



## **BROMSGROVE DISTRICT COUNCIL**

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

**TUESDAY 16TH MARCH 2021**  
**AT 6.00 P.M.**

**MEMBERS:** Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), A. J. B. Beaumont, G. N. Denaro, 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 15th February 2021 (Pages 1 - 8)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 16/0335/OUT - Outline application for the phased development of up to 1,300 dwellings (C3); up to 200 unit extra care facility (C2/C3); up to 5HA employment (B1); mixed use local centre with retail and community facilities (A1, A2, A3, A4, A5, D1); First school, open space, recreational areas and sports pitches; associated services and infrastructure (including sustainable drainage, acoustic barrier); with matters of appearance, landscaping, layout and scale (including internal roads) being indicative and reserved for future

consideration, except for details of the means of access to the site from both Kidderminster Road and Stourbridge Road, with associated highway works (including altered junctions at Perryfields Road / Kidderminster Road and Perryfields Road / Stourbridge Road) submitted for consideration at this stage - Land At, Perryfields Road, Bromsgrove, Worcestershire - Taylor Wimpey UK Ltd (Pages 9 - 124)

**Please note: The Officers Presentation Slides are to follow.**

6. 20/00300/FUL - Alterations to the junction of Fox Lane and Rock Hill to form a roundabout junction. Demolition of the existing building (The former public house 'The Greyhound Inn') - The Former Greyhound [ph], 30 Rock Hill, Bromsgrove, Worcestershire, B61 7LR - Taylor Wimpey UK Ltd (Pages 125 - 150)

**Please note: The Officers Presentation Slides are to follow.**

7. 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

5th March 2021

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

**Pauline Ross  
Democratic Services Officer**

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

**Tel: 01527 881406**

**email: [p.ross@bromsgroveandredditch.gov.uk](mailto:p.ross@bromsgroveandredditch.gov.uk)**

## **BROMSGROVE DISTRICT COUNCIL**

### **PLANNING COMMITTEE**

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

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

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

[Live Streaming of Planning Committee](#)

Members of the Committee, officers and public speakers will participate in the meeting using Microsoft Teams, 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 above.

### **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 15 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 Officer and invited to unmute their microphone and address the committee via Microsoft Teams.

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

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**Notes:**

- 1) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Officer on 01527 881406 or by email at [p.ross@bromsgroveandredditch.gov.uk](mailto:p.ross@bromsgroveandredditch.gov.uk) before 12 noon on Friday 12<sup>th</sup> March 2021.
- 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 Microsoft Teams invitation. Provision has been made in the amended Planning Committee procedure rules for public speakers who cannot access the meeting by Microsoft Teams, 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 fifteen minutes. Any speakers wishing to submit written comments must do so by 12 noon on Friday 12<sup>th</sup> March 2021.
- 3) Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues, the case officer's presentation and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view in full via the Public Access facility on the Council's website [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)
- 4) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Bromsgrove District Plan (the Development Plan) and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the Development Plan and the "environmental factors" (in the broad sense) which affect the site.

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

# Agenda Item 3

Planning Committee  
15th February 2021

## **BROMSGROVE DISTRICT COUNCIL**

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

**MONDAY 15TH FEBRUARY 2021, AT 6.08 P.M.**

PRESENT: Councillors R. J. Deeming (Chairman), S. P. Douglas, A. B. L. English, M. Glass, S. G. Hession, H. J. Jones (substituting for Councillor A. J. B. Beaumont), J. E. King (during Minute No's 82/20 to 87/20), H. D. N. Rone-Clarke (substituting for Councillor P. M. McDonald, P.L. Thomas and S. A. Webb (substituting for Councillor G. N. Denaro)

Officers: Ms. C. Flanagan, Mr. A. Hussain, Mr. D. M. Birch, Mr. P. Lester, Miss. C Wood, Mrs. P. Ross and Mrs S. Sellers

The Chairman took the opportunity to apologise to all those present for the late start to the meeting, which was due to technical issues.

82/20

#### **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

The following apologies for absence were received: -

Councillor G. N. Denaro with Councillor S. A. Webb in attendance as the substitute Member, Councillor P. M. McDonald with Councillor H. Rone-Clarke in attendance as the substitute Member, Councillor A. J. B. Beaumont with Councillor H. J. Jones in attendance as the substitute Member and Councillor P. J. Whittaker.

83/20

#### **DECLARATIONS OF INTEREST**

Councillor H. J. Jones declared in relation to Agenda Item 6 – Planning Application 20/01343/FUL – 56 Braces Lane, Marlbrook, Bromsgrove, Worcestershire, B60 1DY, (Minute No. 87/20), in that she would be addressing the Committee for this item as Ward Councillor under the Council's public speaking rules. Following the conclusion of public speaking, Councillor H. J. Jones took no part in the Committee's debate nor voting on this matter.

Councillor S. G. Hession declared in relation to Agenda Item 7 - Planning Application 20/01396/FUL – 18-20 Lea Green Lane, Wythall, Worcestershire, B47 6HE, (Minute No. 88/20), in that she would be addressing the Committee for this item as Ward Councillor under the Council's public speaking rules. Following the conclusion of public speaking, Councillor S. G. Hession took no part in the Committee's debate nor voting on this matter.

Councillor S. A. Webb declared in relation to Agenda Item 6 - Planning Application 20/01343/FUL – 56 Braces Lane, Marlbrook, Bromsgrove, Worcestershire, B60 1DY, (Minute No. 87/20), in that the site lay within her County Councillor Division.

84/20

## **MINUTES**

The minutes of the Planning Committee meeting held on 18<sup>th</sup> January 2021, were received.

**RESOLVED** that the minutes of the Planning Committee meeting held on 18<sup>th</sup> January 2021, be approved as a correct record.

85/20

## **UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING**

The Chairman announced that a Committee Update had been circulated to all Planning Committee Members prior to the meeting commencing.

86/20

## **20/01274/FUL - VARIATION OF PLANNING CONDITIONS 2 (APPROVED PLANS), 3 (MATERIALS), 9 (UTILITY SERVICES PLAN) AND 11 (CONSTRUCTION MANAGEMENT PLAN) ATTACHED TO PLANNING PERMISSION 19/01037/FUL TO ALLOW ADJUSTMENTS OF HOUSE TYPES, GARAGES AND PLOTS AND TO SEEK APPROVAL OF MATTERS RESERVED BY CONDITIONS - 354 ALCESTER ROAD, BURCOT, BROMSGROVE, WORCESTERSHIRE, B60 1PW - HAGLEY HOMES LIMITED**

Officers reported that following the submission of an Archaeological Field Evaluation, Conditions 6 and 7 were no longer required, therefore it was recommended that Condition 6 and Condition 7 be deleted; as detailed in the published Update Report, copies of which were provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers reminded Members that a scheme for 12 dwellings was previously approved in October 2019, on the former Burcot Garden Centre site, the relevant planning history was detailed on page 9 of the main agenda report. The garden centre closed in July 2020 and had subsequently been demolished.

The applicant, Hagley Homes Limited, were now seeking a modification of the approved proposals, as detailed on page 7 of the main agenda report; under Section 73 of the Town and Country Planning Act 1990.

Officers drew Members' attention to the Proposed Site Layout presentation slide, which outlined the proposed changes that the developer was looking to achieve.



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Officers reiterated that the number of dwellings proposed remained at 12, the same as the approved scheme, changes to the design of the scheme were detailed on page 12 of the main agenda report. All changes to the scheme were considered acceptable in relation to the Green Belt.

Officers further drew Members' attention to information regarding the S106 agreement, in the event that a S73 consent was granted, as detailed on page 9 of the main agenda report.

At the invitation of the Chairman, Mr. S. Holloway, the Applicant's agent addressed the Committee.

The Committee then considered the Application, which officers had recommended for approval.

In response to Member's questions, officers clarified that the access road to the site would not be adopted by Worcestershire County Council Highways and that this was not a material planning consideration, so was not within Members remit when determining this application.

Officers further responded with regards to the variation that the 4 bedroom dwellings were now proposed as 5 bedroom dwellings, and that because 8 of the 12 dwellings proposed were 3 bedrooms or less; the revised scheme complied with Policy BDP7. The 5 bedroom dwellings would have 3 car parking spaces.

Officers stated that the affordable 3 bedroom dwellings, in their opinion, were not distinguishable from the other proposed 3 bedroom dwellings.

Members were informed that the proposed location of the development on the site was considered to ensure that effects on residential amenity were minimised. The proposed Juliet balconies on Plots 10 and 11 had now been removed. With regards to separation distance, as referenced in the SPD, the distance of 21m being a minimum acceptable distance; officers commented that they had to consider the circumstances and context of the site taking into account gable side elevations, any existing vegetation, or any oblique angles, that would form part of the decision making when officers looked at any separation distances and amenity.

In response to questions from Members with regard to what appeared to be a loss of trees, officers commented that a scheme of landscaping and planting would be submitted to and approved by officers and that this would include the position of all trees.

**RESOLVED** that Planning Permission be granted subject to the Conditions as set out on pages 14 to 18 of the main agenda report; with Conditions 6 and 7 to be deleted for the reasons as detailed in the Committee Update.

**OF CONDITIONS 2 & 12 OF APPLICATION REF: 20/00335/FUL IN ORDER TO REMOVE HEDGEROW ALONG THE WESTERN BOUNDARY AND ALTER LANDSCAPING SCHEME - 56 BRACES LANE, MARLBROOK, BROMSGROVE, WORCESTERSHIRE, B60 1DY - MR. & MS. C & J HOPKINS AND SANGHA**

Officers clarified that the Application had been brought to the Planning Committee for consideration at the request of Councillor H. J. Jones, Ward Councillor.

Officers reported that an additional letter of objection was received from the recent purchasers of 191A Old Birmingham Road raising concerns with regard to visual amenity. The objection, along with the officer's response were detailed in the Committee Update Report; copies of which were provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and in doing so informed Members that the application followed a previously approved planning application at the site, and therefore remained extant, as detailed on page 34 of the main agenda report.

The current application before Members sought to amend the landscaping on site, so as to remove the existing hedgerow along the western boundary and to replace this with an alternative boundary treatment.

The proposed boundary treatment would comprise of 1.8 metre high "Green Screen" panels towards the front of the site, as detailed on page 48 of the main agenda report, 1.8 metre tall close boarded fence towards the middle of the site and existing timber post and panel fences to be retained at the rear of the site.

The implications of these changes required the variation of two conditions and the removal of two conditions that were placed on the original planning permission, as detailed on pages 34 and 35 of the main agenda report.

Officers further informed Members that the Council's Tree Officer had originally raised an objection to the removal of the existing hedgerow and the replacement with a 'Green Screen' feature.

However, following the change to the proposed 'Green Screen' species and the receipt of supporting information from the applicant's independent tree consultant and consultant ecologist, as detailed on page 36 of the main agenda report; the Council's Tree Officer had removed his objection.

Members were further informed that the applicant had stated that the existing hedge was required to be removed in order to create adequate turning space on the site to allow vehicles to access and egress the site

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in forward gear. Members were asked to note that Worcestershire County Council (WCC) Highways had raised no objections to the original proposal which retained the hedge, however, they had acknowledged that the turning area was constrained and only just acceptable.

With regards to the residential amenity of the neighbouring property, 191A Old Birmingham Road, given that the height of the proposed replacement boundary treatment would exceed the existing hedgerow, there would be no adverse impact to privacy.

Officers reiterated that whilst it was appreciated that the existing hedgerow offered a more natural boundary feature of a greater width, it was also noted that this feature was not protected by a preservation order and therefore could be removed independently from the approved scheme at any time.

At the invitation of the Chairman, Mr. S. Bahia, addressed the Committee in objection to the application. Mr. K. Lawrence, the applicant's agent and Councillor H. J. Jones, Ward Councillor also addressed Committee Members.

The Committee then considered the Application, which had been recommended for approval by officers.

Officers responded to Members questions with regards to biodiversity and land ownership, and in doing so, drew Members attention to pages 36 and 37 of the main agenda report.

Members expressed their concerns with regard to the removal of an existing hedgerow, which the applicant was willing to leave in place as detailed on the original planning application. Members commented that WCC Highways had not raised any objections in respect of the original proposal, which retained the hedge, but had acknowledged that the turning area was constrained.

Officers clarified that WCC Highways had not been consulted with regard to the variations proposed by the applicant, as they had not raised any objections to the original planning application, and there were no changes proposed to the original parking layout.

Members further commented that the replacement 'Green Screen' was in their opinion, a poor substitute for a natural habitat for wildlife. Therefore, as highlighted earlier in the debate, Members were still concerned with the existing hedgerow being removed.

In response to Members questions, officers reiterated that domestic hedgerows were not protected under legislation. The existing hedgerow could be removed in its entirety by the applicant before the extant planning permissions were implemented. The new application offered the opportunity to secure a landscaping scheme, using 'Green Screen'

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panels; as the applicant could erect a boundary treatment under permitted development, which could be a close boarded fence or wall.

In response to further clarification sought by Members in respect of the removal of the original Conditions 10 and 11 and variation of Conditions 2 and 12, officers drew Members' attention to pages 34 and 35 of the main agenda report.

An alternative recommendation was proposed and seconded that planning permission be refused due to the 'Green Screen' panels being an inadequate substitute for wildlife and biodiversity, therefore causing environmental damage.

On being put to the vote, the alternative recommendation was lost.

**RESOLVED** that planning permission be granted subject to the Conditions and Informatives, as detailed on pages 37 to 39 of the main agenda report.

88/20

**20/01396/FUL - DEMOLITION OF NOS. 18 AND 20 LEA GREEN LANE AND ERECTION OF SEVEN DETACHED DWELLINGS - 18 - 20 LEA GREEN LANE, WYTHALL, WORCESTERSHIRE, B47 6HE - A & C & S PICKERSGILL AND MCGAULEY**

Officers clarified that the Application had been brought to the Planning Committee for consideration at the request of Councillor S. G. Hession.

Officers explained that the floor area of the development exceeded 1000 square metres, and therefore, under the Council's Scheme of Delegation had been referred for determination by Planning Committee Members.

Officers further reported that two additional representations had been received with regard to attending the virtual Planning Committee meeting, Committee Members being unable to attend Site Visits; and the ongoing problems due to poor drainage in the rear gardens and the removal of trees. The two representations along with the officer's responses were detailed in the Committee Update Report; copies of which were provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and in doing so informed Members that the application sought planning permission to demolish the two existing bungalows and erect 7 detached dwellings. This would result in a net increase of 5 dwellings. Plots 1 to 4 would have four bedrooms with a further room in the roof space described as a cinema room. Plots 5 to 7 would have four bedrooms with no additional room in the roof space.

Members were further informed that extant permission existed for 7 dwellings on this site, which proposed a similar site layout. The proposal before Members differed in terms of house type design and number of bedrooms, which had been increased with the current scheme.

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Concerns had been raised in respect of amenity and officers drew Members' attention to the Design and Amenity information, as detailed on pages 57 and 58 of the main agenda report.

The site sat alongside Lea Green Drive, which was a cul-de-sac development, and the proposal was arranged using perimeter block design principles. Furthermore, careful consideration had been given to ensure that separation distances between existing and proposed dwellings and garden sizes had been achieved to accord with the SPD design guidelines.

At the invitation of the Chairman, Mr. G. Gadd, addressed the Committee in objection to the application. Mr. K. Lawrence, the applicant's agent and Councillor S. G. Hession, Ward Councillor also addressed Committee Members.

The Committee then considered the Application, which had been recommended for approval by officers.

Members referred to the objection received from Wythall Parish Council in respect that they did not feel it was possible to enforce that the use of the additional floor space was restricted to a cinema room and was not converted at a later date.

Members commented that they were in agreement with the matters raised in objection to the application and BDP7 of the Bromsgrove District Plan (Local Plan) - namely 'Damage to the area is not outweighed by public benefits of increasing housing supply'.

The proposed development would make the housing supply worse, as 5 bedroom dwellings were not as affordable or accessible to everyone. The Local Plan referred to opening up housing to more people by making homes affordable by prioritising 2 bedroom and 3 bedroom dwellings.

Officers responded to questions from Members with regards to the number of sparrow boxes on the proposed site and s106 monies.

Officers responded to Members questions with regards to the concerns raised by local residents in respect of ongoing drainage issues. Officers stated that the area was known to be an area that suffered from poor drainage and boggy land during heavy rain. North Worcestershire Water Management had commented that due to known flood risk in the area, it was important to ensure water was correctly managed to ensure no increase in flood risk elsewhere. A drainage strategy including a full set of calculations verifying the capacity of attenuation was to be used and the pre- and post- development runoff rates and volumes would be required, which could be conditioned.

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Officers further commented that the conditions would address the issue of drainage, so could therefore improve the situation. Once the local flood authority was involved in the drainage scheme, it would seek the best possible outcome for the site.

Officers further reiterated that North Worcestershire Water Management had raised no objections to the application.

An alternative recommendation was proposed and seconded that planning permission be refused due to the proposed development not being in line with Policy BDP7 of the Bromsgrove District Plan, in respect of housing mix.

On being put to the vote, the alternative recommendation was lost.

**RESOLVED** that planning permission be granted subject to the Conditions, as detailed on pages 60 to 64 of the main agenda report.

The meeting closed at 7.58 p.m.

Chairman

Name of Applicant	Proposal	Plan Ref.
Taylor Wimpey UK Ltd	Outline application for the phased development of up to 1,300 dwellings (C3); up to 200 unit extra care facility (C2/C3); up to 5HA employment (B1); mixed use local centre with retail and community facilities (A1, A2, A3, A4, A5, D1); First school, open space, recreational areas and sports pitches; associated services and infrastructure (including sustainable drainage, acoustic barrier); with matters of appearance, landscaping, layout and scale (including internal roads) being indicative and reserved for future consideration, except for details of the means of access to the site from both Kidderminster Road and Stourbridge Road, with associated highway works (including altered junctions at Perryfields Road / Kidderminster Road and Perryfields Road / Stourbridge Road) submitted for consideration at this stage. Land At, Perryfields Road, Bromsgrove, Worcestershire,	16/0335  Non-Determination Appeal 3265948

### Procedural Update

- A1. The District Council received pre-notification from the applicant on 12<sup>th</sup> August 2020 of their intention to submit an appeal under Section 78 requesting the Inquiry procedure, not less than 10 working days following that notice. In the interim, the District Council has continued to positively and proactively engage with the applicant.
- A.2. In the absence of a further written agreement from the applicant to extend the decision-making period beyond 8<sup>th</sup> December 2020, the District Council received notification from the appellant on 29<sup>th</sup> December 2020 that they had exercised their right to appeal against the failure of the Local Planning Authority to make a decision on the application. The District Council formally received notification from the Planning Inspectorate on 4<sup>th</sup> February 2021 that the appeal process had formally commenced.
- A.3 As a consequence of the applicant's decision to lodge an appeal, Bromsgrove District Council is unable to formally determine the planning application and no decision can now be issued.
- A.4 Based on the available information; the views of Members are now sought (ie. what would be the decision of the District Council if the Planning Committee Members were able to determine the application under normal circumstances) and arising from these discussions, a subsequent resolution. This resolution will then be carried forward to form the District Council's case at the appeal to be held by Inquiry. In the event that members decide to overturn officer's recommendation, it would be necessary for Members to identify putative reasons for refusal. The revised deadline for the Council to submit its statement of case is 19<sup>th</sup> March 2021.

## RECOMMENDATION:

- (a) That Members of the Planning Committee confirm that the District Council would have been minded to GRANT outline planning permission in the event that an appeal against non-determination had not been lodged and it had been able to determine the application
- (b) That **DELEGATED POWERS** be granted to the Head of Planning Regeneration to agree a suitable and satisfactory legal mechanism in relation to the following:
- (i) **£ 3,155,970 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 comprising:
- £1,276,190.64** towards the A38 Highway Works IDP
- £1,879,778.39** towards the Town Centre Junction Works
- Junction 2 Stourbridge Road Site Access Works,
- Junction 3 Kidderminster Road Access and Whitford Rd Junction Works
- Junction 17 Fox Lane / Rock Hill Roundabout Works,
- Junction 10 Kidderminster Road / Hannover Street Works
- (ii) **£381,000 Sustainable Infrastructure**  
Walking and cycle provisions including  
Brom 2 Signage  
Burcott Lane / Slideslow  
South Bromsgrove Highway  
East/West Railway Line  
Various dropped kerbs in Bromsgrove  
Bromsgrove Cycle Parking  
New Road Corridor
- (iii) **£302,000 Public transport services+** £150,000 addition bus service contribution  
a local bus service between the Development and Bromsgrove town centre and railway station running at intervals of 15-20 minutes from seven days a week 0700 to 1900
- (iv) **Personal Travel Planning**
- £200 Per Dwelling with in each dwelling per Reserved Matter Phase
- (v) **Mobility Monitor and Manage**
- If required Up to £705,000 Flexible Travel Fund



- (v) **Education Infrastructure**  
the land on which the First School will be provided being up to 1.27 ha in area  
**£ 2,523,264** towards the provision of the First School  
A sum of **£ 929,244** towards the expansion by one form of entry provision at South Bromsgrove High School
- (vi) **Sports and Recreation (on site)**  
  
Sports Pavilion (a changing room building and car park)  
Associated Maintenance contribution **£5200 annually for 25 years**  
  
Playing Pitches (three senior sized football pitches)  
Associated Maintenance contribution **£2400** annually for 25 years
- (vii) **Sports and Recreation (off site contribution)**  
  
**£28,000** for the following improvements to the pitch at King George Recreation Ground including **£16,000** for renovation works and **£12,000** for a 12-month growth period.  
  
A contribution (to be confirmed) towards the improvement of toddler, children, teenager and adult play equipment at the King George Recreation Ground and the Sanders Park / Battlefield Brook Recreation Area
- (viii) Community Facility – a dedicated space of up to 616sqm  
An initial set up fee and 5 year dowry (To be confirmed)
- (ix) **Waste Management Contribution: up to £69479 comprising**  
Waste bins £52.24 per dwelling  
(based on the maximum number of 1330 units)
- (x) **Planning Obligation Monitoring Fee: (To be Confirmed)**  
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.
- (xi) **The securing of a 30% provision of on-site affordable dwelling units**  
(up to a maximum of 390 units based 1300 dwellings being built)
- (xii) **the provision of an ‘extra care’ facility of up to 200 units**
- (xiii) **The provision and future maintenance in perpetuity of the SuDs facilities**
- (xiv) **The provision and future maintenance of the on-site play space and open space provision for 25 years**
- (xv) **A financial contribution of up to a maximum of £807,315.63 to meet annual shortfalls in NHS Service revenue.**

- (xvi) The provision of **10** plots for **self-build housing**
- (c) **And that DELEGATED POWERS be granted to the Head of Planning Regeneration to discuss the final scope and detailed wording and numbering of conditions as set out in the list at the end of this report as part of the appeal process**
- (d) **And that DELGATED POWERS be granted to the Head of Planning and Regeneration to agree the contributions yet to be agreed as part of the appeal process**

## **Consultation Responses**

### *Highways*

**Highways Department- Worcestershire County Council 04.11.2020**

**No objection** subject to conditions and Obligations.

### **The Context of Worcestershire County Council Highway Authority response.**

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. In considering this Planning Application, WCC are mindful of the current Local Plan and the Worcestershire Local Transport Plan 4 (LTP4). Each of these are briefly presented below in terms of their influence on the Highway Authority response.

### Local Plan Considerations

The Bromsgrove District Local Plan 2011-2030 (BDP) was adopted in January 2017. Paragraph 2.13 of the Plan states that the population of Bromsgrove is projected to increase by about 12,800 up to 2030 (106,437) and the number of persons aged 65-plus is projected to increase by around 11,300. New housing is therefore needed to accommodate a growing population

In response to this and as identified in the "Housing Land Supply in Bromsgrove District 2011-2019" document dated April 2019, Para 2.1, the District has a 'housing requirement of 7,000 dwellings up to March 2030'. For the Plan period, an 'average of 368 net dwelling completions per annum is required to meet the Districts housing requirement'. A strategic objective of the plan is to provide a range of housing types to meet the needs of the local population.

The Perryfields Road site is one of three sustainable urban extensions allocated (as BROM2) under Policy BDP5 of the BDP. Policy BDP5A relates specifically to Bromsgrove town expansion sites and includes sub policies BDP5A.1 to BDP5A.

Policy BDP5A.7 requires that:

- An overall transport strategy will be developed that maximises opportunities for walking and cycling making full use of the Sustrans route No. 5 (in BROM2) and Monarch's Way (adjacent to BROM3 – Whitford Road)

- Significant improvements in passenger transport will be required including integrated and regular bus services connecting the new and existing residential areas to the railway station, with the Town Centre as the focal point of the network. In particular, a regular service should be routed through BROM2 and into the residential area of Sidemoor which would provide benefits for the wider community;
- It will be necessary to manage the cumulative traffic impact generated by the new developments following the implementation of measures which maximise the use of walk, cycle and passenger transport modes. All proposals must be subject to appropriate appraisal in consultation with Worcestershire County Council (WCC) and consistent with Local Transport Plan 3 (LTP3) policies and design standards. Full consideration must be made of the impact on the wider transport network, including that managed by the Highways England;

As identified at paragraph 8.162, road congestion is an increasing problem for Bromsgrove Town Centre, particularly during peak hours. It also identifies that significant improvements are required to public transport, in particular to provide an integrated and regular bus service which will connect new and existing residential areas to the railway station, with the Town Centre acting as the focal hub.

Paragraph 9.6 of the BDP identifies that the infrastructure required to deliver the housing need is contained in the Infrastructure Delivery Plan (IDP), which forms part of the evidence supporting the Plan. It is also confirmed that the IDP is a 'live' document meaning that it will be capable of being updated as necessary to ensure that it is relevant and up to date.

The plan was found to be 'sound' following examination in 2014 and 2016. The inspectors report, dated 16 December 2016, concludes at paragraph 127 - "For these reasons, and subject to the changes listed above, I conclude that the Local Plan provides satisfactorily for the delivery of development, with particular reference to transportation infrastructure". The changes referred to were to give greater clarity in respect of the need for transport assessment and the approach to developer contributions.

The Governments National Planning Policy Framework (NPPF) tells us at paragraph 15 that the planning system should be genuinely plan-led and that development proposals which accord with an up-to-date plan should be approved without delay. On this basis, the tests applied by Worcestershire County Council to the Perryfields planning application in respect of Transport are those included in policy BDP5A.7 only.

It is understood from BDC officers that, there are no alternatives for growth in Bromsgrove as the Town is greenbelt constrained. On that basis, WCC have considered the residual traffic impacts 'in the round' against the objectives of the Local Plan; to accommodate population growth within the town and to provide a range of housing types and tenures to meet the needs of the local population, whilst protecting the Public Realm, ie maximising opportunities for Walking, Cycling and Public transport while delivering small scale highway improvements where appropriate. This is considered to be in line with the County's Local Transport Plan and the NPPF.

## Worcestershire Local Transport Plan (LTP) Considerations

LTP3, as referred to in the BDP has now been replaced with LTP4 which was adopted in January 2017. This document recognises that it is not just new development that generates the need for transport infrastructure, technology and services investment; population growth, demographic change and climate change all pose challenges to the safety, capacity, resilience and functionality of our transport infrastructure.

LTP4 identifies the A38 Bromsgrove Key Corridor as a Major Transport Scheme for which WCC will bid for funding. A number of junctions away from the A38 corridor are also highlighted for review and assessment of necessary capacity or safety improvements.

### **Response**

The Highway Authority recommended in formal observations dated 09/03/2020 that Bromsgrove District Council defer the Application due to a variety of technical issues that remained to be addressed at that time. Since then the Highway Authority has continued to work proactively with the Developer and Bromsgrove District Council to address the outstanding highway matters.

This application represents 1 of 3 large scale housing allocations in Bromsgrove Town, the other two being Norton Farm (Brom 1) and Whitford Road (BROM3). The Norton Farm development is currently under construction and the Whitford Road planning application (16/01132) was considered acceptable to Worcestershire County Council as Highway Authority subject to conditions and obligations in formal observations 1st October 2019. Due to the interrelationship and commonality of these allocations, it may assist to read this response in conjunction with the Whitford Road response (and vice-versa). At the time of writing this response, the planning application is however subject to an Appeal

As a statutory consultee, the Highway Authority have appraised the details of this planning application. This application is the larger of the two allocations in the Local Plan and represents a major development proposal which will place new demands across the local transport network. This application has been considered as a standalone proposal and seeks to manage its own impact in accordance with Local Plan policy BDP5A.

It has also been assessed in a holistic manner to ensure the cumulative impacts of both applications are understood and appropriately managed. Specific issues relating to the cumulative impact of development, individual junction enhancement, planning conditions and planning obligations have also been addressed in the current planning application. This was the same procedure undertaken by the Highway Authority when considering the adjacent Whitford Road application (16/01132).

### Site Access

The Applicant proposes to gain vehicle access to the development site via two points of access. The first is to be taken from the B4091 Stourbridge Road to the north of the site. This access is to be a signalised access located north of the existing Perryfields Road junction with Stourbridge Road.

This vehicular access is currently being advanced through detailed design as part of a S278 process with officers at the County Council and has been informed by an associated Road Safety Audit.

The second vehicular access will be taken from the A448 Kidderminster Road to the south in the form of a large roundabout. A Road Safety Audit has been undertaken to inform the design of the access.

Both access points will be secured via Planning Condition.

## Walking and Cycling

The supporting Transport Assessment details that the intention is to create a sustainable socially inclusive community with these overriding principles embodied within the indicative masterplan for the site in line with National and Local policies which seek to reprioritise walking, cycling and public transport to the top of the movement hierarchy[1.]

[1] 1.4, Chapter 1, Land at Perryfields, Bromsgrove, Transport Assessment, Vectos, December 2019

The Developer proposes to enhance a section of NCN Route 5 by upgrading the existing footways on Stourbridge Road and the off-road section of the NCN Route 5:-

- Extension of the existing footway on the western edge of the carriageway to 3m wide between the new footway/cycleway from the site and the existing segregated footway/cycleway in proximity to the roundabout junction with Barnsley Hall Road;
- Extension of the existing footway on the western edge of the carriageway to 3m wide between the segregated footway/cycleway and the motorway bridge;
- Extension of the existing footway on the eastern edge of the carriageway to 3m wide between the motorway bridge and the existing off-road section of NCN Route 5; and
- A new Toucan crossing providing a connection to the improved footway/cycleways on both sides of the carriageway in proximity to the motorway bridge.

The above works will be secured by planning condition. This ties in with the work undertaken by the County Council on NCN Route 5 including: -

- Dropped kerbs with tactile paving at the following locations:
  - Junction Road – Nov 2018
  - Melbourne Close – Nov 2018
  - Moorfield Drive – Jan 2019
  - Churchfields Rd – Jan 2019
  - Churchfields Close (no tactiles) – Jan 2019
  - Jct Broad St Melbourne Rd - Sept 2019
  - Jct Broad St Providence Rd – Sept 2019
- 20mph traffic calming zone introduced to protect emerging cyclist at Melbourne Rd & Providence Rd jcts – completed

- Re-surfacing 130m of Churchfields Rd – completed
- Patching and gully cover upgrades throughout all routes – completed (cycle friendly)
- Improved signing with walking and cycling distance or time to destination markers – completed
- Improved lining along the route – completed
- Lighting upgrades ordered installation – completed
- Upgrade of Market St to include upgrade of pelican crossings x2 on Market St, widening of footbridge to create a shared use space for onward travel towards the High Street (on-site due to be completed Week 14th September 2020).

This provides an enhanced vital connection from the Development site towards the Town Centre, as a potential attractive alternative to the higher trafficked Kidderminster Road. The above listed works were delivered as part of the National Productivity Investment Fund which has also provided £3.2m for improvements to the walking and cycling network linking residential areas the Town Centre, and railway station.

In addition to the above the second part of the strategy to maximise opportunities for walking and cycling is a contribution of £381,000.00 to sustainable infrastructure improvements across Bromsgrove town centre to be secured via S106 contribution. As part of the upgrades proposed by the Developer links from and to NCN 5 and to NCN46 and LCN1 and LCN 2 are required so the contribution sought will seek to:-

- Upgrade the route between Melbourne Road south via Broad Street, Willow Gardens, Rowan Close connecting to Kidderminster Road and Sanders Park NCN46 and LCN 1. This provides an unfettered route between the upgraded NCN 5 and the Kidderminster Road.
- A walking link between Sanders Park and Lynden Close will require signage and dropped kerbs and tactile on this north to south alignment utilising a new Puffin Crossing on the A448 Kidderminster Road near to Dawson Rd.
- Providing a link via Stourbridge Road going east on to LCN2 at the eastern side of Barnsley Hall Drive and the PROW footpath that needs widening to a bridle way and converting to allow cycling that provides a link to all the shops in Birmingham Road, and the Heart of Worcester College.
- Associated signage, additional drop kerbs and cycle parking will be also provided.

The upgrading of routes towards the Town Centre strengthens the package of measures. Contributions and the work undertaken by the County Council to date continues to promote attractive walking and cycling routes.

It is evident from the work undertaken in the transport appraisal that access to the rail station from the proposed (residential) developments at Perryfields by sustainable modes (particularly active travel) will be absolutely essential. Critical to that is the provision of a direct, attractive active travel corridor between the site and the rail station, via the Town Centre.

The Bromsgrove Route Enhancement Programme Scheme (BREP) will deliver a major upgrade of the A38 corridor, (a key part of the MRN network in Worcestershire), between the junction of the A38 Eastern Bypass with the B4094 Worcester Road to the south, and M5 Junction 4 to the north.[2] BREP scheme 3, the proposed new bridge at Old Station Road over the A38, is a vital component of this route to ensure it is genuinely attractive for that purpose. Overcoming the major severance issue posed by this strategically important highway is fundamental to providing attractive and direct routes for residents to Bromsgrove's rail station, as it provides essential access to employment opportunities provided in the West Midlands Conurbation.

The County Council advise of a contribution of £1,000,000.00 (£1m) towards this vital infrastructure enhancement as part of the overall Major Business Case being developed to enhance the A38 and connectivity within Bromsgrove. This will be secured by a S106 contribution.

In its totality and detail, the overall package towards walking and cycling contributed by the Perryfields Development and the track record of successful funding and investment by the County Council, is considered to demonstrate the attractive alternatives available to car usage within the Town Centre.

In order to manage mobility, a site wide Travel Plan (TP) will be developed and employment on site. The TP will be an active document for the long-term management of sustainable transport strategies. It will be an evidenced document and have detailed, relevant and quantified targeted measures which aim to promote sustainable travel modes over single occupancy car-modes.

The Highway Authority advise that a 12% reduction in single occupancy vehicle trips to more sustainable modes of travel could be achieved from the proposed development. The Highway Authority would welcome the promotion of a mobility strategy that sets out to achieve modal transfer at levels above 12% promoted by the Developer. The monitoring and evaluation of the TP will be developed with the County Council. It is advised that this is secured by Planning Condition.

[2] The A38 Bromsgrove - Route Enhancement Programme. A Strategic Outline Business Case (SOBC) was submitted to the Department for Transport (DfT) in July to obtain funds from the Major Road Network (MRN) Fund. The scheme being promoted – the A38 Bromsgrove Route Enhancement Programme – will deliver a major upgrade of the A38 corridor, (a key part of the MRN network in Worcestershire), between the junction of the A38 Eastern Bypass with the B4094 Worcester Road to the south, and M5 Junction 4 to the north. July DfT Funding of £7.5m has already been secured from the GBSLEP and £2.7m from the Highways England Growth in Housing Fund. S106 planning obligations will also help to deliver this scheme with contributions already received from the Norton Farm development and additional contributions expected to be provided from this application, Perryfields Road and the Foxlydiate development site. Other funding streams will be pursued, and infrastructure will be prioritised based on the funds received and expected to ensure scheme delivery.

## Public Transport

Maximising the use of the most reliable and frequent bus service to Bromsgrove Town Centre from the Development site is an important part of the reducing the likelihood of travel by car. The site is a Strategic Allocation within the Local Plan on the Western side of the Bromsgrove and there are existing bus services.

The County Council advises that a financial contribution needs to be secured to allow for the provision of an additional service, or the diverting of an existing service, to connect the site to the Town centre and/or the Railway Station.

Taking a holistic approach to both the Perryfields and Whitford allocations and considering what is achievable within a realistic quantum, the County Council advises that two buses providing one hourly round trip to the Railway Station via both developments and a dedicated service only to the bus station is necessary and achievable. Therefore, each development would receive a 30-minute frequency service to Bromsgrove Bus station and a service to the railway station.

This contribution of £302,000 will be secured via the S106 agreement. Moreover, the S106 will also deal with this application in isolation, assuming no pooled contribution ensuring that dedicated service to the residential development. The section 106 agreement makes an allowance for up to a further £150,000 to be made following a review of proposed new bus service in terms of patronage and subsidy, in a worst-case scenario this will allow the service to operate for 6 years at which point it is anticipated that it would become self-supporting or other contributions would be forthcoming. The obligated monies will be used to provide a half hourly services to the Town Centre and the Railway Station.

Ensuring high quality bus stop infrastructure is considered necessary to actively promote the usage of bus services. The County Council would expect stops to be provided with solar powered shelters & Real Time Information at Stop Displays (with RNIB React).

The effect of such soft-measures as detailed in TAG Unit M3.2 Public Transport Assignment Section 3 (Generalised Cost Definition) outlines the generalised costs associated with attributes of public transport such as access time, transfer wait time, quality of service etc. This puts a valuation on bus quality interventions. The valuations are in generalised minutes. Introduction of a quality measure does not represent a time saving as such but will increase attractiveness<sup>[3]</sup> A contribution towards high quality bus infrastructure within the site is advised and will be secured by S106.

<sup>[3]</sup> TAG Unit M3.2 Public Transport Assignment Section 3, 3.6.4, for DfT.

## Road Safety Review

Personal injury collision (PIC) data has been collected for the 5-year period from June 2014 to May 2019. In this time 39 collisions were recorded in the study area, or an average of 7.8 collisions per annum. The study area encapsulates an area from the northern end of the site on Stourbridge Road, south along Perryfields Road, the resident area around Sidemore towards the south long Worcester Road and Rock Hill.

Of these collisions, 33 were of a slight severity, 6 were of a serious severity and 0 were fatal, resulting in a Kill or Seriously Injured (KSI) ratio of 0.15.

Table 1 shows a summary of the collisions, based on the year and severity of the collision.



**Table 1: Summary of collisions by year and severity**

Year	Slight	Serious	Fatal	Total
2014-15	7	2	0	9
2015-16	9	0	0	9
2016-17	5	2	0	7
2017-18	5	1	0	6
2018-19	7	1	0	8
<b>Total</b>	<b>33</b>	<b>6</b>	<b>0</b>	<b>39</b>

Of the 39 collisions, 13 involved at least one pedestrian, 5 of which were under 18 years of age. One of the pedestrian collisions resulted in a serious injury, which did not involve a person of under 18 years old. The perceived causes of the 5 collisions involving under 18 pedestrians are as follows:

- The pedestrian, with a group of friends, entered into the carriageway into the path of a moving vehicle. This occurred on the B4091 Worcester Road opposite Bromsgrove School;
- A vehicle clipped the heel of a pedestrian as they were crossing the carriageway. Occurred on the B4091 Worcester Road, next to Shrubbery Road;
- A slow moving vehicle in traffic collided with a child on a scooter crossing the carriageway. This occurred on B4091 Rock Hill, approaching the Fox Lane junction
- Pedestrian was walking to school and crossed the carriageway into the path of a moving vehicle. This occurred on Shrubbery Road, north of Dovecote Road
- Pedestrian crossed the carriageway into the path of a moving vehicle. This occurred on Shrubbery Road, south of Dovecote Road

Of the 39 collisions, 5 involved a cyclist, 1 of which was under 18. One of the cyclist collisions resulted in a serious injury, which was not the collision involving an under 18. The perceived cause of the under 18 cyclist collision was due to the cyclist entering the carriageway from the footpath into the path of a slow-moving vehicle in traffic. It occurred the B4091 Hanover Street, south of Watt Close. None of the cyclist collisions occurred during the AM or PM peak hours.

### Traffic Impact

Traffic impacts assessment has been undertaken using a Microsimulation PARAMICS model and standalone junction assessments. A range of scenarios have been assessed by the Developer to test the impacts of the development traffic on the road network.

The Highway Authority understands that the Local Planning Authority, and their transport advisers, have detailed technical concerns with the Forecast Model. The Highway Authority has undertaken additional sensitivity testing as a comparison to understand the extent of change in outputs undertaking model runs for comparison to the Applicants outputs. The Highway Authority have reviewed the modelling undertaken and are content that it is adequate for the purposes of determining the location and scale of traffic

impacts. This was undertaken for comparison only and the Modelling presented by the Applicant has been used to appraise the impacts.

The trip generation assumptions have been agreed with Highway Authority and the Local Planning Authority's transport advisors. The Request Trip Rates have been applied to the traffic modelling assessment.

The analysis has identified a number of significant traffic impacts that would arise as a result of the development proposals without enhancement to the highway network. A mitigation package has however been identified by the Developer based on the locations of assessed impacts of the Allocated site. Junctions where mitigation has been proposed are detailed below. It should be noted that all supporting mitigation proposals have been subject to a Road Safety Audit Stage 1 where appropriate:

Location	Delivery Mechanism
Market Street / Birmingham Road (Parkside)	Delivered by the County Council via secured funding
Market Street/ St John St.	Delivery via S106 contribution
Kidderminster Road / St Johns Street	Delivery via S106 contribution/ developer is obligated to enter via S278 <sup>4</sup> agreement to deliver the infrastructure
Market Street / Church Street	Delivery via S106 contribution/ developer is obligated to enter via S278 agreement to deliver the infrastructure
A38 / Bromsgrove Highway AA48	Delivery via S106 contribution/ developer is obligated to enter via S278 agreement to deliver the infrastructure
A38 / New Road	Delivery via S106 contribution/ developer is obligated to enter via S278 agreement to deliver the infrastructure
Rock Hill / Fox Lane	Delivery via S106 contribution/ developer is obligated to enter via S278 agreement to deliver the infrastructure
Worcester Road / Shrubbery Road	Delivery via S106 contribution/ developer is obligated to enter via S278 agreement to deliver the infrastructure
Stourbridge Road / Westfields (Catshill)	Delivery via S106 contribution/ developer is obligated to enter via S278 agreement to deliver the infrastructure

## Market Street / Birmingham Road (Parkside junction)

The mitigation put forward by the Developer includes removing the left and right turns. The Developer has indicated this mitigation on an associated drawing.

The adopted Local Transport Plan 4 also identifies a "Bromsgrove Package" which includes the Strand Junction (Stourbridge Road/Birmingham Road/Market Street/Strand) to undertake a capacity review and improvement led by the highway Authority.

To date consultants on behalf of the County have been undertaking testing of the potential options to improve the capacity at the junction and a programme for advancing this testing, optioneering, scheme appraisal and costing is due in the near future. Various

options have been considered to date which would provide operational benefits through a combination of geometric enhancements, reducing pedestrian crossing clearance times associated with the provision of on-crossing detection, and optimised signal timings acting a proxy for the introduction of MOVA.

Funding towards the enhancement at this junction has been secured

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<sup>4</sup>Highway Act 1980. The two proposed accesses and associated highways works be delivered through the Highways Act and subject to further revisions informed by 3D data and Stage 2 & 3 Road Safety Audits

## Market Street/ St John St.

Junction improvements at the Market Street/ St John St. are currently being promoted by the County Council. The Developer will be obligated to contribute towards enhancements to this junction. It is desirable to implement proposals along this route to address the combined impacts from the Whitford Road and Perryfields Road allocations.

## Kidderminster Road / St Johns Street / Hanover Street

The mitigation identified mirrors that included as part of the Whitford Road (16/1132) planning application.

The applicant has submitted designs which could address any residual impact as a standalone mitigation, however it is desirable to implement proposals along this route to address the combined impacts from the Whitford Road and Perryfields Road allocations alongside the level of congestion that is experienced today.

Therefore, it is appropriate for the Highway Authority to promote and deliver a holistic scheme with developer contributions. Should there be a delay or a need to deliver a solution at this junction at an earlier time then the Highway Authority could deliver the applicants suggestion. This approach avoids the duplication of mitigation and reduces the amount of public disruption.

## Market Street / Church Street

This mitigation includes the provision of lining improvements including the provision of a Yellow keep clear box to assist traffic flow.

## A38 / Bromsgrove Highway AA48

This junction forms part of the A38 Bromsgrove - Route Enhancement Programme<sup>5</sup>. To mitigate the impact of development traffic a financial contribution towards the improvement programme will be secured via S106

The Developer has sought to broadly replicate the improvements to this junction with the option to deliver the mitigation should the improvement need to be delivered in lieu if the A38 major scheme improvement.

## A38 / New Road

As detailed above, this junction forms part of the A38 Bromsgrove - Route Enhancement Programme. To mitigate the impact of development traffic a financial contribution towards the improvement programme will be secured via S106.

The Developer has sought to broadly replicate the improvements to this junction with the option to deliver the mitigation should the improvement need to be delivered in lieu if the A38 major scheme improvement.

## Rock Hill / Fox Lane

The mitigation for this junction has been replicated for the same improvement associated with Whitford Road development (ref: 16/1132).

The Highway Authority has undertaken an "early technical approval" of the roundabout design to ensure there is certainty on the ability to deliver it.

That process has been completed and a detailed design has been provided and fully technically approved.

## Worcester Road / Shrubbery Road

The Developer had previously proposed that mitigation includes a ghost island right turn to reduce the blocking on Worcester Road and a pedestrian crossing to help facilitate pedestrian movements to Bromsgrove School located nearby.

As a result of technical appraisal, the Highway Authority advise that proposals as indicated would result in a loss of on-street parking on Worcester Road. As a consequence, the proposal has been altered such that it formalises a drop-kerb crossing at this location only.

## Stourbridge Road / Westfields (Catshill)

The mitigation includes widening on all arms (except the Westfields arm), improvements to deflection and realigning to the white lining.

## Summary

Policy BDP5A.7 requires that:-

- An overall transport strategy will be developed that maximises opportunities for walking and cycling making full use of the Sustrans route No. 5 (in BROM2) and Monarch's Way (adjacent to BROM3 – Whitford Road)
- Significant improvements in passenger transport will be required including integrated and regular bus services connecting the new and existing residential areas to the railway station, with the Town Centre as the focal point of the network. In particular, a regular service should be routed through BROM2 and into the residential area of Sidemoor which would provide benefits for the wider community;

- It will be necessary to manage the cumulative traffic impact generated by the new developments following the implementation of measures which maximise the use of walk, cycle and passenger transport modes. All proposals must be subject to appropriate appraisal in consultation with Worcestershire County Council (WCC) and consistent with Local Transport Plan 3 (LTP3) policies and design standards. Full consideration must be made of the impact on the wider transport network, including that managed by the Highways England;

Together with WCC delivered schemes and measures put forward as part of other planning application, an overall transport strategy has been developed that maximises opportunities for walking and cycling making full use of the Sustrans route No. 5. Moreover, the proposed contribution towards Passenger Transport the County Council advise that integrated and regular bus services connecting the new and existing residential areas to the railway station and the Town Centre as the focal point of the network.

WCC are satisfied that the highway enhancements proposed by the Applicant manage the residual traffic impacts as far as is reasonably practical with due consideration to the built environment of a historic Market Town in accordance with the NPPF. This is interrelated with the significant enhancements proposed to the network through the A38 Route Enhancement Programme and Town Centre improvements led by the County Council.

It is accepted that traffic congestion will increase as a result of the population growth and demographic changes which the housing need identified in the Local Plan is intended to accommodate but also, that the provision of significant highway enhancement on routes through the town centre, could be of detrimental to the built environment of a historic Market Town, would potential only benefit motorists and would present disbenefit to walking and cycling modes.

WCC are satisfied that the residual traffic impacts would not degrade highway safety (as shown by the RSA reports) and that the proposed financial contributions

linked to other available funding sources, provide the means to adequately manage the cumulative traffic impact generated by the new allocated developments following the implementation of measures which maximise the use of walk, cycle and passenger transport modes.

The Highway Authority has undertaken a robust assessment of the application. Based on the analysis of the information, the Highway Authority concludes that residual cumulative impacts would not be severe in accordance with paragraph 109 of the NPPF and therefore has no objection subject to conditions and obligations.

## Contributions

A brief summary of the S106 contributions sought are detailed below: -

Total A38 Highway works (defined as BREP Highway Works) - £1,276,190.64;

Plan reference

Contribution towards BREP Scheme 3 (Bridge) - (in addition to the £1.2m above);	£1,000,000.00
Walking and Cycling upgrades -	£381,000.00
Public Transport Contribution up to PT infrastructure upgrades	£452,000.00 + £30,000.00
Town Centre Junctions	£1,879,778.39

## **Highways England**

### **No objection subject to conditions**

Further to our previous response we have now reviewed the updated Transport Assessment (TA) for the proposed development, dated August 2016. This update has considered additional evidence related to traffic implications of the development which includes our network. We note the principle conclusions of the updated TA with regards the SRN are unchanged as they recommend that previous assessment methodology be relied upon for consideration of implications of the development upon the SRN. As that methodology has been agreed with Highways England and the applicant, and it demonstrated a greater level of impact on the SRN, we are content that the conclusions of the TA, with regards our network, are robust.

Notwithstanding the above, a number of technical matters relating to the impacts of development on our network require further technical details to be submitted and approved prior to construction of the development. This relates to matters of noise, geotechnical construction of the proposed earth bund, structural approval of the proposed ball stop fence and a requirement for a Construction Environmental Management Plan to be provided.

These matters have been considered by Highways England and they are appropriate for control via planning condition allowing further technical details to be submitted and approved. These conditions, set out below, are necessary to ensure the implications of the development upon our network are suitably managed with regards the safe operations of the M5 and M42 motorways which lie adjacent to the site.

#### Condition 1

Prior to the commencement of development a comprehensive scheme for protecting residential dwellings from noise from the M5 / M42 Motorways and local road network shall be submitted and approved in writing by the local planning authority. Such a scheme shall: Highways England Planning Response (HEPR 16-01) January 2016

- Accord with the requirements of BS8233: 2014 'Guidance on sound insulation and noise reduction for buildings' for the internal areas of all dwellings and to the written satisfaction of the local planning authority; and
- Meet the WHO Guidelines for Community Noise 1999 for external residential amenity areas of the development site and to the written satisfaction of the local planning authority.

## Condition 2

Prior to the commencement of development technical detail regarding the design of the earth bund shall be submitted to the Local Planning Authority and approved in writing following consultation with Highways Authority for the M5 and M42 Motorways. The submitted detail will follow guidance set out in DMRB HD 22/08 – Managing Geotechnical Risk (or as updated). The development shall be constructed in full and in accordance with the approved details.

## Condition 3

Prior to commencement of development technical detail regarding Ball-Stop Fencing that will protect the Motorway shall be submitted to the Local Planning Authority and approved in writing following consultation with the Highways Authority for the M5 and M42 Motorways. The submitted detail will be sufficient to gain Technical Approval from Highways England's Professional and Technical Services (PTS) Structures Team in accordance with the requirements of DMRB BD2/12. The fencing must be constructed in full and in accordance with the approved details prior to use of the associated sport pitches.

## Condition 4

Prior to commencement of development a detailed Construction and Environmental Management Plan (CEMP) detailing the proposed phasing and likely duration of works required to be undertaken will be prepared. The CEMP shall be submitted to and approved in writing by the local planning authority in consultation with the Highways Authority for the M5 and M42 Motorways and subsequently implemented as agreed.

## Reason Condition 1-4:

To ensure that the M5 and M42 Motorways continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and in the interests of road safety.

## **Mott MacDonald**

1.1 Mott MacDonald supports the overall transport and movement ambition proposed for the site by the Applicant and acknowledges that there are constraints on the local transport network which cannot be resolved by the delivery of housing development alone. There are also practical limits to the nature and extent of transport measures that can be delivered in a market town such as Bromsgrove without compromising the character of the Town and these are also acknowledged.

1.2 In addition, and specifically in respect of this scheme, there are limits to the type, nature and extent of transport related mitigation that can be delivered by a single development, which is obliged to address any significant impacts on capacity, congestion and in particular highway safety on the transport network that are caused, such that they can be cost effectively mitigated to an acceptable degree.

1.3 It is Mott MacDonald's view that a reasonable and balanced approach to mitigating transport and movement impacts is therefore required, favouring sustainable modes of travel, making the best use of existing infrastructure and services and enabling more sustainable living which directly influences travel behaviour and demand. This is the thrust of current and emerging policy at both national, regional and local levels.

1.4 The transport vision which has been articulated by Vectos for the Perryfields Road scheme sets out an ambitious and positive strategy for the site which broadly, and at a policy level, satisfies the requirement to actively promote sustainable living and movement and the requirement to mitigate any significant impacts. However, following an extensive review of the technical work submitted by the Applicant, it is Mott MacDonald's view that the content of the TA report and its various appendices does not fully align with this ambition, leaving some doubt as to whether it can reasonably be attained.

1.5 This gap in alignment stems from the under estimation of travel demand as a result of the assessment methodologies employed and in particular the residual traffic impacts which might result, coupled with the lack of a clear forecast of travel demand by non-car modes which would result from the ambitious strategy most recently articulated.

1.6 Underestimation of demand leads to a position where it is Mott MacDonald's view that the assessments prepared do not give a reasonable degree of certainty that any significant impacts caused by travel demand generated by the development can be cost effectively mitigated to an acceptable degree.

1.7 It is also Mott MacDonald's view, by contrast, that the package of highway measures and related contributions proposed are likely to bring significant improvement at the locations where impacts are broadly anticipated. The main issue of concern is therefore the extent to which the package of measures addresses the impacts of development as is reported in the TA, given that the demand forecasts arising from aspects of the assessment methodology are questioned.

1.8 In order to positively address this issue and given our concerns with the voracity of the TA submitted, Mott MacDonald have recommended that the transport mitigation package is secured and implemented against the background of an ongoing 'Monitor and Manage' strategy, where the level of demand for travel by all modes is surveyed at salient intervals throughout the delivery of the scheme until fully constructed in order to factually demonstrate the level of demand and the results compared against benchmarks drawn from the Applicant's TA as written.

1.9 Significant variance between that forecast and which is observed would then trigger the implementation of additional measures funded by the Applicant in order to bring the actual travel generation by mode (and in particular by vehicles using the highway network) into line with the forecasts made in the TA.

1.10 Using such a strategy clearly answers any residual question on the estimation of travel demand as the outcomes are proven by observation and the remedy is brought forward through additional funding if and when required.

1.11 This 'Monitor and Manage' strategy, and all of its necessary provisions, would be secured by condition (for example, through the Section 106 agreement) in order to have appropriate force as would a Flexible Transport Fund (or similar) which would hold additional funding provided by the Applicant to underpin this strategy and measures which it would comprise.

1.12 The strategy would be implemented, managed and reported through a Steering Group (or similar) comprising any stakeholders necessary who would be empowered to discharge conditions pertaining to this aspect. This Group would be empowered to take decisions on the implementation of mitigation to allow the scheme to continue building out



to completion. Additional measures would be implemented either by reference to a benchmark or trigger level as identified in planning agreements and conditions as they crystallise, or by other triggers arising from actual demand observed and which the Steering Group would set.

1.13 The Flexible Transport Fund will also be secured under conditions, with the sole purpose of this Flexible Transport Fund being to provide investment to deliver measures which will have the best outcomes for supporting mobility and modal shift away from the private car at Perryfields. There are obvious opportunities for change across the wider area as a result of the delivery of services and which can be accessed by the wider community.

1.14 In addition, it would be agreed by the Applicant, Worcestershire County Council and Bromsgrove District Council that if the surveyed demand (travel generation by mode) indicates that any mitigation should be delivered earlier, it can be. If additional mitigation is required, then again this would be provided by the Applicant from the funding held in the Flexible Transport Fund in order that the impacts of development return to a position within the range reported through their own assessments. This change in travel behaviour could be secured, for example, by increasing opportunities for more use of buses, walking and cycling or more innovative and increasingly successful mechanisms to reduce the need to travel or to moderate the impact of movements as they have alluded to in their TA report.

1.15 The implementation of such a 'Monitor and Manage' strategy places the Applicant in a position where they can control the impacts of their scheme as they deliver it, measure and report the trips generated by their development at agreed intervals and provide evidence to Worcestershire County Council and Bromsgrove District Council that the impacts of the scheme can be managed without causing severe cumulative residual impacts on the transport network, as they have set out in their TA.

1.16 In order to progress this application, and if Bromsgrove District Council are minded to give this scheme planning consent, Mott MacDonald would recommend that the development and the transport package which could be secured to support it is implemented against the background of a 'Monitor and Manage' strategy.

1.17 This Strategy and all of its necessary provisions including the Flexible Transport Fund through which it would be delivered, could be secured by condition or through a Section 106 Agreement. The implementation of this strategy is likely to address the concerns raised by Mott MacDonald in respect of excess demand for car trips at peak times and resulting residual highway impacts through the management of car based demand and the promotion and delivery of sustainable travel choices for new residents as viable alternatives.

## **Warwickshire Police & West Mercia Police Traffic Management Advisor No objection**

I respond only in relation to the associated highway matters.

It is difficult for me to formally offer comment at this stage as I am aware that it is Worcestershire County Council policy to request that the police are involved in any audit processes once construction is complete and therefore I would not wish to create a conflict situation by offering comment in detail which would potentially prevent our taking part in any safety audit process at a later stage.

However in principle I would have no objection to the proposals, subject to suitable highway design considerations being given and to their appropriate function within the overall concept of this development. By referring to this I am particularly mindful of the A448 Kidderminster Road and the B4091 Stourbridge Road junctions and the whole length of Perryfields Road, Bromsgrove itself.

### **Whitford Vale Voice**

31-03-2020

WVV note that the WCC consultation response letter dated 10<sup>th</sup> March 2020 includes an audit dated 3<sup>rd</sup> March 2020 of the Applicant's S-Paraemics Forecast Scenario Model that has been undertaken by WCC's highways and transportation advisors.

WVV note that

- Table 3.3 of the audit shows the vehicular traffic generated by development at the proposed Whitford Road site that is included within scenarios 6 and 7 of the Applicant's model;
- Table 3.3 of the audit shows that during the AM Peak Hour (08:00 to 9:00) the Applicant models the impact on the local highway network of 76 vehicular arrivals and 179 vehicular departures at the proposed Whitford Road site;
- Table 3.3 of the audit shows that during the PM Peak Hour (17: to 18:00) the Applicant models the impact on the local highway network of 194 vehicular arrivals and 110 vehicular departures at the proposed Whitford road site;
- Paragraphs 5.2.3 of the audit states that "the modelled traffic from the Whitford Road site is shown in Table 3.3, which checks confirm is present in the models"; and
- Paragraph 5.2.3 of the audit states that "this appears to be consistent with the Whitford site Transport Assessment (TA)

WVV wish to draw the attention of the Local Planning Authority (LPA) and their advisors that the Applicant's vehicular trip generation for the proposed Whitford Road Site noted above is identical to that shown in Table 6.2 of the Whitford Road TA dated November 2016. This version of the TA was based on the vehicular trip rates for new residential development used in the WCC Bromsgrove and Redditch Highway Assignment Model (BaRHAM)

Subsequent to the submission of the November 2016 version of the Whitford Road TA it was demonstrated that BaRHAM was not fit for its intended purpose as it did not perform up to the standards required to assess the impact of development on the local highway network. Consequently BaRHAM was withdrawn by WCC.

The Whitford Road Applicant responded to the withdrawal of BaRHAM by submitting to the LPA a Transport Assessment Addendum (TAA) dated January 2018 As stated in paragraph 1.2.5 of the Whitford Road TAA “it is important to understand that this TAA is a supplementary document to the original TA and therefore should be read in conjunction”. WVV note that;

Paragraph 2.2.1 of the Whitford Road TAA states “during the consultation process and through agreement with both local authorities, WCC provided new trips rates that were considered appropriate for the proposed scheme”; Table 2 of the Whitford Road TAA shows that based on the agreed post BaRHAM WCC residential vehicular trip rates during, the PM Peak Hour (17:00 to 18:00) the Whitford Road site is forecast to generate 231 residential vehicular arrivals and 115 residential vehicular departures.

WVV are profoundly disappointed that the County Council’s highways and transportation advisors appear during their audit of the Applicant’s Paramics Traffic model not to have recognised that the vehicle trip generation for the proposed Whitford Road site used in the Paramics model has been superseded by a higher trip generation agreed between WCC, the LPA and Whitford Road applicant.

WVV draw this matter to the attention of the LAP and their advisors in the expectation that this matter will be addressed in order that the local community can have confidence in this aspect of the Perryfields Applicant’s assessment of the impacts of development on the local highway network.

1<sup>st</sup> June 2018

The Transport Assessment for Application 16/0335 (Land at Perryfields Road) includes as Appendix X to the BaRHAM version of the Transport Assessment the JMP Western Bromsgrove Distributor Road Study. In the interests of openness and transparency in the consideration of this application please find attached the Whitford Vale Voice response to the JMP Study and the Mott MacDonald Review of the JMP Study. WVV submit these documents as formal representations in order to bring the evidence base up to date on this matter.

January 2018 (superseding rep of 5<sup>th</sup> July 2016)

Whitford Vale Voice (WVV) is an independent community membership organisation formed to represent the views of local residents within the Whitford and Millfields area and the west of Bromsgrove.

WVV’s objection to the Perryfields Planning Application is focused on the impact of development traffic on the local highways network. Paragraph 32 of the National Planning Policy Framework (NPPF) states;

*“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*

- *the opportunities for sustainable transport modes have been taken up depending on the*
- *nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

Paragraph 56 of the NPPF states; *“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*

WVW has made a preliminary examination of the Applicant’s third submitted Transport Assessment (TA). It is our considered opinion that the Perryfields development proposals cannot be accommodated without detrimental impact on the safe operation of the local highway network. In respect of transport the proposed development site does not comply with Government Planning Policy. It will have a severe cumulative impact on traffic congestion, ease of movement and highway safety and conflicts with paragraph 32 of the National Planning Policy Framework (NPPF). As a consequence, WVW rightly consider that planning application 16/0335 for;

- 1300 residential dwellings;
- 20,000m<sup>2</sup> of B1 office space;
- 200 extra care units;
- A two-form entry first school with nursery;
- A 500m<sup>2</sup> convenience store;
- A 500m<sup>2</sup> community centre; and;
- 500m<sup>2</sup> of other A1 to A5 land uses.

should be refused.

In due course WVW will submit to the Local Planning Authority;

1. A detailed letter of objection itemising the material issues that lead to WVW concluding that the proposed Perryfields development will have a severe cumulative impact on traffic congestion, ease of movement and highway safety; and;
2. A Technical Note that provides the evidence that underpins the conclusions reached by WVW.

As more information becomes available WVW reserve the right to submit further evidence in support of the case that application 16/0335 should be refused.

Technical Note WVW2 Perryfields Paramics Traffic Model

The WVW Technical Committee has examined the documentation on the Paramics traffic model provided to support Planning Application 16/0335, proposed mixed use development, Perryfields Road, Bromsgrove.

Our preliminary assessment has identified a number of significant concerns about the model. This Technical note has been produced so that these concerns can be shared with the Local Planning Authority at the earliest possible opportunity.

September 2017 -Comments on the Execution of the Traffic Surveys Undertaken for Worcestershire County Council during May 2017

14-07-2017 - Technical Note WVV1 Analysis of WCC May 2017 Bromsgrove Traffic Surveys

5<sup>th</sup> July 2016 - Traffic and Highway Observations

## Schedule of Technical Notes Submitted by WVV to Bromsgrove District Council

WVV BDC 1	Perryfields Road Through Traffic	4th June 2018
WVV BDC 2	Whitford Road / Fox Lane and Millfields Residential Area Through Traffic	4th June 2018
WVV BDC 3	Use of the Friarscroft Estate as a Proxy for the Distribution of Traffic from the Proposed Whitford Road Town Expansion Site	4th June 2018
WVV BDC 4	Hanover Street – Worcester Road Queue Survey	4th June 2018
WVV BDC 5	Modal Shift	16th June 2018
WVV BDC 6	Development Vehicle Trip Assignment	16th June 2018
WVV BDC 7	Impact of Development Traffic in Catshill	16th June 2018
WVV BDC 8	Trip Rates	23rd June 2018
WVV BDC 9	Double Counting the Benefits of Workplace Travel Plans	23rd June 2018
WVV BDC 10	Internalisation of Development Vehicle Trips	23rd June 2018
WVV BDC 11	Committed Developments	10th July 2018
WVV BDC 12	TEMPro Growth and the Bromsgrove District Plan	10th July 2018
WVV BDC 13	Accounting for Growth – Perryfields TES	10th July 2018
WVV BDC 14	Accounting for Growth – Whitford Rd TES	10th July 2018
WVV BDC 15	Reconciling Perryfields vehicle Trip Generation	24th July 2018
WVV BDC 16	Perryfields Spine Road	24th July 2018
WVV BDC 17	Queue Survey Methodology and Junction Model Validation	24th July 2018
WVV BDC 18	Whitford Road TES Site Access Road Safety Audit	24th July 2018
WVV BDC 19	Town Centre South Junctions	29th July 2018
WVV BDC 20	Modelling the Waitrose Junction	29th July 2018
WVV BDC 21	Rat Running in the Millfields Residential Area	29th July 2018
WVV BDC 22	Rat Running in All Saints Road and Victoria Road	29th July 2018
WVV BDC 23	Peak Hour / Residential Trip Rate Review	31st August 2018

# Agenda Item 5

Plan reference

WVV BDC 24	Rock Hill / Fox Lane Junction – Design Matters	31st August 2018
WVV BDC 25	Rock Hill / Fox Lane Junction – Road Safety Issues	31st August 2018
WVV BDC 26	Rock Hill / Fox Lane Junction – Junction Modelling	31st August 2018
WVV BDC 27	Rock Hill / Fox Lane Junction – Loss of Parking Spaces	31st August 2018
WVV BDC 28	The Greyhound Inn – Site Access & Parking	31st August 2018
WVV BDC 29	Identifying Total Delays at Perryfields Crossroads	31st August 2018
WVV BDC 30	Charford Road Roundabout – Design Matters	31st August 2018
WVV BDC 31	Charford Road Roundabout – Junction Modelling	31st August 2018
WVV BDC 32	Stourbridge Rd / Perryfields Road – Junction Modelling	31st August 2018
WVV BDC 33	Whitford Road Site Access – Modelling the Junctions	31st August 2018
WVV BDC 34	Walking to the Proposed new Perryfields First School & Nursery	31st August 2018
WVV BDC 35	Accounting for the Impact of Greyhound Inn Development Trips	31st August 2018
WVV BDC 36	Response to Paramics Amendment Report	7th Sept 2018
WVV BDC 37	Funding of Proposed Parkside Junction Improvements	18th Sept 2018
WVV BDC 38	Funding of Proposed Junction Improvements	23rd Sept 2018
WVV BDC 39	A38 Bromsgrove Major Scheme Package 1	14th October 2018
WVV BDC 40	Fox Lane and Whitford Road Delays	14th Dec 2018
WVV BDC 41	Millfields ANPR Analysis	14th Dec 2018
WVV BDC 42	Whitford Road Development Vehicle Trip Assignment	14th Dec 2018
WVV BDC 43	Whitford Road TES Access to Bus Services	15th January 2019
WVV BDC 44	Whitford Road TES Development Vehicle Trip Assignment - Cumulative Assessment	7th June 2019
WVV BDC 45	Whitford Road TES Traffic Study Area Review	7th June 2019
WVV BDC 46	Whitford Road TES Assessing the Impact of Development Vehicle Trips at the Parkside Junction	7th June 2019
WVV BDC 47	Western Bromsgrove Distributor Road	3rd September 2019
WVV BDC 48	Development Impact on Catshill	11th October 2019
WVV BDC 49	TEMPro Growth Logic Check	11th October 2019

Cllr Luke Mallett 28.06.2016

I write as the County Councillor for this area and much of the surrounding parts of the town immediately affected by this proposal. I am also a District Councillor for a neighbouring ward impacted by these proposals.

I am deeply concerned about the infrastructure impact of these proposals. I summarise my concerns as follows:

Key junctions especially that at the foot of Fox Lane with Rock Hill are overcapacity. This has already been demonstrated via previous applications. The applicant seems to acknowledge that this junction needs a direct mitigation and seems to imply this is being undertaken via WCC via LEP funding. I do not believe this is the case or that a solution has been identified. The queues at this junction are clearly already over capacity and full funding must be identified for a deliverable solution before this application is considered.

The queuing traffic on Fox Lane also gives rise to rat running traffic through the Millfields area. This is already identified in past transport plans. A full appraisal must be conducted of the impact on the Millfields area and adequate mitigations to improve road safety must be sought by the Council. This should include a 20MPH zone, and introduction of pavements on walk to school routes such as Millfield road and Brook Road.

I am also concerned about the impact of queuing traffic on the junctions at the foot of Kidderminster Road (which itself neighbours an AQMA - I believe the worst in Worcestershire) and at the foot of the Stourbridge Rd.

The reality is that Bromsgrove is facing significant traffic issues and it is troubling that all the focus is on the A38 - whilst all the development is to the West of town. I'd suggest that the LTP and IDP are a) not forward focussed enough - this development will not build out to 2029 and the traffic planning is to 2023 and b) is misaligned with the Bromsgrove Local Plan.

I also am concerned about the impact of rat running traffic in the Sidemoor area - principally Broad Street and Willow Road. I also worry about rat running traffic on All Saints and Victoria Road - the applicant's TA illustrates that this appears to be a mitigation for the over capacity junctions. This is entirely unacceptable and there is already a significant accident and complaint history at WCC in relation to All Saints Road.

Finally I object on the grounds of school and health infrastructure, which I believe is inadequate for this scale of development.

25.11.2021

Documents submitted pursuant to the Rock Hill s278 works

## *Education*

### **WCC Education First**

#### **No objection**

**Estimated additional pupils per year group: 36**

### **Related Schools**

The proposed development is a substantial allocation to the west of Bromsgrove. There is a three-tier system of first, middle and high school education in place in Bromsgrove. The current catchment area schools are Sidemoor First School and Nursery, Parkside Middle School and North Bromsgrove High School.

Parents may express a preference for any school but are likely to strongly consider applying for their catchment area school where it is a good or outstanding school. In this instance all three schools are graded good or better and are therefore considered Related Schools for the purpose of this assessment.

All three schools were rebuilt as part of an ongoing PFI contract in 2006/7. Any expansion of the school buildings to accommodate additional pupils must be delivered through the contract. The County Council is not opposed to expanding PFI schools. However, we are mindful of the potential additional costs imposed by the contract and Government policy on creating diversity in education and must therefore consider whether alternative options could deliver the same or a better outcome at lower cost to the tax payer.

### **Forecast Pupil Numbers**

Sidemoor First School is a popular and successful school offering 60 places per year group. Pupil numbers at October 2015 showed 294 pupils against 300 places available. The most recent projections based on known pre-school age children in the catchment area show that the school is expected to fill 60 reception places each year for the foreseeable future. The school has offered all 60 places for September 2016 intake.

Parkside Middle School is also popular and successful. The school was originally designed to admit 120 pupils per year but has recently decided to increase this to 130 per year. Pupil numbers at October 2015 showed 491 pupils against 490 places available.

The most recent projections based on current feeder first school numbers and historical trends show that the school is expected to fill 130 intake places for at least the next 4 years. The school has offered 138 places for September 2016 intake due to the level of demand.

North Bromsgrove High School is currently graded as Good by Ofsted. Pupil numbers have fallen in recent years as a natural dip in the school population worked its way through the school system. Pupil numbers at October 2015 showed 614 school aged pupils (excluding sixth form) against 900 places available

Numbers appear to have reached their lowest point and intakes are expected to rise significantly in the next few years. The school has offered 241 out of 300 places for September 2016 intake. The most recent projections based on numbers in middle schools shows that intakes will continue to rise.



## Wider Context

There was a particularly high level of demand for reception places for September 2016 intake. Current forecast models suggest there will only be 2 places remaining across the whole town. Known numbers of pre-school children suggest that future intakes will be lower but this does not take into account planned housing development. In addition to this current proposal there are two other significant sites allocated in the emerging Bromsgrove District Plan. Norton Farm (BROM1) has already secured planning permission for up to 316 dwellings and Whitford Road (BROM3) is allocated for a minimum of 490 dwellings. Taken together these three sites are likely to add around 60 children per year group to the cohorts in the town.

Pressure has been rising on middle schools in Bromsgrove as higher first school cohorts feed through. Although a small number of additional places has been made available by schools, the pressure remains, and the County Council is actively seeking a solution to this alongside the required mitigation for housing development.

As noted above high school numbers have dipped as a natural decline in pupil numbers works its way through the system. The pressure on the middle schools is now starting to reach the transfer point for high school and the September 2016 intake is noticeably higher than previous years. South Bromsgrove High is the more popular of the two at present and fills all 335 places available. Current forecasts show that by September 2020, the demand for high school places will exceed the 635 currently available even without the impact of housing growth.

## Identified Need and Options for Mitigation

Taking account of the current and forecast pupil numbers and the anticipated impact of housing growth, the County Council is minded to seek to commission additional places at all phases. The County Council will be seeking to provide at least 1 Form of Entry (typically 30 places) as a direct mitigation for the impact of this development. This may be delivered in conjunction with mitigation for other sites and for underlying demographic trends.

## Commissioning of Places

As the school estate now includes Academies and Free Schools which are outside the control of the County Council the provision of additional school places must be undertaken through an open and transparent process involving all providers. The County Council remains accountable for ensuring that every child has a school place. Having identified the level of need, the County Council will seek expressions of interest from existing providers in the area who may wish to expand. Options will be considered against various criteria including:

- Quality of current provision
- Evidence that school can manage expansion such that it sustains or improves current quality
- Location of school in relation to areas of high or growing demand
- Ability to accommodate the expansion
- Cost of required building works

- Evidence of parental demand
- Impact on other good or outstanding schools

Should there be no viable expressions of interest then the County Council has the option to commission a new Free School to provide the additional places.

## Options for Mitigation

The leadership of Sidemoor First School have already indicated that they do not wish to expand the school beyond its current size. Although this school is still under the control of the County Council, given the reluctance of the Board of Governors and the additional costs related to the PFI contract the County Council would prefer to examine alternative options to mitigate the impact of the development.

Recent informal conversations with first schools in Bromsgrove have not yielded any obvious alternative candidates for expansion that would be able to deliver the number of places required. The County Council will continue to discuss options going forward with education providers but taking account of the wider context and lack of expansion options currently identified in the town the County Council is minded to seek to commission a new Free School in Bromsgrove. Public consultation will take place at an appropriate stage in the life of the development to ensure that the additional places are provided in line with population growth.

It is felt that there are options to expand existing middle schools to provide additional capacity in this phase. However the County Council would wish to consider whether the Free School could cater for both first and middle school phases as this might be more attractive to potential sponsors and represent better value in build costs. This will be tested through the public consultation and ongoing discussions with schools and other stakeholders

Expansion of one or both of the high schools in the town is possible and would be the preferred solution of the County Council but again consideration will be given to providing an all-through free school if there is interest from potential sponsors.

## Planning Obligations Requested

Based on the information above, the County Council is requesting a financial contribution to be used to support the commissioning of additional school places.

The County Council requests that the contribution for the first school phase reflect the build cost of a new 1FE first school. This was estimated in March 2015 as approximately £3.5 million. A revised cost estimate has been requested and will be supplied when available.

The contribution for the middle and high school phase is requested at the standard cost per dwelling as set out in the table below.

Cost per dwelling based on 16/17 rates: Phase	2/3 bed open market	4/5 bed open market	2+ bed flats
Middle	£1,769	£2,654	£708
High	£2,168	£3,252	£867

## *Landscape and Heritage*

### **BDC Conservation Officer**

In light of the proposed site being separated from the listed buildings at Fockbury Mill by the M5 and the slip road to the M42, I cannot see how the development of this site would harm the significance of these listed buildings.

### **BDC Landscape Officer**

#### **No objection**

#### General comments

Overall the Outline application has addressed the Principles for Development set out in the Green Infrastructure Concept Plan (WCC 2012).

#### Acoustic barrier

The proposed acoustic barrier will be the largest single structure within the development. The Design and Access Statement plus supporting document sets out the case for this method of mitigating noise from the adjacent motorways. Having assessed the potential impact of the bund we conclude that, while some views to the north-west may be compromised by the overall height, any negative impact will be offset by the clear need to suppress noise. The M5 is currently buffered with a relatively mature screen. Construction and planting of the bund should, in practice, complement the existing setting, which is unavoidably dominated by the motorway and associated infrastructure. Details will need to be scrutinised as and when they are tabled. In terms of design, however, there are clearly options to grade the bund with the linear park, which will offset to some degree the impression of a wall of ground. Careful planting should reference broadleaf tree and shrub species that are characteristic of the wider site setting that will contribute towards enhanced connections for wildlife in addition to providing a soft backdrop to the linear park and urban edge.

#### Urban and Amenity Trees, and Hedgerows

The proposed layout of urban streetscapes and the pattern of planting are broadly welcomed because they will echo the already maturing trees evident within existing urban gardens and boundaries in Sidemoor and the mature broadleaf hedgerow trees that are a distinctive feature of the landscape to the west of the site. The 'design influences' of existing hedgerow and field morphology is noted, and where possible, the intention to retain valuable hedgerows is welcomed along with the intention to enhance the overall connectivity with new planting that will be integrated into the development in a coherent plan that references the wider grain of the landscape.

### **WCC Archive and Archaeology Team**

#### **No objection**

The development area of the application has been subject to pre-application advice in relation to the historic environment. A geophysical survey together with targeted trial trenching carried out in 2014 and 2015 revealed archaeological deposits of prehistoric date which include a possible pit alignment and enclosure. These are significant due to the current lack of knowledge relating to the prehistoric periods in this area. It is therefore necessary to carry out further work in order to further establish the nature and extent of

these heritage assets and to establish the presence or absence of archaeological deposits elsewhere within the development area.

In this instance it is believed, on current evidence, that sufficient information has been provided and that no further pre-determination assessment is required. The impact of the proposed development on the historic environment can be appropriately offset by a conditional programme of archaeological work. This programme of work should comprise further excavation of the area where the enclosure and pit alignment are situated together with trial trenching. This approach has been agreed with the archaeological consultant acting on behalf of the applicant.

The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by the National Planning Policy Framework section 12, paragraph 141.

*"... They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.<sup>30</sup> However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted."*

**Worcestershire County Council Countryside Service** Consulted 13.05.2016

## **No objection**

The proposal affects and is adjacent to public rights of way as recorded on the Definitive Map including Bromsgrove footpaths 605, 612, 673, 613, 591 and bridleways 607 and 608. Please see the enclosed illustrative map. (see original REP from WCC under documents tab on website)

The application form states that the proposal requires diversion/extinguishment/creation of public rights of way. Application should be made to the Planning Authority. If it is necessary to divert/extinguish/create public rights of way in order for the permitted development to take place, this should be completed to confirmation stage before any development affecting the public rights of way is started. We look forward to further consultation on the proposals and to receiving a copy of any Order/s made.

## **Tree Officer**

### **No objection subject to conditions**

All of the following information is taken from and references the EDP Tree Survey and Arboricultural Assessments supplied with the application.

1. The reports highlights a need to remove hedge line H56 which is a mixed native species prominently Hawthorn hedge line on the boundary of the Stourbridge Road. Its removal appears to be required to accommodate the widening of the road at this point to allow the installation of the new main road network approach and link to the site. The hedge offers a good level of visual amenity value and adds greatly to the general character of the area. I appreciate that the hedge needs to be removed to achieve a safe lead in road network to the development but would request that a similar feature is replaced on the boundary of the new road / path network on this boundary.

2. Removal of T55 is highlighted this tree has suffered a large amount bark damage from animal grazing activity and has a significant amount of deadwood and die back in the crown. Therefore I have no objection to this tree being removed.
3. G54 is highlighted to be fully removed within the reports which includes T53 Walnut. However Illustrative Plan Drawing (56) Revision (B) shows an intension to have a line of trees within the new development exactly on the line of G54. Therefore I would request that consideration is given to retaining the better quality trees within G54 especially T53 to achieve this feature rather than their removal with an intension to replant.
4. The reports highlight and intention to partially remove sections of H39 which is a native mixed species predominantly Hawthorn hedge line. Although the partial removal is not noted on the tree removal schedule only shown on the sheet 1 of the Tree Retention Plan. However although this is a good quality hedge which would offer a high level of habitat value to the site. It does not offer a high level of visual amenity value only being viable from within the site. It also causes a high degree of subdivision with the site. Illustrative Plan Drawing (56) Revision (B) also shows indicatively an intension to plant a suitable level of new tree and hedge planting within the development which will mitigate the loss of this hedge. Therefore I would have no objection to the removal of the two sections of H39 as shown on the Tree Retention / Removal plans.
5. It is proposed to remove a short section of H83 to achieve a new entrance point to the site off Perryfields Road. However this is a good quality mixed native species hedge line that offers a high level of screening value for properties on the opposite side of Perryfields Road. I envisage that a larger section of the hedge will actually need to be removed to achieve the entrance than is shown on sheet 1 of The Tree Retention Plan. I also feel that there is scope to contain the necessary road network required to serve the development within the site behind the existing hedge retaining the screening value it provides. Therefore I would request that the planned layout is revised to avoid the removal of this section of H83.
6. The removal of H86 is proposed which is a prominently Hawthorn hedge line to the lower section of the site local to the stream. Although the hedge line offers a reasonable level of habitat value to the site. It offers only a low level of visual amenity value not being visible from a high number of properties or local road network. It also awkwardly sub-divides the site. Therefore under a suitable level and specification of mitigation replanting within the scheme I would be happy to accept the loss of this hedge.
7. It is proposed to remove H104, H107, H110, H147, H222, H224, H252, G253 and part sections of H148, H164, H171 which are all good quality mixed native species hedge lines which cover a considerable length on the boundary of Perryfields Road. These hedge lines are highly prominent offering a high level of visual amenity value and adding greatly to the character of the area. They are typical of hedges in the wider area and district that contribute greatly to the rural atmosphere of the area and district. I accept that they would need to be removed

to achieve the development and improve the road network. But would request that a similar native species hedge line feature is re-established along the boundary of the road through the new development.

8. It is proposed to remove a short section of H103 which is native mixed species hedge line to allow the installation of the road network within the scheme. The removal of this short section will not have a detrimental impact on the wider hedge line feature therefore is acceptable.
9. The proposal highlights an intention to remove part of H111 as shown on the Tree Retention Plan which is a very good quality and well maintained native mixed species hedge. But the partial removal is not highlighted on the removal schedule list. Also the removal of hedge H115 on the opposite side of Fockbury Mill Lane which again is a native mixed species hedge of a poorer but still reasonable quality hedge line. Again these hedge lines are highly prominent offering a high level of visual amenity value and add greatly to the character of the area. They too are typical of hedges that contribute to the rural atmosphere of the wider area and district. Therefore I would not wish to see these feature hedge lines removed and requested that they are retained within the scheme even if required on bunding to allow local ground level adjustments.
10. It is proposed to remove a number of groups of mixed species trees from within the main body of the site that generally create informal boundary features that sub divide the site to varying degrees i.e. H193, G119, G208, G210, G221 and G125. Although these feature groups do offer a good level of habitat and visual amenity value to the site and area. The quality of tree and hedging stock within them is highly variable and in most cases generally poor. It is also noticeable that they awkwardly sub-divide the site under the proposed scheme as shown on Illustrative Plan Drawing (56) Revision (B). Therefore although it would be my preference certainly to retain G208 if possible. I would accept the loss of these groups under a suitable level and specification of mitigation replanting within the scheme.
11. G123 and G135 are both good quality Apple orchards still under management for commercial fruit production. They add greatly to the biodiversity of the site and area. They are typical of the wider historic orchards and top fruit production industry with the county of Worcestershire and adjoining counties. Both of these features are highlighted for removal. I would only be agreeable to their removal with the inclusion within the scheme of a suitable level and grade fruit tree or orchard mitigation replanting. Perhaps community orchard planting of heritage fruit tree species typical of those historically grown in the county and immediate local area could be considered.
12. G131 and G146 are groups / hedge lines of large mature *Laylandii* hedging conifers. These trees are typically planted to provide shelter and improve the climate local to orchards as in this case. They are a very high vigour large in maturity non native species that will be difficult to manage and maintain within development such as this. Therefore although they are highly prominent within the landscaping I would have no objection to their removal. But feel that they should be replaced with a suitable level and grade of native mixed species tree

and shrub planting to retain the sub-division influence and green corridor benefits they provide to the site.

13. G144 Common Silver Fir & Norway Spruce is highlighted for removal although this group would stand largely within the open landscaped area proposed on the Western boundary of the site. However the tree species within this group are none native and due to the density of planting will become poor quality as their competition increases as they develop into maturity. Therefore I would have no objection to their removal under a suitable level and specification of either orchard or native species mitigation tree planting within the scheme.
14. It is proposed to remove H159 which is a very high quality and well managed Hawthorn hedge running along the Northern boundary of the Kidderminster Road. The hedge is highly prominent to road users and offers a high level of visual amenity and habitat value to the area. The hedge line also adds greatly to the character of the area. They are typical of hedges that contribute to the rural atmosphere of the wider area and district. It is clear that to allow the road improvement required that the removal of this hedge will be necessary. Therefore I would request that a similar feature hedge line is re-established on the boundary of the new improved road network within the scheme.
15. There are a number of medium to small individually identified tree that are highlighted for removal throughout the site i.e.T112 & T122. All of these trees are of low prominence and I would have no objection to their removal under a suitable level a specification of mitigation replanting within the scheme.
16. All trees and hedge line features to be retained within the scheme will require a suitable level of consideration in accordance with BS5837:2012 within the design and layout of the site and during any ground or development work on the site.
17. A full and detailed aboricultural report and impact assessment will need to be supplied for each phase of development on the site.
18. A full landscape plan and specification should be supplied with any full application. Due to the scale of the site I would expect to see an extensive amount of native species tree, shrub and hedge planting included with the scheme. The schemes should be designed with an aim to re-establish all prominent hedge and tree line features that are highlighted from removal or mitigate loss with new suitable specification replanting where ever possible to maintain and enhance the character and historic value of the landscaping in the area.

## **Worcestershire County Council Minerals and Waste**

The Waste Core Strategy web-tool at [www.worcestershire.gov.uk/wcs](http://www.worcestershire.gov.uk/wcs) confirms that there are no waste management facilities within 250m of the proposed development, meaning that WCS policy to protect such facilities does not apply.

Waste Core Strategy Policy WCS 17 aims to ensure that the waste implications of all new development are considered. The policy provisions expect that proposals for new development either:

- a) incorporate facilities into the design that allow occupiers to separate and store waste for recycling and recovery; or
- b) make appropriate developer contributions where this is more appropriate than on-site facilities; or
- c) have adequate existing provision.

The explanatory text accompanying this policy sets out that the level of on-site provision should be adequate to meet the needs of the proposed development. Where significant areas of residential and commercial development are proposed, such as in this application, waste storage facilities are likely to be required and the applicant should consider that (a) of the policy is most appropriate for this type of development. We note the applicant has shown provision has been made for waste during the construction phase of this development in the Waste Audit Survey submitted as part of this application and welcome the attempts to re-use waste materials on-site whenever possible.

Despite stating that every household is eligible for council bins and collections, the submitted plans do not seem to provide any details of provision for bin storage, which we understand are details for reserved matters. Policy WCS 17 should be taken into account when developing the detailed layout of the site and we would expect this to be one of the design principles which inform the reserved matters proposals. We would expect detailed plans showing the provision of facilities for storage and collection of waste throughout the construction and occupation phases which conform to Policy WCS 17 and are in line with the ADEPT report "Making Space for Waste" (June 2010).

Policy WCS 5 "Landfill and disposal" and its supporting text states that excavation activities, a normal part of the construction process, can result in considerable arisings of subsoils. In some cases, this type of waste can usefully be re-used for purposes such as landscaping, levelling of sites, the construction of bunds, embankments or features for noise attenuation. However, to prevent inappropriate development, these kinds of proposals will be considered against Policy WCS 5: Landfill and disposal. Regarding the proposed noise bund, we have reviewed the submitted noise assessment and consider that sufficient justification is set out to satisfy the requirements of Policy WCS 5 part a) iii.

## **Minerals**

The proposed development is not in an area of identified mineral deposits as shown on the 1997 Hereford and Worcester Minerals Local Plan Proposals Map and as such we have no formal comments to make with regard to mineral issues.

## **National Grid Plant Protection 18.05.2016**

No objection



## *Green Infrastructure and Leisure*

### **Worcestershire Green Infrastructure Partnership**

The GI Partnership welcomes the opportunity to provide comments on the above application. We are pleased to note that the submitted plans and strategies are broadly aligned with the GI Partnership's priorities for this site, as reflected in the GI Concept Plan and as discussed with the applicant in detail during pre-application engagement. We welcome the general provision of GI in terms of the location and functionality of the corridors provided on the site which is why our comments are only minor, and seek to maximise the potential GI benefits which the proposal already offers.

1. We welcome the provision of the multifunctional linear corridors on the site. The GI linear parkland corridor running along M5 seems to serve as a noise barrier and would provide landscape and access and recreation benefits for the local community. Whilst we agree with the principle of this corridor, we would urge caution to ensure that its functionality (in terms of biodiversity and habitat protection and enhancement) is not compromised due to the closeness of the busy road; the corridor should be wide enough to compensate for the loss of biodiversity value as a result of the noisy location.
2. We also welcome the linear corridors running across the development providing flood attenuation, biodiversity, landscape and amenity value. Additionally, the back gardens are also aligned to create linear GI corridors which are welcomed. However, we note that these corridors are segregated from the wider GI network on the site with the long unbroken rows of buildings. Whilst we appreciate that this approach may be intended to filter some noise from the back gardens, we would encourage the applicant to look for ways of breaking these building blocks up to provide meaningful habitat connectivity across the site.
3. We welcome that the proposals incorporate on-ground drainage and that a variety of drainage methods are being used according to the varying topography and ground conditions. We are also pleased that issues of water quality in the Battlefield Brook have been addressed by the proposed water treatment measures, by providing swales and retention ponds. Finally, we are pleased that the sustainable drainage networks and features will serve multiple functions including biodiversity enhancement. However, whilst we welcome the plans for GI elements such as sustainable drainage and the Battlefield Ecology Corridor, the long-term functionality and quality of these assets will depend upon their well-considered and on-going maintenance and management. This should be considered in the GI Management Strategy for the site.

**Sport England** Consulted 13.05.2016 No objection  
**No objection subject to conditions**

Sport England assesses this type of application in line with its planning objectives and with the National Planning Policy Framework (NPPF). Sport England's planning objectives are to PROTECT existing facilities, ENHANCE the quality, accessibility and management of existing facilities, and to PROVIDE new facilities to meet demand. Further information on Sport England's planning objectives can be found here: <http://www.sportengland.org/facilities-planning/planning-for-sport/aims-and-objectives/>

The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment.

### The Proposal and Assessment against Sport England's Objectives and the NPPF

The proposal is for a residential led development mixed use development. The outline application includes the provision of: up to 1,300 dwellings; up to 200 unit extra care facility (C2/C3); up to 5HA employment (B1); mixed use local centre with retail and community facilities (A1, A2, A3, A4, A5, D1); open space, recreational areas and sports pitches.

The population of the proposed development is estimated to be 3,120 based on an occupancy of 2.4 persons per dwelling. This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

The proposed site is allocated for housing in the emerging Bromsgrove District Plan under policy BROM2. The emerging District Plan identifies a specific requirement for adult football pitches as part of BROM2 due to increased participation in the Bromsgrove leagues. There is also a requirement for supporting infrastructure in the form of access, parking and changing facilities. The policy also states that it would be preferable for these facilities to be concentrated in a single location on BROM 2 adjacent to the King George V playing fields.

Policy BDP5A.5 requires the provision of community facilities consisting of a community hall, large equipped play areas, sports pitches and an allotment site. There is a specific requirement for adult football pitches adjacent to the King George V playing fields and associated infrastructure including access, parking and changing facilities should also be provided.

### Sports pitches and supporting infrastructure

Sport England support the provision of three on-site natural turf pitches together with the supporting infrastructure as required by Policy BDP5A.5 to complement the existing King George V playing fields. This approach is supported by the Bromsgrove Playing Pitch Strategy.

### Community building

Sport England support the provision of a community building which should include a flexible space which can be used as a studio with the necessary storage. This type of facility would help to meet the local demand for studio space created by the proposed housing development. Currently Sport England's guidance for this type of shared facility is spread across a few design guides:

Sport England's guidance on fitness and exercise spaces should provide some useful information to inform the design and size requirements for flexible studio space. E.g. Page 25 outlines the size of a dance studio with a 30-35 person capacity plus storage. This type of space is likely to be suitable be used for a range of uses (e.g. dance, yoga, aerobics, martial arts, kids activities etc) and therefore able to encourage a range of people to become active. The Village and community hall guidance is useful for guidance on changing rooms, storage and ancillary facilities. The guidance promotes a multi-functional hall with head height for badminton, table tennis and indoor bowls. However a traditional hall with head height will not necessarily be required.

Off-site contribution towards King George V playing fields.

Sport England support a contribution towards the improvement of the existing King George V playing field and supporting infrastructure. The need for these improvements to meet future demand is also supported by the Bromsgrove Playing Pitch Strategy.

Sport England welcome the provision of pedestrian and cycle routes together with the trim trail to provide opportunities to get people active. Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments. The document can be downloaded via the following link:

Conclusion

This being the case, Sport England offers its support for this this application subject to the agreement of a suitable off-site contribution towards outdoor sports provision.

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England or any National Governing Body of Sport to support any related application funding application.

We would be grateful if you would advise us of the outcome of the application by forwarding a copy of the decision notice.

Further comments

Thank you for re-consulting Sport England on additional information submitted in support of the above application. Sport England do not wish to make any comments on this additional information. Our response dated 7 June 2016 therefore remains our formal response to this planning application.

## **Bromsgrove Partnership Board 31.06.2016**

### **No objection**

Bromsgrove Partnership Board has been involved and supported the Starlight Community Centre and Café located in Charlford which is run successfully by Bromsgrove District Housing Trust. Similar to Charlford, Sidemoor is an area of highest need in Bromsgrove District and having such a facility would be beneficial to the local community.

The Bromsgrove Partnership Board is keen to ensure the local centre meets community needs and is sustainable. Therefore we would like to request that a board representative is involved at the various stages of the planning process and included in discussions around the design, size, funding allocation and so on. We hope this will help ensure that from the very beginning, the local centre is deliverable and viable.

The following is what the Bromsgrove Partnership Board agreed that they would like to recommend is included in the s106 agreement in relation to the 'mixed use local centre with retail and community facilities' if possible please:

- Funding - A total of £475K be requested in total in relation to the community centre. This is based on experience of The Pod, a similar facility in Charlford which BDHT own and run. The figure is made up of £100K initial set up costs and £75K per annum for 5 years. (BDHT is happy to meet with the Developer at The Pod in Charlford and provide further information if requested.)
- Design – Using lessons learnt from The Pod and taking into account other community projects, it is suggested that the anticipated design (attached) be tweaked to remove 'Café' and instead a suitably sized kitchen which is able to produce hot food be included which could potentially assist with services such as 'Active Kitchen'\* and similar. A multi-use office was also suggested.
- Delivery – no change. The Board was happy that no more than 600 dwellings could be built before a formal agreement of the community facility is reached

The concern is there will be a community building with a lack of funds to set up and run it initially meaning there could be an empty building as part of this proposal which is likely to be a worse outcome than not having a community building at all, should the application be successful.

### *Land, Air, Noise Pollution*

## **Worcester Regulatory Services- Contaminated Land 13.06.2016**

WRS have reviewed the following reports provided in support of the above application in respect of potential contaminated land issues:

MEC; Proposed Mixed use Development Land at Perryfields Road Bromsgrove Worcestershire; Phase 1 Environmental Risk Assessment; December 2015; Report Ref: 20086/01-15/3330 REVB and appendices.

MEC; Proposed Mixed Use Development; Land at Perryfields Road Bromsgrove Worcestershire; Preliminary Phase II Intrusive Ground Investigation December 2015; Report Ref: 20086/01-15/3794 REV A including appendices

#### Summary of potential sources:

The site is agricultural land, mainly pasture, some arable, turf production, fruit farming and horse paddocks adjacent to Bromsgrove residential development. The site walkover has identified general waste found at various locations across the site: ACMs, brick concrete, wood, metal, breeze blocks, plastic bags, electrical and electronic equipment- TV sets, computer monitors, kitchen appliances, gravestones, recycled glass chips, household goods, glass, wood, pallets, metal filing cabinets. Several areas of burnt ground were noted. Agricultural machinery, two abandoned cars, above ground and below ground fuel tanks were identified. Two landfill sites within 250m of site, recorded as containing inert waste, and one within 500m. Off site there are several ponds, sand pits, gravel pits, quarries and brickworks. To summarise, whilst the site is largely undeveloped, there are areas where activities have the potential to have impact the land.

#### Summary of potential contamination:

Made ground impacted with asbestos, heavy metals, hydrocarbons, pesticides, herbicides and ground gas associated with previous farming use, burnt ground and organic material in backfilled pond. The potential for ground gas migration from off-site landfill sources.

#### Conceptual Site Model (CSM):

The CSM has determined the site to have negligible risk. Whilst this may be a fair assessment for the majority of the site there are areas where activities may present an unacceptable risk and have not been thoroughly investigated. These include the presence of Above Ground Storage Tanks (AGSTs) and Underground Storage Tanks (USTs), burning and dumping of waste materials/items and the site being on a Principal Aquifer. It is noted the CSM has not identified the different proposed uses of the site and therefore the different end users.

#### Site investigation findings:

A number of photographs are submitted showing potentially contaminating activity on site, however a plan showing the location and direction of the photographs is not included.

A total of 14 soil samples have been taken for analysis of heavy metals, hydrocarbons and asbestos. No contamination of significance was identified in most soil samples. However, sampling was confined to the north eastern and southern fields due to lack of access to other areas. Additionally it is noted samples were taken from shallow soils, between 0.1-0.3m depth, only.

No groundwater or surface water monitoring or testing was carried out. 5 leachate samples were taken with elevated arsenic shown in one sample in the area of the fruit farm.

11no. gas monitoring wells were installed to a maximum depth of 2m. 4no. rounds of gas monitoring were carried out over 10 days in varying atmospheric pressure and results show slightly elevated CO<sub>2</sub> in two locations and slight presence of methane gas.

Remediation Proposals:

- Remediate area of elevated arsenic leachate identified located in the fruit farm area which has not been fully investigated due to lack of access.
- Any Made Ground encountered to be removed off site. Refer to consultants should any previously unidentified contamination be encountered during construction works.
- Report Recommendations:
- Further ground gas monitoring to determine the level and extent of gas protection required.
- Further investigation of Array Fruit Farm which was inaccessible during this investigation.

## WRS Comments

The site boundary is reported to have changed (Phase 1 report s2.14) indicating that potential sources of contamination are now outside the scope of the investigation. Clarification is required as to why the boundary has changed, and the likely use of those areas now outside scope, with a view to assessing the significance of this change on potential contamination issues.

Large amounts of the site were not investigated due to lack of access. This includes fields to the north western area where burnt ground has been identified, the central eastern area where burnt ground and Asbestos Containing Materials (ACMs) have been identified and also where the fruit farm including fuel storage tanks (AGST and USTs) are located. Thus, sampling was confined to the north eastern and southern fields and taken from shallow soils only. Whilst some soil samples appear to be taken from potential hotspots, most appear to be taken from areas showing no signs of activity and therefore are representing majority site conditions.

In WRS, opinion the site investigation undertaken does not fully appropriately investigate all areas identified as potential sources of contamination within the desk study and therefore comply with Defra and Environment Agency CLR11 'Model procedures for the Management of Land Contamination' as follows:

- Areas where the presence of ACMs have been identified have not been tested for the presence of asbestos fibres in soils.
- Areas containing farming equipment, dumped building materials, chemical storage areas have not been tested for Total Petroleum Hydrocarbons (TPH) and other organics.
- Areas of burnt ground and fuel storage tanks have not been tested for TPHs, Poly Aromatic Hydrocarbons (PAHs) and Heavy Metals.
- There remains the potential for hotspots of contamination to be present, which require assessment.
- No groundwater monitoring has been carried out despite being identified as a receptor at risk from fuel and oil storage.
- No surface water monitoring, despite the presence of a surface water feature, ponding areas and discoloured water noted in the desk study.

In WRS, opinion the human health risk assessment presented is inadequate for the following reasons:

- The use of statistical averaging of just 11 samples is considered insufficient for the size of the site to be confident about likely majority site conditions.
- The data has not first been tested for outliers.
- The use of the Category 4 Screening Level of 5mg/kg for BaP based upon 6% Soil Organic Matter (SOM) is not considered appropriate in this case as the soil sample showed SOM at 2.6%. Therefore the lower screening level of 0.94mg/kg is considered more appropriate.
- The use of the withdrawn Soil Guideline Value for lead is not appropriate.
- Whilst acknowledging that minimal levels of contaminants are indicated, the derivation of the screening levels is not clear.
- Gas monitoring locations were not in close proximity with the adjacent off-site landfill site on the western boundary and therefore does not provide a reasonable assessment of potential ground gas impact.

## **Recommendations:**

In WRS opinion:

- Further investigation is required so as to be confident that the majority of the site is suitable for proposed use and to address areas of activity that may have adversely impacted the site.
- Further soil sampling is required firstly to confirm general site conditions and secondly to target potential hotspots due to former activities identified in the desk study.
- The CSM should be revised to include all end users and the potential risk to site users, groundwater and surface water receptors resulting from potential hotspots on site.
- Both groundwater and surface water impacts need to be understood through comprehensive monitoring, on the basis that both are a significant receptor.
- Additional gas monitoring locations are required to assess potential migration from landfill sites identified in the desk study.

The National Planning Policy Framework advises that Planning Decisions should ensure the site is suitable for its proposed use taking account of ground conditions, pollution arising from previous uses and any proposals for mitigation including land remediation. The Framework also requires adequate site investigation information be prepared by a competent person is presented.

Knowledge of the site suggests that contamination issues may potentially be a significant issue. As a result, in order to ensure that the site is suitable for its proposed use and accordance with The National Planning Policy Framework, it is recommended that a standard Tiered Investigation condition be applied to the development should permission be granted to ensure that outstanding contaminated land issues are appropriately addressed.

## **Worcester Regulatory Services- Noise, Dust, Odour & Burning** Consulted 13.05.2016 **No objection subject to conditions**

### Noise (Roads)

Noise levels within the dwellings hereby approved shall not exceed those set out in BS8233:2014 "Sound Insulation and Noise Reduction for Buildings". Noise levels measured from enclosed outdoor private amenity areas (gardens) should attain the 50dB(A) desirable criteria (Considered by WRS to be the LOAEL) and not exceed the upper limit recommended within BS8233:2014 being 55dB(A) (Considered by WRS to be the SOAEL)\*\*. Measures necessary to achieve this performance at properties identified at risk of exceeding the LOAEL shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The mitigation measures so approved shall be completed prior to any dwellings to which they relate being first occupied and post completion testing to verify that the noise level requirements of this condition have been met shall be carried out at sample locations to be agreed by the Local Planning Authority before any of the dwellings hereby approved are first occupied. If the post completion testing shows that the limits set out in BS8223:2014 are exceeded within dwellings and/ or the upper limit of 55dB(A) is exceeded when measured from enclosed outdoor amenity areas, details of further mitigation to bring noise levels down to the required limits shall be submitted to and approved in writing by the Local Planning Authority and the proposed further mitigation shall be carried out before the dwellings to which these measures relate are first occupied.

\*\* Section 3 WRS Application to Support NPSE Aims - Worcestershire Regulatory Services Noise Technical Guide 2nd edition 2015.

<http://www.worcsregservices.gov.uk/media/1373587/noise-technical-guidance-v23.pdf>

Reasons - To Achieve the primary aims of the National Noise Policy for England 2010 by

- Avoiding significant adverse impacts on health and quality of life
- To mitigate and minimise adverse impacts on health and quality of life
- Where possible contribute to the improvement of health and Quality of Life

### Noise (Industrial/Commercial)

Noise levels at dwellings in close proximity to any fixed plant associated with any Class B employment uses (such as air conditioning units, extraction units) shall be assessed in accordance with the methodologies of BS4142:2014 and comply with the rating standards table set out in section 7 of Worcestershire Regulatory Services Noise Control Technical Guidance - Development Control 2nd Edition July 2015. Assessment of those dwellings (existing and proposed) shall be undertaken and mitigation measures applied where necessary to ensure that noise levels do not exceed recommended rating levels (dependant on background noise climate) shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be implemented on a phased basis in accordance with the submitted details.

<http://www.worcsregservices.gov.uk/media/1373587/noise-technical-guidance-v23.pdf>

Reasons- To protect residential properties from the unreasonable interference of commercial noise.



## Noise (Construction & Demolition)

Any construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development and also comply with the requirements of Worcestershire regulatory Services Code of Best Practice for demolition and Construction Sites 1st Edition July 2011. Applications for permit/variation of work patterns that deviate from general code requirements must be made and approved prior to commencement of activities by Worcestershire Regulatory Services and the Local Planning Authority.

<http://www.worcsregservices.gov.uk/media/448881/WRScontractor-guidance.pdf>

Reasons - To protect existing and new occupiers of residential areas from the unreasonable effects of noise, vibration, light and dust nuisance.

## Odours (Commercial Kitchens & Takeaway Establishments)

prior to permission being granted a scheme for the minimisation of emissions of cooking odour and noise from the premises should be submitted and agreed in writing by the Local Planning Authority. The type of information that should be submitted to support the planning application can be found in Annex B of the DEFRA publication: 'Guidance of the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'.

Reasons - To protect existing and new occupiers of residential areas from the unreasonable effects of cooking odours.

## **Worcester Regulatory Services- Light Pollution 23.05.2016**

### **No objection subject to conditions**

#### Light

External artificial lighting should be compliant with current guidance produced by the Institute of Lighting Engineers; Guidance for the reduction of obtrusive light 2012.

Reasons - To protect existing and new occupiers of residential areas from the unreasonable effects of artificial light intrusion

22.05.2016

In reference to the further information and amendments made relating to noise and lighting I have no further adverse comments to make and therefore my original comments dated the 18th May 2016 still stand.

## **Worcester Regulatory Services- Air Quality**

I have reviewed the air quality damage cost assessment in Chapter 5: Planning Conditions and S106 Obligations. Section 5.3 Highways of the Taylor Wimpey 2019 Planning Statement Update and have no adverse comments to make.

Please find below comments made by Worcestershire Regulatory Services for the following document submitted in support of the above application:

Taylor Wimpey; Perryfields, Bromsgrove. Environmental Statement 2019. Section 12 - Air Quality. The report is a new Air Quality Assessment (AQA) carried out by RPS and supersedes previous reports.

## Construction Phase

For the construction phase of the development the impact risk is classified as high for earthworks and construction and classified as medium for trackout, an appropriate package of mitigation measures according to IAQM guidance should be in place so that the residual effect will normally be "not significant".

## Operational Phase

The assessment modelled air quality at 91 selected receptors representative of existing exposure and 26 selected receptors within the proposed development.

ADMS-Road dispersion model was used, data input included;

- Traffic flow data provided by the project's transport consultants, Vectos Transport Planning
- Defra's emission factor toolkit (version 9.0)(May 2019)
- Meteorological Data from Pershore monitoring station (2018)
- Background air quality from Defra maps
- Published results of local authority studies of air quality including local monitoring and modelling studies

The five year annual-mean urban background concentrations for NO<sub>2</sub>, at diffusion tube location LE7 (371 Birmingham Road, Lickey End) was used for baseline information:

5 year average monitored concentration at LE7: NO<sub>2</sub> = 31.5 µg.m<sup>-3</sup>

Defra mapped concentrations (2017): PM<sub>10</sub> = 14.8 µg.m<sup>-3</sup>. PM<sub>2.5</sub> = 9.4 µg.m<sup>-3</sup>

The Assessment modelled two scenarios:

- Without Development - without the Proposed Development in the first year that the development is expected to be fully operational by 2030
- With Development - with the Proposed Development in the first year that the development is expected to be fully operational, by 2030

The modelled results at existing receptors show the impact on air quality with the development in place compared to without the development is 'negligible' to 'slight adverse' for NO<sub>2</sub> at existing receptors and negligible for PM<sub>10</sub> and PM<sub>2.5</sub> ' at all receptors.

The modelled results for the development site, the predicted annual-mean NO<sub>2</sub> concentrations range between 32.0 and 34.3 µg.m<sup>-3</sup>, the predicted annual-mean PM<sub>10</sub> concentrations range between 15.1 and 16.4 µg.m<sup>-3</sup>, the predicted annual-mean PM<sub>2.5</sub> concentrations range between 9.6 and 10.3 µg.m<sup>-3</sup>.

The report concludes that the operational impact of the development on existing receptors in the local area is predicted to be 'negligible' to 'slight adverse' taking into account the changes in pollutant concentrations and absolute levels. The overall impact on the area as a whole is described as 'negligible' and the resulting air quality effect of the development is considered to be 'not significant' overall.

## WRS Comments

The Assessment is acceptable and WRS have no adverse comments to make, the following air quality mitigation measures are recommended:

## Air Quality

The National Planning Policy Framework (NPPF) Paragraph 181 states: 'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.'

It is recommended that the applicant incorporate mitigation measures as part of the development to minimise impact from the development on local areas of poor air quality and assist in alleviating pollution creep arising in the general area. Additionally, where deemed necessary, it is recommended that an Air Quality Assessment is undertaken to determine the impact from the proposed development and any additional mitigation measures that may be required. WRS therefore make the following recommendations in accordance with NPPF Paragraphs 102, 103, 105, 110, 170, 180, 181:

## Secure Cycle Parking

It is recommended that secure cycle parking facilities are incorporated into the design of commercial developments and domestic plots without sufficient exterior space to allow for secure cycle storage. Full details of the location, type of rack, spacing, numbers, method of installation and access to cycle parking should be provided.

## Electric Vehicle Charging - Domestic Development

The provision of more sustainable transport modes will help to reduce CO<sub>2</sub>, NO<sub>x</sub> and particulate emissions from transport. In order to make the properties ready for EV charging point installation, appropriate cable provision and isolation switches must be in place so that future occupiers are able to easily fit the necessary socket for electrical vehicles to be charged in the garage, driveway or allocated car parking space. For developments with unallocated parking i.e. flats/apartments 1 EV charging point per 10 spaces (as a minimum) should be provided by the developer to be operational at commencement of development.

## Electric Vehicle Charging - Commercial Development

It is recommended that electric charging points be installed in 10% (as a minimum) of the allocated parking spaces at the development. The provision of more sustainable transport modes will help to reduce CO<sub>2</sub>, NO<sub>x</sub> and particulate emissions from transport.

## Low Emission Boilers

Boiler NO<sub>x</sub> emissions from building heating systems contribute to background NO<sub>x</sub> concentrations and the following condition is recommended to alleviate impact from new buildings.

## **North Worcestershire Economic Development And Regeneration**

05.07.16 & 30.9.2016

### **No objection subject to conditions**

This application is for a new mixed-use development located to the west of Bromsgrove, on the Perryfields Road. The application has been submitted in outline form, with only the proposed external access arrangements serving the site to be considered in full at this stage. Whilst my comments focus on the commercial element of the proposals, it is worth just reflecting on the strategic context for this application.

The proposed development will provided up to 1,300 new residential units within Bromsgrove, along with 5ha of employment and a mixed use local centre, as well as associated open space, infrastructure and landscaping. The site is identified both within the current Bromsgrove Local Plan and the emerging Bromsgrove District Plan - Proposed Submission Version 2011-2030. Whilst the site was previously identified as an Area of Development Restraint (ADR) it is now included in the proposed submission version of the Plan as a strategic allocation. This site is allocated through Policy BDP5A, reference BROM2, which identifies that the site "will contain a minimum of 1,300 dwellings, 5hectares of local employment land, a local centre and community facilities". The current application meets the broad criteria outlined in Policy BDP5A and is therefore considered to be, by and large, in conformity with the emerging policy framework.

Given the strategic 'fit' of this application, it is considered that the proposals are acceptable in principle. Turning therefore, to the more specific points of the application, our comments are as follows:

- The proposed development provides further employment space for the District of Bromsgrove, which is to be welcomed and supported. Recent developments at Bromsgrove Enterprise Park have indicated that there is a continuing demand for commercial space within the District and it is important that there remains a good supply to offer potential interested parties that wish to invest and create jobs within the District;
- It appears from the submitted plans that part of this commercial space will be offered as phase 1 of the development, which is encouraging and will enable the employment space to be marketed 'early on', following the implementation of the new transport proposals;
- Part of the commercial element also appears to have good road frontage, sitting adjacent to the proposed new roundabout, which will be the main access to the site. This should increase the market attractiveness of the development and is fully supported;
- The applicants have identified within their Design and Access Statement that the "employment areas should provide flexibility in terms of units size and arrangements, and will be subject to a future design brief to be prepared following grant of planning permission" This approach is supported by NWEDR as it allows the site to be flexible and will enable the developers to respond positively to market interests as and when the arise;
- The proposals are considered to be in line with the adopted 'Bromsgrove Economic Priorities', specifically in relation to the fact that the Council has indicated it will "work with developers to ensure high quality development on sites". It is considered that this particular application will help to meet one of the key

objectives of the adopted economic priorities and will provide confidence to the market that Bromsgrove is actively seeking new commercial investment.

Overall, this is an important strategic development that will provide new residential units and commercial floorspace to meet the emerging need in Bromsgrove District. There is in principle support for the development proposed within this application from a planning policy perspective and from an economic perspective it would offer another element to the portfolio of employment land available within Bromsgrove, which is to be welcomed.

## **Community Safety Team** **No objection**

I have read the Design and Access and the design principles are what I would have asked for so there is no need to comment further on this aspect.

Much use is made of the term 'permeability' and this does raise some concerns. For the police, permeability equates with escape routes for criminals. I fully accept that a certain amount is essential and desirable. I do ask that careful consideration be given to the number and siting of footpaths etc so that the opportunities for crime are reduced.

As far as the security of the individual dwellings is concerned the security should meet the requirements of approved document Q.

I do encourage the developers to design and build the development to full Secured by Design (SBD) standards and apply for certification.

Perryfields Phase 1&2 have achieved full SBD and phase 3 is on the way to achieving it.

## **BDC Waste Management**

No objection subject to receipt of financial contribution towards domestic waste receptacles.

## **BDC Strategic Planning**

This application is one of the remaining major allocations outstanding in the Bromsgrove District Plan, the Strategic Planning team have been involved in discussions on this allocation at various points throughout the application process, particularly in relation the highways and transportation issues. We are satisfied that the requirements of the relevant policies in the BDP have been met, and see no reason why this application should not be granted outline planning permission in order to make a significant contribution to meeting the housing needs of Bromsgrove District.

## *Water and Ecology*

### **Environment Agency**

#### **No objection subject to conditions**

#### **Flood Risk**

The proposed development is partly located within flood zone 3 (1% annual probability of fluvial flooding) based on our indicative Flood Map for Planning.

The applicant has undertaken a Flood Risk Assessment (FRA), ref 20086/12-15/3993, rev A, dated March 2016, M-EC. Our comments specifically relate to the fluvial elements of this FRA.

The applicant has undertaken '1d' modelling of the watercourse which has previously been reviewed by us, at the pre-planning application stage, to define the Flood Zone 2 and 3/climate change extents. The modelling is considered acceptable to inform the proposal. As part of the modelling exercise, the applicant has taken into account the relevant fluvial 'climate change' allowances (published in February 2016) of 70% and 35% for the Severn River Basin District.

The FRA has utilised the latest climate change allowances. Our advice for 'more vulnerable' development e.g. housing, is to utilise the 'higher central' climate change allowance (35%), as a minimum, to inform built in resilience; but aim to incorporate managed adaptive approaches/measures for the 'upper end' allowance (70%) where feasible. The FRA has incorporated the upper end allowance into the design of the development to secure long term sustainability within safe development and flood risk reduction measures.

One of the key mitigation measures outlined within the FRA is the proposed works to remove a culvert restriction by diverting the watercourse which redefines the floodplain extent.

In considering this mitigation, the modelling has demonstrated that the downstream fluvial flood impacts of the diversion are contained within the development site, with no increase in the flood levels for the model nodes on the upstream face of the M5 crossing.

On the basis of the above, we have no objection to the proposals subject to conditions to mitigate flood risk.

The Watercourse Assessment (Appendix K) demonstrates how the Battlefield Brook will be diverted around the existing Farm Track culvert in order to remove the throttling effect and reduce upstream flood extents. The diversion will require the consent of the Lead Local Flood Authority (LLFA). The outcome of this mitigation is that any out of bank flooding will be restricted to the strategic open space areas. The proposed spine road and all residential areas /built development is proposed within Flood Zone 1 (low probability of fluvial risk) which is appropriate in line with the sequential test.

The FRA recommends that finished floor levels be set at least 600mm above the 1% plus 70% climate change flood level, for those residential dwellings in the "vicinity of Battlefield

Brook". The detailed reserved matters should confirm this, you may wish to condition this be implemented.

## **Biodiversity**

The Battlefield Brook is currently failing to reach good ecological status (GES) under the European Water Framework Directive. To achieve GES by 2027 the watercourse must be protected and restored, this could be partly achieved by ensuring a sufficient buffer is incorporated.

Such networks may also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the Severn River Basin management plan. Where there are existing pressures on the water environment such as those identified on the Battlefield Brook, it is appropriate to restore the natural characteristics of catchments to protect water quality, maintain water resources and reduce the risks of floods and droughts thus building resilience to the further impacts of climate change (Annex H, Severn River Basin District RBMP). This is further supported by policy C10A, C12 in the Bromsgrove District Council's Local Plan and your emerging plan policies. Notwithstanding any fluvial floodplain restrictions, we would advise that an appropriate buffer zone (we would suggest at least 10 metres from top of bank) is provided alongside the Battlefield brook. This is supported by the aims of the NPPF, Natural Environment and Rural Communities Act, Article 10 of the Habitats Directive, Policy C10A and C12 of the Bromsgrove District Council's Local Plan and emerging local plan policy. However, this is for the LLFA in consultation with your Ecologist to consider further as we do not regulate the ordinary watercourses. We note that the ES presently confirms that an '8 metre' buffer zone will be secured along the Battlefield Brook landscape corridor, for maintenance and to allow for any overland flows and ecological benefits. You may wish to secure a long term 'maintenance plan' for the watercourse and any areas identified as strategic open space adjacent to the watercourse. This is proposed in section 16.4.11 of the ES.

## **Protected Species**

### **Water Voles**

Based on our records and the Ecological Appraisal (Baseline) Report some water voles are present in this area. Section 9.6.22 of the ES confirms a potential for Reversible short-term effect of significance at the Site level on a receptor of Local value. It states "the need to translocate water voles will be avoided where possible. However, if this is unavoidable, then a suitable mitigation strategy will be employed following agreement with Natural England" (responsible for licensing). We note that the mitigation to safeguard the water vole population within the brook will be refined in a 'Landscape and Ecological Management Plan' which will be prepared at the reserved matters stage.

Table 9.6 ecology within the ES confirms that appropriate mitigation is to be implemented prior to construction works commencing to safe guard the water vole population.

Battlefield brook will be enhanced to improve its suitability to support water voles.

### **Otters**

No evidence of otter was found during the 2012 or 2014 surveys. In 2010 a single spraint was discovered. Whilst some small areas of dense cover exist which otters may use for lying up, no potential or actual holt sites were recorded in any of the three surveys.

Notwithstanding the above, Table 9.6 sets out mitigation in the form of "Restrictions on

night working in place, brook to be cleared of debris and any blockages at the end of each working day. Buffer planting along brook and sensitive lighting scheme implemented to prevent light spill on to the brook". This will benefit any otters and other species. Given the potential for impacts upon protected species within our remit we would recommend the following specific condition. However, this may be incorporated into a more general condition for a 'Landscape and Ecological Management Plan' as proposed in the ES; informed by comments from Natural England and your Ecologist.

## Water Resources

In line with National Planning Practice Guidance (NPPG), all new homes already have to meet the mandatory national standard set out in the Building Regulations (125 litres/person/day). Where there is a clear local need, local planning authorities can go beyond this and set out Local Plan policies requiring new dwellings to meet the tighter Building Regulations 'optional requirement' of 110 litres/person/day.

As part of our recommendations on the Bromsgrove and Redditch local plans (currently at examination) we have advised that there is a local need for tighter ('optional') water efficiency standards in parts of Redditch and Bromsgrove area i.e. beyond the minimum building regulations requirement. This is justified because the upper reaches of the Bow Brook and the Batchley Brook catchments are at risk and have both been impacted from groundwater abstraction for Public Water Supply. This does not include this Perryfields site.

Notwithstanding the above, we note (section 3.5.8 of the ES) that confirms the applicant is committed to *"reducing water consumption for the occupants in homes that they build (as well as increasing the water efficiency of construction operations on-site). Water saving features typically include rainwater harvesting, water butts, with grey water systems to reuse bathwater for toilet flushing established in several recent developments"*.

## Pollution Prevention

In order to protect the environment and prevent pollution during the construction phase we note that the ES recommends that appropriate mitigation measures are employed. We note that this mitigation is proposed to be covered within a Construction Environmental Management Plan (16.4.2 of the ES). This could include (but may not be limited to) a 'water management plan', 'soils and materials management plan', 'site waste management' and 'pollution prevention plan', to help protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

13.09.2016

The further information and addendum to the ES report does not appear to relate to any matters relevant to our remit (it updates transport and access, air quality, noise and vibration...) so we have 'no comment' and would refer to our previous response of 15 June 2016 reference SV/2016/108961/01-L01.



## **North Worcestershire Water Management No objection subject to conditions**

The site predominantly falls within flood zone 1 (low risk of fluvial flooding) with some areas adjacent to the Battlefield Brook being at a higher risk of flooding (flood zones 2 and 3). Some areas within the site appear to be susceptible to surface water flooding, and we hold reports of flooding in areas adjacent to the proposed development site.

With this in mind, it is important that the drainage strategy and design of the site are carefully designed and implemented to ensure no buildings within the site are at risk of flooding and that there is no increase in flood risk off site as a result of the development.

The flood risk assessment and outline drainage proposals for the site as a whole submitted with the application state that the site will be drained by a variety of methods according to the varying topography and ground conditions. Due to the known issues with low flows along the Battlefield Brook I support the proposed discharge rate of surface water from the Western portion of the site, subject to adequate water quality treatment steps being implemented. I am also pleased to see for the Eastern portion of the site the retention and formalisation of existing boundary ditches to form part of the wider drainage network, again with discharge rates limited to a suitable rate of 4.7l/s/ha. Since this water will ultimately discharge into the Battlefield Brook downstream (via the Willow Road storm water sewers) water quality is again of importance, and so I am happy to see the use of a variety of treatment steps including swales and retention ponds. The applicant has agreed within the outline application to provide a ditch to the South of the entrance into Sidemoor School which will enable drainage improvement to the adjacent area thereby helping to reduce wider flood risk.

The above measures being implemented should result in overall betterment in terms of water volume and quality leaving the site and therefore should have a positive effect on flood risk in the area however they will need to be appropriately maintained in the future to ensure their long-term functioning. I would therefore like to request details of the adoption of the SuDS and drainage features, and information on their maintenance in future.

For the specific drainage of dwellings, a detailed drainage strategy will be required for each development phase, including ground condition surveys with drainage to follow the building regulations hierarchy were suitable, and with detailed calculations for sizing of any attenuation features. These drainage strategies will need to prove that the designed systems can cope with the 1 in 30 year storm, and that no surface water enters any building or leaves the site up to and including the 1 in 100 year storm with a suitable allowance for climate change. There must also be dry and safe access and egress from the site in times of flood, and exceedance flow routing for the site will need to be provided. I am pleased to see that the information submitted with this application suggests that the upper limits of 70% for future climate change are being proposed at this stage.

Regarding the Battlefield Brook and the minor watercourse passing through the Eastern part of the site (Willow Brook), there must be a minimum of 8m easement where no building or structure is erected and no ground levels are raised (without compensation) in order to protect the floodplain. Any works within the watercourse are subject to Land

Drainage consent which can be obtained through North Worcestershire Water Management (not the Environment Agency as per section 7.18 of the FRA). The location of the new footbridge and its position well above flood level is acceptable in terms of flood risk.

I fully support the proposed diversion of a section of the Battlefield Brook around an existing culvert to reduce flood risk and to maintain and enhance habitats for water voles and other riparian / aquatic wildlife.

As mentioned previously, water quality is an important aspect of this site; as such I would like to recommend that in addition to the various treatment steps included in the outline drainage strategy, all road gullies that discharge into the watercourse should be fitted with silt traps, and all road and car-park drainage within the commercial areas should also be fitted with oil interceptors. The FRA mentions the SuDS manual for treatment; as part of the detailed design I would expect to see assessments of each plot for pollution potential and mitigation measures. I would also like to request that during the works around the watercourse, if any invasive plants (Himalayan Balsam or Japanese Knotweed, for instance) are noted that they are removed and disposed of in a suitable manner. During the ground works phase, it is important that measures are taken to prevent any pollution, including excess silt from entering the watercourse.

It has been mentioned in the FRA, but I would like to stress the importance of ensuring no flood routing towards dwellings during times of poor weather; where possible finished floor levels should be raised above surrounding ground levels and / or the 1 in 100 year flood level plus climate change. This is especially important due to the unknown potential for future groundwater levels in the area since long-term and ongoing abstraction has resulted in artificially low levels in the catchment.

To conclude, I have no objections to this development and believe that if done in accordance with the flood risk assessment and with the creation of a detailed drainage strategy the development could improve drainage and flood risk in the wider area.

Should you be minded to grant permission for this development, I would like to request the following conditions (as worded) are attached to your decision notice which may form part of the reserved matters if necessary, along with an informative note below these recommended conditions:

No works or development shall take place until a scheme for foul and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. If infiltration techniques are used then the plan shall include the details of field percolation tests.

The peak runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event plus an appropriate allowance for climate change must never exceed the peak runoff rate for the same event. The scheme shall be designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event and not in any part of any building for the 1 in 100 year rainfall event plus climate change. Flows resulting from rainfall in excess of a 1 in 100 year rainfall event shall be managed in exceedance routes that minimise the risk to people and property.

The runoff volume from the development in the 1 in 100 year 6 hour rainfall event shall not exceed the Greenfield runoff volume for the same event.

The scheme shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved (1.4A).

No works or development shall take place until a SuDS management plan which will include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The approved SuDS management plan shall be implemented in full in accordance with the agreed terms and conditions (1.9).

No works or development shall take place until a scheme for surface water treatment has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify the required number of treatment stages for each source of runoff and provide details on the required methods of treatment. The required number of treatment steps depends on the nature of the development and the sensitivity of the receiving water body. The approved scheme shall be completed prior to the first use of the development hereby approved (2.1).

An undeveloped buffer strip at least 8 meters wide should be maintained alongside the Battlefield Brook and appropriate buffer strip should be maintained alongside minor watercourses (2.7).

If invasive plants or injurious weeds are found to be present on the development site then appropriate action shall be taken to prevent them spreading or causing a nuisance (3.5). Finished floor levels within the development shall be set no lower than 600 mm above the modelled 1 in 100 annual probability river flood level, including an allowance for climate change (4.3).

Informative:

The applicant is advised to contact North Worcestershire Water Management via 01562 732191 or enquiries@nwwm.org.uk to discuss the need for a Land Drainage Consent. A Land Drainage Consent is required for all works that have the potential to alter the flow in an ordinary watercourse, as set out in Land Drainage Act 1991 section 23 (as amended)

Fri 10/06/2016 10:13

Further to my consultation response on the above application dated 3rd June 2016, I would like to request that condition 1.4A is re-worded as follows:

No works or development shall take place until a scheme for foul and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. If infiltration techniques are used then the plan shall include the details of field percolation tests.

The peak runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event plus an appropriate allowance for climate change must never

exceed the peak runoff rate for the same event. The scheme shall be designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event and not in any part of any building for the 1 in 100 year rainfall event plus climate change. Flows resulting from rainfall in excess of a 1 in 100 year rainfall event shall be managed in exceedance routes that minimise the risk to people and property.

The scheme shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved (1.4A). When commenting upon consultations, NWWM refer to a standard list of pre-worded conditions; due to this site having different drainage regimes between the Eastern and Western areas, restricting the runoff to the 1 in 100 year event (plus climate change) does not suit the site as a whole, as some areas are proposed to drain at the Qbar rate in order to maintain flows to the Battlefield Brook.

All other comments and requested conditions remain unchanged.

## **Severn Trent Water**

### **No objection subject to conditions**

1. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.
2. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
3. We do advise that there may be a public sewer located within the application site and encourage the applicant to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water to discuss the proposals and we will seek to assist with obtaining a solution which protects both the public sewer and the building.
4. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

## **Worcestershire Wildlife Trust Consulted 13.05.2016**

### **No objection subject to conditions**

to secure a Construction and Environment Management Plan, a Landscape and Ecology Management Plan, lighting details and sustainable drainage.

## **Natural England**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 21 June 2016.

The advice provided in our previous response applies equally to this amendment.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

## *Health*

### **NHS Clinical Commissioning Group**

There is no requirement for a contribution towards local GP surgery provision.

### **NHS England Primary Care**

Please note that Primary Care Trusts have not existing since April 2013 and they have been replaced by a number of organisations including NHS England and Clinical Commissioning Groups (CCGs). The Redditch & Bromsgrove CCG has delegated authority for commissioning GP services so I forwarded your e-mail of 3rd June to them for a response. I will follow this up and ask the CCG to confirm whether the existing primary healthcare (GP) infrastructure serving this locality has enough capacity to cater for the demands that will be created by this development.

### **NHS Worcestershire Acute Hospitals Trust**

Has made detailed representations seeking a contribution (updated Worcestershire Acute Hospitals NHS Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that this development will create a potentially long-term impact on the Trust's ability to provide services as required.

The Trust's funding is based on the previous year's activity it has delivered subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients.

The contract is agreed annually based on previous year's activity. The Trust is unable to take into consideration the Council's housing land supply, potential new developments and housing trajectories when the contracts are negotiated. Further, the following year's contract does not pay previous year's deficit retrospectively. This development creates an

impact on the Trust's ability to provide the services required due to the funding gap it creates. The contribution sought is to mitigate this direct impact.

S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request that a developer contribute towards the impact that a development creates on the services. The contribution in the amount of **£807,315.63**, sought will go towards the gap in funding created by each potential patient from this development. The detailed explanation and calculations are provided within the attached document. Without the requested contribution, access to adequate health services is rendered vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies.

## **West Mercia Constabulary 23.05.2016**

**No objection** subject to a financial contribution towards infrastructure to serve the application development

Recruitment and equipping of officers and staff	£19,362
Police Vehicles	£36,842
<b>Total</b>	<b>£56,204</b>

## **The Bromsgrove Society Objection (summary of comments)**

The proposed development would exacerbate the impact of the development at Whitford Road.

At a meeting in November 2016 held at the Council Offices, hosted by the Bromsgrove Society, chaired by our MP, Sajid Javed with attendees from both BDC and WCC, Bromsgrove's problematic road infrastructure was laid bare. It was unanimously agreed prior to any further housing developments in and around the town, these problems need to be addressed, with particular emphasis on examining the possibility of a bespoke Western bypass, rather than just tinkering with improvements to existing roads and junctions. Central to this thinking was allowing a corridor alongside the M5 to facilitate such a scheme, with the possibility of a new motorway junction at Kidderminster Road and on-off slip roads to the western side of the M42 junction 1.

The TW proposal in its current form would not allow this making Perryfields Road a major rat-run, repeating and magnifying all the problems that eventually defeated the Whitford Road scheme.

TW will need to come up with a miraculous traffic management proposal if it is to avoid the same fate as the Gatesby Estates/Wimpey Homes scheme for Whitford Road; without a cohesive rethink of the towns road infrastructure by County Highways and the District Council such a likelihood is inconceivable.

Other considerations also come into play such as school places, GP facilities, play area, public transport, but the bottom line is this, sort out our road system first before approving any planning applications for major residential developments.

It is inevitable that new houses will be built on the Western edge of town, probably even on the Whitford Road site as well as Perryfields Road, and if Bromsgrove is to grow and prosper the Bromsgrove Society will support such a venture, but not in their current form; this proposal requires a radical rethink and for that reason, the Bromsgrove Society objects to this planning application for Perryfields Road.

## **Campaign To Protect Rural England**

### **Objection**

While this is formally an objection, we are not objecting to the principle of the development of this site. We support the idea that this site should be developed. It was omitted from the Green Belt under the 2004 Local Plan and designated as an Area of Development Restraint. Planning consent has now been granted for almost all the ADRs, except the two large ones to the west of Bromsgrove town. Furthermore, M5 provides an extremely robust barrier to provide an edge for the Green Belt.

### **Highways**

Our main concern is with road infrastructure. This area of Bromsgrove is relatively isolated from most of the main road network, as it is necessary to pass through the town in order to go in most directions, the exception being traffic to Kidderminster. It is important that this site should be seen in a wider context than just the Perryfields site itself. It is unfortunate that BDP lacks any long-term strategic policies on road infrastructure in Bromsgrove. It is our view that Bromsgrove needs some kind of western bypass, perhaps not formally described as such, so that traffic from west Bromsgrove does not need to pass through the town centre to travel to the north and east. We have for some time been suggesting a link road from the north end of the Perryfields site to Lickey End or nearby. We have not reached a firm view on where the eastern end of this link road should be whether at or near M42 J1 or where Birmingham Road meets the present bypass. Its western end will clearly be the road that already provides an entrance to the Barnsley Hall estate. If this link road is not built traffic for northern destinations (such as Birmingham) will need to pass through built up areas, either by a very sinuous route using Stourbridge and Birmingham Roads or through the middle of the village of Catshill. The latter would be a much more direct route, but will take traffic along roads not designed to take a high traffic volume.

Further south, planning consent was refused on appeal for the Whitford ADR on highway grounds, essentially that junction between Fox Lane and Rock Hill was already severely congested and further burdening it would be unacceptable. Since that junction is one possible route out of the Perryfields area, the same objection would apply to this site, though to a lesser extent since Kidderminster Road provides an alternative (though longer) route for south-destination traffic to leave Perryfields. Nevertheless, this remains a potential problem.

We understand that Worcestershire County Council have recently undertaken a study into the possibility of a western bypass. However a bypass is probably unaffordable in the short-term as free-standing project. Nevertheless, it is highly desirable that the spine road for this development should be built in such a way that it can act as a through route. The applicant's design and access statement appears to indicate a southern exit for the spine road to the west of the end in a different place from the present crossroads at the southern end of Perryfields Road. While such a road junction may be acceptable as a

secondary junction, the primary exit from the Spine Road should be the existing Perryfields Road, unless there are deliverable plans for the new exit to become a cross-roads with a continuation of the bypass linking into a spine road for a potential development of the Whitford ADR. The present proposal seems to be for an exit opposite a hotel, which will create a complicated junction.

Having the spine road passing through or near the Local Centre is liable to lead to conflicts with pedestrians, cars being parked, and such like. It will thus be much better for the southern end of spine road to be at the crossroads with Whitford Road. If there is a difficulty over a pinch point between two parcels of land (by Red Cross Farm) that are excluded from the planning application as not owned by the developers, the answer is for the County Council to compulsorily purchase the strip of land required for road widening. It will also create an unnecessarily complicated junction with Kidderminster Road, unless there are also plans to provide a new road to replace Whitford Road. We accordingly oppose the closure of the southern end of Perryfields Road as a through road, though the diversion of its northern end is acceptable and welcome.

Our objective is there should be a continuous series of roads and spine roads to provide a western bypass route for the town. This will limit the amount of traffic needing to traverse the town centre. The spine road should be a continuous broad unobstructed road without traffic calming, to enable traffic to flow freely through the site and on to other sections of the bypass route outlined above.

#### *CPRE suggested Conditions and contributions*

- A site of this size will almost inevitably contain unknown archaeological remains. Normal archaeological conditions requiring watching briefs and the proper recording of any remains discovered will certainly be required.
- The experience of The Oakalls should provide a lesson. The master plan for this provided for a local centre, but the development was completed without one, after negotiations over this collapsed for reasons that we have never been able to discover, due to “commercial confidentiality”. This must not be allowed to happen again. Accordingly, provision needs to be made so that construction of the Local Centre must start not later than the point at which a certain number of houses has been built and proceeded with expeditiously.
- When completed, the development will have 1300 houses and 200 retirement flats. The nearby Whitford development will have 450 houses. This suggests a total additional population in excess of 4500. A population of this size will require about 2.5 GPs. Unless there are opportunities to expand medical facilities elsewhere, these developments will need a new doctors’ surgery. We would suggest that such a medical centre could usefully be included within the Local Centre. The clustering of retail and community uses tends mutually to reinforce the viability of the Local Centre. This will need to be financed by the developers, or perhaps by a combination of this developer and the Whitford developer.
- Consideration will need to be given as to whether some portion of the site may not be required for a school, to be built using the developer contributions that the County Council normally require, whether by expanding Sidemoor School or otherwise.
- A development of this size will need a community hall, which should also be located within the Local Centre. This will also need to be financed by the developer.



- We note that some sports pitches are proposed for the undevelopable area along Battlefield Brook. We consider this an appropriate use for the land, but a sports development of this size will require a pavilion with changing rooms. This too will need to be financed by the developers.

## **Sajid Javed MP for Bromsgrove**

### **Objection**

I am writing in my capacity as MP for Bromsgrove on behalf of my constituents with regard to the Perryfields Road Planning application (reference number 16/0335)

I have been contacted by many of my constituents expressing their concern at plans to build 1,300 homes on this site. Whilst I appreciate that this land was designated for housing in Bromsgrove District Local Plan, there is significant concern about the implications such large scale development would have on local infrastructure, facilities and environment.

Local authorities are already aware of the major traffic issues that already present a daily challenge to Bromsgrove commuters. 1.300 additional families relying upon the same overburdened infrastructure will clearly have a detrimental impact.

Similarly, local educational facilities would need significant support and investment if they were to cope with the high level of additional demand for school places. It is vital that this single application is considered in the full context of its location.

My constituents have also raised their concerns with me that they have not had sufficient time to respond to this planning application due to a lack of information. I understand that minimum standards have been met, but I believe it important that such a vast proposed change to this community must be nothing less than completely transparent and forthcoming.

To that extent I would be grateful for the serious consideration of this feedback and the many constituents it represents.

## **Dodford With Grafton Parish Council [adjacent parish west of M5/M42]**

### **Objection**

Potential traffic calming through the A448 and the new estate will mean that traffic will cut through Dodford via Priory Road and Yarnold Lane.

Due to the acoustic bund being constructed on the east side of the M5 there is also concern that there will be an increase in traffic noise in Dodford particularly with prevailing winds and there is also concern that the quantum fill required for the bund will be calculated and a cut and fill / construction methodology will be submitted to the LPA for approval following the grant of outline planning consent, and will not be known before then.

A Community Centre and infrastructure should be built as part of the construction programme and not added on at the end. There is also concern that schools are already full.

If the District Council are minded to approve the application, then the Parish Council would insist on signs at all access points to Dodford stating no access to construction traffic.

The previous proposed residential development on the other side of the Kidderminster Road was refused because of the lack of infrastructure and the Parish Council would question how this application is any different considering this application is for a much larger development.

#### Further comments

Dodford with Grafton Parish Council object to this planning application and has concerns that potential traffic calming through the Kidderminster Road and the new estate will mean that traffic will cut through Dodford via Priory Road and Yarnold Lane.

The Parish Council would request that a Community Centre and infrastructure should be built as part of the construction programme and not added on at the end. If the District Council are minded to approve the application, then the Parish Council would insist on signs at all access points to Dodford stating no access to construction traffic.

The previous proposed residential development on the other side of the Kidderminster Road was refused because of the lack of infrastructure and the Parish Council would question how this application is any different considering this application is for a much larger development. The proposed mixed use local centre with retail and community facilities should be constructed at the same time as the building of the residential units. The Parish Council is concerned that nothing has been provided for within the development for additional schooling which could have an impact on Dodford residents as to where their catchment area would become.

The Parish Council would recommend 30mph speed signs on the Kidderminster side of the island (by Battlefield House) as drivers will be approaching a blind bend when drivers will not see stationary traffic until they are on the island. The Parish Council would recommend that traffic signals be installed at the junction of Whitford Road and Kidderminster Road which should have a sensor on them to change the proposed pedestrian signals at peak times of the day to help maintain traffic flow.

#### **Ramblers Association 25-10-2016**

#### **No objection**

We note that the site is allocated for development in the Development Plan and therefore any argument regarding protecting the countryside has already been resolved. We are therefore primarily concerned to see the provision of attractive and safe walking infrastructure for residents and to maintain and hopefully enhance links for walkers to the town centre and the open countryside to the west of Bromsgrove. In general the indicative master plan and supporting documentation appears to support our ideals. In particular the addition of a network of new paths is very much welcomed especially that marked A-B-D-E-F-G-H which will link the three points at which walkers can cross the motorway. The retention of all the walking links into the town is also very pleasing.

In the case of Footpath BM-591, the submitted plans indicate that this path will be diverted but no details of the proposed new alignment have been provided. Clearly we cannot say what our reaction will be until such time as the applicants submit a scheme. However at this stage we would not wish to raise this matter as a ground for objecting to the application especially as the Access and Movement Parameter Plan indicates that two new footpaths are to be provided in the near vicinity. It may be that an acceptable arrangement could be for one of these two proposed footpaths to be the subject of a creation agreement between the developers and the Councils to add it to the Definitive Map as a public right of way and that Footpath BM-591 could be extinguished with the exception of the section between the houses on Carol Avenue. Were this to be the proposal we would be unlikely to raise objection to the public paths order for the footpath.

Turning now to Footpaths BM-612, BM-613 and BM-673. Together these footpaths form probably the most important and useful footpath route on the whole site as they provide a link over the motorway to the open countryside from the new development and the wider Bromsgrove community. It also provides a pleasant safe approach to the school. The master plan recognises its importance in the case of Footpaths BM-612 and BM-673 but this is less clear in the case of BM-613. The impression gained from a scrutiny of the Master Plan and the Indicative Road Layout on your web site is that it will be protected and will not be forced to follow a road. If this is the case then we have no objection. If it is reduced to no more than a roadside footway then we would object to this at the reserved matters stage. It is essential that this sequence of paths is attractive to walkers, free from traffic and remains safe for the school journey.

All of the other footpaths and the bridleway appear to be contained within open space and hopefully their long term future is secure as urban footpaths if not rural ones. However all have buildings, generally houses, facing them which are served by private drive/lanes. I would like to be assured that these will not be shared with the public rights of way. Again this is a matter better dealt with at the reserved matters stage.

There are two informal walking routes which cross the site. One is acknowledged and catered on the Indicative Master Plan but not on the Access and Movement Parameters Plan. The other is not mentioned on either plan. We are pleased to see that the former path which is adjacent to the south east side of the site between Footpaths BM-612, BM-610 and BM-608 is to be retained. It is probable that this has acquired public rights over the years and we would suggest that this should be acknowledged by making it the subject of a creation agreement.

We are disappointed to see that the footpath across the site from the school gate to footpath BM-610 is not acknowledged or catered for. This is well used and provides a link between the recently developed housing to the north east of the site and the school. No direct route will be available for this particular school run although a series of streets will be available as a replacement. This will not be as pleasant nor as safe as the route which is available at present. We would ask that this route be include as part of the Green Infrastructure on the site. Again this is a path that may well have acquire public rights of way.

In conclusion we welcome the applicant's approach to providing for walkers needs in the development. The matters where we have concerns do not appear to us to be matters of principle and are best dealt with as reserved matters. They are included here as an indication of what we will be looking for at that stage.

## **Catshill and Marlbrook Parish Council** (adjacent Parish to north of site)

### Objection

The Parish Council object to the proposed Perryfields development in its current form and scale due to the serious adverse traffic effects on the parish of Catshill and North Marlbrook and Lower Catshill in particular.

If the development goes ahead that every effort should be made to mitigate the adverse traffic effects. Such mitigation measures to include:

- Strategic route signing, e.g. to M5 J4, that avoids through traffic on Catshill
- The creation of a 20mph speed limit on the B4185 (including Meadow Rd) between Stourbridge Road and the A38.

The improvement of peak time traffic flows along the B4185 eastwards by the carrying out of improvements at the junction of the B4185/A38/Braces Lane.

### Further comments

The developer's assessment does not mention Catshill in the sections on air quality. The nearest monitoring point is at Lickey End near the motorway junction and calculations of the predicted rise in pollution levels at this site would not be relevant to Catshill as more traffic from Perryfields will go through Catshill than along the A38.

The comments from WRS (Worcestershire Regulatory Services) are fairly brief and back up the developer's comments which suggests that little effort has been made by the Highways Department to scrutinise the findings. If they had then they would have pointed out the inadequacy of omitting a substantial area of population that will be affected by the development.

There is also a chapter on predicted levels of noise pollution and again no mention of Catshill. The Parish Council draws your attention to the inadequacies of the developer's environmental statement (and WRS's response) as Catshill had been excluded an area that will bear the brunt of a significant amount of traffic coming from the Perryfields development. The Parish Council request therefore that Bromsgrove District Council require WRS to commission an independent (not developer's but paid for by the developer) assessment of the likely pollution and noise levels at significant sites within the parish where substantial increases in traffic levels are expected. The following monitoring locations are suggested:

- junction of Stourbridge Road and Meadow Road
- junction of Gibb Lane and Barley Mow Lane
- junction of Golden Cross Lane and Birmingham Road
- junction of Halesowen Road and Lydiate Ash Road

### NOISE – Comment from WRS in response

Comments made to you in relation to the recent submitted noise assessment stand and I have not reviewed this further as the request for further consideration was in relation to the Environmental Statement dated 5th May 2015.

Section 13 of the Environmental Statement considers noise and vibration from existing noise sources i.e. the motorway and also noise impact on existing receptors.

The specific query from the PC was in relation to the potential impact that the additional traffic associated with the development. Reviewing section 13, I can confirm that noise measurements were taken along the Stourport Road and Kidderminster Road using the recognised CRTN assessment method which concluded there will be no significant cumulative residual impact is expected to occur.

## AIR QUALITY – Comment from WRS in response

I have reviewed the documents previously submitted, including the 2019 updated Environmental Statement and RPS Air Quality Assessment (AQA). WRS consider that the scope of the AQA is in accordance with the Defra, EPUK & IAQM guidance in that the assessment considered the impact of the proposed development on areas of known poor air quality i.e. the three Air Quality Management Areas (AQMAs) in Bromsgrove. The Catshill area has been monitored for air quality in the past, monitoring was discontinued in 2014 as results were consistently well below the Annual Air Quality Objective of  $40\mu\text{g}/\text{m}^3$  for  $\text{NO}_2$  (2014 results showed  $\text{NO}_2$  concentrations were below  $30\mu\text{g}/\text{m}^3$ ), therefore WRS does not think that additional monitoring in the areas identified is required.

Having considered the above comments, I do not intend to request WRS or any other consultant to undertake an independent assessment of pollution and noise levels at the locations you have identified.

## COMMENT FROM Taylor Wimpey (applicant) in response

TW would confirm that our Air Quality Consultant RPS have reviewed the comment and input from WRS on our behalf.

We would agree with the statement made by WRS and would further note:

WRS (on behalf of WCC) has pointed out in its response that  $\text{NO}_2$  monitoring in Catshill has been consistently below  $30\mu\text{g}\cdot\text{m}^{-3}$  over recent years, i.e. below 75% of the objective is  $40\mu\text{g}\cdot\text{m}^{-3}$  so there is considerable headroom between the absolute concentration and the objective. The impact descriptors are determined based on the change in concentration and the absolute concentration (ES, Table 12.3). So, even if it was conservatively assumed that the  $\text{NO}_2$  concentration in Catshill is  $30\mu\text{g}\cdot\text{m}^{-3}$ , and even if you then took the maximum predicted change at any modelled receptor (i.e. 3% of the objective in Table 12.4.1, Appendix 12.4) and assumed that the same change applied in Catshill, the impact descriptor would still be 'negligible'.

Therefore we are still of the opinion that the impacts of Air Quality have been adequately assessed within the ES.

All highways matters are addressed in the TA, with supplemental information in relation to development traffic distribution provided in Vectos Microsim TN019.

## **Publicity**

906 representations in objection have been received (**as of 03.03.2021**).  
And 1 representation in support

The following represents a summary of the representations raised.

## **NEED**

### **No Need for More Houses**

Bromsgrove is a net exporter of labour. Increasing the housing stock at Perryfields will merely increase this, making Bromsgrove a dormitory town for the larger settlements of Birmingham, Redditch and Worcester rather than for its own local workers. As such it will not truly serve the needs of local people, but will only increase the number of commuters to areas outside of Bromsgrove.

There is also an oversupply of sheltered housing for the elderly.

### **No Need for Industrial Development**

There are a number of vacant units on the Aston Fields Trading Estate. Further development is not required if existing units are empty.

### **No need for commercial retail units**

Commercial units are not required on site when units in the Town Centre are empty

### **No need for sports pitches**

Behind Perryfields Road there has been a park, recreational area and football pitch there for over 40 years, so a new one is not a benefit. There is also a mini park and football pitch with a brand new club house a few hundred yards in the other direction on the Barnsley Hall estate.

## **RESIDENTIAL AMENITY**

### **Air Quality**

The development will compound pollution and further diminish air quality for local residents as a consequence of increased traffic and idling engines at congested road junctions.

Loss of hedgerows and trees on the site will reduce air quality further as these natural filters are lost through development.

As well as the inconvenience to the town's residents of having to spend hours of their life sitting in stationary traffic, there is a wider environmental impact of all those engines running unnecessarily and emitting exhaust fumes

Significant mitigation measures would be required to safeguard future residents from pollution from motorway traffic

### **Disturbance During Construction**

The 10 year+ build program would compound the determinantal impact of noise, construction traffic, dust and uncertainty for existing residents.

The site will cause on going disruption and noise all day

## **Traffic Noise**

Traffic noise is already an issue for local residents. The development will inevitably cause more traffic day and night which will compound this issue. The noise from the motorway is already only just below industrial limits for evenings and nighttime in residential areas.

The proposed bund will only provide limited mitigation of noise for both existing and future residents of the development

## **Noise from Proposed Industrial use**

The proposed industrial development would result in noise nuisance

## **Crime**

An absence of local facilities for younger children and teenagers has contributed towards anti-social behaviour. This would be exacerbated by an increase in the local population as a consequence of the development

## **Loss of Community Facilities**

The removal of the Array Fruit Farm and Farm Shop deprives the community of access to a source of local produce. The Farm Shop is within walking distance of the housing estates in the Sidemoor area and provides an opportunity to cut carbon emissions and encourages an environmentally friendly and healthy lifestyle.

## **Light Pollution**

Light pollution has steadily increased in recent years. 1300 dwellings with their attendant street lights will exacerbate light pollution.

## **Inadequate Local Road Infrastructure / Traffic Congestion**

- The proposed highway improvements would not adequately mitigate the impact upon traffic congestion.
- The best solution is to construct a Western bypass which would also mitigate traffic on the A38. This should precede any further development.
- Without major highway infrastructure investment the proposal would make known problems worse
- The proposal relies on 2 traffic junctions at either end of the proposed development. Even with improvements this would increase traffic flow towards Bromsgrove town Centre impact on other junctions and cause further delays in journey times.
- The development would compound existing congestion issues on the local highway network which is frequently gridlocked
- The town and surrounding areas are in traffic gridlock when there is an incident on the M5, M42 or wider motorway network as motorists seek a diversion through the town.

- Insufficient account has been taken of peak traffic flows on Perryfields Road
- Mitigation of the impact of the whole road network in Bromsgrove has not been proposed and added to the scheme in order that the developer may contribute to the costs.
- The Perryfields development is larger than that at Whitford Road which was previously dismissed on appeal as a consequence of highways issues
- Congestion at the Fox Lane junction with Rock Hill results in traffic using other routes as 'rat-runs'. The traffic issues at this junction were a significant component leading to the refusal of planning permission in respect of the Whitford Road development. This proposal would have a greater impact on this junction than that development.
- motorists leaving Kidderminster Road turn down Cotton Pool Road - Carol Avenue - Willow Road using them as a 'rat-run' in order to by pass the existing bottle neck at the Kidderminster Road, Hanover Street, Market Street mini island junction. This is a situation which can only be exacerbated by the inevitable increased traffic flow resulting from any development of a substantial size on the Western side of Bromsgrove before suitable alternative primary roads are provided
- The new industrial and commercial development will bring heavier / larger vehicles creating more pollution and congestion as well as having a greater impact on road surfaces.
- Properties built on sandstone along routes subject to increased traffic will be at greater risk of damage through vibration.
- Traffic will also be generated by visitors and delivery vehicles serving the new residents of the development, not merely that arising from their own vehicles.
- The efficiency of services offer to existing residents such as rubbish collections, post deliveries, etc will be impeded by increased traffic
- At Kidderminster Road an island is proposed on a steep hill. The topography would make it unsafe for road users, particularly cyclists and in adverse weather conditions.

### **Whitford Road Appeal Decision**

An appeal against the decision by the Council to refuse planning permission on another allocated site nearby on highway grounds has been dismissed at appeal and a subsequent application (currently pending an appeal decision) has been refused on highway grounds. This proposal would only compound the impact of that development on the local road network.



## **Locational Sustainability**

The development, being on the western side of Bromsgrove, is furthest away from the main employment areas of Bromsgrove, including current public transport links (especially rail) and from local medical provision. This is likely to increase the need for people to use private motor transport to reach destinations within and outside of Bromsgrove.

## **Erroneous representations relating to Alcester Road**

Misinformation spread by persons unknown concerning the content of a background document, ("TRANSPORT ASSESSMENT APPENDIX J p10") Appendix J is . This document was referenced, but not authored by the applicant, caused a number of respondents to erroneously make representations referring to a 'proposal' to close off access to the B4096 Alcester Road, in Lickey End from the M42 island. This does not form part of the application or off site works required as a consequence of it.

## **Highway Safety**

- The additional traffic will prejudice highway safety for all highway users (drivers, pedestrians and cyclists)
- Highway safety is a real issue and there have been several crashes at the Perryfields/Kidderminster Road junction.

## **IMPACT ON LOCAL INFRASTRUCTURE**

### **School Capacity**

Early representations received before the amendment to include the school raised objection on the basis that the Sidemoor First School could be extended to accommodate extra pupil numbers.

Existing schools are oversubscribed.

### **GP Capacity**

There is inadequate GP capacity to deal with the new households that the scheme would generate

### **Dentist Capacity**

Existing practices are full and an increase in patients will only result in further pressure on the service they provide

### **Hospital Capacity**

Facilities at local hospitals are already under pressure and some services have been moved to Worcester

### **Public Transport Provision**

There is a deficiency of good public transport provision in this area which results in high dependency on the private car.

## **Water Supply**

The proposal would place increased demand on local supply and reduce water pressure

## **Foul and Surface Water Drainage**

The Towns infrastructure and services cannot cope with an additional 1300 dwellings

## **CHARACTER & APPEARANCE**

### **Visual Impact**

The development will result in the loss of attractive undeveloped open countryside on the Western edge of Bromsgrove and ruin the visual appearance of the area and views of the countryside from existing public rights of way.

### **Openness of Green Belt \***

The proposal equates to an unjustified and inappropriate use of green belt land, diminishing the permanent openness of the space, and encouraging urban sprawl

*\*A number of respondents have erroneously identified the whole site as Green Belt or have erroneously used the term in a generic sense in the context of the development of open countryside(see paragraph 2.5)*

### **Overdevelopment**

The number of units proposed represents an over development of the site and general area which is already in excess of capacity as evidenced by the overburdened highway and other infrastructure

### **Parking Provision**

The earlier phases of affordable housing development are congested with parked cars

### **Loss of Agricultural Land**

The development would result in the loss of some of the best most versatile agricultural land. The majority of the site is Grade 1 (41%) or Grade 2 (30%) agricultural land.

### **Loss of Countryside and associated Urbanisation**

The development would result in the loss of open countryside and green field land

### **Loss of Wildlife Habitat**

The development would inevitably result in the destruction of wildlife habitat and ecology. Presenting a threat to Skylarks, badgers, owls, roe and muntjac deer, water voles, hedge hogs, newts, foxes, buzzards, rabbits.

This area has a very good hedgehog population and if this application goes ahead, access should be provided so hedgehogs can still roam freely by introducing gaps in fences and wildlife corridors.

Mature hedge boundaries and trees support a variety of nesting birds. Unfortunately, developers' landscaping is usually sparse and they never use mature plants. Existing hedges are usually replaced with fence panels or whips that are no good for nesting birds. So a variety of species that currently visit the site i.e Skylarks, Fieldfares & Redwings will disappear.

### **Cumulative Impact with other development**

Suitable mitigation should be made for the loss of the orchards by generous planting elsewhere. These attract 1000s of fieldfares and redwings in winter and as such represents a significant loss of food supply to those bird species in harder weather

### **Litter**

If school capacity and road capacity are to increase, so will litter as a consequence of passing traffic, creating a nuisance for existing residents

### **Flood risk**

The Battlefield Brook is known to flood and the development poses an increased risk of flooding as a consequence of an increase in hard surfaces and reduced rate of run-off threatening new homes and existing residents in the vicinity of the site, particularly Sanders Park.

### **Contamination of watercourse**

The construction phases and subsequent industrial development present a pollution risk to local watercourses

## **HERITAGE**

### **Place Names**

The development would result in the removal of the historic muster site for the Civil War from which are derived the surviving names of Array Farm and Battlefield Brook.

### **Setting of Listed Buildings**

Fockbury Mill Farmhouse and adjacent barns to the northwest both (Grade II listed) is on the north side of the M42 slip road/ M5.

I would ask the Council for support in helping to protect the setting of all heritage assets in the vicinity including the listed buildings. It is my understanding that the buildings and area, from a point of planning application and law, do not have to be designated and article 4, restricting development, directions and settings can apply to non-designated buildings. The impact of the proposed works would be unacceptable under these directives. Heritage assets and settings are an irreplaceable resource and should be conserved in a manner appropriately.

### **Archaeology**

The development would impact upon known archaeological deposits of a prehistoric date discovered during trial trenching in 2014 and 2015

## **Provision and Delivery of community facilities**

It is unclear how the facilities proposed by the development could be secured.

Hopefully some of the community facilities lost as a consequence of the earlier phases of development will be incorporated into this scheme.

There are concerns that previous developments in Bromsgrove have not been completed with the community services and facilities that were promised and are unclear what would prevent this from happening again

## **1 representation in support**

Bromsgrove really urgently needs additional housing for a growing population, and this is an ideal location. I do understand traffic concerns, but I believe that the traffic volume will increase over time anyway, regardless of whether this development goes ahead or not.

Like so many residents in the area I am trying so hard to get out of the rental market and buy my own home, but it is so daunting with little or no opportunity to obtain a reasonably priced property.

## **Other issues**

A number of other points were made which are not material planning considerations.

- Devaluation of properties,
- views of landscape from private property

## **1.0 The Site and its Surroundings**

- 1.1 The site is located to the south of the intersection between the M5 and the M42 and amounts to 72.26 hectares in area, extending between the A448 Kidderminster Road to the south, the B4091 Stourbridge Road to the north-east, and bounded by the residential area of Sidemoor to the south-east. Perryfields Road currently provides the main vehicular access through the site, connecting Kidderminster Road with Stourbridge Road. Its route follows a very slight ridge within the site, with land to the west falling slightly towards the M5 motorway and Battlefield Brook, whilst land to the east slopes gently down towards Sidemoor/Bromsgrove.
- 1.2 The majority of the land is in agricultural use, mainly as pasture, with some arable fields, horse paddocks and turf production, along with Array Fruit Farm which is located to the west of Perryfields Road and extends up to the M5 motorway.
- 1.3 The land is in a number of ownerships, with long-term, short-term and annual tenancy agreements or grazing licences in place. The majority of the application site is in the control of the applicant - Taylor Wimpey under option agreements, with the remainder owned by Worcestershire County Council. Affordable housing and a primary school have already been built on County Council owned land adjacent to the application site.

- 2.4 There are no statutory or non-statutory ecological designations affecting the site. Battlefield Brook and a network of hedgerows across the site represent the principal habitat features. The Brook flows in a south-westerly direction through the northern part of the site before passing under the M5. It has an important drainage function and provides ecological and amenity value. A drainage ditch system, associated with Red Cross Farm, is present in the south eastern corner of the site. It links with a pipe culvert under the northern end of Larchmere Drive.
- 2.5 The majority of the site lies outside the designated Green Belt and encompasses that identified as BROM2 under Policy BDP5 BDP5A.3 BROM2 will contain approximately 1300 dwellings, 5 hectares of local employment land (office and/or light industry), a local centre and community facilities. A relatively small area of land to northern end of the site extends beyond the District Plan allocation into the designated Green Belt.

### 3.0 **Relevant Policies**

#### 3.1 **Bromsgrove District Plan**

BDP1 Sustainable Development Principles  
BDP2 Settlement Hierarchy  
BDP3 Future Housing and Employment Development  
BDP4 Green Belt  
BDP5A Bromsgrove Town Expansion Sites  
BDP6 Infrastructure Contributions  
BDP7 Housing Mix and Density  
BDP8 Affordable Housing  
BDP10 Homes for the Elderly  
BDP12 Sustainable Communities  
BDP13 New Employment Development  
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)

#### 3.2 **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.
- National Design Guide (2019)

## 4.0 Relevant Planning History

08/0758	Residential development of 100% affordable housing.	Approved	29.01.2009
09/0518	Residential development of 100% affordable housing.	Approved	25.09.2009
10/0417	Erection of 158 No. new dwellings.	Approved	13.01.2011
10/0575	Residential development of 100% affordable housing. (09/0518)	Approved	16.08.2010
14/0160	Erection of 30 affordable dwellings.	Approved	16.09.2014

## Assessment of Proposal

### 5.0 The Proposed Development

- 5.1 Outline planning permission is sought for the phased development of up to 1,300 dwellings (C3); up to 200 unit extra care facility (C2/C3); up to 5HA employment (B1); mixed use local centre with retail and community facilities (A1, A2, A3, A4, A5, D1) First School; open space, recreational areas and sports pitches; associated services and infrastructure (including sustainable drainage, acoustic barrier); with matters of appearance, landscaping, layout and scale (including internal roads) being indicative and reserved for future consideration, except for details of the means of access to the site from both Kidderminster and Stourbridge Road, with associated highway works (including altered junctions at Perryfields Road / Kidderminster Road and Perryfields Road / Stourbridge Road) submitted for consideration at this stage.
- 5.2 Subject to the approval of this outline planning application, further details of the 'appearance', 'landscaping', 'scale' and 'layout', (including internal roads) of the development are all 'reserved matters' i.e. matters which would be the subject of future applications to the Council as part of the phased delivery of the development.
- 5.3 An environmental statement accompanied the planning application. The original environmental statement was partially superseded by an amended version submitted in 2019 (D1-D9), during the consideration of the application by the District Council. In early 2021, after the appeal had been lodged, the applicant provided further updated information in respect of updated landscape and visual impact assessment, and ecological surveys as the original information was over 2 years old. This submission has been the subject of publicity initiated by the applicant in accordance with the regulations. The environmental statement relates solely to the proposal on Perryfields.

- 5.4 In December 2017 the proposal (and consequently description of the proposed development) was amended to include the delivery of a new First School on site. During the course of the application, and in response to updated information from WCC Education, it has been established that the site should make provision to accommodate a new First School. Land is earmarked alongside (to the north of) the existing Sidemoor First School. This has necessitated a revision to the masterplan and the other associated Parameter Plans that form part of the application. The detailed design, scale and appearance of the school would be reserved, and subject to a separate application. The County Council have raised no objection to the proposal. The provision of the school is timed to be delivered to meet demand arising from the new development which it is required to serve
- 5.5 Subject to the approval of this outline application, further applications to facilitate the approval of the reserved matters would be required. The Masterplan and other drawings provide indicative information only at this stage, to demonstrate how the development could be laid out, designed and landscaped.
- 5.6 The planning application site extends to some 72.26 hectares (177 acres). Taylor Wimpey control a large portion of the BROM2 BDP allocation under Policy BDP5A and a substantial area is owned by Worcestershire County Council (including that upon which it is proposed to build the school).
- 5.7 The application is accompanied by a series of Parameter Plans:
- Land Use ('Figure 3.1 Parameter Plan – Land Use') Drawing no 46N
  - Development Heights ('Figure 3.2 Parameter Plan – Development Heights') Drawing no. 51P
  - Access & Movement (Figure 3.6 Parameter Plans – Access & Movement Plan') Drawing no. 47H
  - Noise (Figure 3.3 Parameter Plans – Noise Mitigation') Drawing no. 48N
  - Open Space & Green Infrastructure (Figure 3.4 Parameter Plan – Open Space & Green Infrastructure') Drawing no. 49J
  - Drainage ('Figure 3.5 Parameter Plan – Drainage) Drawing no. 50L
- 5.8 The above Parameter Plans would have 'definitive' status and form the basis upon which the outline planning permission would be granted. Future reserved matters applications would be expected to comply with these Parameter Plans and the applicant anticipates that the outline planning permission would include a planning condition to require development to accord with the submitted Parameter Plans.

## **Self-Build Units**

- 5.9 The applicant has offered to incorporate 10 self-build plots as a component of the 1300 proposed dwellings. The applicant has determined this figure on the following basis;

Total housing numbers required in the BDP = **4,729**  
(plus a further 2k + to be allocated in LP review within 7 years).

Number on the BDC registered self-build list = **43**

Expressed as a percentage of the BDP 4,729 housing allocation, = **0.9%**.

Applying that pro rata to the 1,300 application proportion of 4,729 = approx **10** units.

This would deliver just over **23 %** of the Council's Self Build list of registered parties.

- 5.10 A self-build area, or areas, would need to be agreed post-outline, as part of the reserved matters application(s), to allow for careful consideration of location, timescale, health and safety etc. All of this will be necessary to effectively manage risk on site. The self-build plots would necessarily be in an enclave or enclaves, so as not to disrupt ongoing housing completions and sales. The numbers and delivery would be embodied within the s106 at the outline stage, the basis provisions to include the following.
- 5.11 The applicant would make 10 serviced plots available to persons on the BDC self-build register at the cost the applicant incur to create serviced plots. The developer would reserve the 10 plots in agreed locations for a period up to completion of the 1,000th house on the Perryfields development, after which time any plots not taken up by persons on the BDC self-build register would revert to the applicant to dispose of the residual land in this area or build out themselves as appropriate. The applicant would agree to make these plots available for reservation by persons on the self-build register from year 3 of the development (to be agreed), with timing of plot availability linked to location and reserved matters applications.
- 5.12 Self-build plots would need to adhere to the design principles which are to be agreed within the Design Code, and the applicant would retain a right to approve the details of each plot prior to submission for reserved matters / detailed planning approval , including but not limited to form, layout and appearance.
- 5.13 Each self-build plot would need to be completed within an agreed timescale after plot transfer (to ensure the development, including subsequent services, road and sewer adoptions is completed in a timely manner).
- 5.14 A legal safeguarding mechanism would be required to
- 1) ensure that people fully qualify as self-build;
  - 2) that they have funds available to complete or
  - 3) some kind of bond is in place to ensure completion, to avoid plots being left half-built, services unconnected etc.

## **6.0 Main Issues**

- 6.1 This report will address the following issues under the list of subsequent headings
- i) The effect of the proposed development on traffic movement and highway safety.
  - ii) Whether the proposal would be consistent with the Development Plan.
  - iii) The effect of other considerations on the overall planning balance.



## 6.2 Issues

- The Principle of Development
- Impact upon the Green Belt
- Loss of Agricultural Land
- Efficient Use of Land
- Housing Needs
- Transportation and Accessibility
- Heritage Assets and Archaeology
- Air Quality
- Green Infrastructure
- Ecology
- Water Management and Flood Risk
- Ground conditions
- Landscape and Visual Impact
- Mitigating Noise on site
- Waste and Minerals
- Residential Amenity and Public Safety
- Climate Change
- Infrastructure Requirements
- Planning Balance

## 7.0 Principle of Development

7.1 Section 38(6) of The Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990, the development plan is the principle consideration in the determination of planning applications.

*“...determination must be made in accordance with the plan unless material considerations indicate otherwise.” (S38(6))*

*“...the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application, and c) any other material considerations.” (S70(2))*

7.2 Since the planning application was submitted, the Council has adopted the Bromsgrove District Plan (January 2017) and which has superseded the ‘saved policies’ of the Bromsgrove District Local Plan (adopted 2004). The ‘development plan’ therefore now comprises the new Bromsgrove District Plan. Other important material considerations include the National Planning Policy Framework (NPPF) and Supplementary Planning Guidance produced by Bromsgrove District Council.

7.3 When the application was initially submitted in 2016; the site was identified as an “Area of Development Restraint” locations excluded from the Green Belt within which no development is proposed during the Plan period. They constitute areas where development might be considered in the future.

- 7.4 With the adoption of the Bromsgrove District Plan in 2017, the site was allocated for residential development under Policy BDP5A as a Bromsgrove Town Expansion Site (reference BROM2)
- 7.5 Bromsgrove District Council cannot demonstrate a 5 year supply of deliverable housing land sites. This means that paragraph 11d of the National Planning Policy Framework is engaged for the reasons set out below.
- 7.6 Paragraph 11 as a whole sets out a presumption in favour of sustainable development and the second part for Decision-Taking states –
- “For Decision-Taking this means:*
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 7.7 Footnote 7 of the NPPF states that *“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer as set out in paragraph 73)”*. Therefore the presumption in favour of sustainable development is engaged by reason of the inability of Bromsgrove DC, as determining authority being able to demonstrate a five year supply of housing land, and thus the most important policies for dealing with the application could be viewed to be out of date.
- 7.8 Except for a relatively small area of Gren Belt land proposed for recreational use, the substantive portion of the site where built development is proposed does not fall within an area protected by policies in the Framework as listed at footnote 6 (SSSI, Green Belt, AONB etc) and therefore, by default, paragraph 11d is engaged.
- 7.9 Determination of the application does not rest wholly on section ‘d’ of the NPPF above, as the policies within the development plan remain material and still carry weight. However, mindful of the 5 year housing supply position for Bromsgrove, the considerations under section ‘d’ take on added weight.

## 8.0 **Impact upon the Green Belt**

- 8.1 Policy BDP4 sets out the limited closed list of exceptions where development in the Green Belt is acceptable. This development plan policy was adopted prior to subsequent amendments to the National Planning Policy Framework.
- 8.2 Paragraphs 146b and 146e of the NPPF regard '*engineering operations*' and '*materials changes in the use of the land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)*'; as "*not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.*"
- 8.3 The majority of the planning application site lies outside the Green Belt, however an area of land within the application boundary on the north western edge of the site lies within the designated Green Belt. This area is proposed for formal recreation (sports pitches), landscaping and a section of the acoustic barrier.
- 8.4 It is considered that the use of the land for sports pitches would preserve openness and would not result in a form of unacceptable encroachment upon the countryside, which the designation seeks to safeguard against. Similarly, the acoustic barrier on the north western edge would run partially in parallel to the motorway, which already comprises a significant edge, but subject to requisite landscaping would read continue to read as an intrinsic part of the Green Belt. Accordingly, I find that the proposal would not result in harm to the openness of the Green Belt such that it would otherwise have been necessary to demonstrate 'very special circumstances' why that portion of the development should be permitted.

## 9.0 **Loss of Agricultural Land**

- 9.1 Paragraph 170(b) of the NPPF as amplified by Footnote 53 of the NPPF states that -  
*"Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality."*
- 9.2 Reference is made to the quality of Agricultural Land, in the Non-Technical Summary, In the Environmental Statement Addendum 2017, under Paragraph 15 Agricultural Land Quality and Farming Circumstances, the applicant acknowledges the NPPF and the need to use lower grade agricultural land before the higher/highest grade land. It also points out that 72.26ha of the site are predominantly agricultural land, of which 41% is Grade 1 and 30% is Grade 2. Therefore, 71% of the site is either excellent or very good quality land.
- 9.3 There is no evidence that the housing needs of Bromsgrove can be met by avoiding development of such best and most versatile land having regard to the extent of the designated Green Belt. The loss of such land constitutes a dis-benefit of the proposal, but not one which would justify refusal when balanced against issues of 5 year housing land supply and the limited availability of land to meet

such need. The Local Plan Inspector was aware of this issue when he endorsed the allocation of this site for residential development in the development plan.

## 10.0 **Efficient Use of Land**

- 11.1 Policy BDP7 point 1 states that *“Proposals for housing must take account of identified housing needs in terms of the size and type of dwellings. To ensure mixed and vibrant communities are created development proposals need to focus on delivering 2 and 3 bedroom properties. On schemes of 10 or more dwellings it is accepted that a wider mix of dwelling types may be required.”*
- 10.2 Overall, it is envisaged that the density of development will predominantly range from 25 - 45 dph (dwellings per hectare). In respect of constraints, the development of the site is influenced by the M5 motorway and need to accommodate an acoustic barrier.
- 10.3 The density is considered acceptable in this location. The development responds to the identified constraints whilst demonstrating efficiency in terms of land use.
- 10.4 The development would provide a mix of dwellings in terms of size and tenure. The precise mix would vary across the site and would respond to a variety of influences that include market demand; location; and character.

## 11.0 **Housing Needs**

- 11.1 BDP5A.7 criterion (a) states that It is required that:  
*a) The residential development reflects the local need of a high proportion of 2 and 3 bedroom properties and contains up to 40% affordable housing (which should include an appropriate mix of social rent, affordable rent and intermediate housing);*
- 11.2 Members attention is drawn to the fact that part of the Development plan allocation has already been met in the form of a development of 100% affordable housing situated towards the north eastern end of the allocation. Accordingly, the residual requirement for affordable housing on the application site is 30% in this case, as opposed to 40%.

Accordingly, the proposed development would comply with the requirements of Policy BDP7 point 1.

- 11.2 BDP5A.7 criterion (b) states that It is required that:

*b) “To address the housing needs of the elderly BROM2 should contain an ‘extra care’ type facility of approximately 200 units”*

The proposal safeguards land for this facility, and delivery to be secured through a s106 clause. Accordingly, the proposal is considered to be policy compliant in this respect.

## **12.0 Transportation and accessibility**

12.1 Policy BDP5A criterion (c) states that :

*c) An overall transport strategy will be developed that maximises opportunities for walking and cycling making full use of the Sustrans route No. 5 (in BROM2) and Monarch's Way (adjacent to BROM3);*

12.2 Policy BDP5A criterion (d) states that :

*d) Significant improvements in passenger transport will be required including integrated and regular bus services connecting the new and existing residential areas to the railway station, with the Town Centre as the focal point of the network. In particular, a regular service should be routed through BROM2 and into the residential area of Sidemoor which would provide benefits for the wider community;*

12.3 Policy BDP5A criterion (e) states that :

*e) It will be necessary to manage the cumulative traffic impact generated by the new developments following the implementation of measures which maximise the use of walk, cycle and passenger transport modes. All proposals must be subject to appropriate appraisal in consultation with Worcestershire County Council and consistent with LTP3 policies and design standards. Full consideration must be made of the impact on the wider transport network, including that managed by the Highways England;*

12.4 WCC Highway Authority have assessed the impacts of the proposal both as a stand alone development and cumulatively with the other allocated sites

12.5 The Applicant proposes to gain vehicle access to the development site via two points of access. The first is to be taken from the B4091 Stourbridge Road to the north of the site. This access is to be a signalised access located north of the existing Perryfields Road junction with Stourbridge Road. The second vehicular access will be taken from the A448 Kidderminster Road to the south in the form of a large roundabout. Both have been subject to a road safety audit to inform the design.

### *Walking and Cycling*

12.6 The supporting Transport Assessment details that the intention is to create a sustainable socially inclusive community with these overriding principles embodied within the indicative masterplan for the site in line with National and Local policies which seek to reprioritise walking, cycling and public transport to the top of the movement hierarchy. To this end, the developer proposes to enhance a section of NCN Route 5 by upgrading the existing footways on Stourbridge Road and the off-road section of the NCN Route 5 in accordance with BDP5A criterion e.

## *Public Transport*

- 12.7 The Highway Authority note that maximising the use of the most reliable and frequent bus service to the Town Centre is important in reducing the likelihood of travel by car. Taking a holistic approach to both the Perryfields and Whitford allocations and considering what is achievable within a realistic quantum, the County Council advises that two buses providing one hourly round trip to the Railway Station via both developments and a dedicated service only to the bus station is necessary and achievable. Therefore, each development would receive a 30-minute frequency service to Bromsgrove Bus station and a service to the railway station. This would be achieved by securing a financial contribution via a s106 agreement. This would satisfy the policy requirement of BDP5A criterion (d).

## *Off site junction Improvements*

- 12.8 A series of off-site junction improvements are proposed to mitigate the impacts of the development on the broader network. This includes a new roundabout junction at Rock hill which is subject to a separate application for full planning permission (20/00300/FUL) as realisation of that scheme involves works outside the extent of the public highway.
- 12.9 Several junctions on the local highway network are under pressure, and like the Whitford Road scheme, the appeal proposal would generate a significant amount of additional traffic. An extensive package of mitigation measures is proposed, and the implications of the development have been assessed in detail by the LHA, MM and WVV. Taking into account the extensive documentation submitted, officers are satisfied that, considered overall, the increased capacity which would be provided would offset the effect of the extra vehicle movements to and from the proposed development in accordance with Policy BDP1.4(a) of the District Plan.
- 12.10 The proposal would, however, generate some negative consequences: the extent of deflection on the north-east arm of the Fox Lane roundabout in close proximity to individual accesses on the south-east side of the road, the loss of a few parking spaces in the lay-by at this junction, and the narrowing of a short section of footway to below 2m at the Charford Road roundabout. In each case these adverse effects would be limited in extent, and officers do not consider that they would give rise to an unacceptable impact on highway safety.
- 12.11 In addition, the Appeal Inspector determining the Whitford Road appeal noted that: *“in the cumulative scenario with the Perryfields development there would be a limited increase in RFC levels at the Hanover Street junction, although that is not of sufficient magnitude to call into question the prospect of that other town expansion site coming forward.”*

## **Monitor and Manage**

- 12.12 The applicants Transport Assessment (TA) work has been under considerable scrutiny by the council's highways advisors Mott MacDonald (MM) in the same manner as other major applications the council has considered in recent months, including the recently approved on appeal Whitford Road scheme. Similarly, the concerns expressed by WVV and others in objection to this scheme have also been understood and considered when evaluating the work undertaken to support

this scheme. The conclusion arrived at is that on Transportation and Highway grounds that there is no objection to this scheme.

- 12.13 This application is supported by a scheme of mitigation which is listed above in the recommendation at d) and is supported by both MM and WCC. The proposals and the scheme of mitigation accord with the requirements of the BDP BDP5A.7. In addition to the traditional approach to providing infrastructure, the proposals also adopt a monitor and manage approach which is explained further at paras 12.16 below.
- 12.14 The support for this scheme comes from evaluation of the extensive evidence which supports this application, considerable effort has gone into making sure that the solution being presented as part of this planning application offers a robust position for the future Bromsgrove with this development in place. The submissions from the developers have not been accepted without scrutiny, this scrutiny has required that additional work or explanations have had to be provided by the applicant to provide the evidence that is required. Indeed, a whole new TA was prepared in response to the initial concerns expressed. Many technical notes and reports are available on the council's website which demonstrates the process which has been undertaken.
- 12.15 The approach taken using complex modelling and assessment techniques, attempts to predict what the future would look like when this scheme is fully built out. It must be stressed that there are many tools to help inform final decision, reliance on a specific model outcome is not in itself the sole answer. Therefore, there are differences of opinion on how some element of the assessment work has been undertaken, this is not uncommon. What is important is that where professional differences exist, a common and agreed solution is found.
- 12.16 That common approach which is supported by both MM and WCC is that a monitor and manage regime is adopted. This ensures that should any upwards variances exist in the what the predicted levels of traffic are to what the actual levels are, additional measures can be put in place to ensure that traffic levels are managed. The additional measures focus on the provision on more sustainable methods of transport such as additional bus provision or walking and cycling measures or additional resources at the already provided mobility hub. It should be noted that considerable efforts have already been made to include sustainable measures as part of the transport strategy for this scheme, clearly this is to be supported and acknowledged as a real life attempt to address not only congestion issues but the climate change and health implications that are associated with it.
- 12.17 The monitor and manage approach is an approach is fully outlined in the document TW - MOBILITY, MONITORING AND MANAGING DOCUMENT 05-11-20 and endorsed by MM in MM FINAL POSITION STATEMENT NOV 2020 378295-095-C. This approach has been adopted in other UK locations to manage the impact of future traffic associated with development where there are complex networks such as in Bromsgrove. The process will be underpinned by periodic monitoring of the trips associated with the Perryfields development, allowing both WCC and BDC to assess how the development is performing against predicted outcomes. Should the development generate trips over and above the levels identified in the TA then

measures from the list identified in the TW - MOBILITY, MONITORING AND MANAGING DOCUMENT 05-11-20 report will then be agreed to provide alternative options to increased use of the private car. The package of measures which has been termed the Flexible Transport Fund has been agreed to be up to an additional £705,000 in addition to this the developer will pay for both the survey work and the councils' costs in assessing the surveys.

- 12.18 MM have concluded that *'This Strategy and all of its necessary provisions including the Flexible Transport Fund through which it would be delivered, could be secured by condition or through a Section 106 Agreement. The implementation of this strategy is likely to address the concerns raised by Mott MacDonald in respect of excess demand for car trips at peak times and resulting residual highway impacts through the management of car based demand and the promotion and delivery of sustainable travel choices for new residents as viable alternatives.'*

#### *Western Distributer Road*

- 12.19 Concern continues to be raised about the provision of a western distributor road. This was considered by the inspector at the Whitford Road inquiry in his report he states:  
*"Worcestershire's Local Transport Plan states that a longer-term transport strategy is under development for Bromsgrove, and refers to a range of options, including the case for a potential Western Bypass. There is, though, no policy in the current Local Transport Plan which provides for a western bypass at Bromsgrove. Of greater significance is the allocation of site A for housing in the District Plan. That is not outweighed by a non-specific reference to a bypass as a possible option for the future.*  
*WVV has referred to the downgrading of Perryfields Road to discourage through traffic as part of the development of the town expansion site there. The inquiry was advised that a north-south route will remain with the Perryfields development in place, a point which was not disputed by WVV. It is common ground between the Appellants and the LHA that traffic travelling to and from the north would use this route. Perryfields Road provides a relatively direct route to the north, and, given the position of this route in the local road network, I do not doubt that it would fulfil an important role in carrying development traffic."*

- 12.20 The position articulated above is also relevant to this application, there is no policy requirement for a western distributor. The need for an additional road to serve the developments identified in the District Plan has not been identified, the schemes that have been assessed have all demonstrated that a new road is not required. Sufficient mitigation exists in the form of the physical improvements identified, and the addition of increased provision and accessibility to sustainable modes. Building a new substantial piece of infrastructure such as a distributor road will more than likely attract more traffic to Bromsgrove. So, whilst there would likely be a short-term benefit upon opening, in the longer term levels of congestion would likely return to current levels and perhaps more. In order to create a sustainable, safe and clean future for Bromsgrove the policies of the local plan BDP5 and BDP16 both support an even stronger focus on a modal shift away from the private car towards walking/cycling and high-quality public transport, this is what this application seeks to achieve without the need for an additional road.



12.21 Neither WCC Highway Authority or the Council's Transport Consultants raise objection to the proposed. In relation to traffic and highway matters, I conclude that the proposed development would not have an unacceptable impact on highway safety, and that the residual cumulative impacts on the road network would not be severe. Accordingly, it would not, therefore be contrary to paragraph 109 of the National Planning Policy Framework (NPPF). The proposal would manage the cumulative traffic impact generated as required by Policy BDP5A.7(e), and it would incorporate safe and convenient accesses, thereby complying with Policy BDP16.1

## **13.0 Heritage Assets and Archaeology**

13.1 The site does not contain any designated heritage assets. There are a number of listed buildings and conservation areas in the wider area, but the site does not contribute to, or affect, their setting having regard to the physical distance between those assets and the site boundaries. Concerns were expressed by one respondent about the setting of Fockbury Mill Farmhouse and adjacent barns to the northwest both (Grade II listed). However, these buildings are situated on the north side of the M42 slip road/ M5. Consequently, the setting of these buildings is considered to be unaffected by the development and not in conflict with Policy BDP20.13 (iii). This view is supported by the Council's Conservation Officer.

13.2 A combination of geophysical survey and trial trenching has revealed areas of potential low or medium value archaeological interest within the site. A phased programme of archaeological investigation has been agreed with the Council's archaeology adviser to assess these, and record information of archaeological interest. It is agreed that these do not restrict the granting of outline approval, provided appropriate measures are secured through planning conditions.

13.3 The site's landscape character has been of some historic interest in the past but has changed over the years and its setting affected by the outward expansion of Bromsgrove to the site's eastern boundary and most significantly by the enclosure of the site by the M42 and M5 motorways to the north and west.

13.4 There are no archaeology or heritage constraints to the development of the site as proposed.

## **14.0 Air Quality**

14.1 Policy BDP1.4(b) states that

*BDP1.4 In considering all proposals for development in Bromsgrove District regard will be had to the following:*

*b) Any implications for air quality in the District and proposed mitigation measures;*

14.2 Similarly Policy BDP19 (s)(i)(ii) states that

*“(s) In relation to air quality all new developments with a floor space greater than 1000sqm or 0.5 hectare or residential developments of 10 or more units should not*

*increase nitrogen dioxide (NO<sub>2</sub>), particulate matter (PM<sub>10</sub>) and carbon dioxide (CO<sub>2</sub>) emissions from transport and should be accompanied by an assessment of the likely impact of the development on local air quality and comply with current best practice guidance:*

*i. All planning applications meeting the above criteria should be accompanied by an assessment of the likely impact of the development on local air quality and comply with current best practice guidance. The applicant will also take into account the cumulative impacts of validated developments in the local area. Additionally, the assessment should consider the impact of local air quality on the proposed development;*

*ii. Development with the potential to result in significant impact on air quality, either cumulatively or individually will be resisted unless appropriate measures to mitigate the impact of air pollutants are included. Development will be expected to contribute to the provision of adequate mitigation measures in accordance with BDP6;”*

14.3 Worcestershire Regulatory Services were consulted on the application and their comments are reproduced in the consultee response section of this report.

14.4 In order to mitigate the impact of development, air quality mitigation measures which seek to promote sustainable travel are proposed.

14.5 It is considered that these measures could be secured by condition and would comply with Policies BDP1.4(b), BDP19 (s)(i) (ii).

14.6 Catshill and Marlbrook Parish Council have raised concerns about air quality in Catshill. Worcestershire Regulatory Services have not raised objection to the proposal on this ground, and your officers consider that the proposal would not have unacceptable adverse impacts in this regard.

## **15.0 Green Infrastructure**

15.1 Policy BDP24 states that  
*“The Council will deliver a high quality multi-functional Green Infrastructure network by:*

*a. Ensuring developments adopt a holistic approach to deliver the multiple benefits and vital services of Green Infrastructure, with priorities determined by local circumstances;*

*b. Requiring development to improve connectivity and enhance the quality of Green Infrastructure;*

*c. Requiring development to provide for the appropriate long term management of Green Infrastructure;*

*d. Requiring development to have regard to and contribute towards, the emerging Worcestershire Green Infrastructure Strategy, any local GI Strategy and where available, the GI Concept Plans. For large scale development, developers will need to prepare a Concept Plan for the area, which would then serve to inform all developments in that area as they come forward.”*

- 15.2 Extensive areas of new planting are proposed as shown in the Landscape and Open Space Framework plan on this page. In addition to their landscape and visual quality, these areas accommodate footpaths and cycle ways and also provide nature conservation and ecology corridors through the site, providing a Green Infrastructure network and contributing to biodiversity.
- 15.3 New recreation facilities proposed on site include 3 new football pitches with changing facilities / pavilion, creating a new Park adjacent to and linking with the King George playing fields. Extensive areas of informal open space to include trim trails and opportunities for walking, running and cycling are included within the site-wide Green Infrastructure Strategy, are also proposed. Local play areas would be included within this framework.
- 15.4 The provision of green infrastructure would align with paragraph 91(c) of the NPPF, which seeks to support healthy lifestyle.

## **16.0 Ecology**

- 16.1 Policy BDP5A criterion (g) states that *“Important biodiversity habitats and landscape features should be retained and enhanced with any mitigation provided where necessary. There should be no net loss of hedgerow resource within the sites. Full account should be taken of protected and notable species (e.g badgers, reptiles, water voles and bats);”*
- 16.2 Comments have been received from the Environment Agency and Worcestershire Wildlife Trust in reference to protected species and their habitats.
- 16.3 Subject to implementation of the mitigation measures, which can be secured by condition, the impact on biodiversity would be minimised, as required by paragraph 170(d) of the NPPF and the proposed development would comply with the requirements of Policy BDP5A(g), and BDP21 and 24 in that respect.

## **17.0 Water Management and Flood Risk**

- 17.1 Policy BDP5A criterion (l) states that

*l) Flood risk from the Battlefield Brook on BROM2 and BROM3 should be managed through measures that work with natural processes to improve the local water environment and enable development appropriate to the flood risk;*

Policy BDP5A criterion (m) states that

*m) SuDS proposals must provide an appropriate level of treatment to avoid pollution risks to controlled waters, and be designed to achieve the greenfield rate of run-off and support water levels in the Battlefield Brook. In accordance with the objectives of the Water Framework Directive, development should ideally contribute towards the improvement of, but as a minimum not have a deteriorative effect on, the water bodies associated with the site;*

Policy BDP5A criterion (n) states that

*n) Sewerage capacity issues will be satisfactorily addressed in Bromsgrove Town through engagement with both Severn Trent Water Ltd and the Environment Agency;*

- 17.2 The relevant statutory consultees: The Environment Agency, Severn Trent Water, North Worcestershire Water Management have been consulted and their comments are reproduced in the consultation section.
- 17.3 Only a small area of the site is situated in flood zone 1. The Environment Agency have suggested imposition of conditions to allow for climate change when considering finished floor levels of buildings and conditions are recommended.
- 17.4 Some respondents, particularly those living on Perryfields Road have expressed concerns about the development increasing the risk of surface water flooding as a consequence of the increase in impermeable surfaces and natural topography. These EA and NWWM do not consider that the development would have these effects, subject to recommended mitigation measures.
- 17.5 As a result, through implementation of the identified mitigation measures, the proposed development will not result in any adverse impact to the water environment and the scheme would comply with the requirements of Policies BDP5A criterion (l), (m) and (n), BDP19 and BDP23 of the BDP in that respect.

## **18.0 Ground conditions**

18.1 Policy BDP BDP5A criterion (k) states that

*k) An appropriate assessment of the pollution risks to controlled waters will be produced taking account of any previous contaminative uses on the sites (including the historic landfill) and the risks associated with the proposed uses.*

- 18.2 A ground conditions assessment has been undertaken (in accordance with relevant planning and technical guidance) in relation to potential impacts on human health from soil contamination, risks from ground gas, and the potential effects on Controlled Waters receptors.
- 18.3 Based upon the information available at this stage, there are no potential issues or concerns at the site that could not be successfully managed and/or mitigated that would preclude the possibility of the proposed development. Accordingly, it is considered that the proposed development would comply with the requirements of Policies BDP5A criterion k), of the BDP in that respect. A condition is recommended to address potential contamination issues.

## **19.0 Landscape and Visual Impact**

19.1 The site is not subject to any special landscape designation.

## *Acoustic barrier*

- 19.2 The proposed acoustic barrier would be the largest single structure within the development. The Design and Access Statement plus supporting document sets out the case for this method of mitigating noise from the adjacent motorways. Having assessed the potential impact of the bund, it is considered that, while some views to the north-west may be compromised by the overall height, any negative impact will be offset by the clear need to suppress noise. The M5 is currently buffered with a relatively mature screen. Construction and planting of the bund should, in practice, complement the existing setting, which is unavoidably dominated by the motorway and associated infrastructure. Those details would come forward as a component of the reserved matters applications. In terms of design, however, there are clearly options to grade the bund with the linear park, which would serve to soften a hard edge / wall of earth.

## *Existing Trees and Hedgerows*

- 19.3 Where possible, the application proposes to retain valuable hedgerows with the intention to enhance the overall connectivity with new planting that will be integrated into the development in a coherent plan that references the wider grain of the landscape.

## *Design*

- 19.4 Policy BDP BDP5A criterion (g) states that:

*g) All development must be of a high quality and locally distinctive to Bromsgrove, thereby enhancing the existing character and qualities that contribute to the town's identity and create a coherent sense of place. There should be a continuous network of streets creating a permeable layout and the use of continuous building lines to help define streets;*

- 19.5 Whilst the application is in outline, with matters of appearance reserved for future consideration, it is important to frame an expectation at this stage. Accordingly, conditions are recommended which requires the approval of a design code for the development which would ensure that the first and subsequent reserved matters applications maintained standards of good design.

## **20.0 Mitigating Noise on site**

- 20.1 Policy BDP BDP5A criterion (f) states that:

*f) Noise and air pollution emanating from the M5 and M42 will need to be addressed ensuring that sensitive land uses and the AQMA at junction 1 of the M42 are not unduly impacted upon;*

- 20.2 In order to mitigate the impact of motorway noise an acoustic barrier which would comprise an earth bund and fence with planting is proposed. Subject to further design considerations at the reserved matters stage, it is considered that this feature and the separation between the nearest dwellings and motorway would be sufficient to safeguard the amenity of future residents.

## **21.0 Waste and Minerals**

- 21.1 Policy WCS 5 of the Waste Core Strategy "Landfill and disposal" and its supporting text states that excavation activities, a normal part of the construction process, can result in considerable arisings of subsoils. In some cases, this type of waste can usefully be re-used for purposes such as landscaping, levelling of sites, the construction of bunds, embankments or features for noise attenuation. However, to prevent inappropriate development, these kinds of proposals will be considered against Policy WCS 5: Landfill and disposal.
- 21.2 In relation to the acoustic bund, the County Council have reviewed the submitted noise assessment and consider that sufficient justification is set out to satisfy the requirements of Policy WCS 5 part a) iii.
- 21.3 The proposed development is not in an area of identified mineral deposits as shown on the 1997 Hereford and Worcester Minerals Local Plan Proposals Map and as such there are no implications in that respect.

## **22.0 Residential Amenity and Public Safety**

### *Construction Phases*

- 22.1 The primary source of potential harm to residential amenity would arise during the construction phase of the development, both to existing residents in the established residential dwellings adjoining or adjacent to the site, predominantly along its eastern edge; but also of future occupiers, as the development progresses and new residents move into homes which will border parts of the development still under construction.
- 22.2 In order to mitigate harm during the construction phase, a robust Construction Environment Management plan is proposed. The details of the requirements of this plan are set out in the conditions section at the end of this report.

### *Amenity of future residents re employment development*

- 22.3 Policy BDP19 criterion (q) states that:  
*q. Ensuring development incorporates sufficient, appropriate soft landscaping and measures to reduce the potential impact of pollution (air, noise, vibration, light, water) to occupants, wildlife and the environment;*
- 22.4 The spatial relationship of any new development juxtaposed with the established development, predominantly bounding the southern end of the site, would be considered at the reserved matters stage, when detailed matters of siting and relative scale, privacy and sunlight would be considered more closely within the broad parameters set at this stage.
- 22.5 Section 13 of the Environmental Statement considers noise and vibration from existing noise sources i.e. the motorway and also noise impact on existing receptors.

22.6 Catshill and Marlbrook PC have raised concerns in relation to the potential impact that the additional traffic associated with the development. Reviewing section 13, noise measurements were taken along the Stourport Road and Kidderminster Road using the recognised CRTN assessment method which concluded there would be no significant cumulative residual impact is expected to occur.

## 23.0 Climate Change

23.1 Policy BDP19 as amplified by the adopted BDC High Quality Design SPD seeks to ensure that states that all non-residential developments meets BREEAM 'very good' standard or other successor guidance, and that developers should seek to exceed these standards where it is viable to do so.

23.2 BREEAM is the Building Research Establishment's Environmental Assessment Method. A BREEAM 'very good' standard is required for all non-residential development, as per BDP19.1 d). Where this requirement affects the viability of the scheme justification must be provided for not fully meeting this requirement.

23.3 I consider that this is a matter which can be considered at the reserved matters stage detailed design of the B1 units will be submitted for consideration.

## 24.0 Infrastructure Requirements

24.1 Policy BDP6 states that:

*"6.2 - Irrespective of size, development will provide, or contribute towards the provision of: Measures to directly mitigate its impact, either geographically or functionally, which will be secured through the use of planning obligations;"*

24.2 In broad terms the s106 would secure funding for a range of consequential requirements. These requirements are summarised in the following section of the report.

24.3 Paragraph 54 of the NPPF states that:

*"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."*

24.4 Financial contributions to mitigate the impact of the development cannot be secured by condition, and consequently an obligation is required

24.5 Paragraph 56 of the NPPF states that:

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

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

## **Education Provision**

- 24.6 The rationale for the new 1FE first school on site (introduced as an amendment to the original proposal) is set out in the County Council's representation reproduced in the comments section.
- 24.7 This school would be built by Worcestershire County Council on land set aside specifically for that purpose within the application site. This site would be serviced off the main spine road and situated adjacent to the existing Sidemoor First School.
- 24.8 The detailed design, scale and appearance of the school would be reserved, and subject to a separate application. The County Council have raised no objection to the proposal. The provision of the school is timed to be delivered to meet demand arising from the new development which it is required to serve.
- 24.9 Worcestershire County Council are seeking a contribution towards middle school and high school places at a standard cost per dwelling.
- 24.10 It is considered that the contribution is required in order to address the impact upon education provision in accordance with Policy BDP6 arising as a direct result of the development and consequent demand for places arising from the construction of up to 1300 houses. It is considered that the sum is fairly and reasonably related in scale and kind to the impact

## **Medical Infrastructure**

### *NHS Clinical Commissioning Group – GP Surgeries*

- 24.11 The Clinical Commissioning Group have confirmed that there is no requirement for a contribution towards local GP surgery provision.

### *Worcestershire Acute Hospitals Trust*

- 24.12 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.
- 24.13 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.



- 24.14 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.
- 24.15 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.
- 24.16 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".
- 24.17 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. Accordingly the sum of £1,337,675 has been agreed between the Trust and the developer's representatives.
- 24.18 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.
  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.

It is considered that the contribution is required in order to address the impact upon local healthcare provision in accordance with Policy BDP6 arising as a direct result of the increase in population and consequent demand arising from the construction of up to 1300 houses. It is considered that the sum is fairly and reasonably related in scale and kind to the impact.

### **West Mercia Police**

- 24.19 A request has been received from West Mercia Police for a planning obligation contribution. Although the Local Planning Authority consider this request to be material, it is not considered that the request is fully justified and it is not considered to be compliant with Regulation 122 or paragraph 56 of the NPPF 2019. A similar request was made in respect of the application recently considered by members in relation to 16/0263 at Foxlydiate where officers also found a request advanced on a similar basis, not to be CIL compliant.

### **Highway Contributions**

- 24.20 The County Highway Authority are seeking an obligation for a contribution towards a range of off site highway improvements as set out in their representation.

- 24.21 These contributions have arisen from the development management process and have been considered against Section 122 of the Community Infrastructure Levy Regulations 2010 and the 3 tests detailed in NPPF paragraph 56 which are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and,
- Fairly and reasonably related in scale and kind to the development.

### **Public Transport Contributions**

Public Transport contribution £452,000.00

- £302,000.00 for the main Public Transport Contribution. Calculated using the operating costs of services.
- Following a Public Transport Review (secured within the S106) an additional £150,000.00 of monies would be available from Developer to manage uncertainty. This contingency has been made in the event that anticipated contributions from application 16/1132 (Whitford Road) are not

forthcoming in a reasonable time frame. The section 106 agreement makes an allowance for up to a further £150,000.00 to be made following a review of proposed new bus service in terms of patronage and subsidy, in a worst case scenario this will allow the service to operate for 6 years at which point it is anticipated that it would become self-supporting or other contributions would be forthcoming.

Public Transport Upgrades £30,000.00: -

- The County Council would expect two stops located at the main centre of the development, dependant on the traffic circulation arrangements and layout. These would be equipped with solar powered shelters & RTI At Stop Displays with RNIB React. At an estimated cost of £22,400.00 (£7,000.00 per shelter and £4,200.00 per RTI Display). The County Council will need a power source close to the shelters for the RTI (£1,400.00 per stop X 2).
- The County Council would need 2 pairs of 2 additional stops equipped with poles and flags along the route within the development (as a minimum) and the installation of castle kerbing. Estimated cost of £4,200.00 (£1,050.00 per stop).

### **A38 Bromsgrove Route Enhancement Programme Contribution (highways only)**

As per the advice and contribution strategy set out the Whitford Road (16/1132), the methodology represents the approach undertaken to calculate the appropriate level of S106 contribution on the A38 corridor.

It considers a contribution based on the percentage of development trips at each of the A38 junctions compared to a 2030 base year. The base year is calculated using Manual Classified Count Data in 2017 for each junction uplifted to 2030 using TEMPro.

The cost of each junction of the A38 Bromsgrove Route Enhancement Programme has then been used to calculate the appropriate contribution for each junction. This has been applied in a consistent manner as per Whitford Road (16/1132).

The contribution of **£1,276,190.64** towards the A38 Bromsgrove Route Enhancement Programme is required.

### **Bromsgrove Town Centre Junctions**

The above approach is not applicable for the Town Centre Junctions as virtually all growth arises from the Whitford Road and Perryfields Road Development sites. It is therefore considered appropriate to share the cost of the infrastructure improvements based on the number of C3 dwelling houses each development provides where appropriate.

Whitford Road proposes 505 units and Perryfields Road

1300 units. Perryfields therefore represents ≈ 72% of the

combined number of units. The scheme costs are:

St John St / Hanover St / Kidderminster Rd ≈

£1,120,000.00 Market Street/ St John St ≈

£1,490,000.00A combined cost is ≈

£2,610,000.00

For the St John St / Hanover St / Kidderminster Rd junction, the contribution will be £806,648.20.

For the Market Street/ St John St, the contribution will be £1,073,130.19

The proportionate contribution required is therefore **£1,879,778.39**

Where it is specified that either the Developer is obligated to pay a S106 contribution/ developer is obligated to enter via S278 agreement to deliver the infrastructure at the following junctions: -

- Market Street / Church Street;
- Worcester Road / Shrubbery Road; and,
- Stourbridge Road / Westfields (Catshill).

The cost of these schemes will be agreed based upon the submitted drawings including all costs associated with delivery of the schemes.

### **A38 Bromsgrove Route Enhancement Programme Contribution (BREP scheme 3)**

The BREP scheme 3, the proposed new footbridge from Harvington Road to Old Station Road over the A38, is an important component of the overall BREP scheme to ensure it is genuinely attractive for pedestrians. To that end, the County Council seeks a contribution towards the provision of this key infrastructure. Current cost estimates for this infrastructure are in the region of £6,500,000.00 (£6.5m). The BREP MRN business case continues to progress through the DfTs process, and Developer match funding strengthens the DfT compliant business case.

The County Council advise a contribution of £1,000,000.00 (£1m) towards infrastructure enhancement as part of the overall BREP MRN Business Case being development to enhance the A38 and connectivity within Bromsgrove. As such the **£1,000,000.00** proportion of £6.5m is equivalent to 15% and is in line with the MRN funding requirement for 15% contribution from the private sector. This is considered a fair and proportionate contribution against the overall cost of the scheme.

## Walking & Cycling

The Active Travel Infrastructure identified costs are £530,000.00.  
Whitford Road proposes 505 units and Perryfields Road 1300 units.

Perryfields therefore represents  $\approx 72\%$  of the combined number of units. The proportionate contribution required is therefore **£381,000.00**

## Outdoor Sports Facilities

- 24.22 The site includes both formal public open space and incidental open space. The s106 makes provision for either the applicant to manage and maintain the on-site open space through a management company or for transfer to the District Council with a commuted sum. This will be secured through the Section 106 Agreement.
- 24.23 A contribution will also be sought for offsite outdoor sports facilities for the improvement of toddler, children, teenager and adult play equipment at the King George Recreation Ground and the Sanders Park / Battlefield Brook Recreation Area within walking distance of the site.
- 24.24 £28,000 for the following improvements to the pitch at King George Recreation Ground including £16,000 for renovation works and £12,000 for a 12-month growth period.

The contribution is compliant with policy BDP5A and BDP25 that refers to the need for open space and play facilities. The position of the local planning authority is that the contribution is directly related to the development. The Recreation Ground and Sanders Park are in close proximity to the new development and as a consequence will be used by persons from the new development for leisure and wellbeing purposes. The position of the local planning authority is that the contribution requested is fairly and reasonably related in scale and kind to the development.

## Waste Management

- 24.25 Provision for the collection of waste

Green bins (recycling) £26.75  
Grey bins (general refuse) £25.49  
1 set of bins therefore being £52.24  
33% prior to the Commencement of Development  
a further 33% prior to the Occupation of the 500<sup>th</sup> Residential Dwelling  
the final 34% prior to the Occupation of the 1000<sup>th</sup> Residential Dwelling

- 24.26 The contribution is compliant with policy BDP5A and is required to ensure that the development is sustainable in relation to the provisos of waste management support. The contribution is directly related to the development as it will be used to fund waste management within the resultant development and is fairly and reasonably related in scale and kind to the development as it will only be used for waste management purposes for the development.

## **25.0 Planning Balance**

- 25.1 The delivery of housing is viewed by Government as being important and a critical component of delivering economic growth. In the absence of being able to demonstrate a five year housing land supply and the fact that the site is allocated in the adopted District Plan to meet the District's housing requirements, it therefore falls that the benefits that would be secured through housing delivery must be given substantial weight in the consideration of this application.
- 25.2 The proposed development would deliver a significant level of construction based jobs over the plan period and would also create opportunities within the local supply chain and as a result of increased (induced) economic activity, derived from expenditure from new residents.
- 25.3 In addition to direct construction job creation, there would also be an indirect effect through the supply of materials and the expenditure of wages in the local economy.
- 25.4 The employment opportunities created would vary from design professions and engineers at the start of the development, to those within the construction and utility industries when the development reaches the implementation stages. These employment opportunities incorporate workers from all sectors ranging from those involved in manual labour, to professionals, managerial roles and also in the latter stages sales and marketing. There would also be employment opportunities post development within the industrial development.
- 25.5 The development would also generate additional household expenditure from new residents which will deliver direct benefits to local firms, as well as the wider economy.
- 25.6 The proposed development would contribute to the social context of delivering sustainable development through delivery of significant housing – up to 1300 homes (both market and affordable to meet the identified needs of the local community and a proportion of self-build plots).
- 25.7 The development would deliver a new first school, an extra care facility of up to 200 units; up to 5HA employment (B1); a mixed-use local centre with retail and community facilities (A1, A2, A3, A4, A5, D1); open space, extensive recreational areas and sports pitches.
- 25.8 The Environmental Statement concludes that the proposed development would result in the loss of best and most versatile agricultural land. (BMV). Whilst the proposed development would result in loss of BMV, this must be weighed against the significant social and economic benefits that delivery of residential led development would provide and as such, it is concluded that the development of the allocation for new housing would deliver sustainable development.
- 25.9 Harms identified by objectors in the representations relating to concerns about traffic congestion are acknowledged, but I am mindful of the absence of an objection from WCC Highway Authority or the Council's Transport Consultant Mott

MacDonald who consider that the impacts can be mitigated by both physical works and the monitor and manage approach explained in section 12 of this report . Furthermore, the recent appeal decision in respect of the BROM3 site at Whitford Road and the accompanying costs decision has explored many of the highway related issues arising from this proposal.

- 25.10 I find there to be no harm in respect of the setting of designated heritage assets, due to their position relative to the development, so have given that matter no weight. In terms of non-designated heritage assets, the proposal would necessitate off-site highway works. This would include the creation of a mini-island at the junction of Rock Hill and Fox Lane which would result in the loss of the former Greyhound public house – a non-designated heritage asset. In accordance with paragraph 197 of the NPPF, that is a matter which I consider in the balancing exercise.
- 25.11 If there are any significant and demonstrable adverse impacts of the proposed development, they lie in the effects on the surrounding landscape and environment. There must be some resulting environmental harm from the loss of open countryside, some trees and hedgerows, although, the principle of having to use greenfield sites if housing land supply issues are to be resolved is unavoidable. Moreover, the substantive part of the site where built development is proposed is not within the Green Belt in a District where much of the land is designated as such to safeguard it from development pressures.
- 25.12 I consider that there are no residual impacts that would outweigh the considerable weight which must be afforded to the support in principle of development in the absence of being able to demonstrate a 5 year supply of deliverable housing sites as required by the NPPF. The supply of up to 1300 homes including 30% affordable units to address an acknowledged need for both market and affordable housing would have a significant economic and social benefits and contribute to the Government's aim to boost significantly the supply of housing.
- 25.13 Harms that cannot be mitigated by conditions identified in the objections include, loss of BAMV agricultural land, loss of the former Greyhound PH (non-designated heritage asset), loss of layby parking adjacent to the shop at Rock Hill. I am satisfied that other harms identified including noise and disturbance during the construction phase, and hospital capacity could be mitigated by the recommended conditions and provisions of the s106 agreement.
- 25.14 There would also be some environmental benefits to set against the identified environmental harm; in particular the inclusion in the development of significant new green infrastructure and open space has potential benefits for biodiversity as well as social benefits.
- 25.15 As a result, it is concluded that the sum of the benefits that would be delivered by the project would demonstrably outweigh the sum of harm and that consequently, the material considerations in this case and presumption in favour of sustainable development should apply and planning permission should be granted in accordance with the advice set out in paragraph 11 of the NPPF.

## 26.0 Conclusions

- 26.1 The Perryfields site is a strategic mixed-use allocation in Bromsgrove District, located on the western edge of Bromsgrove. It is allocated through policy BDP5A of the adopted Bromsgrove District Plan, for 1300 dwellings and other supporting uses. This planning application sees allocation BROM2 being realised, with up to 1300 homes having the potential to meet that target and notwithstanding the acknowledged shortfall in housing land supply which adds substantial weight in favour of approval, is otherwise in general accordance with the relevant policies of the development plan
- 26.2 It is considered that the application should therefore be approved to both help the Government's goal of significantly boosting the supply of housing, and to assist Bromsgrove District Council in delivering the homes needed to support its adopted plan and assist towards its future supply of housing land.
- 26.3 Having regard to the NPPF, BDP and all other material considerations that have become evident through consideration of this application, it is concluded that the harms identified do not significantly and demonstrably outweigh the benefits, as set out in terms of the presumption in favour of sustainable development test in paragraph 11 of the Framework. In fact, it is the benefits of the scheme that significantly and demonstrably outweigh the harms, such that it is concluded that the development should be permitted in line with the adopted District Plan and National Planning Policy Framework.
- 26.4 In reaching this position, regard has been taken of the Environmental Statement (as amended) which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 and it is considered that sufficient information has been provided for the Local Planning Authority and statutory consultees to assess the environmental impact of the application.
- 26.5 All of the matters raised in the representations has been taken into account. Accordingly, it is recommended that Outline planning permission be granted.

### **RECOMMENDATION:**

- (a) That Members of the Planning Committee confirm that the District Council would have been minded to GRANT outline planning permission in the event that an appeal against non-determination had not been lodged and it had been able to determine the application
- (b) That **DELEGATED POWERS** be granted to the Head of Planning Regeneration to agree a suitable and satisfactory legal mechanism in relation to the following:
- (i) **£ 3,155,970 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 comprising:

**£1,276,190.64** towards the A38 Highway Works IDP

**£1,879,778.39** towards the Town Centre Junction Works

Junction 2 Stourbridge Road Site Access Works,

Junction 3 Kidderminster Road Access and Whitford Rd Junction Works

Junction 17 Fox Lane / Rock Hill Roundabout Works,

Junction 10 Kidderminster Road / Hannover Street Works

(ii) **£381,000 Sustainable Infrastructure**

Walking and cycle provisions including  
Brom 2 Signage  
Burcott Lane / Slideslow  
South Bromsgrove Highway  
East/West Railway Line  
Various dropped kerbs in Bromsgrove  
Bromsgrove Cycle Parking  
New Road Corridor

(iii) **£302,000 Public transport services+** £150,000 addition bus service contribution

a local bus service between the Development and Bromsgrove town centre and railway station running at intervals of 15-20 minutes from seven days a week 0700 to 1900

(iv) **Personal Travel Planning**

- £200 Per Dwelling with in each dwelling per Reserved Matter Phase

(v) **Mobility Monitor and Manage**

If required Up to £705,000 Flexible Travel Fund

(v) **Education Infrastructure**

the land on which the First School will be provided being up to 1.27 ha in area  
**£ 2,523,264** towards the provision of the First School  
A sum of **£ 929,244** towards the expansion by one form of entry provision at South Bromsgrove High School

(vi) **Sports and Recreation (on site)**

Sports Pavilion (a changing room building and car park)  
Associated Maintenance contribution **£5200 annually for 25 years**

Playing Pitches (three senior sized football pitches)

Associated Maintenance contribution **£2400 annually for 25 years**

**(vii) Sports and Recreation (off site contribution)**

**£28,000** for the following improvements to the pitch at King George Recreation Ground including **£16,000** for renovation works and **£12,000** for a 12-month growth period.

A contribution (to be confirmed) towards the improvement of toddler, children, teenager and adult play equipment at the King George Recreation Ground and the Sanders Park / Battlefield Brook Recreation Area

**(viii) Community Facility – a dedicated space of up to 616sqm**  
An initial set up fee and 5 year dowry (To be confirmed)

**(ix) Waste Management Contribution: up to £69479 comprising**  
Waste bins £52.24 per dwelling  
(based on the maximum number of 1330 units)

**(x) Planning Obligation Monitoring Fee: (To be Confirmed)**  
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.

**(xi) The securing of a 30% provision of on-site affordable dwelling units**  
(up to a maximum of 390 units based 1300 dwellings being built)

**(xii) the provision of an ‘extra care’ facility of up to 200 units**

**(xiii) The provision and future maintenance in perpetuity of the SuDs facilities**

**(xiv) The provision and future maintenance of the on-site play space and open space provision for 25 years**

**(xv) A financial contribution of up to a maximum of £807,315.63 to meet annual shortfalls in NHS Service revenue.**

**(xvi) The provision of 10 plots for self-build housing**

**(c) And that DELEGATED POWERS be granted to the Head of Planning Regeneration to discuss the final scope and detailed wording and numbering of conditions as set out in the list at the end of this report as part of the appeal process**

**(d) And that DELGATED POWERS be granted to the Head of Planning and Regeneration to agree the contributions yet to be agreed as part of the appeal process**

## CONDITIONS

### 1. TIME PERIOD

The first Application for the approval of reserved matters shall be made within a period of 3 years from the date of this permission. All subsequent reserved matters applications shall be submitted no later than 10years from the date of this permission.

The development shall be begun not later than whichever is the later of the following dates:-

- (i) three years from the date of this permission; or
- (ii) two years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason - To comply with the provisions of Sections 91-95 of the Town and Country Planning Act, 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2002).

### 2. RESERVED MATTERS

No development within a Development Phase as set out on an approved Phasing Plan shall commence until details of the access, appearance and landscaping, layout, and scale of development in that phase (herein referred to as the "reserved matters") have been submitted to and approved in writing by the Local Planning Authority and the development of that Development Phase shall be carried out in accordance with the approved details.

This condition may be discharged on an individual Development Phase basis, or for an element of infrastructure e.g. a road, drainage, SUDS or noise bund.

#### Plans

3. The development hereby permitted shall be carried out in accordance with the following approved plans and particulars:

173050B\_A08 Kidderminster Road

173050B\_A09 Stourbridge Road Signalised Junction

19378 46N	PP	– land use plan
19378 47H	PP	– access and movement plan
19378 48N	PP	– noise mitigation
19378 49J	PP	– open space and GI
19378 50L	PP	– drainage
19378 51PL	PP	– development heights

Reason - To comply with Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (or any Order revoking and re-enacting that Order) and to ensure a comprehensive layout in the interests of proper planning of the area and to allow sufficient time to attract future occupiers. To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2002).

## Phasing Plan

4. Prior to the submission of any application for the approval of reserved matters, a Phasing Plan, covering the entire site and that indicates the Development Phases for which reserved matters will be submitted, shall be submitted to and approved by the Local Planning Authority. Development shall take place in accordance with the approved Phasing Plan and reserved matters applications shall be submitted in accordance with the approved Phasing Plan and refer to the Development Phase to which they relate.

Reason - To facilitate the delivery of the development in a phased manner, recognising the each Development Phase will be subject to reserved matters applications and for planning conditions to be addressed with reference to Development Phases.

## DESIGN CODE

5. As part of the first Reserved Matters Application for any Development Phase (save for advance works, infrastructure, servicing and utilities), a Design Code shall be submitted to, and approved in writing by the Local Planning Authority. The Design Code shall take account of the principles set out in the Design and Access Statement. The Design Code can be updated during the course of the development subject to agreement with the local planning authority. The Reserved Matters for each Development Phase, should substantially accord with the Design Code and Parameters Plans. The Design Code shall include the following:
  - 1) Extent of the Contextual Area its character, role, views, and relationship to other Contextual Areas;
  - 2) High-level block types and principles to establish its urban structure and built-form characteristics, building heights, building typologies, and structure of public and private spaces, leading to understanding of delivery of stated densities;
  - 3) Retention, representation, acknowledgement or interpretation of the site's built and cultural heritage and former uses;
  - 4) Movement hierarchy, including principles of street hierarchy, adoption of highway infrastructure and typical street cross sections, building frontage and plot boundary set-backs, siting, variation and treatment;
  - 5) The housing mix, subject to complying with the requirements of the District Plan.

- 6) Any key groupings /buildings at focal points including relevant key height, scale, form, building materials and design features, and broad location of adaptable dwellings and self-build or custom-build dwellings;
- 7) Design approach to open spaces and the public realm, including materials palette, signage, accommodating utilities and servicing (visual elements and locations) and for other street furniture, and the integration of green infrastructure;
- 8) Treatment of development edges along site boundaries and green spaces;
- 9) The overall approach to incorporation of ancillary infrastructure;
- 10) Car and cycle parking layout principles for all uses and building types;
- 11) Design for servicing and public transport for all uses and development areas;
- 12) Innovative solutions to a range of environmental issues, to maximise resource efficiency and climate change adaptation through external or internal features, passive means, such as: landscape contribution, layout/ orientation, massing, and external building features;
- 13) Details of measures to minimise opportunities for crime.

Reason - To ensure high standards of urban design are achieved and maintained and a comprehensively planned development is designed to ensure a coordinated and harmonious integration between land uses, built form and spaces to reflect the scale and nature of development.

## 6. EMPLOYMENT LAND

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the Employment Land shall only be used for a maximum of up to 12,500sqm (GFA) of B1c (light industrial) and up to 7,500sqm (GFA) of B1a (office) floorspace and for no other purpose (including any other purpose in Class B1 on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

Reason: Other uses, either within the same Use Class, or permitted by the Town and Country Planning (General Permitted Development) Order 2015 have not been assessed for their potential effect on the local highway network.

## 7. ECOLOGICAL MEASURES

No development approved within a Development Phase shall be commenced until a Habitat Management Plan for the management and long-term maintenance of that part of the site has been submitted to and approved in writing by the Local Planning Authority. The Habitat Management Plan shall identify the impact that the development phase would have on local ecology and set out how this will be mitigated based on the recommendations of the Environmental Statement. The plan shall also detail timing and provision for implementing the plan. The scheme

shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve and enhance the ecological value of the watercourse and its corridor through the site

8. ARCHEOLOGY (Written Scheme, Programme, Recording)

No development shall take place on a Development Phase until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the Local Planning Authority in writing for that Development Phase and site investigation has been undertaken and completed. The scheme shall include an assessment of significance and research questions; and:

- a) The programme and methodology of site investigation and recording.
- b) The programme for post investigation assessment.
- c) Provision to be made for analysis of the site investigation and recording.
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In accordance with the requirements of paragraph 141 of the National Planning Policy Framework.

9. ARCHEOLOGY (PUBLICATION)

No development within a Development Phase shall be occupied until the site investigation and post investigation assessment which includes that Development Phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (8) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 141 of the National Planning Policy Framework.

10. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

No demolition works or development within a Development Phase, shall commence on site until a Construction Environmental Management Plan, to include details of -

- i) The name, e-mail and direct telephone number for the site manager for that phase
- ii) A programme of works including a plan detailing the extent of the phase to which the CEMP relates
- iii) The type, volume and frequency of construction traffic movements
- iv) Construction traffic routing and how will be monitored and enforced
- v) The proposed point(s) of access/egress for construction traffic
- vi) Measures to segregate construction traffic from other traffic utilising the site
- vii) The origin, amount, and nature of any imported soils
- viii) The maximum number of staff anticipated to be working on site and the number, location, and delineation of parking spaces for site operatives and visitors
- ix) The location for the loading and unloading of plant and materials (including delivery times and swept path analysis for those vehicles)
- x) The location, security and means of storage of plant and materials used in constructing the development
- xi) Measures to control the deposition of mud onto the local road network.
- xii) Measures to control the emission of dust and dirt during construction
- xiii) Measures to control noise and vibration during construction
- xiv) Measures to protect watercourses and soil from pollution
- xv) Locations and measures to control the emissions where in situ bioremediation or soil washing takes place.
- xvi) Hours of working on site
- xvii) A travel plan for the workforce including the promotion of car sharing

The approved details shall be implemented throughout the duration of construction in that Development Phase.

Reason - In the interests of highway safety, to minimise environmental impact of the works, both potential disturbance and pollution and to protect the amenities of the existing community. This is a pre-commencement requirement because of the need to secure satisfactory traffic management and construction environment management during the construction phase in advance of each individual Development Phase commencing.

## 11. FOUL AND SURFACE WATER DRAINAGE

No works or development shall take place within a Development Phase until a scheme for foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority.

If infiltration techniques are used, then the scheme shall include the details of field percolation tests.

The peak runoff rate from the development for the 1 in 1-year rainfall event and the 1 in 100-year rainfall event plus a 40% allowance for climate change must never exceed the peak runoff rate for the same event.

The scheme shall be designed so that flooding does not occur on any part of the site for a 1 in 30-year rainfall event and not in any part of any building for the 1 in 100-year rainfall event plus climate change.

Flows resulting from rainfall in excess of a 1 in 100-year rainfall event shall be managed in exceedance routes that minimise the risk to people and property. The scheme shall provide an appropriate level of runoff treatment.

The approved scheme shall be completed prior to the first use of the development hereby approved

## 12. LAND CONTAMINATION

No development in any Development Phase (other than that required to be carried out as part of an approved scheme of remediation), shall commence until the following requirements have been complied with

a. A preliminary risk assessment (a Phase I desk study) submitted to the Local Authority in support of the application has identified any unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".

b. The detailed site investigation and risk assessment must be undertaken in accordance with the approved Scheme and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place.

c. Where the site investigation identifies that remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and approved by the Local Planning Authority prior to development taking place. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.



d. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

e. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced and be subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

f. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared; these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

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

### 13. TREE PROTECTION FENCING

No phase of the development hereby permitted shall be commenced within a development phase until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place for that phase of the development. The scheme must include details of the erection of - protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered, or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until that phase of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: To protect existing trees and hedges during construction.

## 14. EMPLOYMENT BUILDING DETAILS

Prior to the commencement of development within the Employment Land area a scheme of operating hours, servicing arrangements and external storage shall be submitted to and approved in writing by the Local Planning Authority. Opening hours, outside operations and external storage shall subsequently be implemented in accordance with the approved details.

Reason - In order that the Local Planning Authority can properly consider the effect of the proposed use on the amenity of the locality and future occupants of the proposed residential units.

## 15. FINISHED FLOOR LEVELS

No development approved as part of any subsequent reserved matters consent shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the finished ground floor levels of all the approved buildings and the finished ground levels within that phase for all other areas of the site. The sections shall show the development relative to the ground levels adjoining the site. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is carried out at suitable levels and in relation to adjoining land and buildings and in the interests of amenity and highway requirements

## 16. REFUSE STORAGE FACILITIES

Plans and particulars of the Reserved Matters referred to in Conditions 1 and 2 shall include details of the facilities for the storage of refuse for any apartments within the development and a location. No individual apartment shall be occupied until approved refuse storage facilities to serve that dwelling have been provided in accordance with approved details.

Reason: To ensure the proposed dwellings have adequate refuse storage facilities and that such facilities ensure that the Local Authority refuse bins do not detract from the character and appearance of the development through failure to provide a space for their storage between collections.

## 17. LANDSCAPING

The details submitted pursuant to condition 2 shall include full details of retained and proposed soft landscape works for that Development Phase. Incorporating a plan and accompanying planting schedule which shall include all those trees, hedgerows, shrubs or existing features of the land to be retained, removed and/or treated, new planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants,

noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. The landscape works shall be carried out in full compliance with the approved landscape plans, planting schedule for the phase and implementation timescales.

All such planting shall be maintained to encourage its establishment for a minimum of five years following contractual practical completion of the development within that development phase. Any trees or significant areas of planting which are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity

## HARD SURFACES

18. The details submitted pursuant to condition 2 shall include full details of all proposed hard surface areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall include proposed finished levels or contours, car parking layouts, other vehicle and pedestrian footpaths/access and circulation areas, hard surface materials. Development shall be carried out in accordance with the approved details. The approved hard landscaping plan shall be implemented within two years from the date when any of the dwellings in that development phase are first occupied.

Reason: In the interests of visual amenity

## 19. BOUNDARY TREATMENT

The details submitted pursuant to condition 2 shall include a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed in accordance with the approved details and prior to the occupation of the dwelling to which the boundary relates.

Reason: In the interests of visual amenity

## 20. LANDSCAPE MANAGEMENT PLAN

The details submitted pursuant to condition 2 shall include a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than domestic gardens (including landscaped open space and structural planting to include perimeter landscaped buffer zones) The landscape management plan shall be carried out as approved.

Reason: In order to secure a well-planned development in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004

## 21. PUBLIC OPEN SPACE

The details submitted pursuant to condition 2 shall include full details of the treatment and finishes to all areas of communal public open space within that development phase and the timing of their implementation have been submitted to and approved in writing by the Local Planning Authority. Such details shall include areas of grass seeding/turfing, soft landscaping, construction of footpath details and details of the appearance, siting and finish to any boundary and their location and physical features to be installed. The development shall be carried out in accordance with the approved details and shall thereafter be so maintained. Those areas identified as communal public open space shall be retained as such in perpetuity and shall not be used for any other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity

## 22. LEAPs

The details submitted pursuant to condition 2 shall include until a full specification for the Local Equipped Area of Play (LEAP) has been submitted to and approved in writing by the Local Planning Authority. The development of the LEAP shall be undertaken in accordance with Fields In Trust 'Guidance for Outdoor Sport and Play' 2015

Reason: In order to secure a well-planned development in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004

## 23. BALL -STOP FENCING

Prior to commencement of development within any Development Phase associated with the formation of the sports pitches, technical details regarding ball stop fencing that shall protect the Motorway shall be submitted to the Local Planning Authority and approved in writing following consultation with the Highways Authority for the M5 and M42 Motorways. The submitted detail shall be in accordance with the requirements of DMRB BD2/12. The fencing shall be constructed in full and in accordance with the approved details prior to the use of the associated sports pitches.

Reason: To ensure that the M5 and M42 Motorways continue to serve their purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and in the interest of road safety

## 24. NOISE MITIGATION BARRIER

Prior to the commencement of development within any Development Phase which requires an acoustic barrier, full details of the acoustic barrier shall be submitted to and approved in writing by the Local Planning Authority. The details shall show the location where the barrier will be sited, the height and length of the acoustic barrier proposed together with the specification for its construction. The acoustic barrier shall be provided prior to occupation of any dwelling which requires noise mitigation within a development phase in accordance with the approved details.

Reason - To protect the amenity of the occupiers of the new dwellings.

## 25. NOISE MITIGATION

Noise levels within the dwellings hereby approved shall not exceed those set out in BS8233:2014 "Sound Insulation and Noise Reduction for Buildings". Noise levels measured from enclosed outdoor private amenity areas (gardens) should attain the 50dB(A) desirable criteria (LOAEL) and not exceed the upper limit recommended within BS8233:2014 being 55dB(A) (SOAEL). Measures necessary to achieve this performance at properties identified at risk of exceeding the LOAEL shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The mitigation measures so approved shall be completed prior to any dwellings to which they relate being first occupied and post completion testing to verify that the noise level requirements of this condition have been met shall be carried out at sample locations to be agreed by the Local Planning Authority before any of the dwellings hereby approved are first occupied. If the post completion testing shows that the limits set out in BS8223:2014 are exceeded within dwellings and/ or the upper limit of 55dB(A) is exceeded when measured from enclosed outdoor amenity areas, details of further mitigation to bring noise levels down to the required limits shall be submitted to and approved in writing by the Local Planning Authority and the proposed further mitigation shall be carried out before the dwellings to which these measures relate are first occupied.

Reasons To Achieve the primary aims of the National Noise Policy for England 2010 by:

- Avoiding significant adverse impacts on health and quality of life
- To mitigating and minimising adverse impacts on health and quality of life
- contributing to the improvement of health and Quality of Life where possible.

## 26. TECHNICAL DETAILS OF EARTH BUNDS

Prior to the commencement of development within a Development Phase adjacent to the M5 and M42 motorways technical details regarding the design of any earth bund and noise attenuation structures adjacent to the motorway shall be submitted to the Local Planning Authority and approved in writing following consultation with the Highways Authority for the M5 and M42 Motorways. The submitted detail shall follow guidance set out in the DMRB HD 22/08 – Managing Geotechnical Risk (or as updated). The development shall be constructed in full and in accordance with the approved details.

Reason: To ensure that the M5 and M42 Motorways continue to serve their purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and in the interest of road safety

## 27. DIVERSION OF BATTLEFIELD BROOK

Prior to the commencement of on any Development Phase adjacent to the Battlefield Brook a scheme for the diversion of Battlefield Brook, including detailed plans for the diversion and after use of the existing Farm Track culvert, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be in accordance with the Watercourse Assessment report (reference 20086/07-15/3748 rev A dated July 2015) and drawing number 20086\_01\_230\_02 dated 20.03.15, including channel profile details. The scheme shall include detailed timing and provision for implementing the works.

The scheme shall be implemented in accordance with the approved details.

Reason: To reduce flood risk and provide for wider ecological improvements to the Battlefield Brook

## 28. LANDSCAPE AND ECOLOGICAL MASTERPLAN

No development shall take place on any Development Phase adjacent to the Battlefield Brook until a scheme for the protection and/or mitigation of water voles, a protected species under The Wildlife and Countryside Act 1981 as amended, is submitted to and agreed in writing by the Local Planning Authority. The scheme shall include measures to avoid and mitigate impact upon associated habitat during construction works and post construction. A water vole protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reason: To protect and enhance the water vole habitat within and adjacent to the development site and prevent impact upon a protected species under The Wildlife and Countryside Act 1981 as amended.

## 29. LIGHTING SCHEME

Save for undertaking site preparation works, no Development within a Development Phase shall commence until details of an external lighting scheme for that Development Phase, have been submitted to, and approved in writing by, the Local Planning Authority. The external lighting plan for that Development Phase, must comply with the Guidance for the Reduction of Obtrusive Light criteria "E2" (Institute of Lighting Professionals, GN01:2011) and avoid light spillage onto Battlefield Brook. The approved details shall be implemented as approved prior to first occupation of that Development Phase.

This condition may be discharged on an individual Development Phase basis.

Reason - To protect the visual amenity within the locality and to minimise the light pollution affecting the night sky. Save for the Advance Clearance Works, this is a pre-commencement requirement because of the need to secure satisfactory control over light pollution affecting the night sky in advance of the individual development phase commencing.

## 30. NON-RESIDENTIAL TRAVEL PLAN

No Development Phase shall be occupied until the applicant has submitted a Travel Plan for that Development Phase in writing to the Local Planning Authority, and this has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented and updated in agreement with Worcestershire County Council's Travel plan co-ordinator and thereafter implemented as updated.

Reason: To reduce vehicle movements and promote sustainable access.

## 31. HIGHWAY IMPROVEMENTS / OFFSITE WORKS / SITE ACCESS

No more than 100 dwellings of the development hereby approved shall be occupied until the highway improvements/offsite works/site access works comprising: -

- A roundabout at the Junction of Rock Hill / Fox Lane in general accordance with drawing WSP 7033-SK-005F
  - Approved Access Plan for a signal-controlled junction on B4091 Stourbridge Road in general accordance with drawing 173050B\_A09
  - Cycle Improvements along Stourbridge Road in general accordance with drawing 20086\_08\_020\_08
- have been constructed and completed.

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

## 32. HIGHWAY IMPROVEMENTS / OFFSITE WORKS / SITE ACCESS

No greater than 200 dwellings hereby approved shall be occupied until the highway improvements/offsite works/site access works comprising: -

- Approved Access Plan for a signal-controlled junction and roundabout on the A448 Kidderminster Road in general accordance with drawing 173050B\_A08B have been constructed and completed.

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

## 33. PERRYFIELDS ROAD SEVERANCE

Prior to the first occupation of any dwelling hereby approved a strategy and timescale for the severance of Perryfields Road shall be submitted to and approved in writing. Thereafter any alteration to Perryfields Road shall be undertaken in accordance with that strategy.

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

## 34. WATER CONSUMPTION CONDITION

The details pursuant to condition x shall include a scheme for the implementation of water efficiency measures. All residential dwellings shall incorporate water efficiency measures to a level of 110 litres per person per day. Non-residential development shall include water efficiency measures to seek to meet maximum specified BREEAM standards and a minimum of 25% for non-specified building types. No development within a Development Phase shall be occupied until the approved scheme has been implemented in accordance with the approved details.

Reason: To accord with Water Framework Directive objectives and policy BDP23 of the Bromsgrove District Plan adopted January 2017 including supporting Water Cycle Study evidence base.

## 35. FINISHED FLOOR LEVELS

All buildings will be designed with finished floor levels at least 150mm above adjacent external ground levels. Finished floor levels of the proposed residential development shall be set at least 600mm above the 1 in 100 year (+climate change) flood level.

Reason: To mitigate the risk of flooding

## 36. ROAD LEVELS

The finished road levels along the main access spine road shall be constructed a minimum of 600mm above adjacent 1 in 1,000 year flood levels.

Reason: To ensure safe access and egress



## 37. BRIDGE SOFFIT LEVEL

The soffit level of the new bridge over the Battlefield Brook shall not be less than 0.6m above the level of the modelled 1 in 100 year plus climate change event. Bridge abutments shall be set back a minimum of 1.0m from the bank top

Reason: To ensure adequate conveyance capacity.

## 38. MAINTENANCE & MANAGEMENT OF OPEN SPACE ALONG BATTLEFIELD BROOK

Prior to the spine road between Stourbridge Road and Fockbury Mill Lane being opened to traffic, a maintenance and management scheme for the open space areas along the Battlefield Brook corridor, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include signage informing users that the area is liable flooding. Details of the number, form, size, design and disposition of that signage along the Battlefield Brook Open Space corridor shall be included in the submitted scheme. The approved signage shall be erected prior to the spine road between Stourbridge Road and Fockbury Mill Lane being opened to traffic.

REASON: To prevent the build-up of debris and/or rubbish that could otherwise obstruct or block natural flows which could cause or contribute to localized flooding and in the interests of public safety.

**Case Officer:** Mr Simon Jones Tel: 01527 548211  
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# Agenda Item 6

Name of Applicant	Proposal	Expiry Date	Plan Ref.
TAYLOR WIMPEY UK LIMITED	Alterations to the junction of Fox Lane and Rock Hill to form a roundabout junction. Demolition of the existing building (The former public house 'The Greyhound Inn').  The Former Greyhound [ph], 30 Rock Hill, Bromsgrove, Worcestershire, B61 7LR	Non Determination Appeal 3268752 Started 26.02.2021	20/00300/FUL

- A1. The District Council received pre-notification from the applicant on 12th August 2020 of their intention to submit an appeal under Section 78 requesting the Inquiry procedure, not less than 10 working days following that notice. In the interim, the District Council has continued to positively and proactively engage with the applicant.
- A.2. In the absence of a further written agreement from the applicant to extend the decision-making period beyond 8th December 2020, the District Council received notification from the appellant on 11<sup>th</sup> February 2021 that they had exercised their right to appeal against the failure of the Local Planning Authority to make a decision on the application. The District Council formally received notification from the Planning Inspectorate on 26<sup>th</sup> February that the appeal process had formally commenced.
- A.3 As a consequence of the applicant's decision to lodge an appeal, Bromsgrove District Council is unable to formally determine the planning application and no decision can now be issued.
- A.4 Based on the available information; the views of Members are now sought (ie. what would be the decision of the District Council if the Planning Committee Members were able to determine the application under normal circumstances) and arising from these discussions, a subsequent resolution. This resolution will then be carried forward to form the District Council's case at the appeal to be held by Inquiry scheduled to open on 25<sup>th</sup> May 2021 alongside the appeal relating to 16/0335. The deadline for the Council to submit its statement of case is 2nd April 2021.

## RECOMMENDATION:

- (a) That Members of the Planning Committee confirm that the District Council would have been minded to GRANT full planning permission in the event that an appeal against non-determination had not been lodged and it had been able to determine the application
- (b) And that DELEGATED POWERS be granted to the Head of Planning Regeneration to discuss the final scope and detailed wording and numbering of conditions as set out in the summary list at the end of this report as part of the appeal process

## **Consultations**

### **Highways - Bromsgrove**

The scheme plan 7033-SK-005-F submitted by Taylor Wimpey for the proposed alterations to the junction of Fox Lane and Rock Hill is identical to that which has been accepted by Worcestershire County Council for the Whitford Road scheme, therefore we have no highways objection subject to conditions.

There is an existing access onto Albert Road. It is the understanding of the Highway Authority that the Applicant intends to retain the access with improvements shown in associated drawing 7033-SK-012 Rev A. This is included as part of the Applicant's submission. It is understood that the retention of this access will allow the site to be served by maintenance vehicles.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact and therefore there are no justifiable grounds on which an objection could be maintained.

Suggested conditions:

#### **Pedestrian visibility splays**

1. Visibility splays of 2m x 2m measured perpendicularly from the back of footway shall be provided on both sides of the access to the remnant land from Albert Road. The splays shall thereafter be maintained free of obstruction, not exceeding a height of 0.6m above the adjacent ground level.  
REASON: In the interests of highway safety.

#### **Vehicular access**

2. The first 5 metres of the access onto the remnant land from Albert Road measured from the edge of the carriageway, shall be surfaced in a bound material within 1 month of the completion of the junction works.  
REASON: In the interests of highway safety.

#### **Gates**

3. No gates serving the remnant land shall be erected within 5 metres of the adjoining carriageway edge, and any gates shall be made to open inwards only.  
REASON: In the interests of highway safety.

#### **Conformity with Submitted Details**

4. The access onto Albert Road hereby approved shall not be brought into use until that access has been provided as shown on drawing 7033-SK-012 Rev A.  
REASON: To ensure conformity with submitted details.
5. The proposed junction alterations to the junction of Fox Lane and Rock Hill to form a roundabout shall be provided in general accordance with drawing 7033-SK-005-F.  
REASON: To ensure conformity with submitted details.

## Conservation Officer

An application was submitted in 2017 to demolish this building, to which Conservation objected on the basis that the building is considered a non-designated heritage asset. In 2019 as a result of a fire due to an arson attack, the front left hand roof was badly damaged and the left hand gable and chimney had to be demolished as they were unsafe. The interior of this section of the building was also damaged. All this damage is repairable. It is therefore considered that the comments submitted in 2017 still stand today, and are largely reiterated below.

The Greyhound is considered to be a heritage asset, and would be eligible for inclusion on the Local Heritage List as it satisfies the criteria in the Local Heritage List Strategy Document 2016.

The building is located on the corner of Rock Hill and Fox Lane. It comprises a two storey, double gabled, painted brick building beneath pitched tiled roofs. The elevation to Fox Lane and the southern end of the Rock Hill elevation contain some painted sandstone blocks to a height of approximately one metre, although on the Fox lane elevation there is an area of approximately two metres. The central bay of the front elevation projects forward slightly and is surmounted by a brick gable detail. The oldest part of the building would appear to be the south west end of the front gable, with the dentil brick detail beneath the overhanging eaves on the front elevation. It is a lower building, with a lower pitched roof, than the parallel rear wing, incorporating a simple dog tooth verge detail. It is this corner which was damaged in the fire.

The rear gable element has a dentil verge detail and a similar detail at the eaves and running across the gable on the Fox Lane elevation at eaves level. This element would appear to be a later addition, being higher and wider than the front building. It is not clear when the front gabled element of the building was added. This element may have formed part of the original pitched roof front wing, with the gable detail being added at a later date.

The remaining two storey section of this front wing would appear to be a modern 20th century extension, constructed in more modern bricks, with no eaves dentil detail.

The single storey extension at the northern end of the Rock Hill elevation is clearly a late 20th century addition again constructed with modern bricks in stretcher bond. Looking at the historical maps, it only appears on the ordnance survey in the 1970s.

Other alterations to the front include the addition of the bay windows, the left hand bay would appear to be positioned over a larger vernacular window opening, and could be a 19th century addition as it has a cill detail. Due to the painted surface it is not clear whether it is brick or terracotta.

When considering applications in respect of non designated heritage assets BDP20.14 of the Bromsgrove Local Plan states 'In considering applications that directly or indirectly affect Heritage Assets, a balanced judgement will be applied having regard to the scale of any harm or loss as a result of proposed development and the significance of the Heritage Asset.' This is supported by Paragraph 197 of the NPPF which states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or

indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

The demolition of this building is required to facilitate alterations to the road system. The loss of this heritage asset is not supported and it would preferable to see the current scheme amended to retain this building, however the substantial harm that would obviously be caused to this heritage asset would have to be balanced against the public benefits of the scheme.

## **Ecology**

The application is supported by a Bat Survey Technical Note prepared by EDP Ltd in February 2020.

The report prepared by EDP Ltd has been undertaken in accordance with relevant industry guidance. Potential bat roost features with a *moderate suitability* have been identified. Recommendations for further survey have been made in the form of two presence/absence surveys (one dusk emergent and one dawn re entry). It is unclear from the report if the proposed tree removal works will have an impact on roosting bats. Potential for breeding/nesting birds have also been noted. No other significant habitats or potential for protected species has been identified.

Based on the above, I would make the following recommendations:

- 1) Further bat presence/absence surveys should be undertaken in accordance with the recommendation set out in section 4 (page 6) of the EDP Ltd Bat Survey Technical Note. Subject to the results of the surveys, consideration should then be given to requirements for bat roost impact and mitigation.
- 2) A condition for precautionary methods of work in relation to breeding birds should be made.
- 3) The Bat Survey Technical Note should consider potential of planned tree removal to support bat roost features. If roost features are identified, then further effort will be required to inform impacts and mitigation requirements.

The results of the further bat surveys together with any pertinent recommendations should be considered prior to determining the application in accordance the Local Planning Authority's duty to conserve biodiversity under section 40 of NERC Act (2006).

## **WRS - Noise**

No objection subject to a condition relating to a demolition method statement in line with the WRS Demolition & Construction Guidance,

## **Tree Officer 01/09/2020**

I have no objections to the proposed new road junction of Rock Hill and Fox Lane as shown on (Drawing No.edp6289\_d002a) by the environmental dimension partnership. In relation to any tree issues.

There is a Tree Preservation Order on 1 tree a willow T:12 as shown on above plan unable to access site to measure but this tree will need its RPA protecting to British standards. BS5837:2012

There are several trees to be removed to allow the construction of the junction. T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T11 I would have no objections to this

## Conclusions

No objections to this proposed application, in relation to any tree related issues, subject to conditions to ensure the protection of retained trees during the construction phase.

## **Worcestershire Archive And Archaeological Service 23.05.2020**

As with our previous comments on 16/1132, the documentation submitted with the application is a sufficient record of the building, therefore assuming that this can be submitted to the HER by the applicant/agent then it will constitute an adequate publicly accessible record of the building (in line with paragraph 199 of NPPF). If the applicant is reluctant to submit the Heritage Statement to the HER, then this could be ensured through the use of a historic building recording condition.

I note that the heritage statement (7.9) states that WAAS did not object to the previous application for demolition. While this is true, my colleague also did not support the application either. The building does constitute a non-designated heritage asset. Loss of heritage assets is never supported, although a balance must be struck between the significance of the heritage asset and the benefits of the development. The Conservation Officer is better placed to determine whether the significance of the building is such to warrant retention.

## **Third Party Representations**

### **Whitford Vale Voice 31/05/2020**

Whitford Vale Voice note that the applicant submitted Transport Statement and other supporting extracts content from their Transport Assessment for planning application 16/0335/OUT (Land at Perryfields Road) which includes;

The WSP Rock Hill / Fox Lane indicative drawing of the proposed junction alteration scheme and;

Relevant impact assessments obtained using industry standard junction modelling software that make use of peak hour turning flows obtained from the Applicant's Perryfields Paramics model.

WVV also note that the WCC consultation response to planning application 16/0335/OUT (Land at Perryfields Road) dated 10<sup>th</sup> March 2020 states –

*“The applicant has submitted a new TA prepared by Vectos dated December 2019. The HA has considered this document and concluded that there are a variety of technical issues that need to be addressed. The HA has provided comments to the applicant’s*

*representatives for consideration and will continue discussions with the desire to resolve the identified issues.*

*The HA therefore recommends that this application is not determined until there is agreement with the applicant on the transport appraisal.”*

In the absence of a statement within the WCC consultation response to the Greyhound Inn and Rock Hill / Fox Lane junction alteration planning application that the above technical issues have been addressed to the satisfaction of the HA and there is agreement between the HA and the applicant on the transport appraisal, WVV question how the HA can have undertaken a full assessment if the applicant's junction impact assessments. Furthermore WVV question on this basis if the HA's assessment, as claimed, can be regarded as being robust.

WVV also note that although the planning application for the demolition of the Greyhound Inn and alteration to the junction only, the WCC consultation response makes reference to the provision of a new vehicular access from Albert Road to the Greyhound Inn site and suggests conditions for such an access arrangement. Would you confirm please if it is your view that vehicular access from Albert Road to The Greyhound Inn site is a material matter for consideration by the Planning Committee when they determine the application.

### **CAMRA Campaign for Real Ale**

Unfortunately, the building itself has been allowed by its owners Catesby to deteriorate to the current state, and so demolition to some would seem to be the best way forward. However, its current state has resulted from the failure of its current owners who were responsible for maintaining the fabric of the building whilst a decision on its future is made. Rather than demolition, I believe that Catesby should instead be required to restore it to its previous state.

The Greyhound pub has been a part of Bromsgrove's heritage since it was first built in the 1800's. Several surveys have shown that the pub is an integral part of life within this country, providing a vital community hub for all those in the surrounding area and as a community, we should be making sure that we retain as many pubs as we can in the current environment where pubs are being lost at an alarming rate. Demolishing the Greyhound deprives not only the existing community of a valuable community asset, but also any future community that will move into the area should the housing development be approved.

Sometimes, demolishing a pub is unavoidable if it stands in the way of major redevelopment of an area that benefits the community, however in this case, the reasoning behind the demolition of the Greyhound is flawed and it is being sacrificed for sake of another proposed development which is still a long way from receiving approval. We could therefore end up losing this valuable community asset for no good reason.

I would therefore call upon the Planning Committee to reject this application, as they did the previous one raised by Catesby, so it can be properly considered as part of the existing application in respect of Whitford Road.



## **OTHER REPS from interested parties**

68 other representations were received in respect of the application, raising objection on the following grounds –

### **Traffic Congestion and Pollution**

- There has been no technical information sourced by the applicant regarding traffic flow
- The proposal appears to be predicated upon making traffic flow more freely which going up Rock Hill to mitigate the tailback of traffic caused by cars wishing to turn right into Fox Lane. Nobody has considered that cars habitually queue down Rock Hill, just to get to the junction with Charford Road.
- Increased standing traffic will also increase the emissions of gases harmful to health, thusly reducing air quality to local residence. Greenhouse gas emission will also be increased.
- In order to make any meaningful difference to queuing traffic the whole road system of Bromsgrove needs to be redesigned
- There is no infrastructure on the western side of the town that allows for further development. A western relief road is required connecting the Worcester Road with the Stourbridge Road
- The proposal will disrupt traffic flow out of the fox lane/Worcester Road junction, because in the morning traffic coming from the south will overwhelmingly take priority over traffic from the residential road, while in the evening, the traffic build up travelling towards the south will most probably reach the other mini island on that road, and be further disrupted by the double parking opposite the church.
- A traffic island at the junction of Fox Lane and Worcester Road will simply exacerbate the existing situation and cause further gridlock in the local area
- The proposed demolition of the. Greyhound Public house for the construction of a round-about will not support the volume of traffic generated by the proposed housing developments on Whitford road and Perryfield road. There will be considerable congestion on adjoining and surrounding residential roads and school.
- The proposal would result in disruption for residents as a consequence of the relocation of two bus stops and a crossing and loss of parking spaces outside the local shop.
- The proposal will not reduce the overall problem and the traffic flow across western Bromsgrove will still be significantly increased with additional traffic congestion and chaos particularly at peak times.

- This part of Bromsgrove needs to have its road infrastructure considered in its entirety, not single junctions in isolation. This consideration needs to also take into account the proposals by the same applicant for increased housing that will also need to use the road infrastructure. Without this holistic and synergistic approach, we will end up with a patchwork solution that simply does not improve the current situation
- A real road strategy that will support easy access to and around the town centre needs to be the initial priority. Without this staged approach (roads first, housing developments second), Bromsgrove will simply become a 'totally gridlocked town', even when the M5 is working properly and their diverted traffic is absent from our local roads.
- The proposed building of significant developments on the western side of Bromsgrove (Whitford Road and a further 1300 houses in Perryfields Road) simply adds to the already gridlocked roads seen here every day. The majority of people are trying to cross the town to reach work in Birmingham, Worcester and Redditch or are trying to access the motorway network; this will cause further gridlock in the town centre and major access and side roads.
- The various gradients make the construction of a roundabout an infeasible solution
- The size of the 'island' has been kept extremely small to allow for the additional lanes of traffic, and should a driver find themselves in the wrong lane as they approach the island, the potential for a Road Traffic Collision is a very real possibility.
- It has not been shown that the impact on congestion and ease of movement will not be severe. In fact, the traffic coming down Fox Lane to the junction, at peak times, will find it almost impossible to enter the roundabout with the traffic coming from the right.
- Stationary traffic is a health hazard to those wishing to walk or cycle.
- The proposal would make entering and exiting onto adjacent private driveways hazardous.
- The junction alterations and traffic will impede the effectiveness of the local bus service, refuse collections and emergency services
- It has not been demonstrated that the traffic impacts of the development would not be severe.
- The proposal is evidently intended to facilitate the developments at Whitford Road and Perryfields

## **Pedestrian Safety**

- The placement of the pedestrian crossing is too close to the exit of Fox Lane. Drivers will be looking for traffic coming onto the island, and not towards the pedestrian crossing when approaching the junction
- Pedestrians and occupants of properties in the vicinity will be at risk from HGV's mounting kerbs and pavements when using the roundabout as not enough space has been allowed
- The proposal will further complicate the crossing of roads by pedestrians on Fox Lane and Rock Hill, increasing the chances of accidents. The roads are heavily used by school children who are traveling to/from a local High School and 2 local First schools in the area
- The pedestrian controlled crossing lights now moved again hinder Albert rd and morning rush hour traffic will grid lock the island as the very many children on route to ST Peters school and Bromsgrove south school and again at end of school time, Children will not be bothered to use the crossing and will cross directly over Worcester rd. via roundabout to the shop.

## **Loss of Public House**

- The condition that the building has been allowed to deteriorate into does not make an attractive prospect as a pub due to the work now required to repair the building following the arson that took place. None the less two years before it was purchased by the developers it was such a popular business that you would have to book a table midweek to be assured of one so there was certainly a viable business in the building at that time.
- Demolition will reduce the opportunity for the local community to be able to meet in a public area.
- The Greyhound PH is a community asset and should be returned to a public house
- The pub may not have been doing well under recent owners however it could thrive in the right hands, that is someone with the right experience and business understanding, it could be very profitable and be a centre for the local community.
- The closure of the pub has diminished the sense of community and more people will feel disconnected and isolated. Pubs are traditionally a centre for the community, not just as somewhere to relax and have a drink and a chat, but to have a meal rather than cook at home or to become a team member in a sport like darts or football. With the right owner, the landlord could do all this and more. All this is lost if the pub is demolished.

## **Precedent**

- The same scheme has already been considered and rejected.

## **Ecology**

- Prior to demolition the site should be checked for wildlife, particularly hedgehogs which are vulnerable to injury due to their nests being destroyed

## **Loss of Layby Parking/ and threat to Post office/shop**

- The proposed development would adversely affect trade to the oldest shop in Bromsgrove known as Rockhill Post office/stores because of the loss of layby road parking for the customer and daily deliveries by big lorries being unable to park. Such disruption could prejudice the viability of the business, which should be kept at it is a valuable asset for the community, particularly since the pub has already closed
- The layby is generally used for parking by local residents overnight and a lack of sufficient parking for newly built flats
- The remnant parking spaces in front of the convenience store will not allow for parking & deliveries to the store during peak times
- The proposal casts doubt over the future viability of the business

## **Local Ward Member**

**Councillor Luke Mallet** has submitted the following information (which was also submitted in evidence to the Whitford Road Public Inquiry.) obtained from WCC in response to an FOI request.

### Attachments received

- WVV Submission - Rock Hill S278 - Drawing - General Arrangement
- WVV Submission - Rock Hill S278 - Drawing - Puffin Crossing
- WVV Submission - Rock Hill S278 - Drawing - Surfacing & Kerbs
- WVV Submission - Rock Hill S278 - RSA Stage 2
- WVV Submission - Rock Hill S278 - Swept Path - Shop - South Side - Box Van & Light Van
- WVV Submission - Rock Hill S278 - Swept Path - Shop North Side & Number 5 Rock Hill
- WVV Submission - Rock Hill S278 - WSP statement re loss of parking spaces from departures from standards

### Photographs

- Rock Hill Convenience Store- Delivery 1
- Rock Hill Convenience Store – Delivery 2
- Rock Hill Convenience Store – Delivery 3
- WVV Submission - Rock Hill S278 - Departure from Standards - WSP Technical Note
- WVV Submission - Rock Hill S278 - Departures from Standards
- WVV Submission - Rock Hill S278 - Departures from Standards
- WVV Submission - Rock Hill S278 - Designers Response to RSA Stage 1
- WVV Submission - Rock Hill S278 - Drawing - Contours

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles  
 BDP5A Bromsgrove Town Expansion Sites  
 BDP16 Sustainable Transport  
 BDP19 High Quality Design  
 BDP20 Managing the Historic Environment  
 BDP21 Natural Environment

### **Others**

NPPF National Planning Policy Framework (2019)

## **Relevant Planning History**

21/00162/FUL	Alterations to the junction of Fox Lane and Rock Hill to form a roundabout junction. Demolition of the existing building (the former public house 'The Greyhound Inn').	Pending	
21/00096/OUT	Outline application for the phased development of up to 1,300 dwellings; up to 200 unit extra care facility; up to 5ha employment; mixed use local centre with retail and community facilities; first school; open space, recreational areas and sports pitches; associated services and infrastructure (including sustainable drainage, acoustic barrier); with matters of appearance, landscaping, layout and scale (including internal roads) being indicative and reserved for future consideration, except for details of the means of access to the site from both Kidderminster road and Stourbridge road, with associated highway works (including altered junctions at Perryfields road / Kidderminster road and Perryfields road / Stourbridge road) submitted for consideration at this stage	Pending	
17/00950/FUL	Demolition of existing 2 storey building.	Refused	13.11.2017

16/0335	<p>Outline application for the phased development of up to 1,300 dwellings (C3); up to 200 unit extra care facility (C2/C3); up to 5HA employment (B1); mixed use local centre with retail and community facilities (A1, A2, A3, A4, A5, D1); First school, open space, recreational areas and sports pitches; associated services and infrastructure (including sustainable drainage, acoustic barrier); with matters of appearance, landscaping, layout and scale (including internal roads) being indicative and reserved for future consideration, except for details of the means of access to the site from both Kidderminster Road and Stourbridge Road, with associated highway works (including altered junctions at Perryfields Road / Kidderminster Road and Perryfields Road / Stourbridge Road) submitted for consideration at this stage.</p> <p>Land At, Perryfields Road, Bromsgrove, Worcestershire</p>	<p>Subject to Non- Determination Appeal</p>	12.02.2021
16/1132	<p>Outline Planning Application for: Site A (Land off Whitford Road) Provision of up to 490 dwellings, Class A1 retail local shop (up to 400 sqm), two new priority accesses onto Whitford Road, public open space, landscaping and sustainable urban drainage; and <b>Site B (Land off Albert Road) Demolition of Greyhound Public House, provision of up to 15 dwellings, new priority access onto Albert Road, provision for a new roundabout, landscaping and sustainable drainage.</b></p>	<p>APPEAL ALLOWED</p>	09.02.2020
16/0832	<p>Demolition of existing 2 storey public house.</p>	<p>Prior Approval Required</p>	11.11.2016

# Agenda Item 6

Plan reference

TPO (15) 2016	Weeping Willow.	TPO Made	2016
13/0674	Building of 7 no terraced houses on rear western car park and opening up of existing driveway on Albert Road to existing car park	Refused	03.03.2015
		Allowed at Appeal	24.09.2015
B/1996/0048	Replace sash window with new fully glazed door and minor internal alterations.	Approved	23.02.1996
B/1995/0105	Display of new signage	Approved	24.03.1995
B/16724/1988	Single storey kitchen extension.	Approved	15.08.1988
B/6498/1979	Alterations to existing building and extensions to form new bar and car park improvements.	Approved	01.10.1979
BU/2/1971	Extension to bar and kitchen/dining room.	Approved	10.03.1971
BU/698/1970	Residential development.	Approved	10.03.1971
BU/52/1964	Erection of sanitary accommodation a car park and conversion of first floor to a flat.	Approved	12.03.1964

## **Assessment of Proposal**

### **1.0 Site Description & Proposal**

- 1.1 This application encompasses land which includes the former Greyhound Public House and its curtilage located on the corner of Fox Lane and Rock Hill which following the September 2020 amendments to the Use Classes Order is a sui-generis use. It comprises a predominately two-storey building with single storey elements. There is a large car park on the north side. The willow tree to the east boundary adjacent to Albert Road is subject to a Tree Preservation Order. The surrounding area is predominantly residential in use. The building is currently vacant and boarded. The car park has been fenced off and the boundary hedge cleared. The application site boundary extends beyond the former pub site to encompass land in the existing public highway including a section of Fox Lane just beyond and including its junction with Breakback Road and a section of Rock Hill (the B4091) stretching from Nos.17 to 20. For planning purposes, the site constitutes previously developed land.

- 1.2 The submitted plan for the proposed roundabout (7033-SK-005-F) is that which has been submitted and considered as part of the Whitford Road planning application. Taylor Wimpey and Catesby Estates have been working collaboratively to ensure that both applications assess and adopt a common mitigation scheme at the junction.
- 1.3 In order to construct the roundabout, the proposed development necessitates the demolition of the existing building on the north east of the junction – the former public house, 'The Greyhound Inn'. This closed in 2016 and has been boarded up since. In March 2019, it suffered an arson attack. An earlier planning application, (ref 17/00950/FUL). for the demolition of this building was refused, contrary to officer's recommendation, in November 2017. The designation of the building as an Asset of Community Value under the Localism Act 2011, was challenged, in August 2017 and that status removed.
- 1.4 This solution would lead to the loss of the parking bays located adjacent the retail store on Rock Hill located within the demise of the public highway. The roundabout has been subject to capacity and safety assessment and is considered to represent a beneficial position to capacity taking into account both the Whitford Road and Perryfields Road proposals. The Highway Authority has undertaken an early technical approval of the roundabout design to ensure there is certainty on the ability to deliver it. That process has been completed and a detailed design has been provided and fully technically approved. The roundabout will be delivered early in the build programme.
- 1.5 The works required to create the new junction would be subject to a separate consenting process, by the highway authority (Worcestershire County Council) under S278 and S38 of the Highways Act. Conditional Technical Approval was granted in August 2019 by Worcestershire County Council. If planning permission is granted, a S278 legal agreement can be entered into.
- 1.5 The proposals are not assessed within the ES for the Perryfields application, as the proposals do not give rise to any significant environmental effects. Also, the site amounts to 0.277 ha which sits below the threshold for infrastructure projects as classified by Schedule 2 in the 2011 (as amended) Regulations.

## **2.0 Background and Principle of Development**

- 2.1 The proposal seeks to secure the creation of a roundabout at this existing T-junction, in order to facilitate the delivery of the 'Bromsgrove Strategic Site Allocations', which have been identified for development in the adopted Bromsgrove District Plan (2017) under policy BDP5A. These are known as 'Perryfields Road' ('BROM2') where Taylor Wimpey are the applicant and 'Whitford Road' ('BROM3') where Catesby Estates Ltd and Miller Homes Limited are the applicant.
- 2.2 Both of these allocated sites have been subject to planning applications. Taylor Wimpey has duplicate outline planning applications pending a decision in relation to the BROM2 development plan allocation. The earlier application (16/0335) is subject to an appeal, whilst a duplicate application (21/00095/OUT) is currently



under consultation. Catesby Estates Ltd and Miller Homes Limited have recently obtained permission at appeal for the development of the Whitford Road (BROM3) site (ref 16/1132 which incorporates the demolition of the former Greyhound Pub and proposed junction alterations at Rockhill). The delivery of alterations to the Fox Lane / Rock Hill junction have been identified as being necessary for both developments and those works are included as an integral part of the Whitford Road application (referred to under that application as Site 'B'), rather than a stand-alone application as in this case.

- 2.3 In terms of the BROM2 site allocation, it had originally been anticipated and proposed that this junction could be improved by the use of traffic lights to better manage future traffic flows. This approach had been identified in the original Transport Assessment submitted as part of the original Perryfields Road application and the Council's Infrastructure Delivery Plan. However, as part of the dialogue between the applicant and their consultants with WCC as Highways Authority, and BDC consultants (Mott MacDonald), this has instead led to the current proposal entailing alteration of the junction to a roundabout designed to provide mitigation for the cumulative impacts of those developments along with a range of other off site highway works.
- 2.4 The proposed roundabout junction has been designed to accommodate the forecast traffic of both the Perryfields Road and Whitford Road developments and to alleviate the extra pressure on the local highway network which the development would create. As the works are not all on highway land, planning permission is required to secure the approval of the works on land which is not part of the current highway. This application, if approved and implemented, would not preclude the Whitford Road permission (16/1132) from being implemented.
- 2.5 The demolition requires full planning application given a change in the regulations in that public houses can no longer be demolished under the Prior Approval process. The application should therefore be determined in accordance with the relevant policies of the Bromsgrove District Plan along with national planning policies. It should also be considered that within the Judge's decision on whether the pub should be an Asset of Community Value he concluded that it was 'unrealistic' to think that the property could ever be reopened as a public house again.
- 2.6 In terms of paragraph 135 of the NPPF, the benefits of demolishing the pub should be weighed against the loss of a non-designated heritage asset.
- 2.7 BDP1 states that any adverse impacts of granting planning permission should significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework (NPPF)
- 2.8 The last application (17/00950/FUL) which proposed the demolition of the public house was refused by Planning Committee on Mon 6<sup>th</sup> Nov 2017 for the following reason:

*"The building is a non-designated heritage asset and there are no public benefits that would outweigh the loss of the building. The demolition of the*

*building is therefore contrary to Policy BDP1 and BDP20 of the Bromsgrove District Plan and the provisions of the National Planning Policy Framework.”*

- 2.9 In respect of 16/1132, (Whitford Road) It is notable that the putative refusal reason which set out the position of BDC and which related to the proposal as a whole (including demolition of the pub), raised no objection to the loss of the public house.

*“RESOLVED the scheme would have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would be severe as set out in paragraph 109 of the National Planning Policy Framework and would be contrary to Policy BDP1.4(a), Policy BDP5A.7(e) and Policy BDP16.1 of the Bromsgrove District Plan.”*

- 2.10 Moreover, the appeal in relation to application 16/01132 (incorporating the same junction works at the Fox Lane / Rock Hill junction as this proposal) has subsequently been allowed on 9<sup>th</sup> February 2021 and is therefore a significant material consideration in consideration of this application.

### **3.0 Heritage Considerations**

- 3.1 Policy BDP20.10 states that *“The demolition of buildings or the removal of trees and other landscape features which make a positive contribution to an area’s character or appearance will be resisted”*
- 3.1 In terms of the Greyhound Inn Public House, Members will note the views of the Conservation Officer, and third parties in relation to heritage matters. The Conservation Officer is of the view that the building is a non-designated heritage asset and would prefer to see the scheme amended to retain this building.
- 3.2 The building itself is situated on the north side of the junction of Fox Lane and Rock Hill where it is elevated above the latter road. Within the site, a car park extends to the north-west along Fox Lane, and there is an open area with trees between the building and Albert Road. The building dates from at least the mid-nineteenth century: the tithe map of 1839/40 refers to a house and shows a building in the position of the present structure
- 3.3 The oldest part of the building appears to be the southern corner. It has subsequently been considerably altered and extended, and much of the main Rock Hill elevation comprises twentieth century additions. The building has some historic value as an example of a vernacular dwelling which has evolved into a public house, and it acts as a reference to the limited built development in the area at a time when it was outside Bromsgrove.
- 3.4 Whilst the form of the building’s evolution can be discerned, extensive alterations and additions have eroded the evidential value of the former public house, and there is little internal evidence of the age of the building. Sections of roof over the left hand side of the front elevation and above the front gable have been badly damaged, and the brickwork has been painted. These factors all reduce the significance of the Greyhound Inn, which I consider is of limited value.

- 3.5 Following the prior approval application in August 2016 to demolish the property, it became subject to listing as an Asset of Community Value (ACV). The ACV Listing was challenged by the applicant both via an internal review and then at appeal at the First Tier Tribunal. Following a hearing, Judge Peter Lane determined that the appeal was allowed and the Public House did not qualify as an ACV and should be removed from the Listing due to it being found unrealistic that the Public House will be brought back into community use in the next five years. This is a material planning consideration in the determination of this application.
- 3.6 The business closed in April 2016. Members will note from the planning history that the full planning application to demolish the Public House (reference 17/00950) was refused in November 2017. Members considered the building to be a non-designated heritage asset and in the balancing exercise, took the view that there were no public benefits that would outweigh the loss of the building at the time of determination. The state of the building has deteriorated incrementally since closure and was subject to an arson attack in March 2019. The building remains unoccupied and is currently boarded and secured.
- 3.7 Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 3.8 Redevelopment would conflict with Policy BDP20 which seeks to safeguard heritage assets. However, I can give only moderate weight to the loss of the building, given its limited value. If demolition were to take place, the building should be recorded given its status as a heritage asset, and a condition is recommended for this purpose.
- 3.7 Worcestershire County Council Archaeological Service has raised no objection to the loss of the building. The applicant is willing to accept a condition that will provide an appropriate level of recording in advance of demolition. This would record details of the asset for archive purposes.
- 3.8 The demolition of the Greyhound Inn Public House would enable the necessary highway infrastructure works to be carried out at the junction of Fox Lane and Rock Hill to accommodate a new roundabout required for both the Perryfields and Whitford Road developments, the latter already having permission.
- 3.9 A planning condition linking and limiting the implementation of this proposal to the commencement of development in relation to 16/0335 is recommended. As such I conclude on this matter that the loss of the non-designated heritage asset is outweighed by wider benefits.

## 4.0 Highway Issues

- 4.3 During consideration of 16/1132 at the meeting of planning committee on 13<sup>th</sup> February 2020 Members “noted the loss of parking spaces on the Rock Hill layby and the concerns raised with regard to deliveries at the convenience store sited there” However, they did not resolve to advance that as a putative reason for refusal in respect of 16/1132. Consequently, the issue was not raised by the Council’s Highway consultant in defence of its position at the recent Public Inquiry
- 4.4 A representation made by Cllr Mallet and including evidence presented by WVV at the Whitford Road Inquiry has been submitted in relation to this proposal. In respect of the same material, the Inquiry Inspector made the following observations noted that :
25. *On the south-east side of that part of Rock Hill where the roundabout would be constructed are a house (No 5 Rock Hill), a parcel of land which is used for parking, and a convenience store. There is direct vehicular access from Rock Hill to each of these properties. The surfacing and kerbs plan and a swept path analysis show that access to the dwelling and parking area would be taken from the point where the north-east approach of Rock Hill would join the roundabout. Given the position of the crossover it is most likely that its use would involve vehicles approaching from Fox Lane and the south-west arm of Rock Hill turning off the roundabout immediately after passing the Rock Hill north-east entry, although at the inquiry the Appellants’ highways witness suggested that vehicles would leave the roundabout and then turn right across Rock Hill. Vehicles reversing from the dwelling and the land used for parking would be able to manoeuvre onto an adjacent grasscrete area before joining the roundabout in forward gear. This would not be a typical arrangement at a roundabout and adds a potential source of conflict between vehicles approaching along Rock Hill from the north-east and those leaving and arriving at the house and adjacent land.*
26. *I have also taken into account the existing situation at No 5 Rock Hill and the adjacent land used for parking. Whilst there appears to be space at No 5 for a car to turn around and leave the property in forward gear, there is less space for manoeuvring on the adjacent land and vehicles are likely to reverse onto or from Rock Hill. Vehicles approaching, other than from Rock Hill northeast, would need to turn right into these properties across the flow of traffic on the through road. These manoeuvres have the potential to reduce highway safety and interrupt traffic flow, and I do not consider that the changes to these access arrangements introduced by the junction alterations would in themselves be materially more harmful.*
27. *On the south-west side of the convenience shop is a hardstanding, to which a swept path analysis shows access for a 7.5 tonne box van and a 4.6 tonne light van. The hardstanding is of restricted depth and width and is used to accommodate several storage containers. There is photographic evidence of a car parked here<sup>17</sup>, and a light van would probably also be able to use this space. However I agree with WVV that a box van would not be able to park on the hardstanding. The swept path analysis shows vehicles accessing the*

*parking space by reversing on the south-west exit from the roundabout. Unless heading in that direction, vehicles leaving the shop would cross the south-west exit and turn right into the south-east approach lanes at the roundabout entrance. Given the restricted size of the hardstanding, it is likely that some service vehicles would park on the crossover, as occurs in the existing lay-by, which could also necessitate reversing. At present, use of the parking space would involve reversing from the through road, and although the extent of the lay-by which continues across the shop frontage may avoid the need for reversing to access space there, as a photograph from WVV illustrates, some service vehicles cross Rock Hill to reach the lay-by, increasing the risk of conflict. It does not seem to me that the construction of the roundabout would worsen the position in respect of highway safety and traffic movement in this location.*

28. *The existing lay-by extends from the shop as far as the first junction to the south-west. It is intended that about one third of its length, providing space for three cars, would be removed. WVV has expressed concern about the loss of spaces, and has suggested that it may lead to parking occurring on paved, grassed and grasscrete areas near the shop. However no detailed assessment of use of the lay by has been drawn to my attention, and I note that the LHA has taken the loss of some parking spaces into account in agreeing to the junction works. Accordingly, I give only limited weight to the loss of lay-by parking close to the shop.*
29. *WVV has raised concern about the extent of forward visibility on the Fox Lane and Rock Hill south-west approaches to the roundabout. On Fox Lane, forward visibility of 71m is available and there is a shorter distance of 43m on Rock Hill. For a design speed of 60kph the desirable minimum stopping sight distance specified in DMRB is 90m, and this distance is mentioned in the departures submissions. However, reference to the speed limit of 30mph would indicate a lower stopping sight distance of about 70m which would be achieved on Fox Lane. Manual for Streets (which has relevance to lower speed urban areas) specifies a shorter stopping sight distance of 43m on a 30mph road, and I note that, other than a single vehicle at the give way line on Rock Hill, vehicles in a queue on this arm would be visible at a greater distance than 43m.”*

4.4 In concluding on the issue The Inspector noted :

*“For these reasons, I do not consider that these aspects of the roundabout design would adversely affect highway safety. Having regard to the constraints of the existing junction, I have reached the same view about other detailed criticisms made by WVV. .... There are aspects of the proposed roundabout junction which would not fully accord with modern design expectations, notably the entry path radius from Rock Hill, given its relationship to vehicle movements to and from adjacent premises. Whilst that is not desirable, and a few parking spaces in the lay-by would be lost, most of the changes proposed would not worsen highway safety or hinder traffic movement. Importantly, the additional capacity provided by the proposed roundabout would result in improved performance of the Fox Lane junction.”*

4.5 No new evidence has been submitted to the Council in respect of these matters which would warrant me reasonably reaching a different conclusion than that expressed by the Appeal Inspector in consideration of these matters, with which I concur.

## 5.0 Protected Species

5.1 There are several potential bat access and roosting features within the building structure, as well as the presence of enclosed roof voids internally. However, given the urban context of the building, fire damage to the southern corner and high levels of streetlighting, the building is assessed as providing moderate bat roost potential.

5.2 No bats were seen emerging from any aspects of the building during the emergence surveys on 24 June 2020 or 22 July 2020. Bat activity in proximity to the building was low with only a few passes of common pipistrelle recorded throughout the duration of the surveys.

5.3 It is not thought likely that there are roosting bats within the building. However, the building still provides moderate roosting potential for bats and bats may still occasionally use the building on a temporary basis.

Bats are fully protected under the Conservation of Habitats and Species Regulation 2017 and the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to:

- Intentionally kill, injure or take a bat; or
- Disturb bats when they are roosting

5.4 The responsibility therefore rests with the landowner to ensure that the demolition team are appropriately briefed.

5.5 The deteriorating nature of the building structure means that it is likely that nesting birds will be present, during the breeding season which runs from March to September. All wild birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to:

- Intentionally kill, injure or take any wild bird;
- Take, damage or destroy the nest of any wild bird while it is in use or being built;
- Take, damage or destroy the egg of any wild bird; or
- To have in one's possession, or control, any wild bird (dead or alive) or egg or any part of a wild bird or egg.

In addition, further protection is afforded to those wild bird species listed on Schedule 1, prohibiting any intentional or reckless disturbance to these species while they are nest building, or at a nest containing eggs or young, or to recklessly disturb the dependent young of such a bird. In addition to, or in the absence of, legal protection, certain species are also Priority Species (of principal importance for nature conservation nationally) or other conservation concern (e.g. are the subject of Local Biodiversity Action Plan measures).

5.6 Nesting birds as they have legal protection under the Wildlife and Countryside Act 1981 and, as such, birds are protected whether or not the planning process is involved. But, the Local Planning Authority can raise awareness of the legal protection of nesting birds by putting an informative note on the planning decision notice recommending that, if works are to occur during the breeding season (March to September inclusive), any areas for construction works or clearance should be checked for signs of nesting (nests or displaying males) by an ecologist prior to commencement.. The responsibility therefore rests with the persons authorising and installing the netting, and their ecological advisors, to ensure that an offence is not committed under wildlife legislation.

## **6.0 Trees**

6.1 Policy BDP19 criterion (p) seeks to ensure all trees that are appropriate in terms of size, species conditions and predicted climate are retained and integrated with new development.

6.2 The proposal would result in the loss of 11 trees on the site. These are mainly assessed to being of low or poor quality by the applicant and the Council's tree officer has raised no objection to their removal.

6.3 The Mature Willow Tree situated on the eastern side of the site adjacent to the junction of Albert Road and Rock Hill which is subject to a Tree Preservation Order made in 2016 would be retained. The works required to create the road junction lie outside the root protection area of that tree.

6.4 The protected willow tree is situated in an elevated position close to the position of the proposed access from Albert Road. The bank below the tree encroaches slightly into the visibility splay to the right from the access. No details have been submitted as to whether it would be possible to cut back the bank without affecting the viability of the tree. However, even if that were not possible, I do not consider that it would be necessary to remove the tree, given the limited impact on highway safety of retaining the bank in its existing form. I am satisfied that this is a matter which could be addressed through the imposition of a planning condition.

6.5 A Field Maple situated on the south side of Rock Hill and within the extent of the public highway would be retained. The Proposal is considered to accord with Policy BDP19 criterion (p).

## **7.0 Floodrisk**

7.1 Policy BDP 23 (g) requires development to set aside land for sustainable urban drainage systems and follow the SuDS management rain concept.

7.2 This site falls entirely within flood zone 1 (low risk of fluvial flooding) and is not shown to be susceptible to surface water flooding. A SuDs approach to drainage matters is proposed. NWWM has raised no objection to the scheme subject to a suitable drainage strategy. The proposal is considered to accord with Policy BDP23.

## 8.0 Planning Balance

- 8.1 The proposal would conflict with Policy BDP20 of the District Plan due to the loss of the Greyhound Inn, a non-designated heritage asset. The development at Perryfields is planned to deliver up to 1300 new homes, 5ha of employment land, local centres (including retail facilities) and community facilities (including a new school). Improvements to this junction are also identified in the Borough Council's Infrastructure Delivery Plan (2014). That application, if approved would signal acceptance of the benefits which that scheme would bring and significantly outweigh the acknowledged disbenefits of the proposal.
- 8.2 The allocation of the Perryfields Road site as a development site (BROM2) in the adopted Bromsgrove District Plan should also be given substantial weight when considering this application and, if grant by committee would effectively address the reason for refusal on 17/00950/FUL because there would then be public benefits weighing substantially in favour of justifying its loss.
- 8.3 Taking these matters into consideration in the balancing exercise required (including the significance of the heritage asset), I am of the view that the loss of the asset is outweighed by the significant wider benefits of the scheme.

## 9.0 Conclusion

- 9.1 It is considered that the benefits of the application outweigh the loss of the non-designated heritage asset and loss of some layby parking outside the adjacent shop.
- 9.2 A bat survey has been undertaken but concluded that there were no evidence of roosting bats and as such it is considered reasonably unlikely that the building supports a bat roost. I therefore raise no issue with regard to protected species.
- 9.3 All the matters raised in the representations has been taken in account. The Government is seeking to boost significantly the supply of housing. Bromsgrove District Council cannot presently demonstrate a five-year housing land supply. The proposed development is necessary to realise the additional housing and employment proposals in an area where there is an identified shortage. The benefits of the proposal clearly outweigh the harm.

## RECOMMENDATION:

- (a) **That Members of the Planning Committee confirm that the District Council would have been minded to GRANT outline planning permission in the event that an appeal against non-determination had not been lodged and it had been able to determine the application**
- (b) **And that DELEGATED POWERS be granted to the Head of Planning Regeneration to discuss the final scope and detailed wording and numbering of conditions as set out in the summary list at the end of this report as part of the appeal process.**



## **Conditions:**

### **Time Limit**

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

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

### **Plans**

2. The proposed junction alterations to the junction of Fox Lane and Rock Hill to form a roundabout shall be provided in accordance with drawing 7033-SK-005-F.

REASON: To ensure conformity with submitted details.

### **Link to Implementation of 16/0355**

3. The development hereby approved shall not be commenced until planning application 16/0335 (or any subsequent variation or replacement application) has been approved and development therein commenced pursuant to s56 of the Town and Country Planning Act 1990 (or any equivalent provision in successor or replacement legislation) for land at Perryfields Road (allocated for development as BROM2 in the Bromsgrove District Plan).

REASON: To ensure the wider public benefits associated to the development, that justify and outweigh the loss of this non-designated heritage asset (including the delivery of new homes, employment, community facilities and highways safety), are realised. In accordance with Policy BDP20.14 of the BLP and Paragraph 135 of the NPPF.

### **Construction Environmental Management Plan CEMP**

4. The proposed demolition should be carried out in accordance with the recommendations within the Method Statement and Risk Assessment dated 26th September 2016. Prior to commencement of demolition a Traffic Management Plan shall be submitted to and approved in writing by the local planning authority, there afterwards the proposed demolition works shall be carried out in accordance with this plan. This shall include but not be limited to the following:-

1. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
2. The times in which HGV arrivals and departures will be undertaken
3. Routing arrangements of HGV vehicles to and from the site.
4. Details of site operative / lorries parking areas, material storage areas and the location of site operative's welfare facilities.

The measures set out in the approved Plan shall be carried out in full during the demolition hereby approved. Site operatives' parking, material storage facilities shall only take place on the site in locations approved by in writing by the local planning authority.

REASON: To protect the amenities of nearby properties during the demolition and construction.

### **Pedestrian visibility splays**

5. Visibility splays of 2m x 2m measured perpendicularly from the back of footway shall be provided on both sides of the access to the remnant land from Albert Road. The splays shall thereafter be maintained free of obstruction, not exceeding a height of 0.6m above the adjacent ground level.

REASON: In the interests of highway safety.

### **Vehicular access**

6. The first 5 metres of the access onto the remnant land from Albert Road measured from the edge of the carriageway, shall be surfaced in a bound material within 1 month of the completion of the junction works.

REASON: In the interests of highway safety.

### **Gates**

7. No gates serving the remnant land shall be erected within 5 metres of the adjoining carriageway edge, and any gates shall be made to open inwards only.

REASON: In the interests of highway safety.

### **Albert Road Access**

8. The access onto Albert Road hereby approved shall not be brought into use until that access has been provided as shown on drawing 7033-SK-012 Rev A.

REASON: To ensure conformity with submitted details.

### **Tree Protection**

9. Prior to the commencement of any development on the site including any site clearance, demolition, excavations and import of machinery or materials, the trees or hedgerows which are shown as retained on the approved plans both on or adjacent to the application site shall be protected with fencing erected around the root protection areas. This fencing shall be constructed in accordance with the guidance in the British Standard BS5837:2012 and shall remain in-situ until the development has been completed.

No development or excavation, changes in ground levels, installation of equipment or utility services, shall be permitted within or through the Root Protection Areas of trees or hedges on and adjacent to the application site other than in accordance with details to be submitted to and approved in writing by the Local Planning Authority before any such development or excavation occurs. There shall be no passage or use of machinery, storage of materials, burning or disposal of waste or the washing out of concrete mixing plants or fuel tanks in the area fenced off.

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

## **Archaeological Recording**

10. Within one month of commencement of development, the Heritage Statement (edp6289\_r002a) shall be submitted to the Worcestershire Historic Environment Record.

REASON: In accordance with Paragraph 199 of NPPF and to secure a publicly accessible record of the building.

## **Means of Enclosure (Fencing)**

11. Before development commences details of a permanent means of enclosure to enclose the remnant land on the north side and west side of the new traffic island shall be submitted to and approved in writing by the Local Planning Authority prior to its installation on site. These details shall include a plan detailing the position of all proposed means of enclosure and accompanied by a schedule specifying the type, height, composition and appearance of the means of enclosure proposed.

The approved means of enclosure shall be erected before the new junction is brought into use, or in accordance with an alternate timescale to be agreed in writing by the Local Planning Authority before development commences, and thereafter retained in that form, notwithstanding the provisions of Schedule 1, Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification)

REASON: In the interests of visual amenity and in order to deter anti-social behaviour.

## **Landscaping**

12. Prior to the commencement of development, a scheme of landscaping and a timescale for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include a plan detailing the disposition of planting, cross referenced to a schedule listing the species, size and number of plants proposed. The landscaping scheme shall be implemented in accordance with the approve details and timeframe for implementation.

If, within a period of five years from the date of the completion of the landscaping scheme , any tree or shrub planted pursuant to this condition, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

REASON: To ensure the environment of the development is improved and enhanced.

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