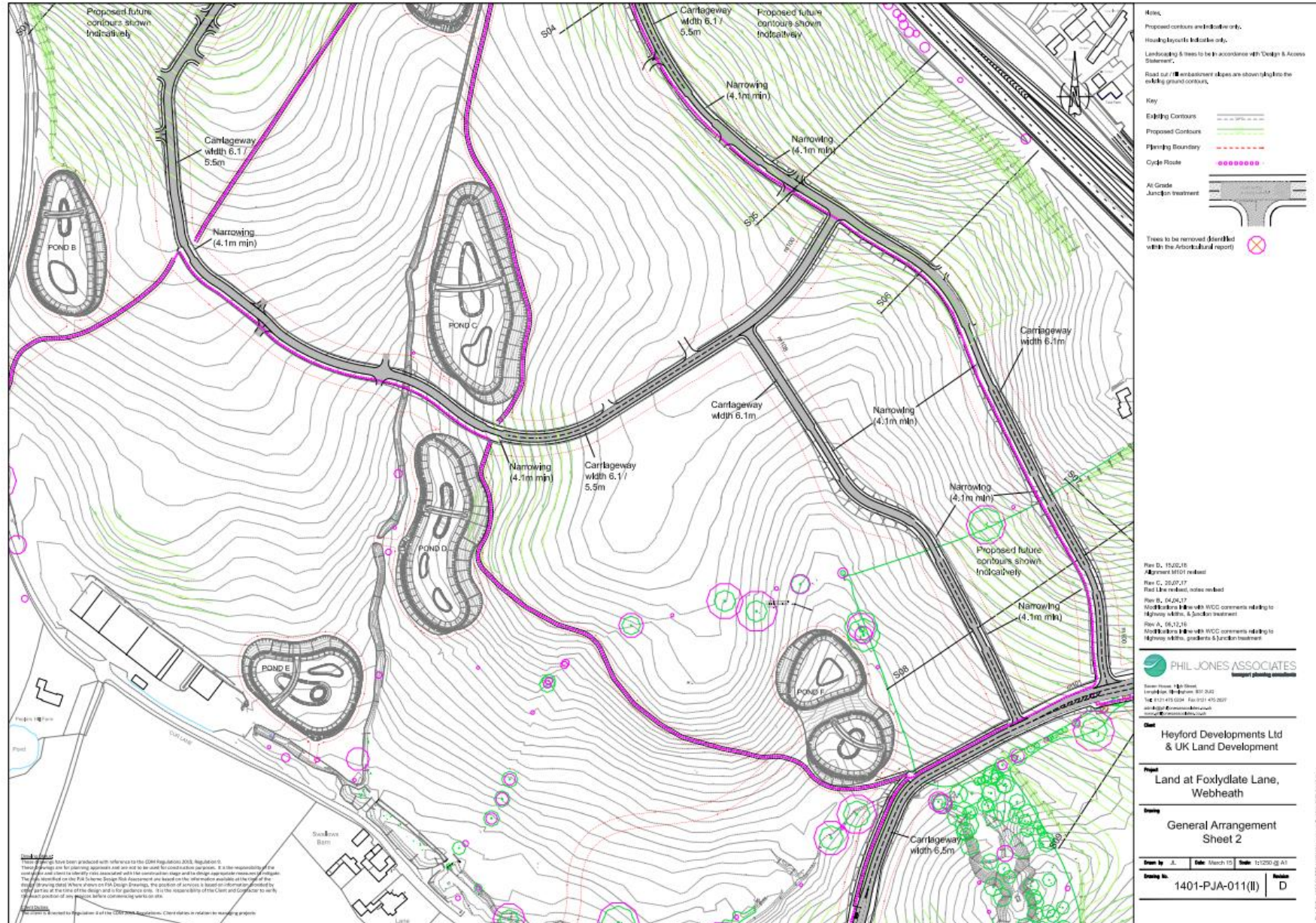




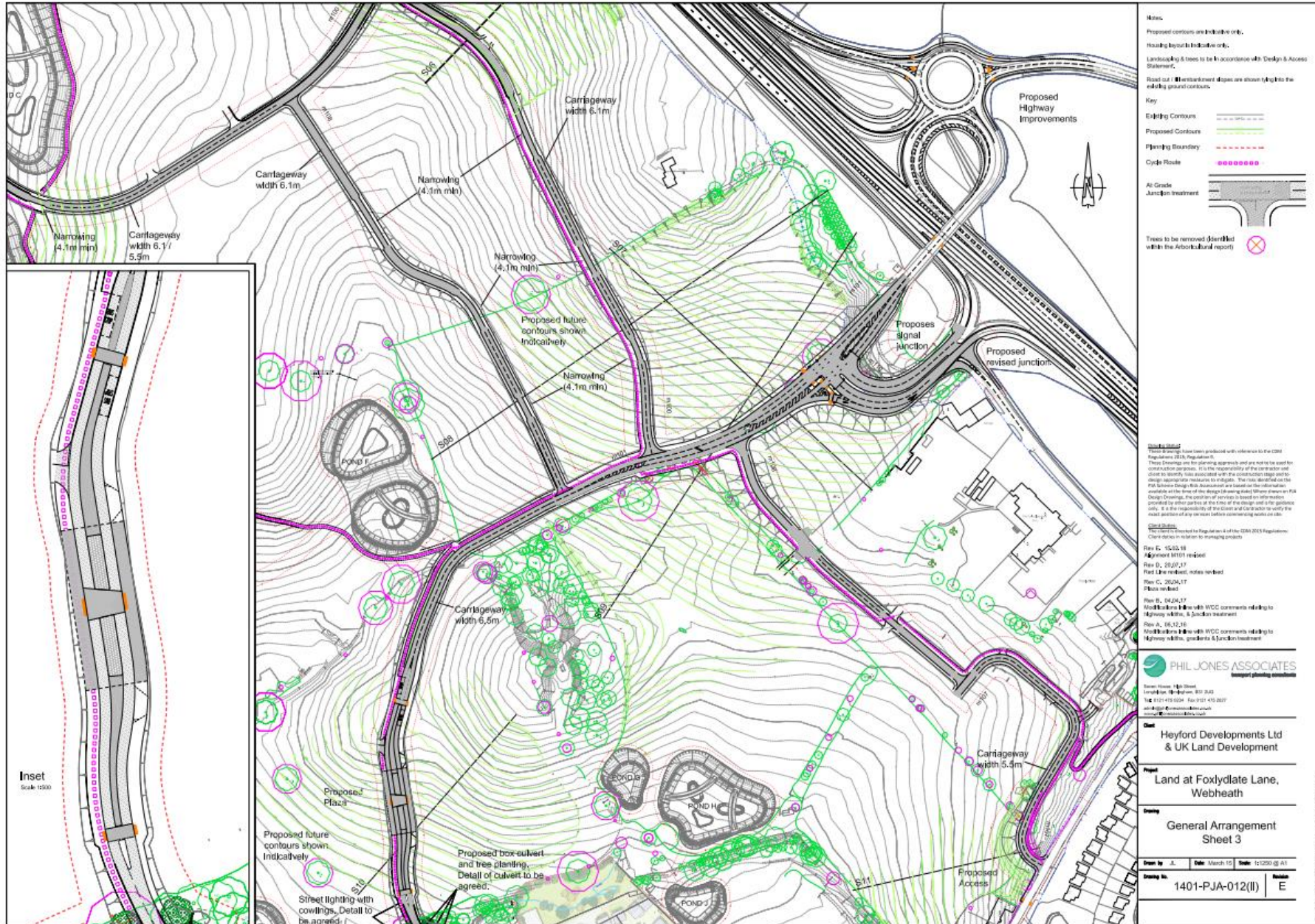
# Internal Service Road (North) FULL



# Internal Service Road (Central) FULL



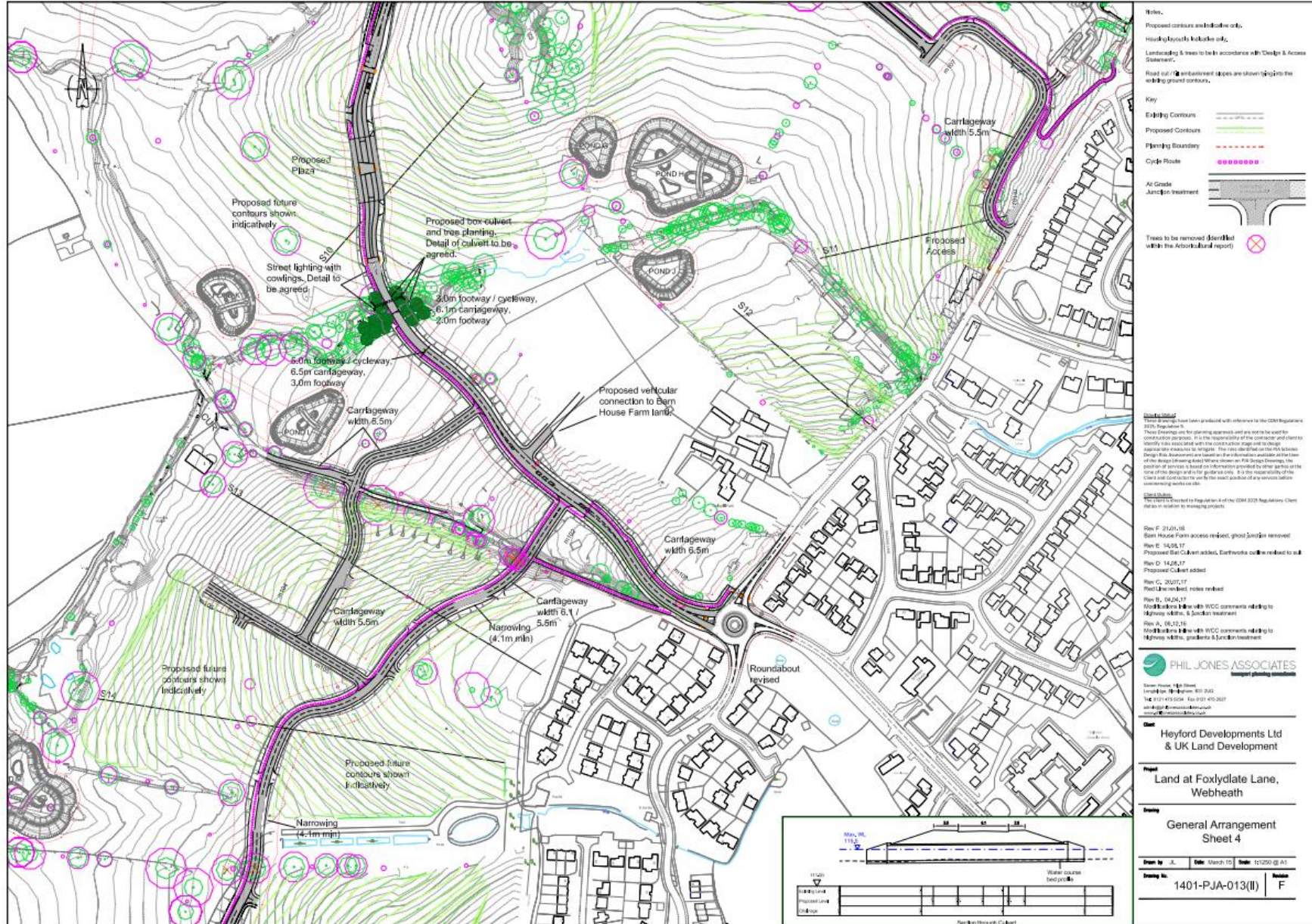
# Birchfield Road Access FULL



# View looking south west towards Proposed access off Birchfield Road



# Foxlydiate Lane & Cur Lane Accesses FULL



# View looking west of proposed access on Foxlydiate Lane



# View looking west along Cur Lane towards proposed access

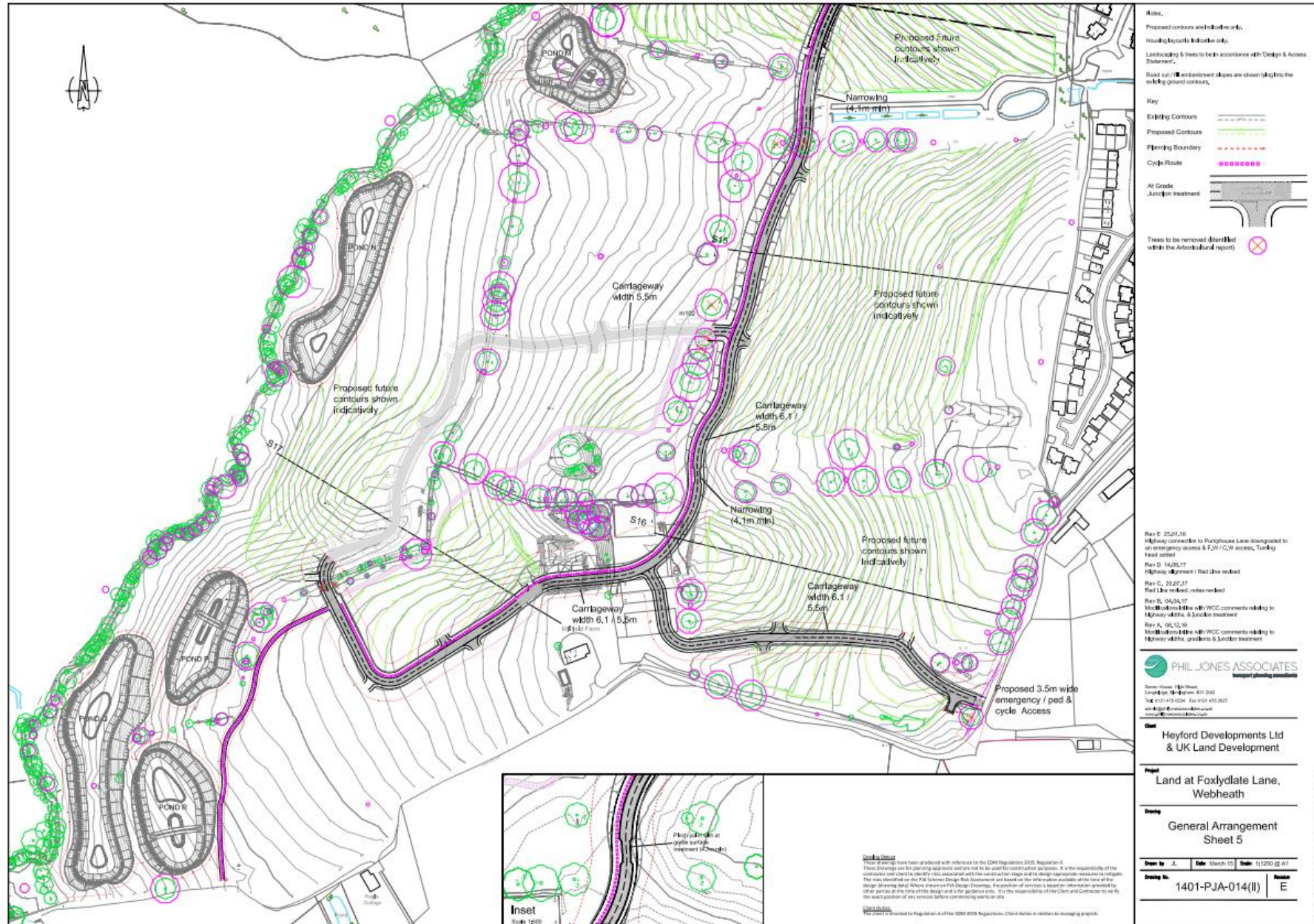


# View from Cur Lane looking east towards junction with Foxlydiate Lane



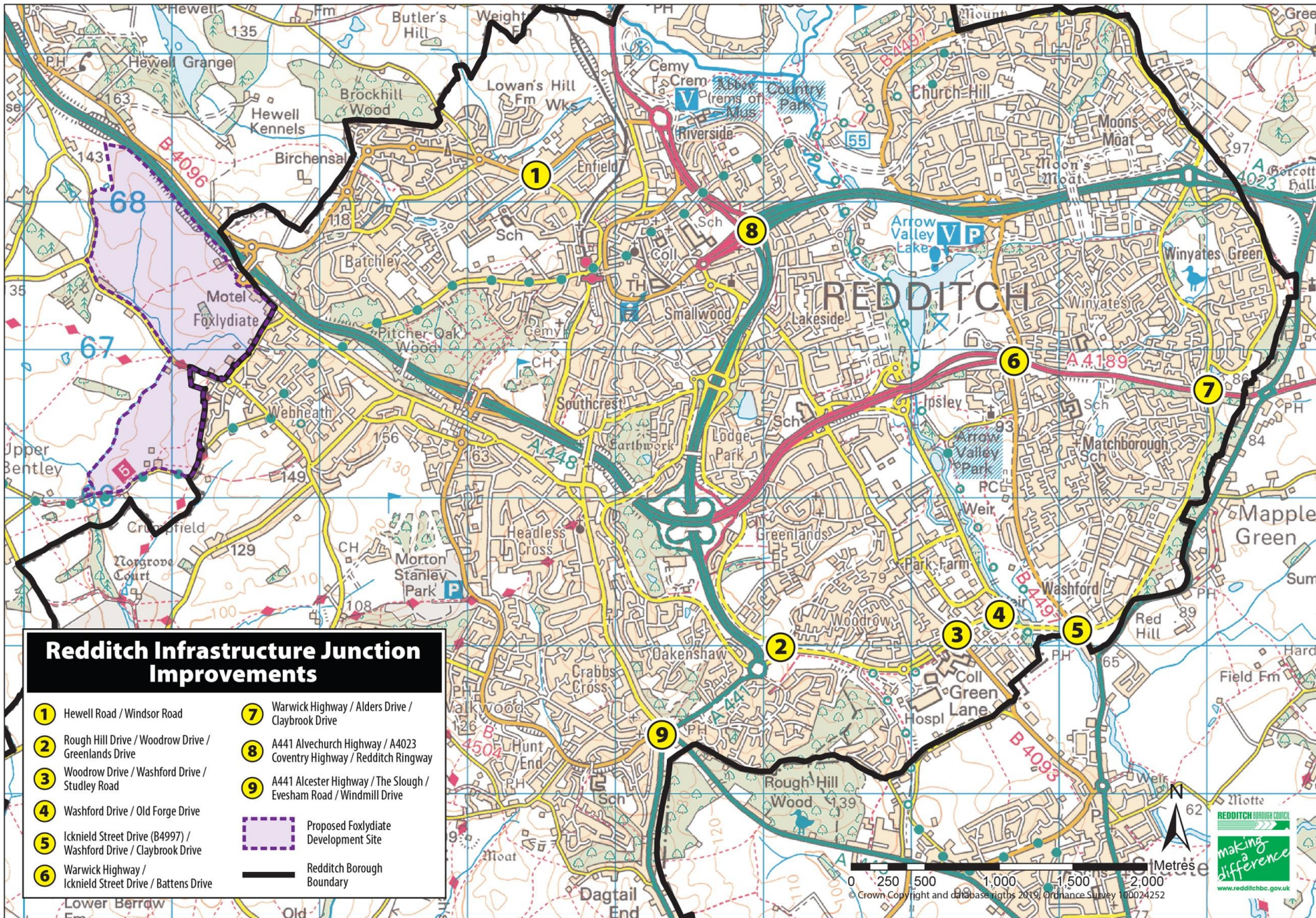


# Pumphouse Lane Emergency/ Pedestrian/Cycle access FULL





# View looking south west towards Pumphouse Lane access





### Redditch Infrastructure Junction Improvements

- 1 Hewell Road / Windsor Road
  - 2 Rough Hill Drive / Woodrow Drive / Greenlands Drive
  - 3 Woodrow Drive / Washford Drive / Studley Road
  - 4 Washford Drive / Old Forge Drive
  - 5 Icknield Street Drive (B4997) / Washford Drive / Claybrook Drive
  - 6 Warwick Highway / Icknield Street Drive / Battens Drive
  - 7 Warwick Highway / Alders Drive / Claybrook Drive
  - 8 A441 Alvechurch Highway / A4023 Coventry Highway / Redditch Ringway
  - 9 A441 Alcester Highway / The Slough / Evesham Road / Windmill Drive
-  Proposed Foxyldiate Development Site  
 Redditch Borough Boundary

0 250 500 1,000 1,500 2,000 Metres  
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