



BROMSGROVE DISTRICT COUNCIL

VIRTUAL MEETING OF THE PLANNING COMMITTEE

TUESDAY 22ND SEPTEMBER 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. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 24th August 2020 (Pages 1 - 4)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 16/0263 - 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 5 - 78)

6. 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

11th September 2020

If you have any queries on this Agenda please contact:

Pauline Ross

Parkside, Market Street, Bromsgrove, Worcestershire, B61 8DA

Tel: 01527 881406

email: p.ross@bromsgroveandredditch.gov.uk

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

GUIDANCE ON VIRTUAL MEETINGS AND PUBLIC SPEAKING

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](#)

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.

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 before 12 noon on Friday 18th September 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 Friday 18th September 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
- 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.

BROMSGROVE DISTRICT COUNCIL

VIRTUAL MEETING OF THE PLANNING COMMITTEE

MONDAY, 24TH AUGUST 2020, AT 6.03 P.M.

PRESENT: Councillors R. J. Deeming (Chairman, in the Chair during Minute No. 24/20), P. J. Whittaker (Vice-Chairman, in the Chair during Minute No's 20/20 to 23/20), S. J. Baxter, A. J. B. Beaumont, S. P. Douglas, A. B. L. English, M. Glass, H. J. Jones, J. E. King, P. M. McDonald and P.L. Thomas

Officers: Ms. C. Flanagan, Mr. D. M. Birch, Mr. S. Jones, Ms. K. Hanchett, Worcestershire Highways Authority, Mrs. P. Ross and Mrs S. Sellers

20/20 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillor S. G. Hession and Councillor R. J. Deeming. Councillor H. J. Jones was in attendance as substitute for Councillor S. G. Hession.

It was noted that Councillor R. J. Deeming initially gave his apologies due to technical issues. However, these were resolved and Councillor Deeming joined the meeting for Agenda Items 5 and 6.

21/20 **DECLARATIONS OF INTEREST**

Councillor P. M. McDonald declared in relation to Agenda Item 5 (Minute No 24/20), that he had a predetermined view on the matter and would be speaking on this item as Ward Councillor under the Council's public speaking rules.

22/20 **MINUTES**

The Minutes of the Planning Committee meeting held on 3rd August 2020, were received.

RESOLVED that the minutes of the Planning Committee meeting held on 3rd August 2020, be approved as a correct record.

23/20 **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING (TO BE CIRCULATED PRIOR TO THE START OF THE MEETING)**

The Vice-Chairman announced that an Update had been circulated to all Planning Committee Members, however, the Committee Update was not circulated until late afternoon, therefore not all Planning Committee

Members may have had the opportunity to read the Committee Update report. It was agreed by Members that officers would cover the contents of the Committee Update report during the officer presentation.

24/20

20/00479/FUL - PROPOSED CHANGE OF USE FROM B1 TO B8 WITH DETACHED COLD STORAGE BUILDING TO REAR AND ERECTION OF THREE METRE HIGH TIMBER FENCE PANELS TO OUTER PERIMETER OF PRIVATE SERVICE ROAD TO, AND ENCLOSING REAR YARD/PARKING AREA - 30 THE AVENUE, RUBERY, BIRMINGHAM, WORCESTERSHIRE, B45 9AL - ADAM FOOD SERVICES LIMITED

Officers presented the report and explained that planning permission was being sought for the proposed change of Use from B1 to B8 with detached cold storage building to the rear and the erection of three metre high timber fence panels to the outer perimeter of the private service road, to and enclosing the rear yard/parking area.

Officers provided a detailed presentation of the application.

At the request of the Committee, officers provided details of the Committee Update. The applicant had made a correction to the proposed hours of working. The applicant had explained that there had been an error in the completion of their application and that they were not seeking to work on Sundays / Bank Holidays.

Officers further informed Members of the revised Recommendation detailed in the Committee Update report.

Further representations had been received making allegations of working outside the hours proposed in the application, for example deliveries being made as early as 6:30am.

In response to the applicant's error in completing the application form removing Sunday/Bank Holiday working from the proposal, the officer's substantive view was that the application should be still be refused.

At the invitation of the Chairman, Mrs. J. Horton and Ms. K. Knight, addressed the Committee in objection to the Application. Mr. M. Nathan, the Applicant's Agent and Mr. W. Muhammed, the Applicant addressed the Committee. Councillor P. M. McDonald, in whose Ward the Site was located also addressed the Committee in objection to the application.

In response to questions from Members with regard to noise complaints, Mr. S. Williams, Worcestershire Regulatory Services (WRS) informed Members that WRS had received a number of complaints regarding noise nuisance, the last complaint received was on 20th August 2020, in respect of the number and frequency of HGV vehicles arriving per hour at the premises. No enforcement action had been taken in respect of noise complaints.

Officers responded to further questions from Members regarding noise mitigation measures in order to limit the amount of noise from the premises and in doing so clarified that; as detailed in the Sanctuary Acoustics report:

- An acoustic fence would mitigate noise; however, the application did not detail the acoustic specification of the fence proposed.
- The refrigeration unit fans were fixed halfway up the cold store wall. Noise would be reduced, for residents in that vicinity, if the unit fans were fitted lower towards ground level.
- Noise from forklift trucks, when reversing, could be mitigated if white noise reversing beepers were fitted, as these were less intrusive.

In response to Members, Mr. S. Williams, WRS, explained the standard regulatory requirements for acoustic fencing.

Some Members commented that the application presented a bit of a quandary, as there was a need to encourage economic development in the district. The business was a successful business, but possibly in the wrong area now. Mr. S. Williams, WRS had confirmed that no noise complaints had been upheld.

Members questioned what benefits would be achieved by putting in mitigation measures. On balance, some Members were of the opinion that the proposed change of use from B1 to B8 was not appropriate in this residential area.

Officers clarified questions with regard to where deliveries were made and in doing so, commented that the main service / delivery hatch was located to the front of the building adjacent to and north of the gated access to the rear yard.

Some Members expressed their concerns and commented that there was a real conflict, you had a very successful business on an established industrial estate, which had not set out to annoy residents, however, it has annoyed residents. Members also noted that the supporting statement claimed that one frozen food delivery occurred per day, however, residents had stated that there were many lorries arriving.

Officers informed the Committee that as detailed in the Design Access Statement 'The site received one/two frozen lorry deliveries a day between 08.00 – 11.00am only. Once unloaded Adams employees then despatched orders to customers across the United Kingdom'.

Members further debated if there could there be a solution to mitigate / reduce noise nuisance.

With the agreement of the Chairman, officers informed the Committee that they had given some considerable thought as to whether the use could be made more acceptable with the imposition of conditions.

Other than controlling the general hours of use, any other conditions which sought to try and limit the number of deliveries, the hours when deliveries were received, the frequency of deliveries or the requirement for engines to be idled; would be challenging in terms of monitoring compliance. This was not a resource issue for the Council, in his professional opinion, any local planning authority would struggle to enforce such conditions.

There had to be a reasonable expectation from the public that any such conditions would be enforced.

Officers could verify compliance with regard to on site mitigation measures, in respect of the acoustic fencing, the unit on the cold store being lowered and the opening and closing hours of the business; but not the monitoring of deliveries, it would not be practical to have ongoing monitoring of deliveries though out the day. The Council's Legal Advisor also reiterated this.

Officers responded to further questions from Members regarding deliveries. The Chairman allowed Councillor P. M. McDonald to ask a question regarding this.

Having considered all of the information provided and with some Members stating that the proposal for B8 use was not appropriate in this area; Members were minded to refuse the Application.

RESOLVED that permission be refused, as detailed on page 1 of the Committee Update report as follows:

Amended reason (omitting reference to working on Sundays and Bank Holidays)

1. Notwithstanding the proposed mitigation measures, including revised start times the proposed B8 use would; by reason of its operational parameters, the proximity of its service yard, cold store, and associated access, to neighbouring dwellings and their associated private gardens in Richmond Road and Barrington Road; constitute an incompatible use and have a demonstrably adverse impact upon the residential amenity enjoyed by the occupiers of those properties in terms of external noise and fumes arising from vehicles and refrigeration units and associated disturbance from loading and unloading. Accordingly, the proposal is contrary to Policies BDP1, BDP14 and BDP19 of the Bromsgrove District Plan.

The meeting closed at 7.23 p.m.

Chairman

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 14th 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 13th November 2019 and was deferred for further consideration to consider options regarding access for construction traffic. Subsequently, on 19th 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.

- 1.4 This item was deferred from the meeting of 17th August 2020 to enable further comments to be obtained from Worcestershire County Highways and the Council's appointed Highway Consultants – Mott MacDonald in response to various technical submissions. Their latest comments are reproduced at section 4.3.

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 14th October 2019.
- 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 Pauncefoot PC

4.1.1 07-02-2020

Bentley Pauncefoot 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.

4.1.2 10/02/2020 BPPC

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.

4.1.3 11/02/2020 BPPC Comments on 'Construction Access Review'

- Using Foxlydiat Lane is not shown to be safe or suitable for construction access.
- The Foxlydiat 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?

4.1.4 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.

4.1.5 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 Foxlydiate 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.

4.1.6 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?

4.1.7 Bentley Pauncefoot PC 3rd March 2020

Bentley Pauncefoot Parish Council (BPPC) remain deeply concerned that matters material to the above planning application (referred to as Foxlydiate) 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 Foxlydiate 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 Foxlydiate 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 Foxlydiate 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 & 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.

4.1.8 BPPC 12-08-2020 Hybrid Application 16/0263 - Cur Lane and Phasing

Bentley Pauncefoot Parish Council (BPPC) delayed submitting this document as we had been expecting a response to our earlier submission. A letter, submitted by BPPC on 3rd March 2020, was forwarded to the applicant's representative with a request for a formal response. The applicant's representative was informed that both the letter and response would be reviewed by Mott MacDonald.

The applicant's representative queried whether they would also be reviewed by WCC Highways. We do not know what the response to this query was.

As no report from Mott MacDonald has been placed on the web page for the application, we felt it appropriate to wait for the Case Officer's report assuming that our points would be addressed within it, hence the delay in providing this response.

However, the only comments by the Case Officer in the Reports Pack relating to our submissions (7.18 - 7.21) are a direct copy of those included in the report for the RBC Planning Committee meeting of 19th February 2020. This is both surprising and disingenuous.

The comments suggest to the reader that all reports and documents submitted by BPPC have '*been scrutinised*' and '*subject to detailed discussion*' by Mott MacDonald and WCC Highways and '*there remain no outstanding technical or highway matters*' by either of these consultees.

Yet no evidence has been presented to substantiate these statements.

As stated by Mott MacDonald (MM), they have been commissioned by Bromsgrove District Council to undertake an independent review of the transport related documents associated with planning application 16/0263.

Yet there appear to be some important documents that have not been reviewed by MM, or at least their reports are not available on the application's web page. For instance, we can find no report on PJA document 'Site Access and Development Triggers' dated 02/11/18 (which we only saw when attached to the PJA document dated 23/03/202). This is an important document that includes detailed traffic modelling to justify amending the phasing of junction improvements. It still includes traffic turning right onto the A448 out of Birchfield Road.

BPPC have seen no reports from MM for this application since August 2019 so it appears that, in addition to our letter of 3rd March 2020 and the applicant's response described above, MM have not been asked to review the reports BPPC commissioned from an independent traffic consultant in February or the Construction Access Plan proposed by the applicant to address RBC Planning Committee's concerns. In their report of 28th

August 2019 MM state that the last document from WCC Highways they reviewed was the letter of July 2018 hence it appears they have not reviewed the revised phasing submitted by WCC Highways in September 2019.

BPPC, therefore, refute the claim that the transport related documents have been 'scrutinised' or 'subject to detailed discussion'. Without evidence of this scrutiny we can only conclude that the documents have not been subject to the due diligence required. BPPC have reviewed the document 'PJA Response to BPPC Letter dated 23/03/2020 and have the following comments:

CUR LANE

This application makes a substantial change to Cur Lane. It cuts it off from the roundabout in Webheath and connects it to one of the residential roads within the development. BPPC have always expressed concern for the impact of the development on Cur Lane. This is borne out by the high number of objections that refer specifically to concerns for the impact on the lanes. There is no explanation or evidence for this change to Cur Lane. Why is it necessary to change it at all? There is clearly no benefit to our residents and no evidence has been provided regarding the impact of this change on them. If Cur Lane (West) is an access (and therefore part of the full planning element of the application) why, in para 6.3.4, do they state that it is their intention to undertake a public consultation as part of the technical approval process. If the application is approved in its current form the applicant will have permission to make the change to Cur Lane so a consultation at a later date is redundant. 83% of respondents to a recent survey carried out by BPPC stated that they wished to see the Cur Lane (West) access closed to motorised vehicles. In early discussions the developer indicated that this would be acceptable to them.

Closing it would have a number of benefits particularly for NCN5. It would mean that it was in line with the Government's recent announcement to encourage walking and cycling by stopping rat-running, an initiative supported by WCC Highways.

DfT's recently published Cycle Infrastructure Design document (whose key advisers, we understand, were PJA's Phil Jones and Adrian Lord) reminds us that:

Cyclists and pedestrians are considered to be 'traffic', within the meaning of the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004, and therefore duties to manage the road network to secure 'expeditious and safe movement for all traffic' apply to them as well as motorised modes.

BPPC therefore urge the LPA to amend Cur Lane (West) to be for emergency, pedestrian and cycle access only. This closure could be reviewed once the A38 congestion easing works, which the applicant is contributing to, are completed.

PHASING

It is anticipated that developing this site will take around 15 years. It is therefore important that the impact of the phasing is carefully considered for both existing residents and the occupiers of the early phases of the development.

In our letter to the Head of Planning we asked for evidence that some key requirements of the NPPF have been met, in particular the requirements of paragraphs 108 and 110 of the NPPF, which state (specific points highlighted in bold by us):

108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) *safe and suitable access to the site can be achieved for all users; and***
- c) *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.*

110. *Within this context, applications for development should:*

- a) ***give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas;*** and second – so far as possible – *to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;***
- c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) *allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

The response from the applicant has not provided that evidence.

Their response points to the modelling carried out to assess road capacity. This merely concerns itself with queuing time at junctions for vehicles rather than how access points will be safe for all types of users or how they plan to encourage, and prioritise, walking and cycling. But even this information is not correct. It has not correctly modelled the planned phasing for capacity so it is not proven that the phasing proposed can support the traffic it will generate.

Overall our concern is that the phasing proposed is unsustainable. It encourages car dependency, it has no provision for vulnerable users to access facilities, especially key ones such as schools and GP surgeries and puts unnecessary reliance on Foxlydiat Lane with all the safety issues this raises.

The case officer has confirmed that development traffic can use the Birchfield Road access prior to the trigger point. We urge the LPA and the Planning Committee to insist that the spine road and the access on the Church Road/Gt Hockings Lane/Foxlydiat Lane/Cur Lane roundabout be completed before any dwellings are occupied. This would allow the planned bus service to operate along the spine road before new occupants become car dependent and, by encouraging motorised traffic to use the spine road, it would make access to schools and facilities for pedestrians and cyclists safer. BPPC make the following specific points:

1. The conditions for the phasing of accesses specify that the Foxlydiat Lane access will be the only access to support all the traffic associated with the first 399 dwellings. This will be for a number of years. We understand that trigger points are 'end stops' so construction of additional accesses could take place earlier but must assume that, since the developer was clearly unwilling to accept the original phasing (as detailed in WCC Highways letter of July 2018), the developer plans to delay completing any further accesses until close to the trigger points.

The data supplied to us by PJA does not appear to model this scenario. It appears to assume that both the access on Foxlydiate Lane AND the access from the Church Road roundabout are in use initially, with the bulk of vehicle movements using the Church Road roundabout access. It is clear that the document is to justify why they do not need to complete the main Birchfield Road/A448/Hewell Road junction initially.

The data supplied merely concerns itself with the capacity of junctions and vehicle queuing time, it makes no reference to the impact the increased traffic has on the safety of vulnerable road users.

2. There are no firm timescales for the school and onsite facilities to be completed (although PJA state that, at present, the primary [sic] school is planned for delivery prior to the occupation of 500 dwellings), the CCG do not wish to have a health centre on the development, and there will be no bus service through the site until at least the spine road and associated accesses are completed. Unless the conditions for phasing are amended the occupants of several hundreds of dwellings will have no alternative but to travel off site. This encourages car dependency. It is not clear that the vehicle movements have been amended to reflect this.

3. It is clear that several hundred houses will be occupied before onsite facilities are available, this means that very young and vulnerable groups that can't, or don't wish to drive, will have to use the single access to reach nurseries, first schools, GP surgeries, etc. Whether they are walking or using a bus service they will have to access these facilities by walking along Foxlydiate Lane. The applicant's response to our concerns regarding the lack of footpaths on Foxlydiate Lane is that they are providing safe crossing points on Foxlydiate Lane and refer us to drawings in Appendix A and Appendix B of their response. We must assume they refer to the 'Tactile Paving' indicated. Only one area of tactile paving is indicated near the Foxlydiate Lane access. This does not address the issue of the lack of footpaths on Foxlydiate Lane itself.

It is puzzling that neither WCC Highways or Mott MacDonald have raised the lack of a continuous footpath on Foxlydiate Lane for this application. In a report for another application Mott MacDonald included the following quote from WCC Highways:

Walking

"Foxlydiate Lane does not have a continuous footway on the western side or eastern side. It is therefore necessary to cross the Lane several times to reach Birchfield Road and there are deficiencies with the route by virtue of a lack of tactile paving at side roads and no crossing point onto the Foxlydiate Lane Cul-de-sac which is the shortest route [to the bus stop on Birchfield Road]. There are restrictions to crossing Birchfield Road due to a lack of visibility and crossing facilities. The bus stop has no kassell kerbing or shelter. It is considered that this is not a route of high quality and will detract from the desire to use the route"

They went on to state that these limitations would be a "deterrent to sustainable travel" and result in a reliance on the use of private vehicles "contrary to the principle of encouraging sustainable travel" and therefore conflicting with NPPF paragraphs 108 and 110. The applicant's own Walking and Cycling Strategy document states that Foxlydiate Lane has a steep gradient that reduces desirability and that there is a poor level of pedestrian provision; that there is no crossing on Birchfield Road to cross towards Redditch and the road to the nearest GP surgery is described as having a steep, downhill

gradient into Redditch; that it has high levels of noise and air pollution and, for cyclists, feels unsafe as a result of high traffic flow. It is also worth pointing out that the nearest GP surgery is 2.9Km from the site (Table 3-7 Transport Assessment Vol.I) - almost three times the 'acceptable' distance and almost FIVE times the 'desirable' distances. BPPC question how this can be acceptable.

4. BPPC can find no explanation of how this application addresses the needs of people with disabilities or reduced mobility. Not only is this a requirement of the NPPF (para 110b) it would seem to be a fundamental requirement especially given the hilly nature of the site, and the wider area, together with the distance from key facilities.

5. In addition to compliance with NPPF and BDP policies do the plans proposed comply with The Equality Act 2010 which states:

*Infrastructure must be accessible to all and the needs of vulnerable pedestrians and local people must be considered early in the process to ensure schemes are supported locally in the long term. The Equality Act 2010 requires public sector authorities to comply with the Public Sector Equality Duty in carrying out their functions. **This includes making reasonable adjustments to the existing built environment to ensure the design of infrastructure is accessible to all.***

In conclusion, BPPC feel that many of the issues we have raised can be addressed by the simple amendment of some of the trigger points for the accesses and spine road and by closing Cur Lane (West) access to motorised vehicles. We respectfully urge the LPA and planning committee to implement them.

4.1.9 BPPC 12-08-2020 Re: Conditions for Hybrid Application 16/0263

BPPC welcome the rewriting of the conditions for this application, however, there are some omissions that BPPC wish to draw to the LPA's attention together with some amendments that BPPC believe would make the application more acceptable.

i) It is sensible that 'access works and relevant adjoining highway works for that phase' have to be completed before houses are occupied as specified by Condition 22. But if the spine road design, local centre public square, lighting and street landscaping details have to be completed for *each* reserved matters application before houses for that phase are occupied, then it must follow that these requirements must be completed before the *first* reserved matters application for the *first* phase.

We therefore propose that Conditions 18 and 19 be reworded in line with Condition 22 as follows:

18. Trigger Point for Spine Road connecting Curr Lane and Birchfield Road Prior to the occupation of any dwelling the spine road connecting....

19. Trigger Point for details and construction of Cur Lane access and island works Prior to the occupation of any dwelling hereby permitted

ii) To address the safety concerns of Bentley Pauncefoot residents, BPPC request that a further condition be added to close the Cur Lane (West) access to all motor vehicles except for emergency access.

41. Cur Lane (West) access to provide emergency, pedestrian and cycle access to Cur Lane (West) only.

This condition to be reviewed (with public involvement) on completion of A38 congestion relief in Bromsgrove.

Reason: to promote sustainable cycling and walking and increase the safety of existing residents.

iii) Condition 26. To ensure that a CEMP is in place at the start of construction work it is requested that the first sentence of this condition's description be amended to read:

'Prior to commencement of the works permitted by the Hybrid application and/or commencement of development of each reserved matters application, a CEMP shall be submitted to, and approved in writing by, the Local Planning Authority'

iv) We note that although the reason given for Condition 18 is to facilitate access to the Local Centre and enable Public Transport there are no trigger points for them.

v) The trigger point for removing the right turn on to the A448 is not specified.

vi) The trigger point for contributions to the A38 congestion relief work is not specified.

vii) Given the importance of the provision of the 3FE School we feel the committee members should be aware of the planned trigger point

4.1.10 BPPC 12.08.2020 Re: Education Obligation for Hybrid Application 16/0263

Bentley Pauncefoot Parish Council note that WCC Education have made only one submission for this application. The submission is not an Education Planning Obligations Assessment (as we have observed for other applications) but instead forms part of a document covering a range of topics from WCC dated 13th May 2016.

The document confirms the requirement for the provision of a new 3FE first school on-site and an offsite contribution towards middle and high school infrastructure. It provides a cost, per open market dwelling (based on size), towards Middle and High School provision. It does not provide any pupil yield figures.

However, only the contribution for the 3FE first school and the middle school figures are listed in the Report Pack. Why have the contributions towards High School provision not been included? Two more recent Assessments submitted for the Foxlydiate Hotel and Barn House Farm applications raise further questions:

1. The contribution for Middle School provision is 30% less than the contributions specified in April 2019 for the Foxlydiate Hotel application, no doubt the figure will have increased again over a year later. Will the developer's contributions be increased to ensure they provide an accurate and realistic contribution?

2. WCC Education Assessments from 2019 indicate that schools in the area are already oversubscribed or have very little surplus capacity. If the local schools can't, or won't increase capacity, how far will children have to travel to find school places? How will this be achieved sustainably?

3. There is no mention of SEND places yet it is clear that a development of this scale will have children requiring specialist provision. Will the LPA be confirming the level of contributions required prior to finalising the S106 Agreement with the applicant? Bentley Paucefoot Parish Council believe these are important issues, not only for parents, but for all residents as any shortfall in developer contributions will have to be met by the tax payer. If children have to travel significant distances to available school places it also further challenges the sustainability of the site.

4.2 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.

WCC Highway Authority Comments 08-09-2020

Response to Report from ttc - Project 210361-01A@ Technical Note commissioned by BPPC

Section 2.1 Road Safety

Key Point - Road Safety Audits and Design Compliance Report should be submitted.

Response – There is no explicit requirement in NPPF or PPG for a RSA to accompany a Planning Application. All of the access points will be subject to a s278 legal agreement and as part of this process RSA Stage 1, 2 & 3 will be provided.

Section 2.2 Swept Path Analysis

Key Point - a full suite of Swept Path Analysis should be undertaken to ensure all design are compliant, serviceable and safe.

Response – The Highway Authority is content with the level of assessment undertaken to determine the suitability of the junctions. They will be subject to further assessment through the s278 process and further swept path analysis will be undertaken at that stage.

Section 2.3 Forward Visibility

Key Point – the applicants intention concerning vegetation clearance should be confirmed.

Response – Where visibility splays are shown through existing vegetation these will be required to be cleared.

Section 2.4 Vertical Alignment Visibility

Key Point – the designs should be updated to ensure they accord with the Council's design standards

Response – As previously stated the designs will be subject to further assessment through the technical approval stage to ensure acceptable compliance.

Section 2.5 Footway/Cycleway Widths

Key Point – the designs should be updated to ensure they accord with the Council's design standards.

Response – Noted

Section 2.6 Traffic Distribution and Impacts on Cur Lane

Key Point – distribution and the impacts on Cur Lane should be reviewed.

Response – The highway authority has assessed the distribution methodology and traffic routing and is content with the methodology used and impacts identified.

Section 2.7 Modelling

Key Point – 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

Response – The highway authority is content with the modelling and assessment years contained within the application documents.

WCC Comments on PJA - Construction Access Review

Following concerns raised at the Redditch Planning Committee in November 2019 the applicant provided a Construction Access Review report (January 2020). Within this document PJA have assessed 5 potential options for a construction access and concluded only Option 2 (A448 Loop) and 4 (Foxlydiate Lane) can provide a suitable access. The Highway Authority does not disagree with this conclusion.

Further, as stated in previous correspondence due to issues raised by Members of the Redditch Planning Committee in November revised Conditions were agreed by the applicant limiting the use of Foxlydiate Lane as a construction access solely for the construction of the Birchfield Road access.

4.3 Mott MacDonald 08.09.20

1 Introduction

Mott MacDonald (MM) have been commissioned by Bromsgrove District Council (BDC) to undertake an independent review of transport related documents associated with planning application 16/0263 for the Land at Foxlydiate Lane, Webheath development. The hybrid planning application is seeking:

- Outline Application (with all matters reserved with the exception of vehicular points of access and principle 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.
- 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.

MM, in their role supporting BDC, have already provided a series of reviews of work submitted by the consultants acting on behalf of the developer of the site, (PJA). Ahead of the planning committee on Monday 14 October 2019 MM presented in document 378295-058-A (dated 28 August 2019) a summary of the elements of work undertaken by MM in order to provide an independent and comprehensive review of the submissions made to support the applications noted above. This summary contained the advice and recommendations to Bromsgrove District Council in respect to the impact on the local transport network.

MM concluded that following an independent audit of all the submitted documents there were no grounds for an objection on highways and transport related matters in respect of this application.

2 Scope of Review

Following the planning committee on 14 October 2020, further correspondence has undertaken between Bentley Pauncefoot Parish Council (BPPC), BDC, Worcestershire County Council (WCC), and PJA (acting on behalf of the developers to the site), resulting in further submissions. MM have subsequently been commissioned by BDC to undertake a review of these documents, which are as follows:

Doc 1: Site Access and Development Triggers, PJA (November 2018)

Doc 2: Construction Access Review, PJA (January 2020)

Doc 3: Technical Note 210361-01A, TTC (February 2020)

Doc 4: Technical Note 210361-02A – Construction Access Review (February 2020)

Doc 5: BPPC Letter to Ruth Bamford of BDC (3 March 2020)

Doc 6: PJA Response to BPPC Letter (23 March 2020)

Doc 7: BPPC Letter to Ruth Bamford of BDC (11 August 2020)

Doc 8: BPPC Letter – Cur Lane and Phasing – PJA report response (12 August 2020)

Doc 9: BPPC Letter – Conditions for Hybrid Application (12 August 2020)

The following tasks have been undertaken:

1. A Review of the PJA report dated 23 March 2020 (Doc 6). This PJA Report responds to the issues raised by BPPC in their document dated 3 March 2020 (Doc 5), which in turn summarises issues raised in the two reports (210361-01A-Doc 3, and 210361-02A-Doc 4) prepared by the transportation consultancy (ttc) acting on behalf of BPPC. As part of the review of the PJA Report dated 23 March 2020 (Doc 6), we have also undertaken an overview of two further documents prepared by PJA (and referred to in PJAs report (Doc 6), titled “Access Trigger Testing Note”, dated November 2018 (Doc 1) and the PJA document, “Construction Access Review” dated January 2020 (Doc 2)
2. Review the document “BPPC to BDC dated 11 August 2020 (Doc 7).
3. Review the two documents submitted by BPPC titled, “Conditions for Hybrid application” dated 12 August 2020 (Doc8), and “Cur Lane and Phasing” dated 12 August 2020 (Doc 9). The first of these documents provides a review of the planning conditions, and the second letter is a response from BPPC to PJAs report (Doc 6).

3 Review of PJA report dated 23 March 2020 (Doc 6)

3.1 Introduction

This section of the report provides reviews the PJA response to the issues raised by BPPC in the document dated 3 March 2020 (Doc 5). The MM review also refers to further two documents produced by PJA:

- “Site Access and Development Triggers”, dated November 2018 (Doc 1 and included in Appendix C of Doc 6)

- “Construction Access Review”, dated January 2020 (Doc 2) and used as the basis to justify the construction access strategy by the applicant as discussed in Section 3 of PJA report (Doc 6)

The response to the BPPC concerns are included in the following sections of the PJA report dated 23 March 2020:

- Section 4.2 – Proposed Assess Strategy (pages 3 to 4)
- Section 4.3 – Options Assessment Comments (page 4 and the document “Construction Access Review”, dated January 2020)
- Section 4.4 – Construction Traffic Routing Comments (page 5)
- Section 5.2 – Phasing Capacity Impact (pages 5 to 6) and Appendix C which includes the document, “Site Access and Development Triggers” (Doc 1)
- Section 6.2 Foxlydiat Lane Access Design
- Section 6.3 Cur Lane (West) Access
- Section 6.4 WCC Assessment of Design
- Section 7 Car Lane Traffic Flows

Each of these issues have been considered in turn by MM. The title of each section matches the heading title included in the PJA report dated 23 March 2020 (Doc 6).

MM have also considered the BPPC response to the PJA report dated 23 March 2020 in their letter, “Cur Lane and Phasing - PJA report response”, dated 12 August 2020 (Doc 8).

MM have identified further issues that were raised by BPPC but not responded to by PJA.

3.2 Section 4 Construction Access Issues

3.2.1 Summary of Issues

The PJA report (Doc 6) summarises the BPPC concerns as follows:

- That use of Foxlydiat Lane for construction vehicles is ‘problematic and dangerous’
- That alternative options for construction traffic, in particular ‘Option 1’ from the track leading from the A448 overbridge, have not been properly considered
- That heavy goods vehicles could access the site via Cur Lane and Copyholt Lane.

3.2.2 Proposed Construction Access Strategy (Section 4.2)

BPPC have stated that the use of Foxlydiat Lane for construction vehicles is ‘problematic and dangerous’, However, PJA have provided justification for the initial use of Foxlydiat Lane for construction access based on:

- To construct the main construction access from Birchfield Road, access will need to be gained from elsewhere due to a 4m level difference and Foxlydiate Lane is considered by the developer as the most appropriate location to do this
- Foxlydiate Lane will be used for the shortest possible time period to allow the main construction access to be built from Birchfield Road
- PJA reiterate that Foxlydiate Lane has previously been safely used as a construction access route for the Webheath ADR site for a Taylor Wimpey, Barratt and Redrow development.

It is MM's view that the strategy proposed by the applicant, and agreed to by WCC, is the most appropriate approach (this is covered in more detail in Section 4.2.3 of this report) and there is no evidence from past use to suggest that this is not the case.

It should be noted that PJA state that WCC originally agreed the Foxlydiate Lane access could be utilised for the construction of the first 200 dwellings, but that this is now no longer the agreed strategy. Foxlydiate Lane will now be used temporarily by construction vehicles to construct the Birchfield Road access and associated haul road, at which point no further use will occur. Condition 16 (Access Arrangements for Construction Traffic) states that *"as soon as the Birchfield Road access is 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 only"*.

This is reiterated by WCC in their email to BDC dated 17 August 2020, whereby WCC state that, *"Within this correspondence BPPC raise concerns regarding the use of Foxlydiate Lane as a construction access. You will be aware that similar concerns were raised by Members of the Redditch Planning Committee in November and as a result revised conditions have been proposed which limit the use of Foxlydiate Lane as a construction access solely associated with the construction of the Birchfield Road access. As already stated by the applicant further detailed design works will be undertaken on the access points and these will be subject to approval by both the highway authority and the LPAs"*.

MM Observation: The proposed construction access strategy has been considered by both PJA and WCC at some length. The temporary use of Foxlydiate Lane until such time as a permanent access off Birchfield Road can be established is considered by MM to be a pragmatic solution.

A trigger point where no further use of Foxlydiate Lane for construction traffic has been established by PJA at 200 dwellings and this limit on development should be considered to time bound use of this route for this purpose as the scheme is built out.

3.2.3 Section 4.3 Option Assessment Comments

PJA have responded to BPPCs statement that 'Option 1' (the access track/bridleway) should be used to initially provide access to the site for construction vehicles. In their response to the BPPC statement (the various construction access options are covered in the document "Construction Access Review", Doc 2) PJA have explained why they have proposed to provide the initial construction access off Foxlydiate Lane (Option 4), rather than the one proposed by BPPC (Option 1 - access track/bridleway), which PJA state would not form a 'suitable or practical access point'.

After reviewing the PJA document, "Construction Access Review" (Doc 2), it is MM's view that PJA have provided suitable justification for their choice, being Option 4. This conclusion has also been agreed with WCC after consultation. The Construction Access Review document also states that a Road Safety Audit has been undertaken for 'Option 4' and highlighted the following comments and proviso's for this option in particular, being that:

- It provides a suitable gradient from the site onto public highway
- Temporary lighting of the access during the hours of darkness is required
- Vehicle speeds on Fox Lane should be reviewed to ensure adequate inter-visibility between turning construction vehicles and existing traffic and providing appropriate warning signage or traffic calming measures.

It should be noted that as part of Condition 14, that *"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"*.

MM Observation: It is MM's view that the measures proposed would be appropriate for this access and that the detail should be agreed with both BDC, RDC and WCC prior to implementation in order to ensure that any potential safety and local amenity issues are fully considered. The vegetation along Foxlydiate Lane in the vicinity of the proposed access will need to be cut back to protect visibility splays. It is also recommended that either temporary or permanent lighting of the area should be considered to improve visibility.

3.2.4 Section 4.4 Construction Traffic Routing Comments

Section 4.4 of the PJA response provides commentary regarding construction traffic routing concerns presented by BPPC. PJA note that Foxlydiate Lane will only be used as a construction access for the shortest time possible, until the dedicated construction access and haul road (via the Birchfield Road Loop) are completed (this is covered by Condition 16).

Proposed Condition 26 requires the approval and implementation of a Construction Environmental Management Plan (CEMP) prior to commencement of development of each Reserved Matters application, and the CEMP will be submitted for approval by the Local Planning Authority.

Therefore, it is MMs view that PJAs response to BPPC in relation to construction traffic routing is sufficient and that matters of detail can be addressed through the implementation and monitoring of the CEMP.

MM Observation: As part of the CEMP, suitable monitoring mechanisms should be put in place to make sure that construction vehicles utilise agreed routes, rather than utilising minor roads such as Cur Lane. Measures for restriction on these routes should be considered and implemented if monitoring demonstrates that they are being used by construction traffic.

3.3 Section 5 Development Phasing Issues

3.3.1 Summary of Issues

The PJA report (Doc 6) summarises the BPPC concern that no evidence has been presented to demonstrate that the impact of the development would not be severe based on the proposed access phasing.

3.3.2 Section 5.2 Phasing Capacity Impact

PJA responded that the traffic associated with up to 600 dwellings would access the site from Foxlydiate Lane or Cur Lane. This will be the main point of access until the main Birchfield Road access and Hewell Lane / Brockhill Drive junction works are designed, approved and built.

Appendix C of the PJA report dated 23 March 2020 (Doc 6), provides junction modelling results for the aforementioned access junctions, based on a number of development scenarios for 400, 600, 800 and 1,000 dwellings. Scenarios were tested for the 2023 assessment year. Flows were derived by adding TEMPro growth to the 2017 turning count surveys, as well as the full Webheath ADR development flows to add a robustness to the assessment.

Table 2 in the “Site Access and Development Triggers” report (Doc 1) presents the maximum Ratio of Flow to Capacity (RFC) recorded on an arm for each junction. It concludes that in 2023, the Cur Lane access, Foxlydiate Lane access and Foxlydiate Lane / Birchfield Road junctions would operate with significant reserve capacity, thus justifying the 600 dwelling development trigger point.

MM Observation: MM conclude that, although the occupation of 600 dwellings will have some impact on the adjacent road network, however the network has been forecast to operate with reserve capacity and it follows that a development trigger at 600 dwellings can therefore be reasonably justified on this basis. MM note that this assessment and trigger level has been agreed with WCC following consultation.

3.4 Section 6 Access Design Issues

3.4.1 Introduction

The PJA report dated 23 March 2020 summarises the BPPC concerns as follows:

- No evidence has been presented to demonstrate that the proposed Foxlydiate Lane access is safe
- There would be no safe pedestrian access during the first phase of development from the Foxlydiate Lane access
- No evidence has been presented to demonstrate that the proposed arrangement where Cur Lane enters the site on the western side of the development is safe.

3.4.2 Section 6.2 Foxlydiate Lane Access Design

BPPC have raised concerns for pedestrian safety relating to the use of the Foxlydiate Lane access before the main access is complete.

PJA refer to Appendix A and B contained within the PJA report dated 23 March 2020. Appendix A and B provide drawings that show the completed access road with footway and uncontrolled crossing points (dropped kerb crossings).

In response to the BPPC safety concern that the Foxlydiate Lane access will be provided on the 'brow of a steep incline on a narrow residential road', a review by MM of the drawing in Appendix A demonstrates that the visibility splay can be met, subject to the observation made in Section 3.2.3 of this MM report (clearance of vegetation) being facilitated.

As stated in Condition 16, as soon as the Birchfield Road construction access is provided, use of the Foxlydiate Lane access by construction vehicles will permanently cease and construction traffic for the development will then use the dedicated construction access off Birchfield Road only.

MM Observation: Whilst visibility requirements can be met at this location MM recommend that options for higher standard crossing facilities are investigated during the detailed design stage if this is demonstrated to be necessary through detailed studies.

3.4.3 Section 6.3 Cur Lane (West) Access

BPPC have raised concerns that the proposed arrangement of Cur Lane where it enters the western side of the development is safe.

PJA have stated that the proposals for Cur Lane have been reviewed by WCC over a period of time and that no safety concerns have been raised. PJA do acknowledge, however, that further technical approval will be necessary prior to construction of any estate roads or completion of the connection to Cur Lane.

PJA have also stated that it is the applicants intention to undertake a public consultation exercise as part of the technical approval process for the Cur Lane access so that "residents can understand and provide feedback on the detail of the works and road closure and diversion plans.

MM Observation: MM agree with PJA's statement that further technical approval will be necessary prior to construction of any estate roads or completion of the connection to Cur Lane and any further points of detail should be addressed through this formal process.

3.4.4 Section 6.4 WCC Assessment of Design

PJA reiterate that the development proposals have been subject to a review process with WCC. In an email dated 17 August 2020 between WCC and BDC, WCC state that, *"The applicant has provided a detailed response to these issues in the form a Tech Note produced by PJA dated 23/03/2020. The changes to conditions as stated in 1 above also addresses some of the concerns raised. As stated at the Redditch committee in February the preliminary designs have been assessed by various teams and are deemed to be acceptable. Further design will be undertaken and Road Safety Audits produced as the scheme progress to ensure the schemes are safe and suitable for all road users"*.

MM Observation: None.

3.5 Section 7 Cur Lane Traffic Flows

BPPC have referred to further surveys undertaken by themselves which indicated higher flows than that surveyed originally by PJA as used in their Transport Assessment for the development. PJA's response details the possible reasons for the difference in flows, but ultimately concludes that the difference would not have a substantial impact upon the road network, or result in unacceptable impact on highway safety.

In addition to this, minimal information was provided by BPPC on by whom and how the traffic survey data was collected and / or audited. Technical Note 210361-01A provides passing commentary on the results of this survey, which is as follows: *"with sample surveys indicating that two-way traffic flows during the AM peak hour (0800 – 0900) were 116 in 2019, compared with a two-way flow of 108 vehicles predicted in the TA for 2030"*. Whilst MM acknowledge that daily fluctuations in vehicular traffic are not uncommon, in the absence of any auditable survey data we necessarily view the data as anecdotal and therefore insufficient to cast doubt on the traffic data reported and utilised in the main Transport Assessment documents for the development.

MM Observations: none.

3.6 Further Issues Raised by BPPC but not Responded to in PJA Report dated 23 March 2020

In the letter, BPPC state that there is no detailed plan of the Cur Lane access to the proposed development site, and therefore there is no evidence provided to ensure that it will meet the requirements of the NPPF for all traffic that will use it. BPPC state that this, coupled with the lack of full swept path analysis, indicates that material details of highway safety cannot have been fully considered by the Planning and Highway Authorities.

Whilst Appendix B of PJA's response does provide a plan of the estate road design, which includes the access junction layout, no swept path analysis has been provided by PJA for Cur Lane. It is therefore recommended that a full swept path analysis is undertaken to ensure there are no issues in relation to vehicular maneuvers.

MM Observations: It is recommended that as part of the detailed design and approvals process that swept path analyses are undertaken along Cur Lane by the applicant to demonstrate that large vehicles can safely negotiate the proposed highway.

4 Letter to Ruth Bamford 11 August 2020 – Hybrid Application 16/0263
Missing/Misplaced Documentation (Doc 7)

This letter from BPPC to BDC makes reference to a number of technical documents that were produced by PJA and MM but were not uploaded to the planning portal site for this development. It is the understanding of MM that this has now been actioned by BDC.

MM Observation: no further action required.

5 Letter to Ruth Bamford 12 August 2020 – Hybrid Application 16/0263 – Cur Lane
and Phasing (Doc 8)

This BPPC letter is a response to the PJA report dated 23 March 2020. The main points raised by BPPC are as follows (with the MM response in italics below):

- Cur Lane:

Concern with impact on Cur Lane. BPPC are concerned that it is cut off from the roundabout and forms part of the site and that public consultation of residents will occur post planning approval during the detailed design process.

MM Response: *BPPC have stated that they want to close Cur Lane (West) to all motor vehicles excluding emergency access. PJA have stated that it is the developer's intention to undertake public involvement as part of the technical approval process for the Cur Lane (West) access. MM consider that this would be sufficient to take on board residents views to the development proposals and any issues raised should be considered by the applicant.*

- Phasing:

BPPC state that NPPF requirements have not been met in respect of non-motorised vehicle users (pedestrians, cyclists, etc). BPPC also make the point that the PJA report dated 23 March 2020 (Doc 6) only provided junction capacity assessments to inform the development phasing and that PJA have not considered vulnerable users in their response.

MM Response: *MM recommend that, as part of the detailed design process, a full assessment/audit of the initial phases of development with vehicular traffic accessing on Foxlydiate Lane is carried out, to establish the impact on pedestrians and vulnerable road users where these might occur. Where impacts are observed, even if short term, suitable mitigation (agreed with both WCC and BDC) should be provided.*

BPPC state that no timescales have been given to when the school and onsite facilities will be constructed. BPPC state that this encourages car dependency through a lack of internalisation in the early phases of the development (BPPC state that trip generation vehicle movements have not been amended to reflect this).

MM Response: *It is stated in the PJA response dated 23 March 2020 (Doc 6) that “the primary school is planned for delivery prior to the occupation of 500 dwellings.” Although it is recognised that the lack of internalisation may encourage car dependency, particularly in the early stages of the development, MM do not believe that further assessments are required by the developer because the levels of traffic generation will fall well below thresholds already assessed.*

BPPC concerned by the lack of a continuous footway on Foxlydiate Lane (and why MM/WCC have not raised this previously).

MM Response: *It is noted that there is a pedestrian and cycle strategy for the wider connectivity of the new development set out within the Foxlydiate Transport Assessment and noted in the related PJA response. This, in detail, shows the expected desire lines of pedestrians/cycles to surrounding amenities and reiterates that the location of the proposed crossings to be effective/safe. It is however recommended that a review of the existing crossing points be undertaken before construction, with the view of providing more formal crossing points where necessary to make them more accessible for all users, and to highlight their presence to road users. It is noted within the supporting documents that movements from the development are expected to cross Foxlydiate Lane into the existing residential area, onto quiet streets, as opposed to users travelling along Foxlydiate Lane itself. It may therefore also be of benefit to provide enhanced signing and wayfinding along these routes in order to best guide users through the local footway and cycle network.*

6 Letter to Ruth Bamford 12 August 2020 – Conditions for Hybrid Application 16/0263 (Doc 9)

This letter was submitted by BPPC to BDC and provides recommendations for amendments to the proposed planning conditions.

Our response to each of the issues raised is as follows (the response follows the roman numeral format contained with Doc 9):

Item i):

BPPC have suggested that Conditions 18 and 19 should be implemented before first occupation of the dwellings, whereas the current draft of the Conditions states that they should be implemented prior to occupation of the 400th dwelling. MM advise that the re-wording of Conditions 18 and 19 should be considered in order to establish a reasonable trigger level for the delivery of the Spine Road and Cur Lane works.

Item ii):

MM do not have sufficient evidence in front of us that provides a compelling reason to close the Cur Lane (West) access to all vehicles other than for emergency vehicles or pedestrian/cycle access as suggested by BPPC.

Item iii):

MM advise that at the outline application stage, only the headlines of the CEMP can be written given the level of detail that is contained within the hybrid application. The most appropriate point to provide a detailed CEMP would be at the reserved matters stage where all the necessary detail to form an implementable CEMP should be provided

Item iv):

WCC should consider and draft further conditions as necessary that provide a trigger level for the delivery of the local centre and a separate trigger for the introduction of public transport services based on the likely level of uptake and within any funding constraints.

Item v) and vi):

These are issues for WCC to consider as the highway works are delivered.

vii):

MM note that the PJA report dated 23 March 2020 (Doc 6) states that the primary school will be delivered ahead of occupation of 500 dwellings.

Additional observation:

MM also note that Condition 16 (access arrangements for construction traffic) should be amended so that it is clear that no construction of dwellings can commence until the construction access off Birchfield Road has been built and is fully operational as the sole means of access to the site for construction vehicles.

7 Summary and Conclusion

MM have carried out a further review of all of the recent reports, notes and correspondence made available as noted at Section 2 above and in general conclude that PJA have reasonably addressed the substantive matters raised by BPPC in their various technical submissions. MM do however make the following additional observations on five matters which should be considered:

Construction Access:

The proposed construction access strategy has been considered by both PJA and WCC at some length after consideration of a series of potential options. MM note the temporary use of Foxlydiat Lane until such time as a permanent access off Birchfield Road can be established. Therefore, no vehicles related to the construction of the dwellings will access the site via Foxlydiat Lane.

It should be noted that Foxlydiat Lane has been used to gain access to the Webheath ADR site in the recent past and there is no historic evidence to suggest that this usage resulted in road safety problems.

Detailed design issues should be agreed with both BDC, RBC and WCC prior to implementation in order to ensure that any potential safety and local amenity issues are fully considered. In particular the vegetation along Foxlydiat Lane in the vicinity of the proposed access will need to be cut back to protect visibility splays. It is also recommended that either temporary or permanent lighting of the area should be considered to improve visibility.

Construction Traffic Routing:

Condition 26 requires the approval and implementation of a Construction Environmental Management Plan (CEMP) prior to commencement of development of each Reserved Matters application, and the CEMP will be submitted for approval by the Local Planning Authority and therefore matters of detail can be addressed through the implementation and monitoring of the CEMP.

As part of the CEMP, suitable monitoring mechanisms should be put in place to make sure that construction vehicles utilise agreed routes, rather than utilising minor roads such as Cur Lane. Measures for restriction on these routes should be considered and implemented if monitoring demonstrates that they are being used by construction traffic.

Foxlydiate Lane Access Design:

Whilst visibility requirements can be met at this location MM recommend that options for higher standard crossing facilities are investigated during the detailed design stage if this is demonstrated to be necessary through detailed studies. A pedestrian and cycle strategy for the wider connectivity of the new development set out within the Foxlydiate Transport Assessment and shows the expected desire lines of pedestrians/cycles to surrounding amenities and reiterates that the location of the proposed crossings to be effective and safe. It is however recommended that a review of the existing crossing points be undertaken before construction, with the view of providing more formal crossing points where necessary to make them more accessible for all users, and to highlight their presence to road users. It is noted within the supporting documents that movements from the development are expected to cross Foxlydiate Lane into the existing residential area, onto quiet streets, as opposed to users travelling along Foxlydiate Lane itself. It may therefore also be of benefit to provide enhanced signing and wayfinding along these routes in order to best guide users through the local footway and cycle network and this should be considered as part of a revised condition.

Cur Lane Access Design:

MM would reiterate that further technical approval will be necessary prior to construction of any estate roads or completion of the connection to Cur Lane and any further points of detail should be addressed through this formal process. It is recommended that as part of the detailed design and approvals process that swept path analyses are undertaken along Cur Lane by the applicant to demonstrate that large vehicles can safely negotiate the proposed highway.

Phasing of Development:

The transport assessment submitted considers vehicle capacity assessments across the local network and on balance MM consider that further capacity assessments on phasing elements unlikely to be useful, where the amount of development related vehicle traffic is lower than that considered to date. However, in respect impacts on pedestrians, cyclists and vulnerable road users MM consider that a full assessment of the connectivity of initial phases of development is required in order to identify where improvements are necessary to protect the safety of non-vehicle users, either in the temporary or permanent condition as the scheme is built out.

4.4 Further Representations (from local residents)

Since the application was last reported to BDC further representations have been received raising the following issues, 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 Foxlydiate 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 Foxlydiate 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

- 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

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 14th 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 13th 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 19th 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 13th 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 13th 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. Mott MacDonald make 5 recommendations in their latest response which is discussed further at para 7.41.
- 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 Foxlydiat 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 Foxlydiat 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 Foxlydiat Lane by construction traffic
- Construction of housing using Birchfield Road access for construction traffic
- Details of Access onto Foxlydiat Lane (relating to permanent use by occupiers of completed dwellings) submitted to and approved by LPA
- Completion of access onto Foxlydiat Lane for use by future residents prior to occupancy
- Completion of spine road connecting Cur Lane and Birchfield Road prior to occupation of 400th dwelling.
- Details of alterations to Cur Lane access and island works/ junction of Cur Lane/Foxlydiat Lane/Church Road/Great Hockings Lane prior to occupation of 400th dwelling submitted to and approved by LPA
- Completion of alterations to Cur Lane access and island works/ junction of Cur Lane/Foxlydiat Lane/Church Road/Great Hockings Lane prior to occupation of 400th dwelling
- Details of main site access works onto Birchfield Road and improvements to Hewell Lane prior to the occupation of the 600th 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 600th 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

7.41 Comments (ref 378295-091-A Final) received on 8th September 2020 from the Council's independent Highways Consultant Mott MacDonald follow comprehensive review of the technical submissions made by the applicant and BPPC. These raise no objections to the proposal but make 5 recommendations. At the time of preparing this report, comments had been invited and were awaited from the applicant in response to the Council Consultant's review.

- 7.42 It is considered that the matters raised could be addressed through either amended or additional planning conditions, or clauses in the legal agreement. Members will note from the recommendation part (c) that, as previously, officers are seeking delegated authority to agree the final scope, detailed wording and numbering of conditions which could permit this. A further update will precede the matter being reported to committee

Conclusion

- 7.43 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.

8.0 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
 Inkniel 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: (note Recommendation part 'c')

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

16/0263

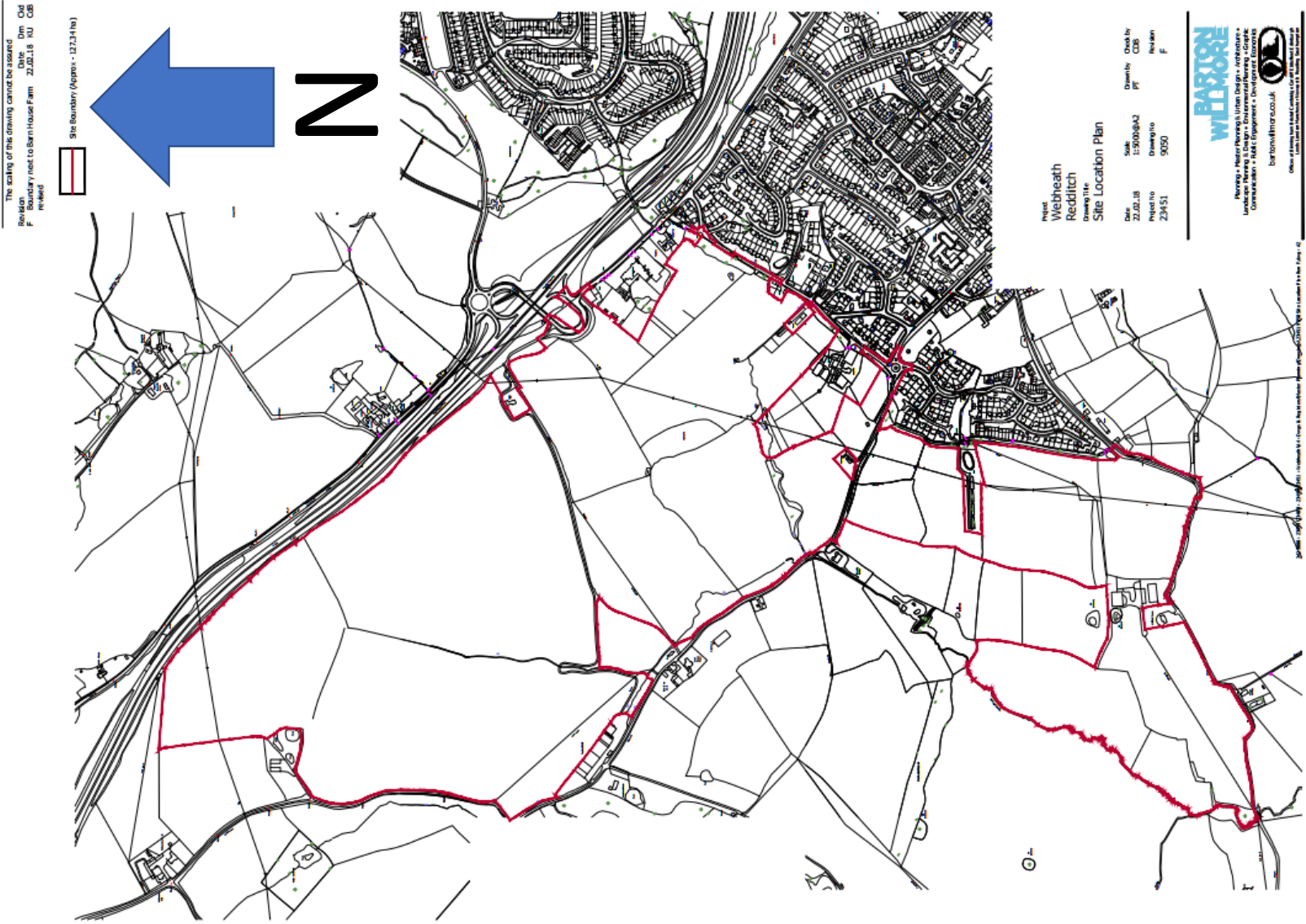
Land To The West Of Foxlydiate Lane And Pumphouse Lane Bromsgrove Highway, Bromsgrove, Worcestershire

Hybrid application comprising:

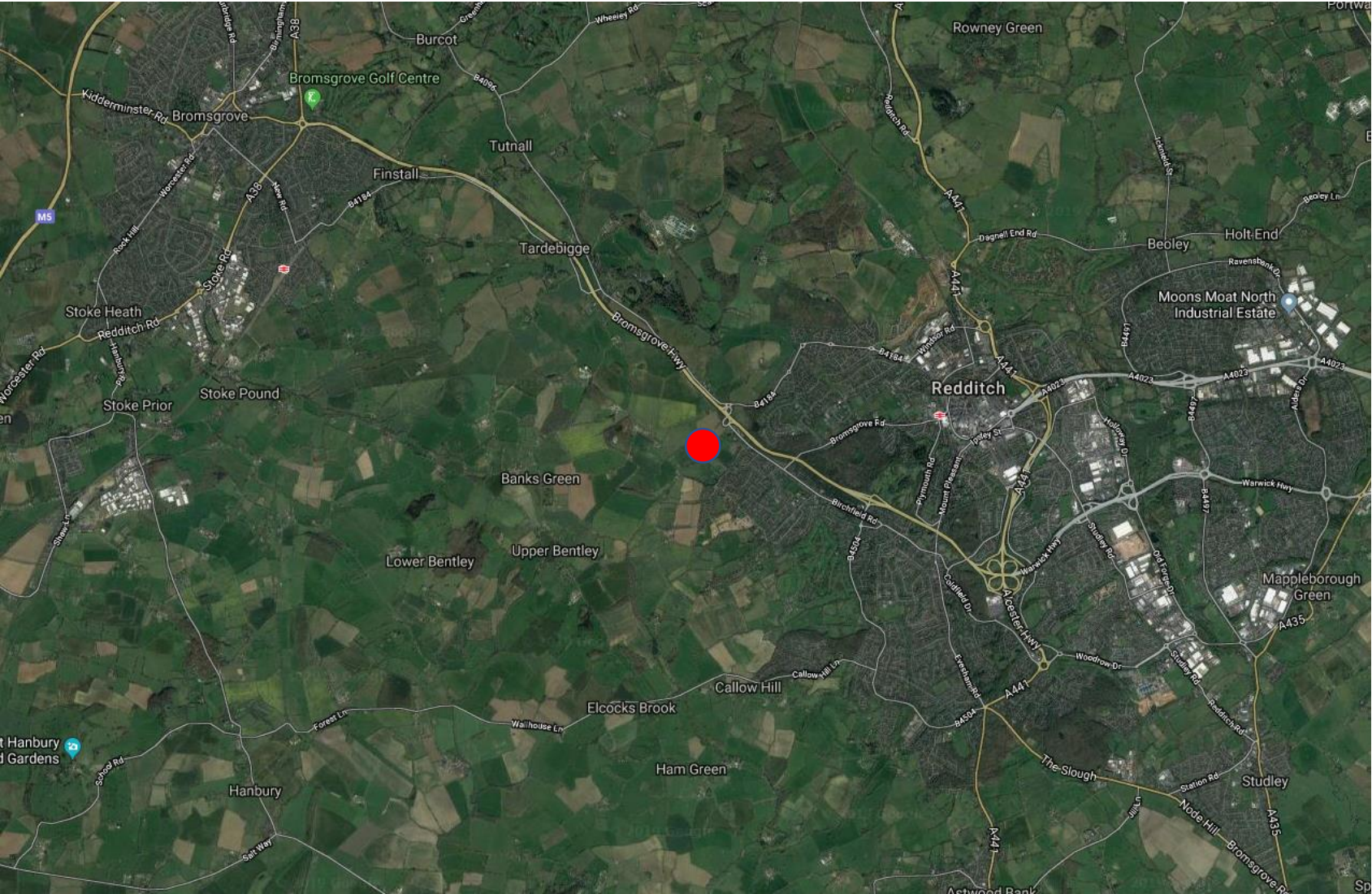
- 1) Outline Application (with all matters reserved with the exception of vehicular points of access and principal routes within the site) for the demolition of existing buildings and the erection of : Up to 2,560 dwellings (Class C3); Local centre including retail floorspace up to 900 sq metres (Classes 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

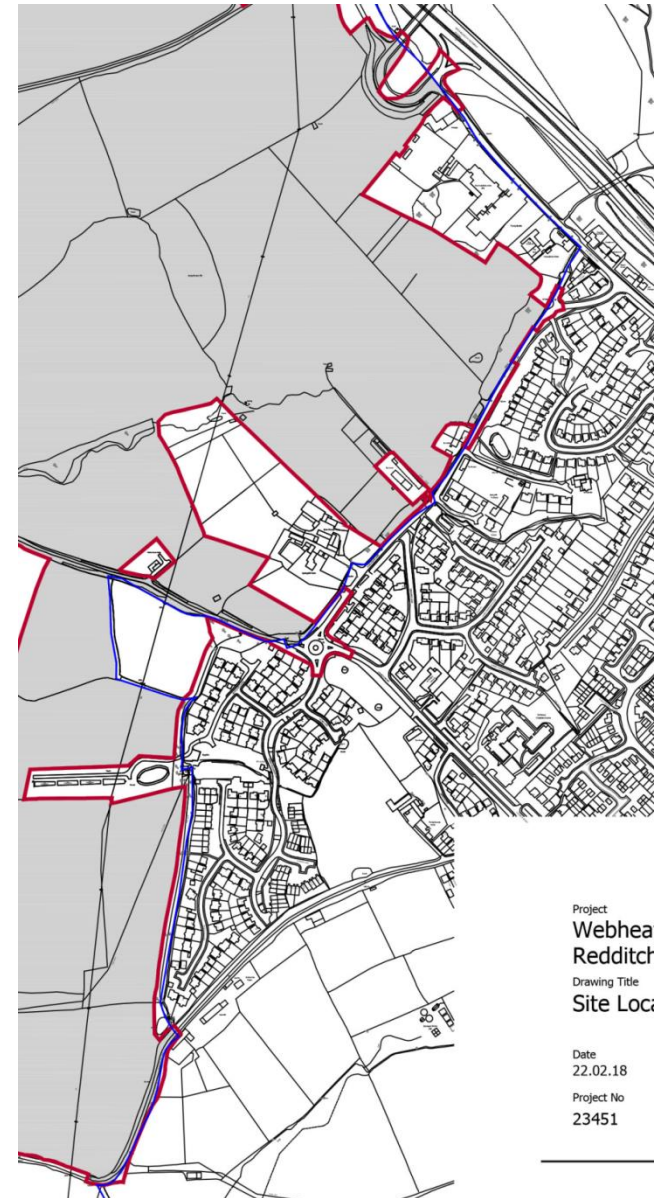
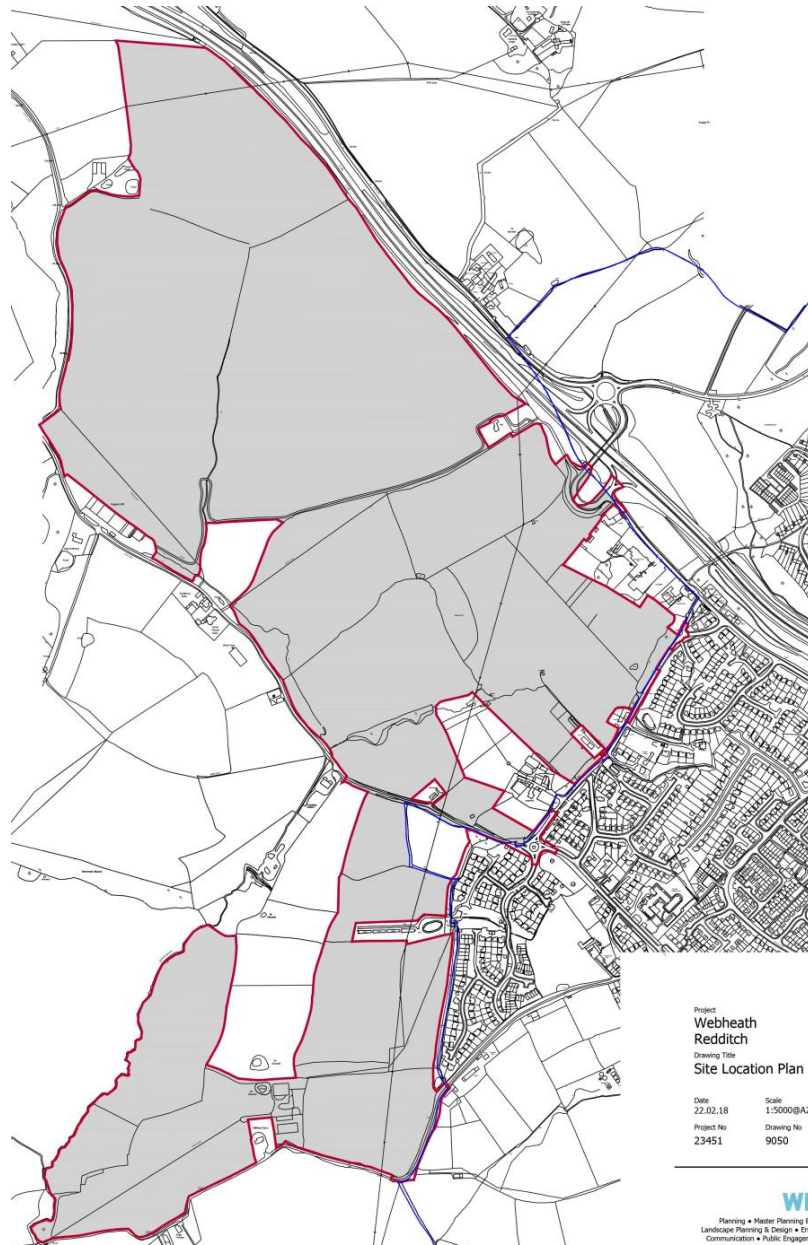
Location / Site Plan



Context



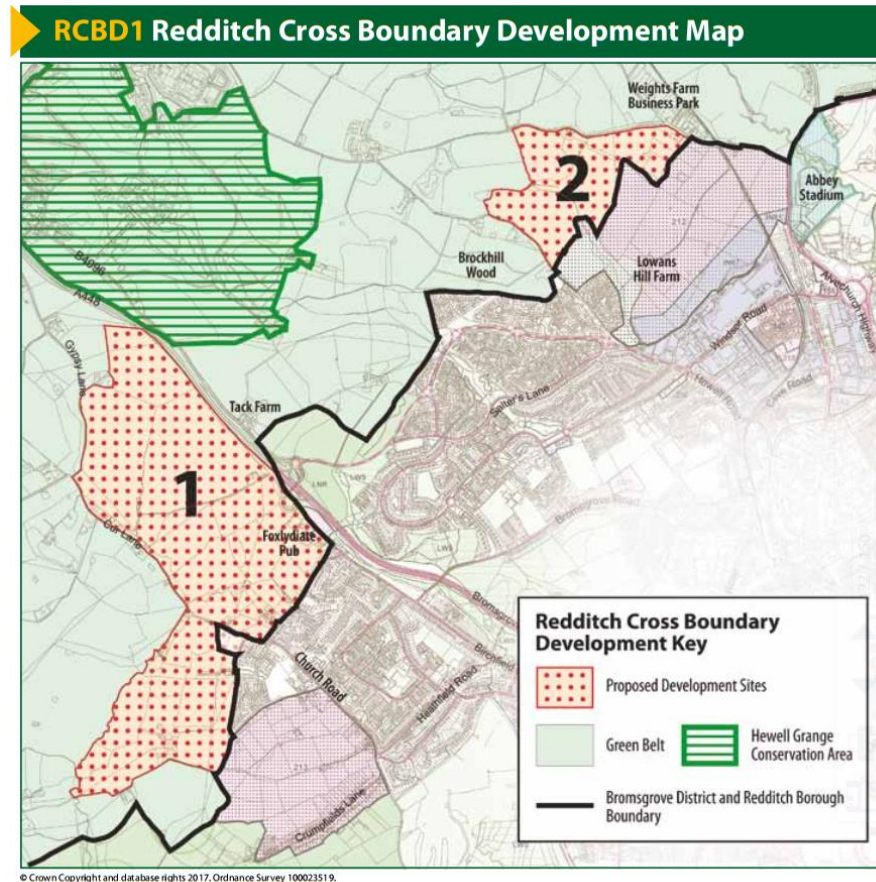
Administrative Boundaries



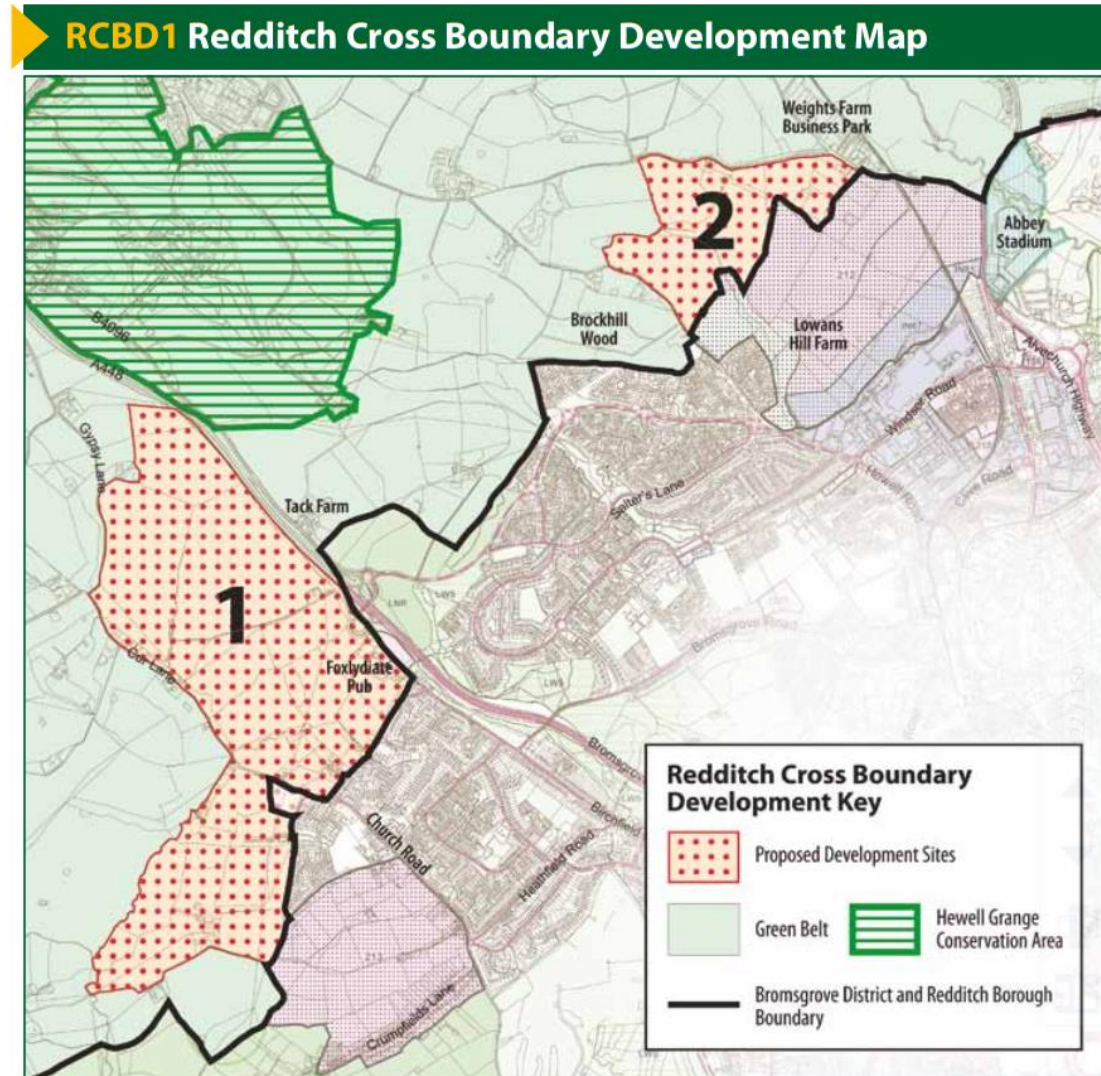
Land Use Masterplan with part of site within BDC shown Grey



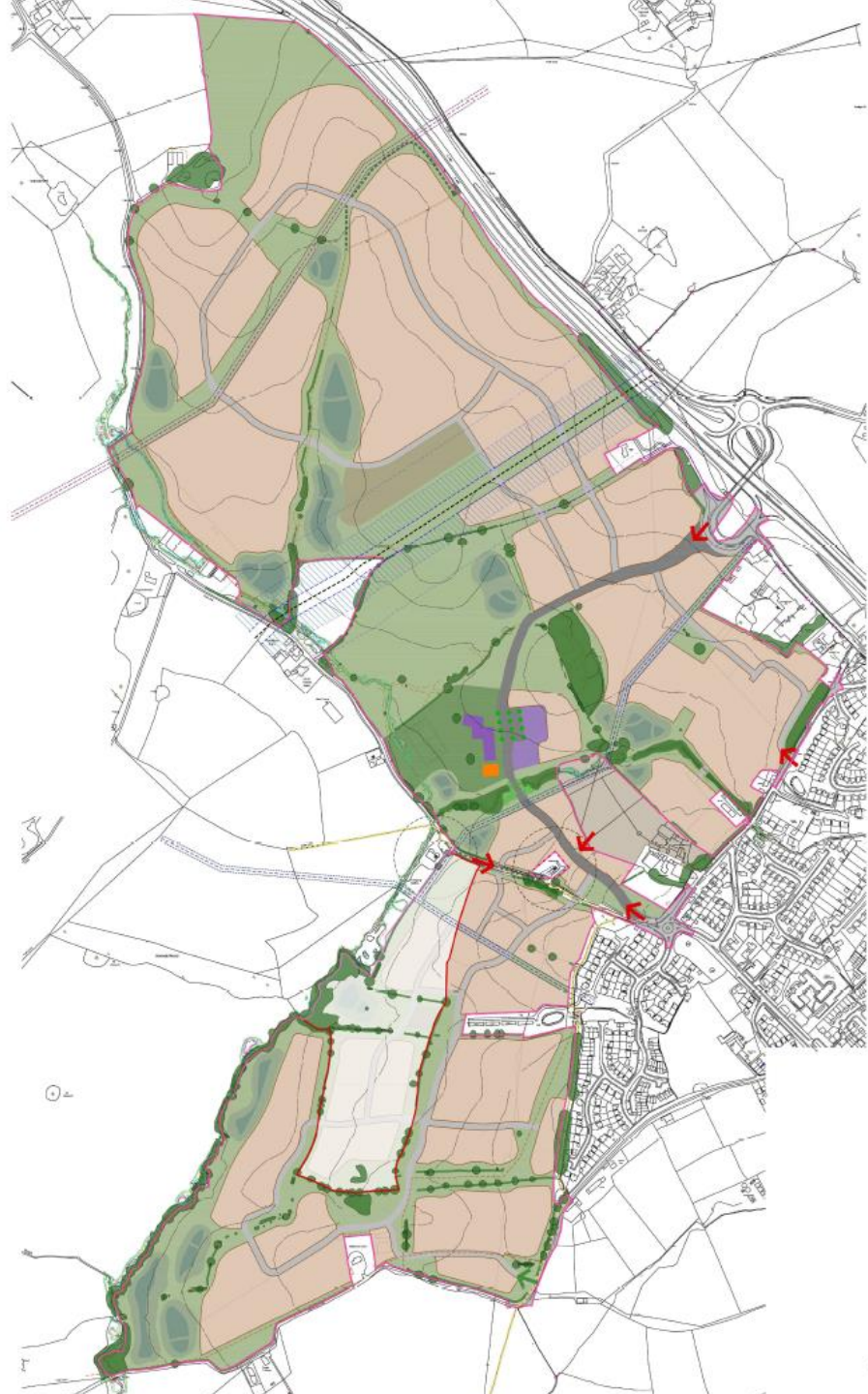
Extract from Bromsgrove District Plan






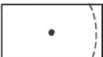

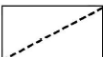

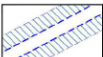

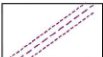

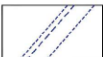














Extract from Appendix 1 of Borough of Redditch Local Plan No.4



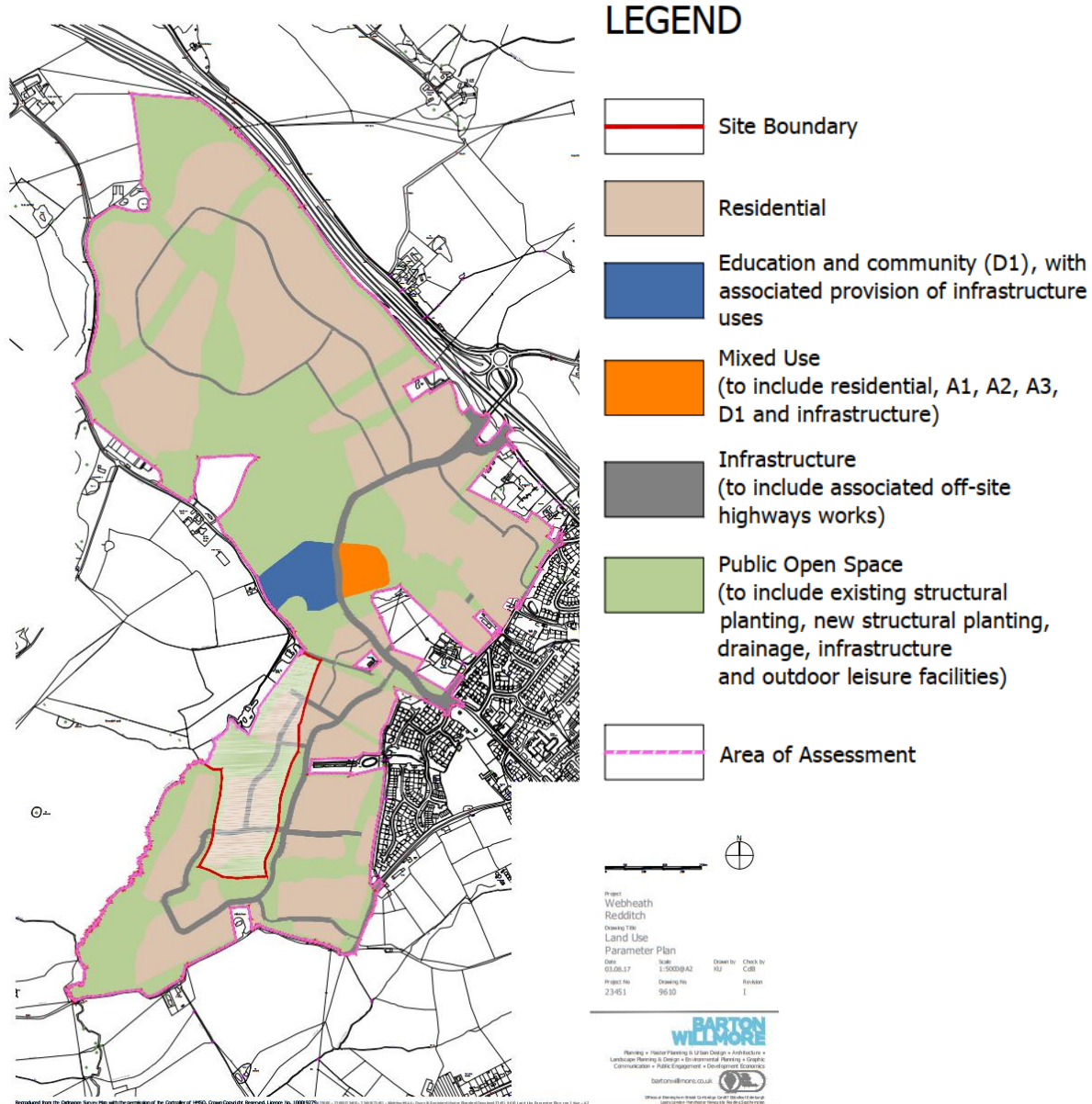
© Crown Copyright and database rights 2017. Ordnance Survey 100023519.



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 Webheath Redditch			Development area that will be bought forward at a future time	
Drawing Title Land Use Masterplan			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



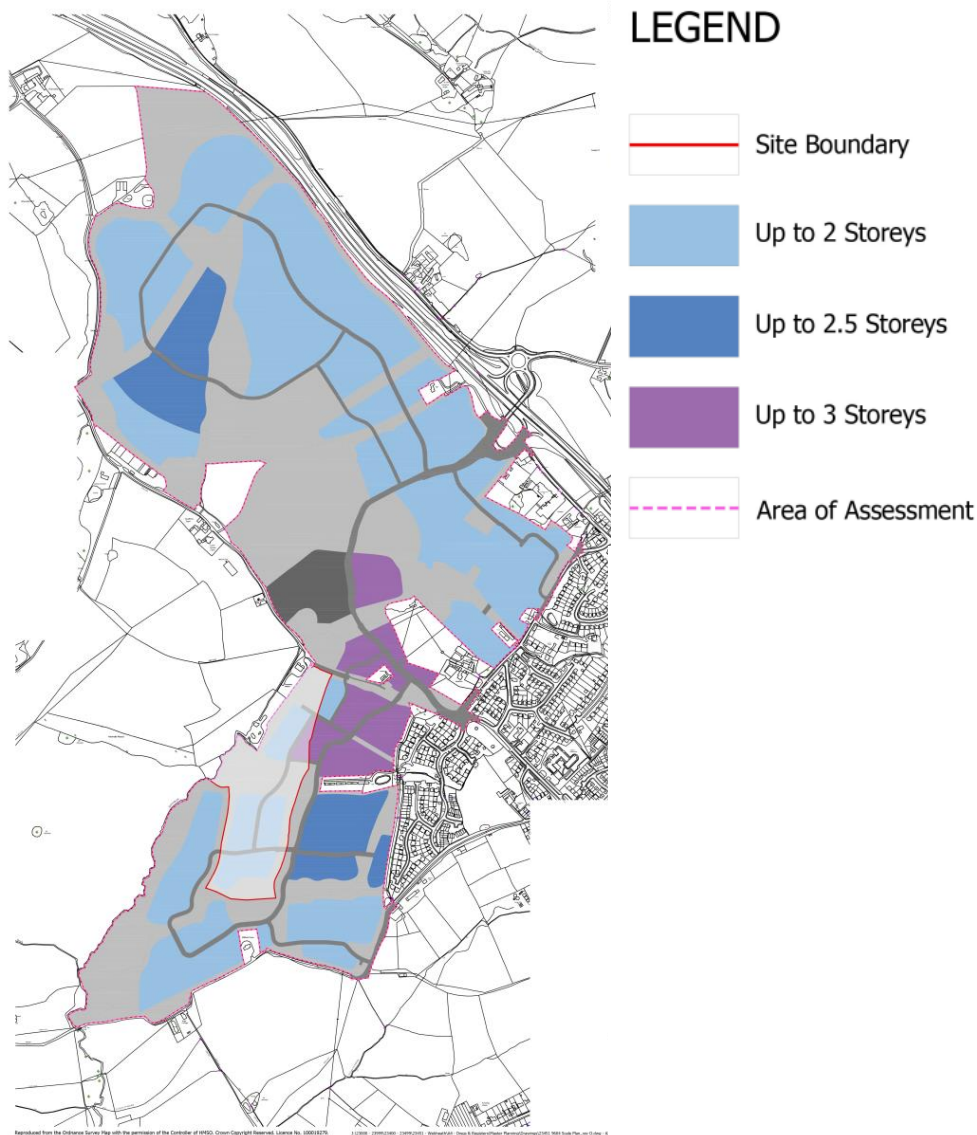
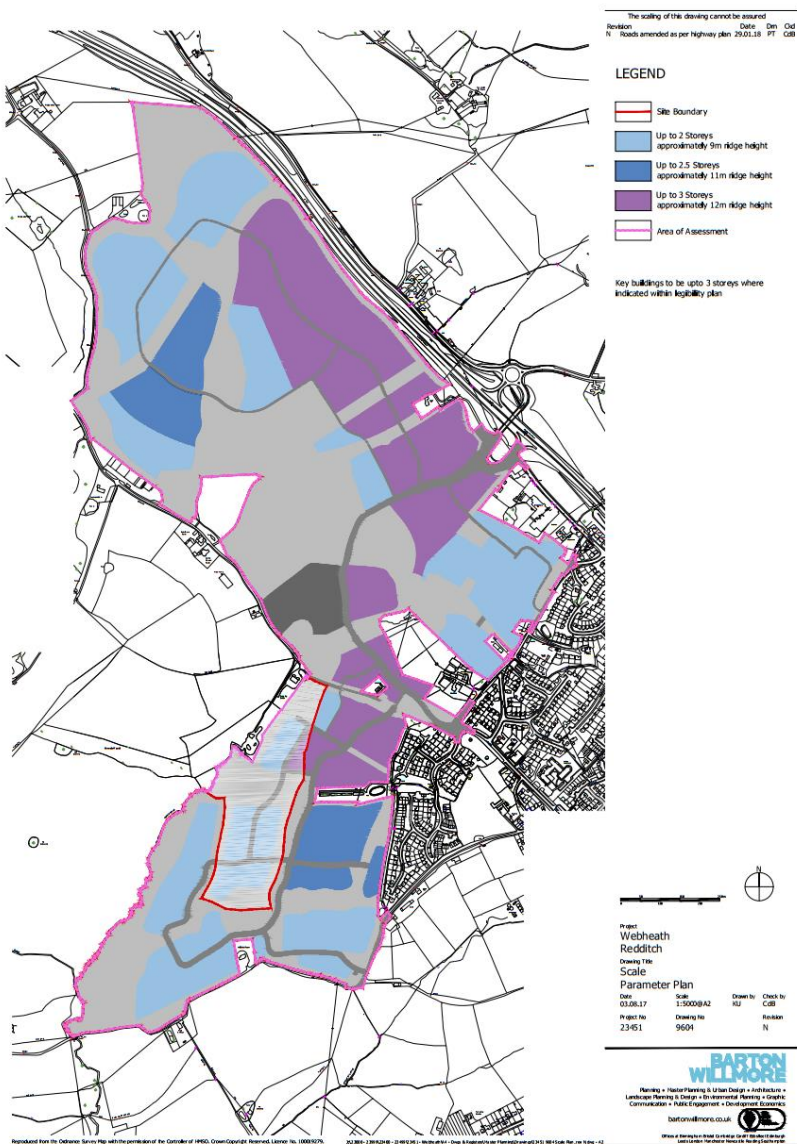
Page 64



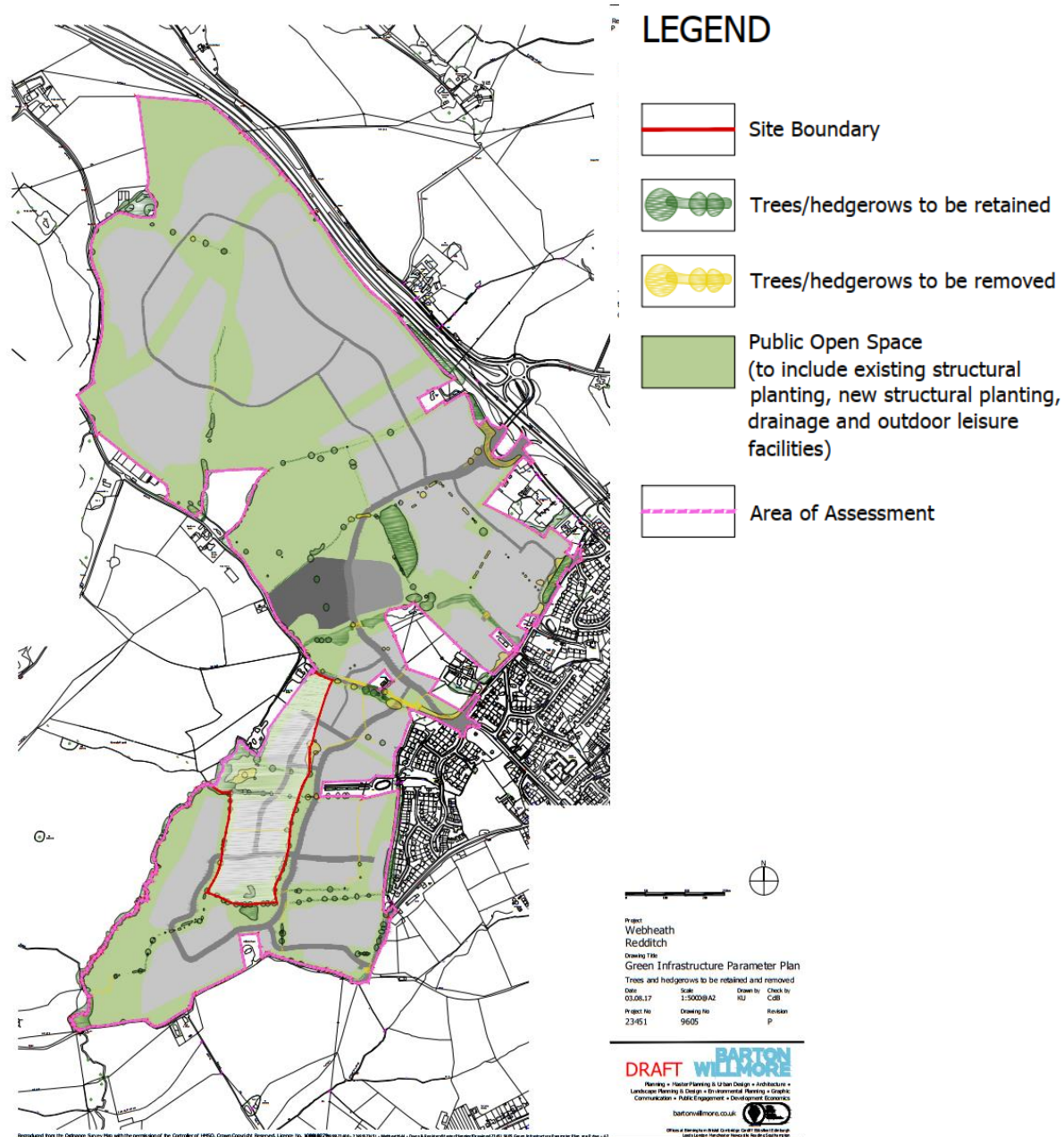
SCALE Parameter Plan OUTLINE

SUPERSEDED

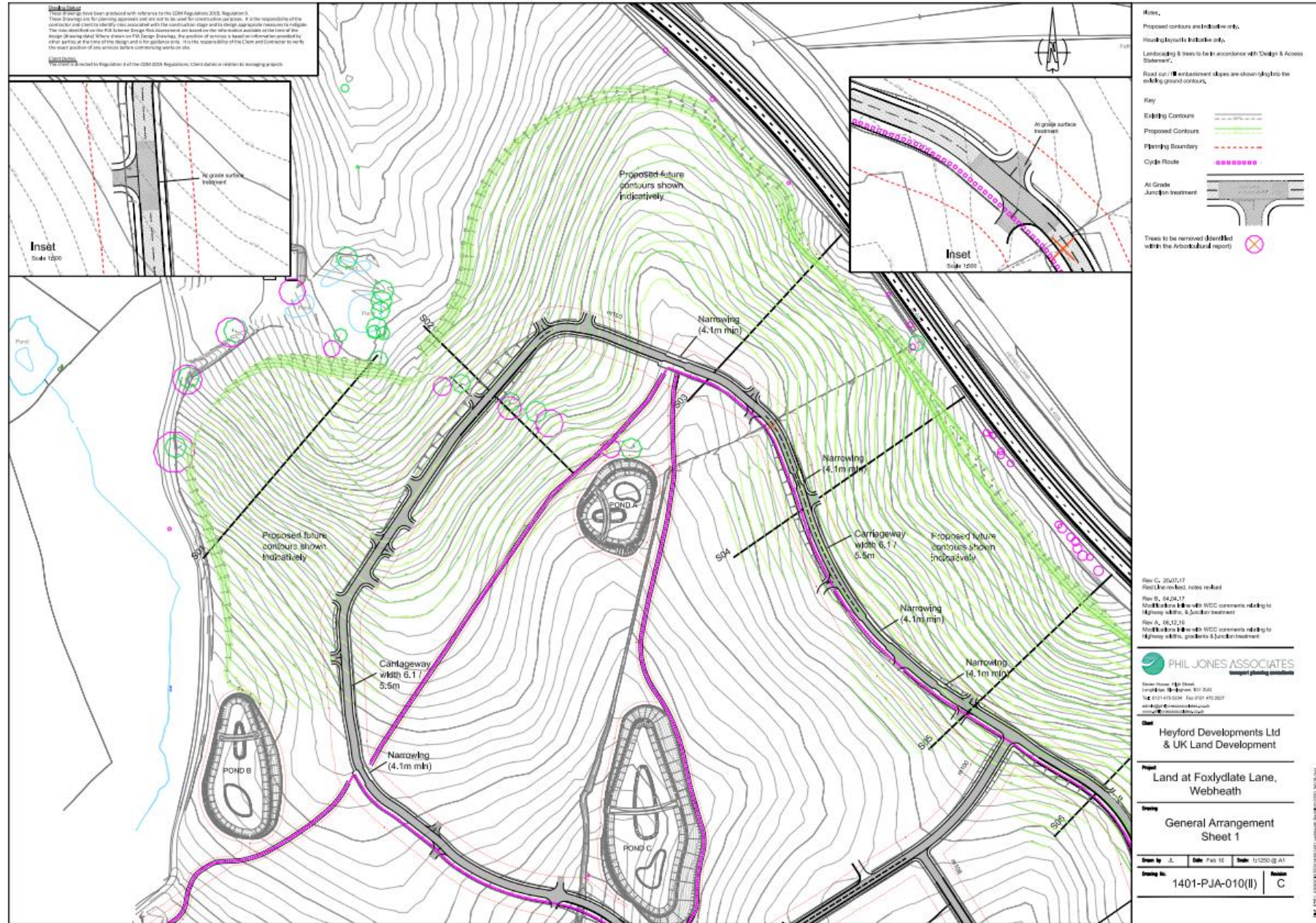
AMENDED Rev O



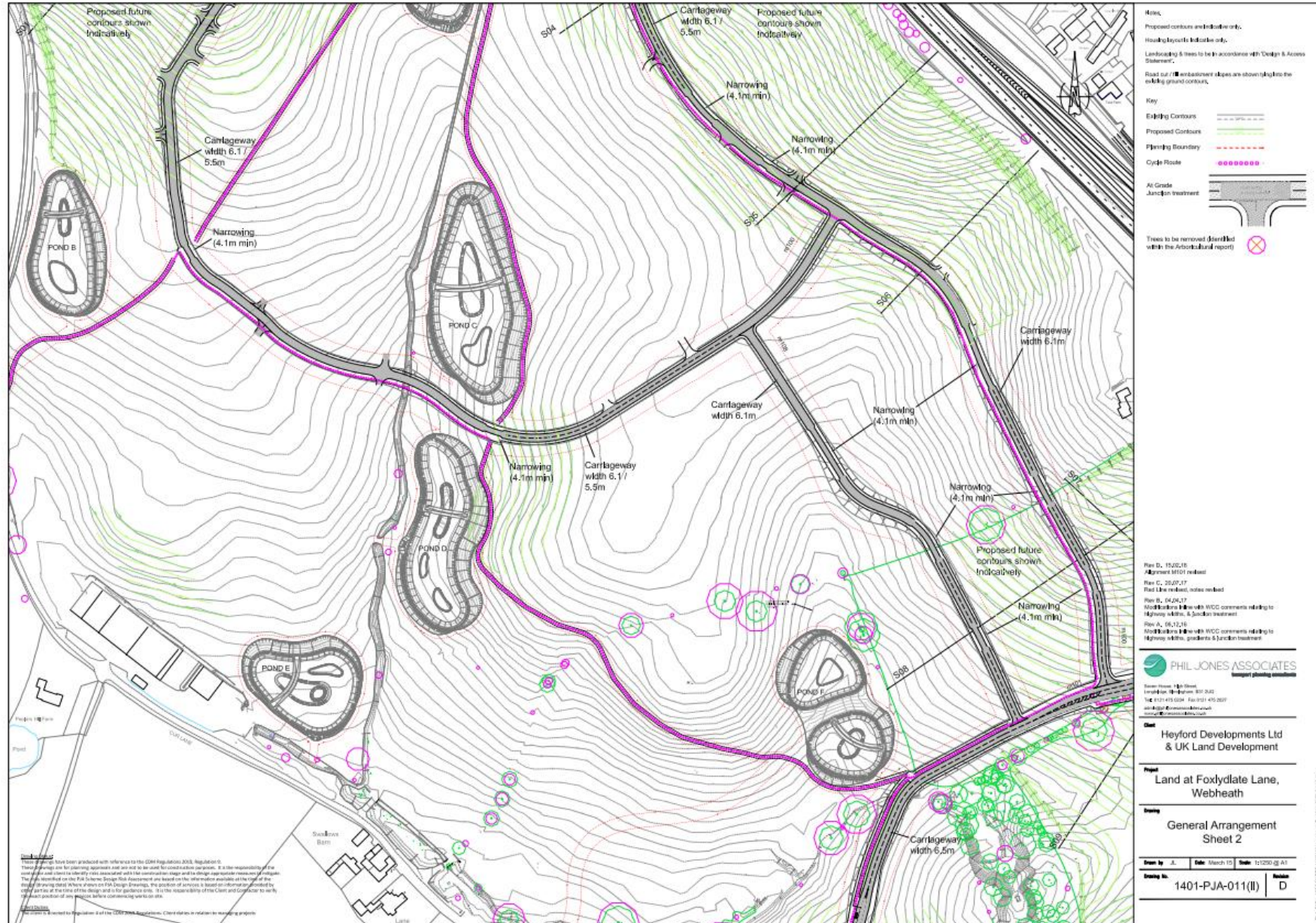
Green Infrastructure Plan OUTLINE



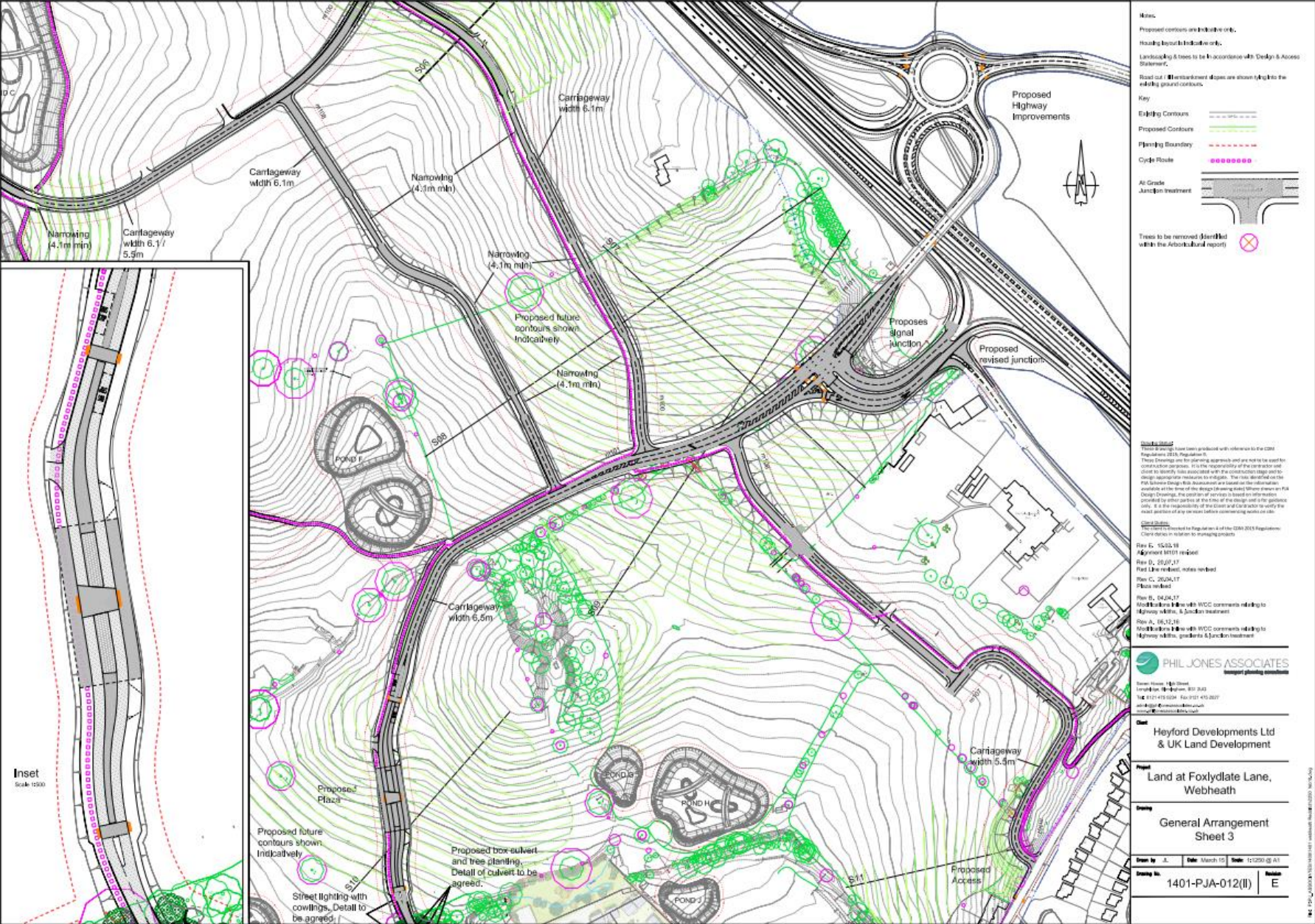
Internal Service Road (North) FULL



Internal Service Road (Central) FULL



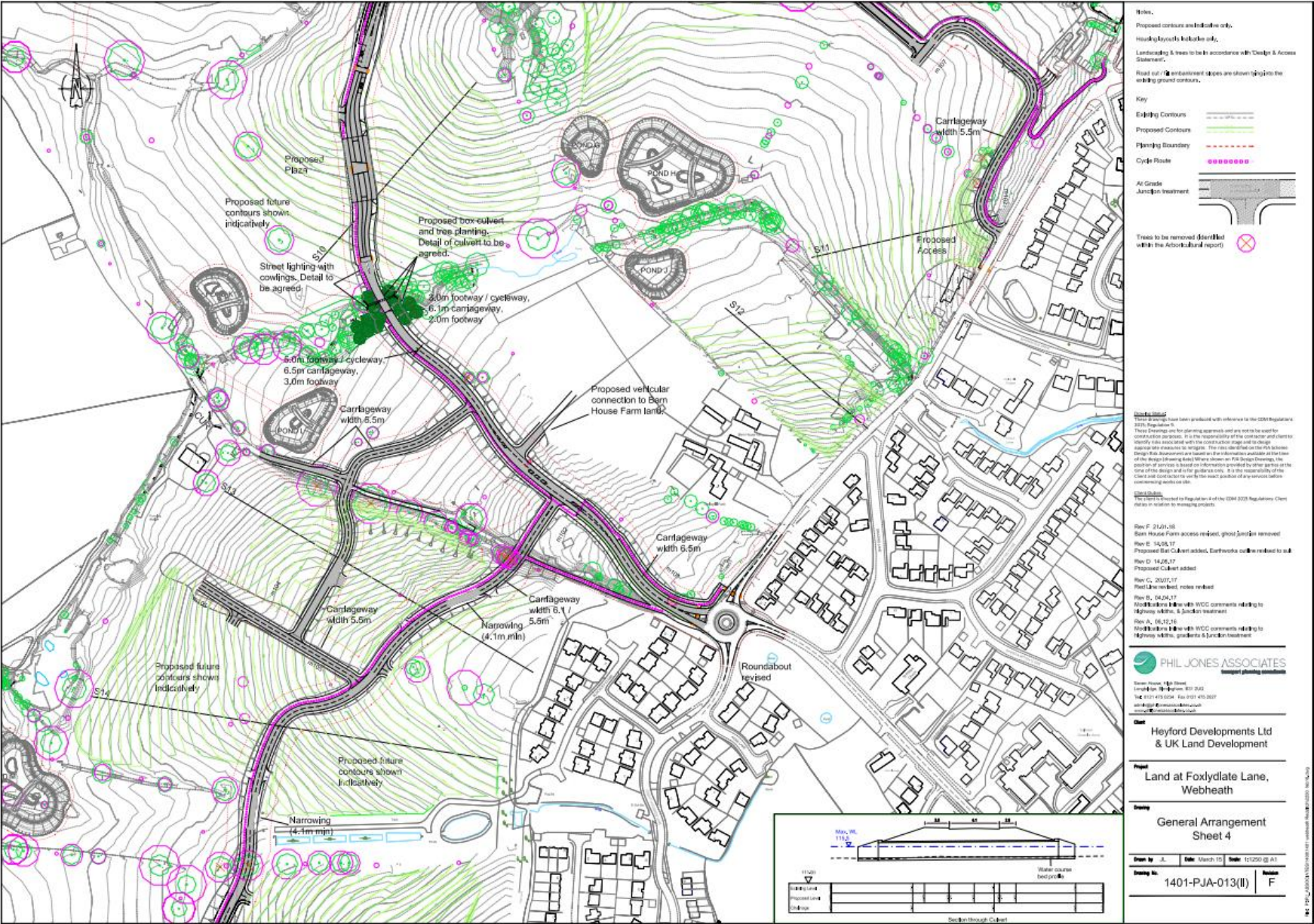
Birchfield Road Access FULL



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



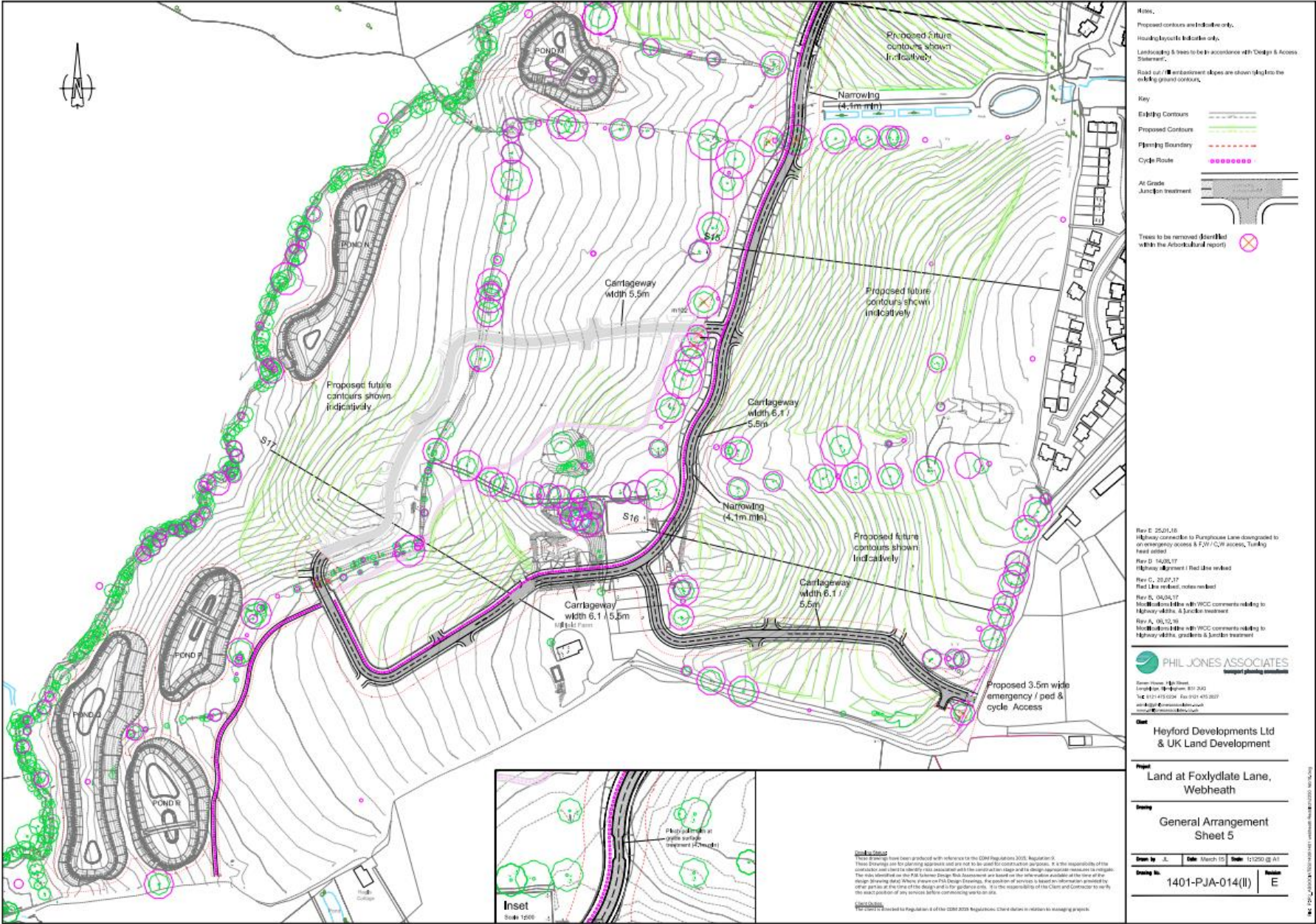
View looking west along Cur Lane towards proposed access



View from Cur Lane looking east towards junction with Foxlydiate Lane

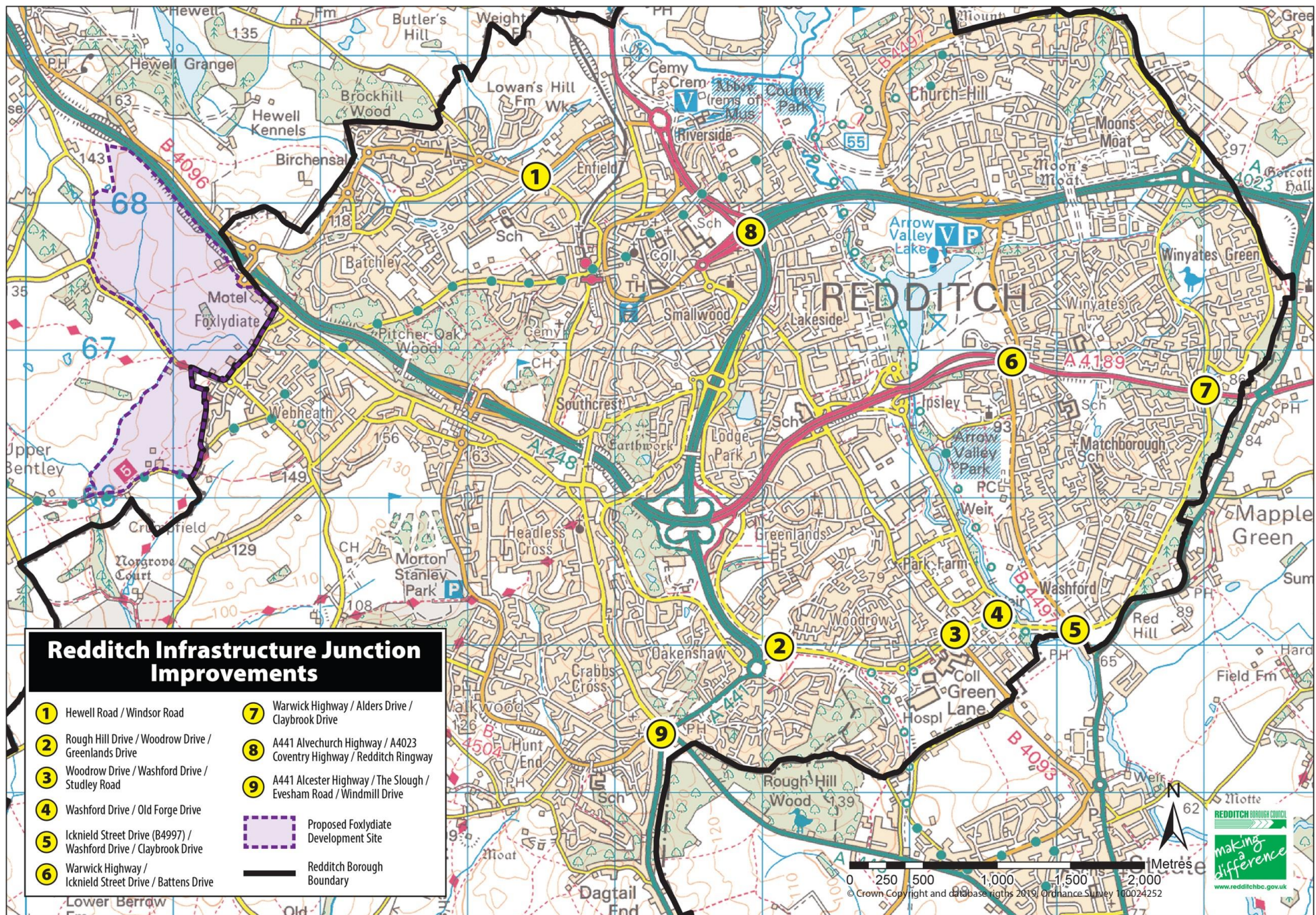


Pumphouse Lane Emergency/ Pedestrian/Cycle access FULL



View looking south west towards Pumphouse Lane access





This page is intentionally left blank