

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
MAPLEBROM LLP "A"	<p>Outline application for up to 212 dwellings with associated open space and infrastructure including a new vehicular access via Rutherford Road</p> <p>(as amended by site plan received 17.11.2010, Masterplan received 07.12.2010 and letter received 11.02.2011 and augmented by highway technical notes received 07.12.2010, letter received 17.01.2011 and email and plans received 18.02.2011)</p> <p>Land off St Godwald's Road, Bromsgrove</p>	ADR TPO	10/0953 01.05.2011

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline application following:

- (i) the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:
 - (a) Play space provision
 - (b) Education provision
 - (c) Public transport enhancement measures
 - (d) Improvements to the local Public Right of Way network
 - (e) Air quality mitigation measures in the Stoke Heath Air Quality Management Area (AQMA2)

And (f) the securing of 74 affordable housing units
- (ii) the expiration of the consultation period for Finstall Parish Council on 20 April 2011

MINDED TO APPROVE

COMMITTEE SITE VISIT: 14 APRIL 2011

Consultations

- WH Consulted - views received 12.11.2010:
- Recommends that the permission be **deferred**
 - The applicant should submit further information and revised details to address the following points.
 - It would appear that not all residential dwellings are within 400m of the public transport network, the applicant should address this point and demonstrate that all properties are accessible to the public transport network.
 - The RFC at the junction of St Godwald's Road and Finstall Road in worsened to above acceptable thresholds. No mitigation is proposed to make neutral impact or betterment to the network.

- The Stoke Road mini roundabout will be adversely affected with RFCs exceeding the acceptable levels. The application is reliant on the travel plan resulting in a 10% modal shift which will reduce the number of vehicle movements. This cannot be accepted as the travel plan is a management tool to help reduce trips, for sensitivity testing purposes the travel plans impact must be discounted as it cannot be guaranteed. No other mitigation is proposed. This does not mean that a travel plan will not be required.
- The proposed new junction on the south of Rutherford Road is excessively close to the junction with St Godwald's Road, whilst there no prescribed separation distance it is considered that the proximity will create capacity and safety problems, therefore a 40m centre line to junction separation is considered appropriate. This will also resolve concerns of the alignment of the road and the need for vehicles to access Rutherford Road at 90 degrees. The proposed radii is also excessively tight as 3m radii are proposed, but 6m is required to satisfy WCC's design guide.
- Whilst it is noted that the layout is a matter for future consideration the indicated design speed is excessive and does not promote an environment that encourages walking and cycling as the preferred means of travel.
- The applicant is required to undertake additional transport modeling to comply with the requirements, the applicant agent has been sent the requirements of this model and should submit additional information indicating the developments impact in accordance with this policy.

Additional work required

- The existing transport conditions indicate that the peak times are 8am - 9am and 5pm - 6pm but there is no evidence presented to support this. The County Council need this evidence to tailor any highways interventions or additional bus services correctly. No suggestion is made of the Saturday peak - roads can be particularly busy from 10am to 2pm on Saturdays and again we need to understand what impact the development is going to have so that we can improve our network accordingly.
- No evidence is given of where people are likely to travel to and from during the peak periods or other periods of the day. The document does not give sufficient evidence that the existing bus network is sufficient to meet travel requirements. There are no details of journey times, fare details, network coverage etc. This is needed so that we can work with bus operating companies to provide bus services that are of use to the residents of the proposed development.
- There are two air quality management areas in close proximity to the development, both on the A38 road (A38/M42 Junction1 and A38 Redditch Road, Stoke Heath). Evidence should be provided of the impact the additional traffic generated by this development will have on the air quality management areas. This analysis will

allow the County Council to plan traffic management measures to resolve the air quality management area.

- Much more evidence and discussion needs to be made about evening and Sunday travel patterns. Is there sufficient network capacity to handle Sunday traffic flows?
- The applicant should address the above points and submit revised proposals to account for them.

Additional views received 14.01.2011:

- Following my previous comment of 12th November 2010, I have been discussing the proposal with JMP who are Maplebrom LLP's highway engineers and significant progress has been made to resolve the previous identified deficiencies. There are now only a few matters left to be resolved which are detailed below.
- The Fininstall Road / St Godwald's Road junction and the New Road/Stoke Road/ Fininstall Road mini roundabout. The capacity of these junctions is adversely impacted on due to the increase trip generation. Drawings have been submitted to Worcestershire County Council to resolve these issues which are presently be considered and a revised capacity analysis is expected shortly.
- Assuming the junction designs are acceptable off site mitigation for sustainable transport access in the form of a section 106 agreement needs to be resolved, which heads of terms are generally accepted the scale of contributions are still under discussion.
- It is therefore recommended that this application be deferred until a point where a conclusion is reached on the suitability of the junction improvements and section 106 mitigation strategy.
- I consider that all other matters have been resolved and note that environmental health have considered the AQMA. I have also advised JMP to discuss their proposals with the Highways Agency in light of the results of the Bromsgrove Transportation Model results.

Additional views received 24.02.2011:

- **No objection subject to Conditions**
- The applicant should enter into a section 106 agreement to provide financial contributions towards the following:
 - The redevelopment of Bromsgrove Railway Station
 - To upgrade the existing bus stop on Fininstall Road to a Gold Standard
 - To upgrade the existing bus stop on New Road to a Gold Standard
 - To provide 2 new bus stops in Breme Park near the junction of Railway Walk and Bridge Road
 - To provide improvements to public rights of way 508, 532 & 534

Highways Agency Views received 04.02.2011:

- A number of motorway junctions are located nearby including M42 junction 1, M5 Junction 4a and M5 Junction 5. Therefore, we require the applicant demonstrates that the proposals will not have a detrimental impact on the aforementioned junctions.
- From reviewing the planning application, minimal attention has been paid to assessing the impact of the development on the strategic road network. We require the applicant to confirm the likely number of trips associated with the proposals which will impact on each junction. Justification should be provided in relation to the trip distribution/assignment assumptions. Depending on the number of trips, it may be necessary to undertake capacity assessments.
- Please find attached a TR110 form directing non-approval of the application for a period of three months in order to give the applicant time to submit the information required

Additional views received 17.02.2011:

- In our previous response we noted the applicant had paid minimal attention to assessing the impact on the strategic road network. We requested the applicant demonstrated the impact of the development on M42 junction 1, M5 Junction 4a and M5 Junction 5
- The HA has since received trip distribution forecasts from the applicant's transport consultant, JMP Consulting. Using this information we have been able to review the impact of the development on the strategic road network
- The trip distribution forecasts provided by JMP appear to provide a reasonably robust approach to identifying potential traffic changes at the aforementioned junction. The forecasts are based on the Census 2001 journey to work data and distribution of vehicle trips associated with the proposed development. The trip generation figures from the Transport Assessment for the site have been applied to the ward data to provide the number of peak hour trips. This is understood to represent a worst case scenario not taking into account potential modal shift associated with the Residential Travel Plan for the site
- In terms of the strategic road network the trip generation forecasts show the number of new trips generated by the development to be relatively small. In the AM peak the largest impact is around 20 trips accessing M5 Junction 4 (also passing through M42 Junction 1) and accessing M32 Junction 2. The M5 Junction 5 is forecast to have a lower impact of 14 vehicles in the Am peak. In the AM peak the largest overall impact is 30 two-way trips at M42 Junction 2. The PM peak hours are forecast to be marginally lower at all junctions. The trip distributions also show that M5 Junction 4a is not forecast to be impacted by the development
- Based on these figures the Highways Agency does not consider the impact of the proposed development sufficient to justify full

capacity assessments. The impact of the development on the aforementioned junctions are likely to be limited and not require specific mitigation by the developer

- The Highways Agency has also reviewed the information relating to the framework Residential Travel Plan submitted as part of the Transport Assessment. The proposed Travel Plan will be vital in further reducing the already limited impact of the development on the strategic road network. We welcome the initial work on the inclusion of measures and targets to achieve a modal shift. However, we consider that a greater modal shift could be achieved by using a wider range of measures and targets. We understand the Travel Plan currently has limited information as the applicant is seeking to deal with the issue via a Condition. Therefore we look forward to being consulted on the Residential Travel Plan once this becomes available
- In view of the above I attach a TR110 confirming our position as no objection. The attached TR110 supersedes any earlier directions in relation to the above development.

Drainage
Engineer

Consulted - views received 03.11.2010:

- The fairly concise report accompanying this application is sound in its observations in regard to drainage
- It has been known that the existing foul pumping station belonging to Severn Trent Water lacks both capacity in storage and in pump rating, whilst its rising main discharges to a gravity sewer in St Godwald's Road which prone to surcharge
- Both the pumping station and gravity outfall need upgrading and this is discussed in the report itself
- Disposal of storm water generated by the proposed development will require a combination of the application of SUDS to the drainage infrastructure and appropriate attenuation. Again the report covers this in reasonable detail.
- The one restriction point for the storm outfall being the culvert beneath the railway line and this will be exposed and maintained by this development to the advantage of all respective riparian owners.
- The attenuation is designed in part as a swale/pond which should remain in private hands and an appropriate maintenance schedule needs to be made and explained by the applicant.

EA

Consulted - views received

- No objection subject to Conditions.
- A small part of the south west area of the site (adjacent to the railway line) is shown to be located within Flood Zones 2 and 3 (Medium and High Probability) of an ordinary watercourse, based on our 'indicative' Flood Zone Map. This is illustrated in Figure 4 of the Flood Risk Assessment (FRA) undertaken by RSK Group PLC (Project No. 251014-04 (00), dated June 2010).
- Our Flood Zone Map appears to be inaccurate in this location for this ordinary watercourse (to the north of the site, entering into culvert under St Godwald's Road). However it has been

produced from a national, generalised mapping technique, which does not take into account the impacts of structures such as culverts. In addition, there is an ordinary watercourse running along the southern boundary of the site, which does not have a floodplain associated with it due to its catchment size (<3km²).

Flood Risk Assessment (FRA)

- We are satisfied with the FRA, in line with Planning Policy Statement (PPS) 25 'Development and Flood Risk'. Section 4 of the FRA has assessed flood risk to the site by modelling the two ordinary watercourses and in considering other forms of flooding. Climate change and blockage scenarios of the culvert under the railway line downstream have also been considered. The FRA concludes that the site is effectively located within Flood Zone 1 (Low Probability).
- Whilst the FRA has concluded that the 1 in 1000 year flow on the ordinary watercourse along the southern boundary of the site is contained within the bank, it also confirms that residential properties will not be built on land which is 500mm or less above the top of bank level. In addition, we note that finished floor levels will be set 800mm above the top of bank level in considering residual risks. We are satisfied that this will protect the development from extreme flood events, in addition to providing a green river corridor (marked as a wildflower meadow in the Design and Access Statement), and access to the watercourse to undertake maintenance works on the channel. Your Land Drainage Officer should be consulted, as the watercourse is classified as an 'ordinary watercourse' under your Council's jurisdiction.

Surface Water Drainage

- We are satisfied, in principle, with the surface water drainage strategy proposed in Section 5 of the FRA. Sustainable drainage (SuDS) in the form of an attenuation pond has been proposed to maintain greenfield run-off rates post development, including an allowance for climate change of 30% on peak rainfall intensity, in line with Table B2 of PPS25. Given the size of the site, we would expect that swales, infiltration trenches and permeable paving, recommended in Section 5.4 of the FRA, are also incorporated into the drainage strategy. The storage volumes of the pond seem reasonable given the size of the development and increase in impermeable area proposed. We acknowledge that the use of shallow soakaways will not be possible at this location given the clay content of the soils, described in the Initial Ground Investigation and Soakaway Report (dated June 2010, Ref: 251014-02 (00)). Consideration should be given to maintenance and adoption requirements, (including SuDS features) and you may seek clarification on this matter. I attach a copy of our West Area FRA guidance note for development over 1ha within Flood Zone 1, which contains further information for your consideration, in consultation with your Land Drainage Officer.

Contaminated Land

- I refer to the three June 2010 reports submitted with the application titled: 'Phase 1 Geo-environmental Report' (ref. 251014-01 (00)), 'Geo-environmental Summary Report' (ref. 251114-01 (01)) and 'Initial Ground Investigation and Soakaway Report' (ref. 251014-02 (00)) by RSK Group PLC. We have reviewed the reports and have the following comments to make in relation to controlled waters:
- This site is particularly sensitive to any groundwater issues as it is situated on the Bromsgrove Sandstone Formation, which is Principal aquifer, and within Source Protection Zone 2 (900m from the Sugarbrook public water supply borehole). An ordinary watercourse also runs along the southern edge of the site.
- We note that the exploratory investigation undertaken was targeted, with areas of expected source contamination being concentrated upon by a higher density of intrusive investigation. We are satisfied that the work included both shallow and deeper sampling to enable a conceptual model to be established and to assess the risk more confidently.
- Across the site there appears to be less contamination than would have been expected in the areas of the former gasometer and railway sidings. However, we consider the investigation and geochemical analysis was comprehensive enough to address the historic use.
- Of most concern to groundwater would be Area D, based on the soil analysis results. The investigation was restricted back to 4 boreholes for groundwater sampling across the site, which meant not having a groundwater sample location in Area D. Having said this, the soil results are not elevated to an extent that would warrant a borehole to be drilled for groundwater quality in this area. In addition, further work has been proposed to delineate the lead hotspots within this vicinity, which will ultimately progress to a strategy outlining remedial options.
- We are satisfied with the current recommendations made within the report and await the submission of results from the hot spot delineation and a detailed Remediation Method Statement.

Foul Drainage

- We note that the applicant has discussed a connection to the mains foul sewer with Severn Trent Water Ltd, which is the preferred most sustainable option in line with Planning Circular 3/99 - 'Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development'.
- The Utilities and Drainage Report submitted with the application details a preferred option of connecting to mains, subject to the applicant commissioning a detailed survey of the existing infrastructure. In relation to environmental capacity, Severn Trent Water Ltd should confirm that there is sufficient capacity at the sewage treatment works i.e. that they can accept the flow from this new development and remain within the limits of their

discharge consent, in considering impacts on water quality and the Water Framework Directive.

- We would highlight that the site is identified as requiring a minor infrastructure improvement for capacity of waste water infrastructure, in your Council's joint Water Cycle Study with Redditch Borough Council, undertaken by Royal Haskoning (dated January 2009). Your Council has appointed MWH Ltd to undertake a more detailed Water Cycle Study for Bromsgrove and Redditch, which is currently being drafted.
- The above in consultation with Severn Trent Water Ltd, will further inform costs and timing of development.

EHM: Noise

Consulted - views received 25.11.2010:

- No objection
- Due to the night-time noise levels at position 4 being so close to the NEC B/C boundary I would recommend that to ensure appropriate internal noise levels in this area, mitigation measures, as agreed with the LPA, are put in place in the form of acoustic glazing and ventilation.
- This will also apply to any residential buildings with windows at 2nd floor or greater height with a direct line of sight to the railway over the bund.
- Due to predicted ground-floor day time railway noise levels in area 5 (southern part of the site) being above 55dB I would recommend that noise barriers should be used to protect garden areas in this area. The barriers shall be of a continuous construction with a density per unit area greater than or equal to at least 10kg/m² and shall block the line of site between the gardens and the railway.

EHM:
Air Quality

Consulted - views received 25.11.2010:

- No objection
- Although I agree that the impact on Air Quality in the immediate area surrounding the development will not be significant, because over 50% of residents in Bromsgrove work outside the District there would be an increase in the number of vehicles passing through two of the district Air Quality Management Areas therefore having an adverse impact on Air Quality in the District.
- Although this impact has not been assessed in the Air Quality report I would request that 106 agreement funding is agreed to help put measures in place to improve Air Quality in the district. I would also recommend that in order to facilitate the use of electric vehicles and thereby improving Air Quality across the district, electric vehicle charging points are installed into communal parking areas.

Urban Designer

Consulted - views received 01.11.2010:

Site Planning

- The site is a peculiar shape, with two developable parts joined by a thin strip of land. The site planning adopted, of two separate developments, accessed separately from either end of

Rutherford Road, and joined only by a pedestrian footpath, seems sensible.

Layout

- The Design and Access Statement seems to be stronger on landscape strategy associated matters than on built form. In the indicative Masterplan, the layout of the proposed housing is quite complicated, and it is difficult to identify a consistent principle which has determined the layout.
- One particular part where it is difficult to identify how the layout works is the terrace adjacent to the railway. Elsewhere there are some instances of fronts facing backs, and of back gardens addressing public space. These should not happen.
- Some back-to-back dimensions appear very small, although as there is no drawn scale on the Masterplan, it is difficult to quantify.
- Houses turn their back towards St Godwald's Road, even though there are fronts of existing houses immediately on the opposite side of the road. It is not clear why.

Built Form

- The aspirations for building design suggested by the Design and Access Statement are disappointingly modest. The Indicative Visuals show rather characterless streets and houses, with very little sense of street enclosure, and unsatisfactory-looking open areas of grass at back of pavement.
- In section 6.5, local vernacular is cited as a determining influence, but the photographic illustrations unconvincingly show not vernacular but poor quality modern pastiche.
- Section 6.4 states that the adjacent development at Rutherford Road has informed the proposed layout and house types, in order to "promote a high level of integration". But the adjacent development is an old-fashioned suburban pre-Manual for Streets layout with much SLOAP (space left over after planning). The houses have some nicest populist detailing, and the development is tidy and well maintained, but it is not an appropriate model for a new development in 2010.
- The appropriate policy should not be to integrate new development with a poor quality layout by matching it, but to build something better and more up-to-date
- Section 6.7 illustrates some schematic cross-sections, although it is not clear why those particular locations were chosen. However, there are no street sections illustrated. These would be useful in order to focus attention on street enclosure.

Density

- The stated density of 29 dwellings per hectare, considering the awkward geometry of the site, appears just about acceptable.

Sustainable Design

- Sustainable drainage is proposed, although the indicative Masterplan has no information on how it would be integrated into the layout of green space.

- There is however, no mention of passive or active solar energy collection. With an extensive south-facing boundary, this could be a major factor in determining the layout of houses.

Trees

- Even though trees are to be retained around the perimeter of the development, and new trees planted, there is considerable tree loss proposed within the site, which is regrettable.
- In particular there are two existing large oak trees immediately beyond the south-western end of Rutherford Road.
- The tree survey in the Landscape Supporting Statement classified one of them as of high quality and value, but contradictorily proposes that be felled irrespective of development proposals.
- The large concentration of trees in the north-eastern half of the site has not even been surveyed, but this has also been categorised as to be felled irrespective of development proposals.
- These decisions appear to be expedient and there should be a greater emphasis on incorporating existing mature trees within the development

Summary

- The site has a high potential, but in order to realise this potential, aspirations must be raised.
- It is not enough to emulate the unremarkable housing development adjoining the site; there must be something considerably better.
- The basic principles of site planning are appropriate, but layout and housing form could be improved significantly, in order to create a development of greater distinction and quality.

Planning Policy

Consulted - views received 01.12.2010:

- The above site is situated within an Area of Development Restraint (ADR) adjacent to the residential area of Wythall in the Bromsgrove Local Plan. The proposal is for housing development.
- It is important to consider the issue of Housing supply in the determination of this application but following the change in Government the policy situation is complex. On the 6 June 2010 a Parliamentary Statement was released stating that Regional Spatial Strategies were being revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and will thus no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004. However, on the 9 August Cala Homes submitted a High Court challenge against the decision of the Secretary of State for the Communities and Local Government (CLG). On the 10 November the High Court ruled that the Secretary of State's decision to revoke RSS was unlawful on 2 grounds. Immediately after this ruling the CLG Chief Planner wrote to all local authorities stating that the ruling changed little and the intention to remove RSSs was still a material consideration in the

determination of planning applications. On the 19 November Cala Homes then issued a second claim, seeking a declaration from the Court that the government's stated intention to revoke Regional Strategies is not a material consideration for the purposes of making planning decisions. On 29 November the court placed a temporary block on the government's claim that its plans to abolish Regional Strategies must be regarded as a material consideration in planning decisions. A full hearing is currently pending to assess the CLG advice. Whilst the future of the RSS and the localism agenda is not entirely clear currently the RSS remains part of the Development Plan and needs to be considered when assessing planning applications.

- The determination of whether the Council has a five year supply of housing land should be based on the most up to date and relevant information. For Bromsgrove specific housing issues this is considered to be the planning inspectorates report into phase 2 revision of the RSS which recommended an initial housing target of 4,000 dwellings. It should be remembered that this figure was also put forward by the Council at The Examination in Public. It was considered that this initial allocation of 4,000 houses would help to address affordable housing needs and begin to re-balance the housing market; a significant element of the justification for this level of development was the existence of deliverable ADR sites across the district which could help meet the needs whilst not requiring green belt development or a full green belt review. The Council's approach of carefully targeting smaller units to meet identified needs across the district was strongly endorsed by the Panel. As this figure of 4,000 was based on robust local evidence and conforms with what was the emerging RSS it is considered by officers as the most relevant target to use when addressing matters of housing supply.
- At April 2010 when using the 4000 figure a supply of only 2.19 years can be demonstrated when taking into account completions and current commitments since 2006 which is the start of the plan period the 4000 dwellings figure relates to.
- In this case clearly material factors other than just housing supply still need to be considered when releasing an ADR for development. Of particular relevance is BDLP policy DS8 which states that permission for the permanent development of an ADR should only be granted following a local plan review. The BDLP policy was written before the introduction of the current planning regime, which itself is under scrutiny by the coalition government and as outlined above is partially the subject of ongoing legal proceedings. The review of the Local Plan is taking place in the form of the Core Strategy. The Core Strategy is still emerging and has been developed with regular Member involvement over a considerable number of months. Subject to the resolution of the high court proceedings and the publication of the localism bill the Draft Core Strategy 2 is to be published in

early 2011. It should be noted that the purpose of the ADR designations in the BDLP was to provide a sufficient reserve of land to allow development post 2001 but to ensure the permanence of Green Belt boundaries to 2021, this approach is consistent with emerging policy contained in the both the existing published draft of the Core strategy (October 2008) and also the emerging draft core strategy 2.

- In the published version of the SHLAA (April 2009) this site was discounted because officers had concerns that there wasn't a defensible Green Belt boundary to the south of the site and this could therefore lead to sprawl into the wider Green Belt. However, since this time further information has been submitted to the Council highlighting the low lying nature of the site and the potential for a landscaping scheme that minimises the wider impact of the development as well as creating a defensible Green Belt boundary. The leisure uses directly to the south of site also limits the ability for expansion into the wider Green Belt. The next version of the SHLAA is due to be published in early 2011 and it is expected that the site will be included in this version. Whilst the main purpose of the SHLAA is to inform the plan-making process the updated version will highlight that there are no obvious constraints on the site and that the site is suitable and available for housing delivery.
- When considering releasing any of this ADR land before the adoption of the Core Strategy (or other successor document) the Council would need to be confident that the proposal is in conformity with national guidance and the emerging core strategy. The Draft Core Strategy has a number of objectives that includes maximising affordable housing delivery and building primarily two and three bedroom properties that meet local needs. The applicant proposes that 88% (187 of 212 units) of the scheme will be 3 bedroom units or smaller which will help achieve the council aim of building a range of smaller units. In addition 35% of the scheme is proposed to be affordable housing which will make a significant contribution to provision in Bromsgrove where need is high. It would appear that the proposal is in general conformity with the Council's emerging Draft Core Strategy.
- In conclusion there is currently not a 5 year supply of housing land and it appears that the proposal would not undermine the emerging Core Strategy. In this instance there appears to be no policy basis for resisting the release of the ADR. The proposal should begin to address the shortfall in housing supply, however to achieve this the prompt submission of a reserved matter application would be required as it is a significant part of the applicants justification that we currently do not have a 5 year supply of housing land. It is therefore recommended that a condition is imposed requesting the submission of a reserved matters application within 6 months of the approval of the outline scheme and once the reserved matters have been determined a

similar condition placed on commencing the scheme, it is important that this development does actually happen within five years.

Planning Policy
Open Space

Consulted - views received 01.12.2010:

- As the proposal is for 212 units SPG11 should be applied. The applicant proposes that all of the open space provided on-site will be controlled by a management company and therefore no on-site maintenance costs will be required.
- Based on the indicative layout, the minimum play space requirement is 18,884m². The scheme proposes that 16,515m² of open space will be provided on site including a LEAP and a LAP which are well located within the scheme to not only benefit residents of the proposed development also those currently living on the existing Rutherford Road estate.
- The onsite provision of 16,515m² leaves a deficit of 2,369m². The Council's PPG17 study highlights that there is currently sufficient provision of children's play facilities in the ward of Charford which is adjacent to the site meaning that additional off-site provision could not reasonably be justified.
- However, there are play facilities within the local area that of a low quality and require significant investment to improve and maintain. Most relevant is Aston Fields Recreation Ground which includes sports pitches and a limited range of play equipment which is within walking distance of the application site.
- To enable the upgrade and continued maintenance of facilities at Aston Fields Recreation Ground, a contribution of £94,760 would enable an upgrade of facilities at Aston Fields Recreation Ground and sufficiently address the shortfall of provision on the application site.

Head of Leisure
Services

Consulted - views received 18.10.2010:

- The Scheme shows improved provision of green corridors and multi functioning green spaces through the site but need to ensure open vistas and good surveillance within neighbourhood and road accesses
- No vehicular access to the woodland walk area
- Management Company to maintain all the POS contribution and with no maintenance impact or responsibility for the Council, including trees, water, drains, habitat, pathways, hedges, benches, bins, fencing.
- Open Space contribution in line with SPG11
- PPG 17 identifies where existing levels of children's play is sufficient the priority should be given to improving the quality of existing sites - therefore the off site contribution to be exploited to improve the quality provision of facilities within public open space in the local area.

Strategic Housing
Manager

Consulted - views received 12.11.2010:

- The above application presents an opportunity to achieve

delivery of affordable housing in the town area where both need and demand is strong. In discussions held with representatives of the applicants and development staff of BDHT in August 2010 I set out the requirements for affordable housing across a range of property types based upon an overall affordable housing provision (74 units) representing 35% of the total units being proposed (212).

- Within the affordable housing provision a 75% Social Rent 25% Intermediate housing split was required to reflect the needs arising as a result of the economic downturn and credit crisis that reduced the ability of housing applicants to access shared ownership tenure.
- At the time of the discussions, a table of affordable housing units across 8 property types covering 1, 2, 3 and 4 bedroom units (including bungalows) was agreed as the basis of the affordable housing on site provision to provide for a range of needs from single people and older persons through to families with tenure options that reflect the various levels of affordability of applicants.

Worcestershire
County Council
Landscape
Officer

Consulted 21.10.2010: views awaited

Natural England

Consulted - views received 02.11.2010:

Design, in relation to ecology

- We note that the proposed woodland walk is located on what is currently grassland, whilst the existing orchard/woodland area is being lost. The orchard is arguably one of the more important ecological features of the site, and is noted as having large numbers of trees with bat roost potential. We are also led to understand that, contrary to the ecological reports supplied, there is the potential for dormice to be on site. We strongly urge the retention of this habitat.
- We welcome the consideration of landscape and the recognition of the importance of the relationship between the proposed development and the wider countryside. We support the proposed maintenance and enhancement of the site's green boundaries, particularly the corridor adjacent to the southern watercourse and the inclusion of SuDS. We would be interested to know what proportion of the site would be 'green' and how this fit with the district and county's green infrastructure aspirations for strategic urban extensions.
- If the Council deemed the location appropriate, we would welcome a more distinctive development. Good design principles do not require new developments to replicate neighbouring properties, nor do they seek to stifle innovation.

Protected Species

- The application site is home to numerous habitats and species of interest. To help the applicants comply with the law and planning policy and the Council to fulfil its duties under the Habitat

Regulations and the NERC Act (see annex), we recommend the inclusion of a detailed biodiversity mitigation and enhancement strategy in the full application. This should be secured by condition.

Great crested newts

- The mitigation/enhancement strategy should include information on the translocation receptor site, the delivery of enhancement including through the design of the SuDS and the five year monitoring and management scheme recommended in this application's supporting information.

Bats

- Trees with identified bat roost potential which would be impacted by the development must be subject to further bat surveys. If bats are found, an EPS licence will be required. We recommend the retention of the boundary features and the use of low-spill, directional lighting, with the aim of maintaining the boundaries as dark corridors for use by commuting/foraging bats. On-site planting should include night-scented plants, which attract insects for bats to feed upon. We would welcome the inclusion of bat boxes and other artificial roosting opportunities. The example site design would result in the loss of the orchard/woodland, which includes large numbers of trees with roosting potential. We recommend the retention of this habitat.

Dormice

- We understand that the Council's Tree Officer considers the site to be suitable for dormice. This opinion contradicts that set out in paragraphs 4.5.4 and 5.2.4 of the Ecological Baseline Report. Dormice are a European Protected Species. When dealing with cases where a European Protected Species may be affected, the Local Planning Authority (LPA) is a competent authority within the meaning of regulation 6 of the Habitats Regulations, and therefore has a statutory duty under regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercise of its functions. We therefore advise that the Council gives this careful consideration, and seeks additional expert information if necessary.

Invertebrates

- We recommend undertaking invertebrate surveys, with particular regard to BAP species such as noble chafer. The Noble chafer is included in the Natural Environment and Rural Communities Act 2006 Section 41 list of habitats and species of principle importance, to which the Council should refer in regard to its biodiversity duty. Please see annex for further information.

Other species

- Mitigation/enhancement for slow worm should be specified. We note the requirement for a badger licence.

Additional views received 10.12.2010:

- I am writing in relation to your request for our advice on the Phase Two Ecological Survey report dated November 2010 submitted on behalf of the applicants by RSK.

- Natural England notes the content of the Phase Two report (November 2010). While we note RSK's general intentions with respect to mitigation and enhancement for the range of protected species on and/or potentially affected by development of this application site, Natural England believes the report requires additional work in the following important respects:
 - **Mitigation & compensation principles**

The report is confusing. It refers in some instances to specific mitigation measures while at other times stating that the mitigation and enhancement plans for the site in respect of biodiversity have yet to be completed. On balance it would seem only an outline mitigation strategy is being offered. We do not feel this is adequate for the reasons set out below.
 - **Habitat Regulations Assessment**

Natural England is concerned to note that RSK's comments on potential mitigation and compensation are not part of their brief. This implies that the applicant does not fully appreciate the need to integrate the needs of biodiversity into the development (if approved) consistent with government planning guidance e.g. PPS9 Biodiversity & Geological Conservation. RSK's report refers clearly to the European Protected Species status of some of the species surveyed (bats, otter and great crested newt - and see below regarding dormouse). However the subsequent references to the outline nature of the mitigation strategy cast doubt over the adequacy of this report in terms of the Council adequately considering the three derogation tests under the Habitats Regulations. The Council needs to satisfy itself that adequate information on European Protected Species is submitted (NB below re dormouse).
 - **Omissions**

The report makes no mention of dormouse, a European Protected Species. We acknowledge the statement in the original (July 2010) Phase Two report and the subsequent letter from J. Turner dated 11 November 2010 setting out RSK's views on this subject. Nevertheless from subsequent dialogue with the district council's Tree & Landscape Officer it would seem reasonable that survey for this species is carried out.

Adequate information is key here. We acknowledge the lack of historic records for the species in the locality but under-recording of the species means that this does not equate to 'absence'. In cases such as this a judgement call is needed and local knowledge is therefore of key importance. We propose that the council and RSK (for the applicants) meet to set out the reasons for needing a dormouse survey and agree suitable survey measures based on our guidance. Natural England may be able to attend such a meeting if this

would help progress. The agreed survey information then needs to be submitted to the Council

We advise that in Natural England's opinion the overarching mitigation and compensation scheme design for this development cannot be finalised until this work has been completed and its findings integrated with the ecological survey work and conclusions drawn so far.

- **Mitigation and compensation specifics**

Specific items of mitigation and proposed compensation such as the sustainable drainage systems's (SuDS) role in great crested newt conservation need further consideration. SuDs are not normally designed with the needs of biodiversity uppermost and careful design work would be needed to devise a SUDs scheme that integrates the needs of the developed site with the specific ecological needs of a species such as great crested newt.

- In conclusion, based on the information provided, Natural England objects to the proposed development. We recommend that the local planning authority refuse planning permission (or defer your decision) on the grounds that:
 - the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species (dormouse).
 - That until survey information on dormouse has been scoped, carried out and the results considered, the application site's mitigation and compensation strategy cannot be satisfactorily concluded.

Additional views received 26.01.2011:

- This letter follows on from our objection letter dated 8 December 2010.
- Since our objection was submitted email and telephone dialogue with the applicant's consultant ecologists RSK, and Bromsgrove's Tree & Landscape Officer has taken place on the subject of dormouse. A meeting was held on 20 January 2011 between the applicants' agent, RSK, Natural England and representatives of Bromsgrove District Council.
- As a result of the meeting Natural England is satisfied that adequate survey effort has been demonstrated in respect of dormouse. This is based on 'nut search' survey work carried out by RSK during December 2010 and January 2011 using methods set out in national guidance for this species. Natural England therefore withdraws its objection in relation to inadequate protected species survey information.
- In order to deliver adequate biodiversity safeguards as part of any subsequent development we advise that a suitable Nature Conservation Management Plan should be devised and implemented, preferably by means of a suitably worded planning condition. This plan should address the findings in RSK's reports

thus far and Natural England's letter dated October 2010 (ref: SO96/8999 (Case 2816)) recommending retention of habitats on the site.

WWT

Consulted - views received 18.11.2010:

- Given that this application is in outline only we do not wish to object to the principle of development here. However we would absolutely agree with the comments made by Natural England and others in relation to the layout of the site. In particular we echo NE's position with respect to the wooded area and we would recommend that the application be amended to seek the retention of existing habitat features wherever possible. Clearly the management of the derelict orchard has been sub-optimal but that does not alter the fact that there is biodiversity interest inherent in this part of the site and that it should be accommodated within the new development.
- We note the comments made by RSK in relation to the retention and enhancement of boundary features and their expansion to act as corridors into the wider landscape. We welcome this approach and would endorse it as a key part of the site design.
- We do not wish to add to the debate about protected species and we will defer to Natural England's position on this aspect of the development.
- We would however suggest that the proposed mitigation for invertebrates be improved. The use of log piles as described would not be suitable for Noble Chafer or other saproxylic invertebrates that have similar specific requirements. Accordingly we would suggest that further work be done to determine necessary mitigation and that a method statement for any fruit tree removal be covered by a condition should you be otherwise minded to grant approval. We would be pleased to discuss this issue further with the applicants in due course and we would welcome the chance to be engaged in wider discussions regarding a more suitable landscape layout if possible.

Tree Officer

Consulted - views received 25.01.2010:

- No objection subject to Conditions
- The current application is understood to be outline only with all matters reserved with the exception of the access point of the proposed development off Rutherford Road.
- In principle, I have no objection to the principle of development on this site as there would appear to be sufficient access across the site to create a good quality development which either retains and enhances the significant tree, woodland and landscape features identified above or provides suitable quantity and quality of mitigation to result in increased amenity, biodiversity and landscape values.

Contaminated
Land Officer

Consulted - views received 09.11.2010:

- Please be aware that the comments below relate solely to human health risk assessment.

- The application form has been filled out incorrectly with regard to Section 14: Existing Use. The submitted reports have identified some localised lead contamination that requires further delineation and remediation. In addition the proposed end use of the site is one which is considered to be particularly vulnerable to the presence of any contamination.
- The submitted reports represent appropriate site investigation and risk assessment carried out in accordance with current best practice and guidance. I am in agreement with the conclusions drawn and recommendations made with regard to the delineation and remediation of the identified lead hotspots.
- As stated in RSK Geoenvironmental Summary Report should detailed proposals for the site involve alterations to site levels as part of the development the risk assessment **must** be revisited at an early stage to ensure that the recommendations made remain appropriate. As concluded by RSK any reduction in site levels may result in contaminants being nearer to the surface and therefore potentially increasing the risks to human health.

WCC(CA)

Consulted - views received 21.10.2010:

- No objection
- No archaeological mitigation required

West Mercia
Constabulary

Consulted - views received 25.10.2010:

- No objection
- I have concerns in relation to the layout and feel alterations should be made to ensure the numerous escape routes are removed
- I am interested to see the finer details of the footpath and the play area linking the two halves of the development

Community
Safety

Consulted 12.10.2010: views awaited

Climate Change
Officer

Consulted 12.10.2010: views awaited

Ramblers'
Association

Consulted - views received 03.11.2010:

- Takes issue with the need for the development
- The position of the development is undesirable, both in itself and in its effect on the surrounding area.
- Loss of Green Belt
- Traffic issues
- The situation for walkers and cyclists will clearly be made worse at least a doubling of traffic on the first section of St Godwald's Lane

Consulted - views received 21.12.2010:

- In my letter of 2 November, I was unable to comment specifically on the footpath on the south side of the proposed development as it was not clear whether the footpath would be affected by the development or be on the periphery.
- I believe that what is being considered is a northward diversion into the estate, in which sections of the footpath would be incorporated into estate roads

- In general the Rambler's Association is very much opposed to such treatment of Public Rights of Way and regard that as a last resort. In this case there can scarcely be no alternative, since the footpath would appear to skirt the periphery of the development. If this is so, the obvious solution, if there is a problem, would be to divert the footpath to the periphery to some degree as a rural footpath. Links to new footpaths and cul-de-sacs within the estate would be welcome addition of course, and give access for residents to the network of footpaths and lanes nearby
- Whilst we remain opposed to the development, we would not oppose a diversion along the lines indicated above.
- Should a proposal to divert the footpath be made, it is likely that we should object to a TPCA Order of that nature, since there would be no necessity for such a design to be selected.

Worcestershire
County Council
Public Rights of
Way

Consulted - views received 28.10.2010:

- The proposal is adjacent to and affects public rights of way as recorded on the Definitive Map. The public rights of way include Bromsgrove Footpath 509 and Bridleway 507, Finstall Footpaths 505 and 508 and Stoke Prior Footpaths 531 and 532
- I have noted that the application form states that the proposal requires diversion/extinguishment/creation of public rights of way. If it is necessary to divert or stop up public rights of way in order for a permitted development to take place, this should be completed to confirmation stage before any development affecting the right of way is started
- Such diversions are normally carried out under the Town and Country Planning Act. Applications should be made to the Planning Authority who will consult this department
- I have noted that the applicant proposes a dedicated pedestrian and cycle link and look forward to further consultation and to seeing further details of the proposal in the full application

Network Rail

Consulted - views received 14.10.2010:

- No objection

WCC Education

Views received 04.10.2010 and 11.11.2010:

- If development goes ahead in this area, there will be a need for a contribution towards local education facilities in accordance with the Supplementary Planning Document on planning obligations for education facilities.
- Catchment area schools are Charford First School, Aston Fields Middle School and South Bromsgrove High School. Although there is pressure on first schools in south Bromsgrove, Charford First school is not full and would have spaces for children generated by this development. For September 2010 intake we allocated 81 of their 90 spaces. A development of 212 dwellings would generate around 6 pupils per year group on our average pupil yield of 0.029 pupils per year group per dwelling. While numbers will remain tight, the school should be able to accommodate them. I note also that a few of the dwellings are

planned to be bungalows aimed at elderly residents so we would not expect these dwellings to generate any pupils. Fininstall First school is heavily oversubscribed but as this development is not in the catchment area for the school then it would not adversely affect the chances of children already living in the area.

- At middle school level neither Aston Fields Middle nor St John's CE Middle were oversubscribed for September 2010, although both remain popular. The numbers coming through their feeder first schools at present suggest that between the two schools there will be more than enough places for the next few years.
- South Bromsgrove High School remains extremely popular and oversubscribed but there are spaces in North Bromsgrove High school. Again numbers coming through the feeder schools suggest that there will be enough spaces when the two schools are taken together.
- The developer has agreed to pay £329,927 towards enhancing education facilities in the area. We have not yet looked at specific projects this might be spent on but we are investigating what options are available to alleviate the pressure on the first schools in the area

Bromsgrove
Society

Views received 20.07.2010:

- Concern over impact on potential railway station opportunity
- Failure to make suitable adequate provision for access to the station plus space in which to park will lead to intending train passengers being forced to make their way to the station through built up areas, creating a nuisance to residents, whose parked vehicles will obstruct their journeys
- The land should thus be utilised for station parking

Additional views received 07.12.2010:

- The removal of ADR will return the land to Green Belt status
- Development of a site this size is unacceptable until a new structure is drawn up. The moratorium is withdrawn because a number of brownfield sites available for development deemed it no longer necessary
- The proposed development would have a serious impact on the existing infrastructure of the immediate area, particularly concerning shortage of school places, medical facilities, increased traffic volume and shortage of parking places at Bromsgrove Station
- There will also be a loss of trees and lead to further encroachment into the Green Belt if this development is allowed

CPRE

Views received 14.10.2010:

- This estate including Rutherford Road and a small amount of ribbon development along St Godwald's Road are the only developed areas of Bromsgrove town southeast of the railway.
- The village of Fininstall is of course also beyond the railway, but that is a separate settlement.
- To permit further development beyond the railway line would constitute a dangerous precedent.

- The lack of a clear landscape barrier, for development to end at, is a good reason for refusing the development of this land.
- If permitted there would be long term pressure to permit a further urban extension, at least to Lower Gambolds Lane, and possibly to the low ridge - further still on.
- The site is close to Bromsgrove Station. This means that it enjoys good transport links to enable residents to commute into Birmingham, Droitwich or Worcester. Normally the existence of good transport links would be advantage to a site. In this case it is not, for the ease of commuting is likely to mean that it would not provide housing for those working in Bromsgrove, but for commuters elsewhere. This would be another case of development leapfrogging over the Green Belt, something that has been an unacceptable consequence of the Green Belt system.
- The right platform for determining ADR site is at an Examination in Public of the Core Strategy. The Planning Committee can only take a subjective decision on this particular site.

Finstall Parish
Council
Publicity

Consulted 06.04.2011: views awaited.

37 letters sent 12.10.2010 (expire 02.11.2010)

6 identical site notices posted 20.10.2010 (expire 10.11.2010)

1 press notice published 22.10.2010 (expires 12.11.2010)

1 petition received 17.12.2010 containing **224** signatures with the following heading:

Hazelcroft Association: Please support us in our fight against the proposed development of 212 houses on the land adjacent to the former Wagon Works site off St Godwald's Road

1 letter received 15.11.2010 from Alliance Planning (acting on behalf of the Hazelcroft Association) including representations from Phil Jones Associates (Transport Planning Consultants) also acting on behalf of the Hazelcroft Association:

- Objection on the following grounds:

Housing need

- Planning permission for the proposed development at this stage would undermine the wider policy objectives for housing, and the emerging spatial vision

Prematurity

- Were the Council to grant planning permission at this time, it would represent an ad hoc decision, it could not properly address the merits of the release of this ADR when compared to others and for this reason we would strongly suggest that prematurity in advance of the Development Plan Review represents a strong basis as a reason for refusal.

Strategic direction

- It is considered that the restriction in paragraph 69 of PPS3, which deals with insuring that the proposed development is in line with the housing objectives and spatial vision for the area,

has not been met at the current time and accordingly a presumption in favour of development, established in paragraph 71 of PPS3, does not apply.

Sustainability

- A number of issues have been identified by Phil Jones Associates. They have identified a review of the submitted JMP Transport Assessment Report and have identified a number of issues which have not been fully considered and which are fundamental to the suitability of this location for further development.
- These include technical issues related to the link capacity of Stoke Road, absence of consideration to queue lengths around junctions modelled, reliance upon modal shift, reliance upon additional planting at Bromsgrove Station and the consequent impact upon peak hour trips and concerns that appropriate assumptions on trip distribution may not have been made.
- In addition we would emphasise their conclusions that the TA underestimates the walk distances to sustainable links. Even if the values quoted in the TA are taken at face value, they note that the site is beyond the standard threshold walking distances for access to bus stops and existing local facilities.
- The peripheral nature of the development means that the conclusions drawn by the 2001 Inspector about sustainability, do not so readily transfer to this current application and it is argued that the sustainability advantages of the site are by no means so significant to outweigh other objections.
- Facilities such as school capacity, access to NHS doctors etc are more strained than ever
- The illustrative layout accompanying the application is incompatible with the TPO recently confirmed on the site.

1 letter received 24.11.2010 from Phil Jones Associates (acting on behalf of the Hazelcroft Association as highway consultants):

- Concern over the issue of the link capacity of Stoke Road, with particular reference to the sections of Stoke Road immediately to the west of this junction where on-street parking is permitted.
- The addition of development trips will worsen grid lock at peak times and will potentially have an adverse effect on bus journey times.

1 letter received 20.12.2010 from Alliance Planning (acting on behalf of the Hazelcroft Association):

The ADR Designation and Housing Delivery

- The applicant through their agent Framptons seeks to rely upon the 2001 Inspector's Report in identifying this site as "appropriate for development", whilst ignoring the fact that the same Inspector made it clear that the release of the site from ADR should only be countenanced through a review of the Local Plan

- The reason for this, is to enable the merits of the site to be judged against the merits of competing ADR sites, so as to determine which is the most appropriate and most sustainable for future housing growth.
- It is not the case that all ADR sites will automatically be released upon the identification of a housing need, and it is in this context that the UEF/Garrington works is wholly relevant because the granting of planning permission at Garringtons has presented a changed circumstance, material to the Inspector's 2001 reasoning as to why the identification of the application site as ADR was appropriate (i.e. it specifically addressed a geographic imbalance in housing distribution)

The Core Strategy and Prematurity

- The ADR site should only be released in the context of a comprehensive policy review. This is not just the view of Alliance Planning; it was the view of the 2001 Local Plan Inspector

Highway Issues

- Concerns about on-street parking and their effect on link capacity are valid
- JMP have failed to adequately address the effect that additional traffic from the proposed development will have on the local road network

1 letter received 01.02.2011 from Alliance Planning (acting on behalf of the Hazelcroft Association):

- There is a sound policy basis on which to reject the proposals.
- Draft Core Strategy 2, which was published in January 2011 for the purposes of public consultation, supports the release of the land adjacent to the former Wagon Works Site for housing through Core Policy 4B. This represents a change on the Council's previously stated long-term aspirations for the site.
- The release of this site from the ADR status was originally discounted because Officers have concerns that there wasn't a defensible Green Belt boundary to the south, and this could potentially lead to sprawl into the wider Green Belt.
- This was stated in the SHLAA (2009)
- PPG2 states that well defined boundaries are created from more permanent features such as transport corridors, waterways and thick, densely planted areas. This does not include leisure uses that are susceptible to change.
- The submission of information in respect of the low lying nature of the land and screening proposals does not alleviate these development pressures.
- The Council were aware of the low lying nature of the land at the time that the ADR site was discounted in 2009 and the planning proposals associated with Planning Application 10/0953 will not provide the well defined boundary that this part of the Green Belt is lacking.

- This will essentially be a relatively narrow layer of planting that differs quantitatively from a well defined boundary as defined in paragraph 2.9 of PPG2.
- Moreover if the mere promise to establish new planting was a legitimate reason for establishing new Green Belt boundaries, then it would be an argument played out across the District and throughout the country all too often.
- It would defeat the objective of permanence sought by PPG2 and is why PPG2 looks to readily recognisable features on the ground, not the promise of them in the future.
- The leisure uses that are now seen to be instrumental in limiting the spread of development were present when the site was discounted in 2009 and the Council expressed concerns over development pressure associated with developing the ADR site. The current strategy is in conflict with this previous statement and there has been no substantive change in circumstances to justify the change.
- It is considered that the proposal would represent a departure from national planning policy and the appropriate place to assess this ADR, remains a review of the Development Plan.
- Until such time as the comparative merits of the release of this site can be judged against the merits of competing ADR sites, it would be premature to grant planning permission.

1 letter received 14.02.2011 from Alliance Planning (acting on behalf of the Hazelcroft Association):

- The comments contained in the HA's objection letter reinforce our concerns relating to the prematurity of the proposals in the context of the emerging Bromsgrove Core Strategy.
- In light of the potential impacts, we maintain that the proper place to assess this ADR is following a comprehensive review of the Development Plan, where it may be judged against the merits of all competing ADR site
- It is noted that the applicant's consultants, JMP, hold the term consultancy commission HA Area 9, which includes Worcestershire. It is standard HA procedure to refer Transport Assessment Reports undertaken by consultants on behalf of developers to their own retained consultants. JMP cannot possibly audit a TA on behalf of the HA that was written by themselves.
- Concern raised over traffic capacity issues relating to M42 Junction 1, M5 Junction 4a, M5 Junction 5 and the overall local highway agency network.

2 letters **supporting** the scheme on the following grounds:

- Affordable element is welcomed
- The drain on current infrastructure is exaggerated as it is assumed that the new houses will attract people from outside the area

144 letters **objecting** to the scheme on the following principal grounds:

- Objection in principle to the ADR status of the site
- The site should be reverted back to Green Belt status
- No defensible boundaries which will prevent future sprawl into the Green Belt in the future
- Further erosion of the rural boundary
- Destruction of natural vista
- Extension of urban sprawl
- Development will remove any buffer with the Green Belt. The only significant boundary south of the railway line is the Worcester Birmingham Canal with a large tranche of agricultural land between. If the application is approved, this will put pressure on this area in the future to be released for development and encourage further erosion of its protected rural status until this natural boundary is reached.
- Following the recent development of the Oakalls estate, the former Garringtons site and numerous smaller developments around the area, south-eastern Bromsgrove has become extremely crowded and this development will do nothing to ease the situation

- The development is disproportionately large in relation to the amount of land available
- The intensive nature of the of the development and the mix of dwelling type in such a small rural setting will seriously compromise the character and appearance of the locality significantly changing its demography and nature
- Destruction of the current village style atmosphere of Aston Fields with its diverse shops, public houses and its tight knit community
- The development is disproportionately large in relation to the amount of land available
- Detrimental effect on the local environment

- Unsustainable location
- Vacant properties are available in the immediate area and there is no local demand for increased housing development

- Existing infrastructure cannot cope with the volume of traffic
- Traffic volume and congestion, exacerbated by commuter parking for the Train Station
- Conflict between vehicles and pedestrians
- Poor transport and infrastructure linkage to Aston Fields and Bromsgrove
- St Godwald's is very narrow in part, especially where cars are parked for use of the station, and a further 200-400 cars using it will make the situation extremely hazardous, especially at the junction with Finstall Road and the immediately adjoining station roundabout

- Access by emergency vehicles will be impeded
- Train station traffic and parking clash
- Rutherford Road will become a main thoroughfare which will create traffic hotspots and potential accident areas with young children that live on the estate
- Impact on footpaths
- Loss of wildlife and habitat
- Loss of trees and woodlands
- TPO should be made permanent
- Loss of established fruit trees in former allotment area
- Impact on protected species (bats, great crested newts, slow worms) and integrity of submitted reports
- Consideration should be given to the Council's obligations under the National Environment and Rural Communities (NERC) Act 2006
- Illumination of public footpaths and cyclepaths will have a negative impact on wildlife
- Loss of privacy
- Impact on amenity of the occupiers of existing dwellings
- Loss of shared drive and impact
- The unbalanced effects of low cost housing merging with a well established and maintained community would result in local disturbance through not only traffic, noise levels, and potential antisocial behaviour from the increase influx of people
- The potential for anti-social behaviour would go with low cost housing
- Light pollution from houses/streetlights/cars
- Prospect of lighting pollution for any additional security car park lighting
- Noise pollution from increased traffic
- Increase noise
- Increase air pollution
- Deterioration of air quality
- Disturbance of contaminated land
- Air-bourne and water-bourne contamination
- Concern over land ownership
- Impact of cricket balls from adjacent Cricket Club
- Flooding and surface water run-off concerns
- Sewers are not adequate to cope with increased usage
- Impact on medical services
- Impact on school places
- Lack of local facilities

Members are encouraged to review all submitted documentation, including the third party letters summarised above. These are available to view online via the Council's Public Access system or within the planning application file.

The site and its surroundings

The application site consists of approximately 7.3 hectares approximately 2 kilometres to the south east of Bromsgrove Town Centre. The land consists of low grade agricultural land comprising open rough grassland with scrub planting and a strongly vegetated south-eastern boundary. The site is irregular in shape, wrapping around two sides of the existing Hazelcroft residential development. The site can be divided into two halves, with the northern and southern portions connected by a narrow section of land. There is some evidence of hedgerows dividing the site and a number of mature trees are located to the southern boundary. Several fences cross the site, arising from both the historical allotment garden use and the recently installed water main. The site was historically part of a railway wagon works in the late-nineteenth century, with the site relating to the peripheral uses of these works.

The site is relatively level with a minor rise in a south-easterly direction. A minor depression is located to the southern edge of the site.

The site is bounded to the north by the modern Hazelcroft residential development of approximately 150 units sited along Rutherford Road and Scaife Road. Beyond this development, and also forming part of the north-western boundary of the application site, is the railway line that currently serves the nearby Bromsgrove Station. Within the southern portion of the site, the railway runs parallel to the western boundary of the site, separated by an existing 4.5/5 metre high earth and vegetated embankment that runs to the majority of the north-western boundary. Beyond the southern and eastern boundaries, existing sports facilities (Bromsgrove Cricket, Hockey and Tennis Club), pitches and parking extend parallel to the site, separated from the site by the existing vegetated boundary. In the south-east corner of the site, a small watercourse runs to this boundary, together with mature tree and scrub cover.

The site contains no identifiable built form. A sewer and associated easement crosses the site north/south.

The site is designated as an ADR (Area of Development Restraint) under the Bromsgrove District Local Plan and the Draft Core Strategy 2 (retitled "Development Site"). In agricultural classification terms, the site is deemed Grade 3b.

Proposals

This development relates to an outline application for the erection of up to 212 dwellings (Class C3), with associated open space and infrastructure, including a new vehicular access via Rutherford Road.

The submitted Design and Access Statement details the following main aspects of the application:

- Up to 212 new dwellings
- Predominantly houses but with a small element of flats and bungalows
- A mix of 1 bed, 2 bed, 3 bed and 4 bed properties incorporating terraced, semi-detached and detached units
- Affordable housing units
- Vehicular access to be taken from Rutherford Road
- Dedicated pedestrian and cycle links
- Public open space, including two equipped play areas
- Natural and woodland walks
- Structural landscaping
- Use of Sustainable Drainage Systems (SuDs)

Members will note the application has been submitted in outline, with internal access, layout, scale, appearance and landscaping reserved for subsequent approval. For the reference of Members, outline applications have to clearly demonstrate that the proposals have been properly considered in the light of relevant policies and the site specific constraints and opportunities. Outline permission can be granted subject to a condition requiring the subsequent approval of one or more reserved matters. Paragraph 52 of Circular 01/2006 states that detailed consideration on the use and amount of development of an outline planning permission will be required. In this respect, the applicant is duty bound to submit indicative parameter plans to detail the extent of the proposed development for consideration by the Local Planning Authority.

In line with the requirements, the applicant has submitted a Masterplan (revised December 2010) indicating a possible form for the development, with an accompanying Design and Access Statement that details the underlying development principles and addresses the constraints of the site and the surrounding locality.

Access is to be determined at this stage with vehicular and pedestrian access obtained at the northern and southern ends of Rutherford Road, with these accesses serving the northern and southern aspect of the development. An additional emergency access point and cycle and pedestrian route is proposed mid-way along Rutherford Road. Pedestrian access that link to the existing public footpath network is also proposed to the eastern boundary.

Two equipped areas of play are proposed to the southern boundary of the site, with a landscape buffer to the perimeter of the site, including the boundary to the rear of the existing dwellings to Rutherford Road. A balancing pond is located to the south-west boundary. The watercourse is retained to the extreme southern boundary.

The development will provide a mix of dwelling types and sizes, with the net residential density equating to 29 dwellings per hectare. The anticipated mix indicates an emphasis on 2 and 3 bed dwellings:

Property Type	No. of bedrooms	No. of units	Proportion of mix
House	2 bedroom	41	19%
	3 bedroom	107	50%
	4 bedroom	25	12%
Bungalow	2 bedroom	14	7%
Flat	1 bedroom	15	7%
	2 bedroom	10	5%
Total		212	100%

The mix will vary through the development but will predominantly comprise two-storey and three-storey detached, semi-detached and terraced dwellings, in addition to bungalows and apartment units. The proposals will incorporate a broad range of property types between 1 and 4 bedrooms, with a predominance of 2/3 bedroom dwellings. The development will vary between 1 and 3 storeys in height, with clearly defined groups and blocks. 3-storey apartment blocks are proposed to be located parallel to the railway corridor. Car parking will be provided via a mix of garage/driveway spaces and parking courts/mews. A general standard of two parking spaces per property will be accommodated within the development.

Seventy-four affordable units are provided, which equates to a provision of 35% affordable housing made within the site. The mix of affordable homes is as follows:

Property Type	Rent	Intermediate
4 bedroom house	6	
3 bedroom terraced house	5	2
3 bedroom semi-detached house	6	7
3 bedroom detached house		8
2 bedroom terraced house	10	
2 bedroom bungalow	2	2
2 bedroom flat	8	3
1 bedroom flat	12	3
Total	49 (66%)	25 (34%)

The scheme proposes four areas of public open space equating to 1.6 hectares. These consist of:

Designation	Provision	Site Area	Location
LEAP	Equipped Flexible open grass space Specimen tree planting	0.27 hectares	South-Eastern Boundary
LAP	Equipped Small intimate green space Specimen tree planting	0.14 hectares	Eastern Boundary

Designation	Provision	Site Area	Location
Woodland Walk	Existing public footpath Existing trees retained Access to wider green space	0.45 hectares	Eastern Boundary
Wildlife Meadow	Ecological habitat Circular walking routes Connection to existing public network Wetland planting and feature water body	0.79 hectares	Southern Boundary

A sustainable open drainage system is being put in place to manage storm water run-off and rainwater harvesting technologies will be incorporated into the building designs to allow rainwater use within the proposed dwellings. Surface water from the proposed development will drain to the watercourses adjacent to the site. Suitable attenuation will also be provided through the use of a balancing pond to the southern boundary. In relation to foul drainage, the applicant's preferred option is to discharge into the adjacent network via the adopted sewers within Rutherford Road and Scaife Road which fall towards a pumping station on Scaife Road before discharging, via a rising main, to the adopted system in St Godwalds Road.

A Planning Statement, Design and Access Statement (including Masterplan), Planning Statement, Landscape and Visual Assessment, Transport Assessment (incorporating Residential Travel Plan), Flood Risk Assessment, Air Quality Assessment, Acoustic Assessment, Archaeological Assessment, Soakaway and Ground Monitoring Investigation, Ecological Survey, Phase 2 Environmental Study, Utility and Drainage Services Assessment, Energy and CO2 Report and Statement of Community Involvement have accompanied the application and are available in the planning file and online via Public Access should Members wish to view them.

Relevant Policies

WMSS	UR3, UR4, RR1, RR3, RR4, CF2, CF3, CF5, CF6, PA1, QE1, QE2, QE3, QE4, QE6, QE7, QE8, QE9, T1, T2, T3, T4, T5, T7
WCSP	SD.2, SD.4, SD.5, CTC.1, CTC.5, CTC.6, CTC.8, CTC.9, CTC.14, CTC.15, D.6, D.43, T.1, T.3, T.9
BDLP	BROM5C, DS3, DS8, DS11, DS13, S7, S14, S15, C4, C5, C12, C16, C17, C36, C37, C38, C39, RAT5, RAT6, TR1, TR8, TR11, TR13, ES1, ES2, ES4, ES6, ES7, ES11, ES14A
Draft CS 2	CP2, CP3, CP4, CP6, CP7, CP14, CP17, CP19, CP20, CP21, CP22, CP23
Others	PPS1, PPS1 Climate Change Supplement, PPG2, PPS3, PPS5, PPS7, PPS9, PPG13, PPG17, PPS22, PPG24, PPS25, Circular 05/05, Circular 06/98, Circular 06/05, SPG1, SPG11, Bromsgrove District Housing Needs Study (2004), Strategic Housing Market Assessment (2007), Housing Market Assessment (2008)

Relevant Planning History

None

Notes

As the site constitutes a designated Area of Development Restraint (ADR) the main issue in determining the application is whether the site should be released for development, in the context of relevant Development Plan policies, and other material considerations such as changes in national policy, the Draft Core Strategy 2 and housing supply. Other issues to be considered include:

- Sustainability issues
- Design, form and layout
- Density
- Whether the type, tenure and form of accommodation proposed is suitable
- The affect on residential amenity and the character of the locality
- Highway and traffic implications
- Landscaping and tree issues
- Open space and play space provision
- Ground conditions, flood risk and drainage issues
- Ecological and biodiversity Issues
- Noise
- Air quality
- Archaeological issues
- Public Right of Way issues
- Crime prevention
- Climate change
- Educational and Services Infrastructure

ADR Status and Land Release

Members will note the site is designated as 'An Area of Development Restraint' (ADR) on the Proposals Map of the Adopted Bromsgrove Local Plan (i.e. the site has been removed from the Green Belt which otherwise surrounds Finstall/Aston Fields). The Draft Core Strategy 2 defines such designations as "Development Sites". While stating that ADR's should receive full Green Belt protection for the duration of the plan period, the policy also acknowledges that they constitute areas where development might be considered in the future and thus Policy DS8 refers to selected sites where land will be held in reserve for future development and the accompanying text to this policy confirms the site represents a suitable location for development. Policy BROM5C is a site specific policy that confirms that the site is designated as an 'Area of Development Restraint' (ADR) in accordance with Policy DS8. The site was promoted for development through the last Local Plan Review.

An Inquiry was held to consider objections to the Bromsgrove District Local Plan in August 2001, and the Inspectors Report (March 2002) considers the application site in this document and concludes in paragraph 17.6.6 that the site is a suitable ADR site "Concern has been expressed by some objectors that designation of BROM5C as an ADR would push development deeper into the countryside away from the heart of the settlement and the defensible boundary of the railway. I do not see this as a major concern. The land is fairly low-lying and reasonably well contained by mature hedgerows along its boundaries, affording limited visibility of the site from most locations. A

Landscape Protection Area has been defined embracing Fininstall Park to the north and east, and linking through to rising ground at Upper Gambolds Farm to the south-east. Because that area is separated from BROM5C by recreational land uses and existing housing I do not believe its integrity would be compromised nor would the setting of Bromsgrove Town be harmed. While acknowledging the severance caused by the railway line, further development here would not in my view be poorly related to the prevailing urban form of the Town". The Inspector concludes that the site "is a suitable site for longer-term development and that exceptional circumstances exist for excluding the site from the confirmed Green Belt" (paragraph 17.6.10). Members will be aware that Policies DS8 and BROM5C have been saved until such time as they are replaced by the Core Strategy or other policies.

Following the recommendations of the Local Plan Inspector, the ADRs listed in Appendix 3A of the Local Plan, including Land adjacent the Former Wagon Works are intended to provide sufficient safeguarded land until approximately 2021. The Council believe ADRs are "...considered to provide the necessary degree of flexibility and prudence to allow adjustments as planning policies change, without running the risk of serious over provision" (Bromsgrove Local Plan, Appendix 3B)

The Inspector recommended that sufficient provision should be made to provide land reserves to about 2021. This equates to approximately 140 hectares. The quantity of ADR land is derived from the housing and employment targets in the Worcestershire County Structure Plan to 2011 and a projection of those targets in the following period to 2021. The Housing and Employment Land Availability Studies that were available at the time were used as well as an estimated contribution from potential large scale brownfield sites.

In the published version of the SHLAA (April 2009) this site was discounted because Officers had concerns that there wasn't a defensible Green Belt boundary to the south of the site and this could therefore lead to sprawl into the wider Green Belt. However, since this time further information has been submitted to the Council highlighting the low lying nature of the site and the potential for a landscaping scheme that minimises the wider impact of the development as well as creating a defensible Green Belt boundary. The leisure uses directly to the south of site also limits the ability for expansion into the wider Green Belt. The next version of the SHLAA is due to be published in early 2011 and it is expected that the site will be included in this version. Whilst the main purpose of the SHLAA is to inform the plan-making process the updated version will highlight that there are no obvious constraints on the site and that the site is suitable and available for housing delivery. The Bromsgrove Draft Core Strategy 2 (January 2011) identifies the site as a potential Area for Growth.

As detailed above, Policy DS8 of the Local Plan indicates that the site should be subject to the full Green Belt restrictions for the duration of the Local Plan period and therefore Policy DS2 applies. This Policy confirms that permission for development in the Green Belt will not be given, except in very special circumstances.

Members should note that Policy DS8 was written before the imposition of the current planning regime, which itself is now under scrutiny by the new coalition government. The review of the Local Plan is taking place in the form of the emerging Core Strategy, which is imminently due for consultation. The purpose of the Local Plan was to provide a

sufficient reserve of land to allow development post 2001 but to ensure the permanence of Green Belt boundaries to 2021.

In my view, the Policy would not explicitly prohibit the release of ADR land for development, provided there are material considerations to justify such a decision. Members will recall that development has previously been approved on ADR land, for example the Bromsgrove District Housing Trust housing scheme at Perryfields Road (08/0758 approved 29 January 2009; 09/0518 approved 25 September 2009). I would also refer Members to the recent appeal decision at the ADR site at Brook Crescent, Hagley (APP/P1805/A/10/2136206) (application reference 10/0378), whereby the Inspector placed weight on the absence of a five year supply of housing and the ability of the proposal to meet some of the urgent housing need of the District.

In simple terms, the ADRs were designated to be kept in reserve as sustainable locations for potential long term future development, in order to reduce the need to review Green Belt boundaries in the period up to 2021. Therefore, development should only be allowed in the BROM5C ADR where a requirement for it can be demonstrated. In the case of housing development, this requirement is in large part determined by whether the District has an achievable five-year housing land supply in accordance with the 'plan, monitor, manage' approach to housing set out in PPS3: Housing.

Paragraph 71 of PPS3 states that 'where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing', having regard to other policies in PPS3.

The views of the Strategic Planning Manager are noted. The SPM concludes that there is currently not a 5 year supply of housing land and it appears that the proposal would not undermine the emerging Core Strategy.

Paragraph 71 of PPS3 makes clear that the duty upon the Council to 'consider favourably' this application in the absence of a five-year housing supply is subject to other material considerations, including paragraph 69 of PPS3 which requires the Council to have regard to:

- Achieving high quality housing;
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- The suitability of a site for housing, including its environmental sustainability;
- Using land effectively and efficiently; and
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

It is therefore considered that other material factors must be considered, including the above matters and whether the approval of the application would undermine the

emerging Core Strategy or prejudice the future delivery of the wider ADR, and whether the proposal would ensure a sustainable and well designed development.

Members will be aware that the Council's Strategic Housing Land Availability Assessment identifies the potential for the delivery of at least 4,000 dwellings within the plan period. This site is included within the SHLAA and therefore has the ability to contribute towards the delivery of the 4,000 figure. Whilst the main purpose of the SHLAA is to inform the plan-making process it does highlight that there are no obvious constraints on the site and that the site is suitable and available for housing delivery. The applicant has considered the proposal against relevant policies in the Draft Core Strategy and the scheme would appear to be in general conformity, for example the scheme proposes a high proportion of 3 bedroom units of smaller (88%) which will help achieve the Council aim of building a range of smaller units. In addition 35% of the scheme is proposed to be affordable housing which will help to address housing need in the District. Given these circumstances there appears to be no policy basis for resisting the release of the ADR.

The proposal should thus begin to address the shortfall in housing supply. However to achieve this I am of the view that Members should insist on the prompt submission of a reserved matter application due to the lack of a 5 year supply of housing land. It is therefore recommended that a Condition is imposed requesting the submission of a Reserved Matters application within 12 months of the approval of the outline scheme and once the Reserved Matters have been determined a similar condition placed on commencing the scheme. This should ensure that the development is delivered within five years.

Sustainability Issues

The site is located on the southern edge of Bromsgrove, approximately 2 kilometres from Bromsgrove Town Centre. A number of shops and services are located approximately 420 metres walking distance of the site in Aston Fields to the north. These facilities include a convenience store (incorporating a Post Office), hairdressers, turf accountant, florist, public house and take-away restaurants. The site is also located reasonably close to a wider range of services and facilities, including schools, employment opportunities and leisure facilities. The site also benefits from good public transport opportunities in the form of bus and train modes.

As such I am of the view that the site is in a sustainable location and I raise no concern on this issue and thus would comply with the key sustainability aims of national policy aims detailed in PPS1 and PPS3.

Design, Form and Layout

PPS1 states that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development (paragraph 13). Paragraph 38 of PPS1 goes on to state that Local planning Authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning

documents on design. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Members will note the BDLP does not contain any specific Policy relating to design.

Policy CTC.1 of the WCSP sets out a general requirement that the Local Planning Authority in considering development proposals should take every opportunity to safeguard, restore or enhance, as appropriate, the landscape character of the area in which they are proposed. Proposals for development and associated land use change or land management must demonstrate that they are informed by, and sympathetic to, the landscape character of the area in which they are proposed to take place. Policy SD.5 states that development proposals should help to sustain and improve the balance of housing, employment, community and social facilities in settlements, and should maximise the use of existing infrastructure and self-containment and the building of communities.

Policy DS13 of the BDLP requires development to protect the Plan area's essential character and main environmental assets, including the open and undeveloped nature of the countryside and the Green Belt. Policy C4 states that development will not be permitted where it would have a materially detrimental effect on the landscape, especially within Landscape Protection Areas (LPAs).

Local Plan Policy S7 states that proposals involving development of new dwellings outside the Green Belt will be considered favourably providing that they meet the following criteria:

- the proposal does not lead to development at a density inappropriate for the site;
- the form and layout of the development is appropriate to the area;
- the proposal minimises the loss of mature hedges, trees and landscaping;
- the proposal does not adversely affect the existing amenities of adjoining occupiers;
- the proposal does not involve a loss of open space, allotments or other amenity areas which it is desirable to maintain;
- the development can be appropriately serviced;
- the proposal would not have unacceptable traffic implications or perpetuate a traffic hazard;
- it conforms with other relevant policies of the Plan.

SPG1 states that residential layouts should make a positive contribution to the local environment and respect the character of the surrounding area. Paragraph 5.10 sets out a series of design objectives including adequate daylight and sunlight, adequate privacy and outlook for new and existing dwellings, and provision of private and shared amenity space.

Members will be aware that the application is submitted in outline, with internal access, layout, scale, appearance and landscaping reserved for subsequent approval. In this respect, the finished design of the development is not set at this outline stage. However, the application contains a Masterplan and extensive information on design principles, architectural style, materials and how the development would integrate within the character of the surrounding locality. This issue is important in two respects. Firstly the

site is clearly visible from existing residential properties from Rutherford Road, Scaife Road, Clayton Drive and St Godwald's Road and the wider Green Belt landscape to the east and south.

The development has attempted to relate both visually and physically to the existing fabric of the Rutherford Road development. Whilst I accept that existing mature tree and hedgerows to the south and south-eastern boundaries create a strong defensible boundary to the site and the established treescape from the north-east and east provides a high degree of containment to the site, Members will note the vegetation screening associated with St Godwald's Road is less defined, thereby allowing glimpsed views of the rising topography within the site. Further views are afforded by the public footpaths that run to the eastern boundary of the site, creating a wider context of views. Views from Rutherford Road would be, for the most part, masked by a combination of the existing houses, mature vegetation and the topographical features of the site.

The development would result in the loss of open land, but having regard to its design and visibility, I am of the view that the impact of the development on the landscape and visual character would be moderate to low and there would be no material loss of an attractive landscape. This stance is reinforced by the Inspector Report (March 2002) whereby it was concluded "...The land is fairly low-lying and reasonably well contained by mature hedgerows along its boundaries, affording limited visibility of the site from most locations". These features would remain following development of the site, with enhancement created by additional planting. This would benefit both existing and future residents. As such I am of the view that the proposals can be accommodated without detriment to the Green Belt setting in compliance with paragraph 3.15 of PPG2.

The views of the Urban Designer are noted, with particular reference to the submitted Design and Access Statement. This document should set out a clear set of site planning and design principles based on analysis and good practice. The UD considers that much emphasis has been placed on landscape form, to the detriment of built form appraisal and consequently considers the aspirations for building design are disappointingly modest, with indicative visuals indicating rather characterless streets and houses, with very little sense of street enclosure, and unsatisfactory-looking open areas of grass at back of pavement. Section 6.4 states that the adjacent development at Rutherford Road has informed the proposed layout and house types, in order to "promote a high level of integration". However, the UD views the adjacent development as an old-fashioned suburban pre-Manual for Streets layout with much SLOAP (space left over after planning), and thus not an appropriate model for a new development in 2010. As such the UD is clear in suggesting that any development on this site should not be to integrate new development with a poor quality layout by matching it, but to build something better and more up-to-date. Given these circumstances, the UD concludes that that site has a high potential, but in order to realise this potential, aspirations must be raised in order to create a development of greater distinction and quality.

I have noted these views and the applicant has responded with a revised Masterplan addressing the points raised by the UD. I am satisfied that the site is able to comfortably accommodate up to 212 dwellings, with associated landscape and open space measures. However, as advocated by the UD, the design aims of the scheme need refining (with particular regard to sustainable and attractive layouts). Members will, of course, be aware that such matters are all Reserved Matters, with details for

illustrative purposes only. However, to provide some comfort to Members, the Design and Access Statement and the Masterplan does not preclude alternative layouts coming forward at the detailed design stage providing the underlying development principles established in the Design and Access document are satisfied. It is at this stage that the views of the UD can be utilised to shape the design context of such matters.

Density

The development provides a density of 29 dwellings per hectare based on the erection of 212 dwellings. Whilst the density thresholds have been removed from PPS3, there is still a requirement to make the most efficient use of land. I consider the character of the locality and the site-specific constraints to be material circumstances in this instance to permit the development at this density to be acceptable. The UD considers the density at this scale to be acceptable given the physical shape of the site.

Type of Accommodation

Members will note that the site contains an anticipated mix of dwelling types, with an emphasis on smaller house types of 2 and 3 bed dwellings, together with an element of affordable housing. The development also contains 4 bed dwellings, flatted accommodation and bungalows in response to the Strategic Housing Manager. Thirty affordable units are provided, which equates to a provision of 35% affordable housing made within the site. These dwellings will need to be designed to Lifetime Homes Standard, whereby the design of each unit must have in built flexibility to suit all lifestyles and to respond to changing circumstances of the family unit from first time home to retirement.

Local Plan Policy S15 states that on any major site which comes forward, the District Council will negotiate with developers to achieve a mix of housing types and to ensure that a proportion of affordable housing is provided. Satisfactory arrangements should be made to ensure that:

- occupancy of affordable housing will be restricted to those in housing need;
- affordable dwellings will always be available for occupation at a tenure appropriate to and at a price which is and which will remain affordable by persons on low incomes;
- affordable housing will be available to all initial and subsequent occupiers on these terms; and
- occupancy criteria will be controlled, by planning conditions or a planning obligation where a registered social landlord is not involved.

As such I consider the scheme accords with Policy S14 and S15 of the Local Plan.

Impact on the Amenity of Adjacent Occupiers

A number of third parties have expressed concerns that the proposal would harm their amenities by reason of outlook, privacy and loss of light.

SPG1 sets out design guidance for residential development including separation distances to existing dwellings so as to avoid detriment to residential amenity due to overlooking, overshadowing and overbearing affects. The Guidelines suggests that new

development with main windows overlooking existing private spaces should be set back by a distance of 5 metres per storey from the site boundary where it adjoins a private garden area.

Members will be aware that such detailed matters of layout and scale are reserved for future consideration. Given the site characteristics and based on the submitted Masterplan and design principles set out in the Design and Access Statement which illustrates landscaping buffers between existing and proposed dwellings, I am reasonably satisfied that any resultant development can be accommodated without detrimentally affecting the existing amenities of the adjoining occupiers and to be able to secure and accommodate an acceptable level of privacy and separation as detailed in the guidance within SPG1. Any overlooking issues can be controlled through a subsequent Reserved Matters application and the imposition of suitable Conditions.

For reference, Paragraph 29 of PPS1 notes that the planning system does not exist to protect the private interests of one person against the activities of another. While I note local residents whose properties overlook the site (Rutherford Road/Scaife Road/Clayton Drive/St Godwald's Road) would not wish to lose their existing view, the fact that they would be replaced by views of dwellings would not amount to a loss of amenity which ought to be protected in the public interest.

Traffic and Highway Implications

PPG13 sets out the objectives of promoting sustainable transport choices for people, promoting accessibility choices to destinations by public transport and walking and cycling as well as reducing the need to travel by car. These objectives are supported by policies in the WMRSS and Structure plan policies. The Bromsgrove District Local Plan sets out the need for applicants to incorporate safe access and egress and provide sufficient off street parking (TR11), incorporate traffic calming (TR6) and promote the use of variety of transport means (TR13).

Members will be aware that third party representations have raised concern with regard to highway safety and traffic, with particular regard to egress in the wider locality (with particular regard to the junction of St Godwald's Road/Stoke Road to the north and egress matters created by existing on-street parking on St Godwald's Road), traffic congestion, the use of the existing access leading off Rutherford Road (located between 47/49/51 Rutherford Road and 53/55 Rutherford Road) and inadequate public transport provision.

The site is approximately 420 metres south of the B4184 Finstall Road. The B4184 has single lane capacity in both directions. St Godwald's Road has a speed limit of 30mph. Further south past Rutherford Road, St Godwald's Road adopts the national speed limit (60mph). From the north of its junction with Rutherford Road, St Godwald's Road widens to approximately 6.8 metres. Unrestricted on-street parking is present. With regard to the strategic road network, Junction 1 of the M42 can be accessed 4.2 kilometres north of the site.

With regard to public transport opportunities, the nearest bus stop to the site is located approximately 500 metres from the site on Finstall Road. This road is part of a bus route and stops for frequent services are located along here. Bus services 141, 142 and 143

run through Bromsgrove and provide connections to Droitwich Spa, Redditch and Birmingham (Smallbrook Queensway). The journey from Aston Fields to Droitwich Spa takes approximately 35 minutes, the journey to Birmingham takes approximately 90 minutes. Bromsgrove railway station is located 0.6 kilometres to the north of the site on New Road. The main railway company which operates this station is London Midland, which runs hourly services from Bromsgrove to London Paddington in approximately 3 hours. Rail journeys to Birmingham New Street leave hourly and take 30 minutes. Given these circumstances I consider the site benefits from good public transport opportunities and is thus sustainable in this respect, with a number of alternative modes of transport available to future occupiers of the development.

Members will note that the scheme includes means of access via two new access points from Rutherford Road, with each access serving the upper and lower half of the site. A third access point to Rutherford Road (located between 47/49/51 Rutherford Road and 53/55 Rutherford Road) is proposed to be utilised for pedestrian access (and emergency vehicular access) only. The internal road network is not for consideration at this stage.

Although I note the views relating to highway safety and egress raised by third parties and whilst the proposal would increase the number of vehicle movements in the locality, Members will note that WH has engaged extensively with the applicant's Highway Consultant and have reached a satisfactory conclusion to matters. A full Transport Assessment has accompanied the application and two further supplementary documents dealing with highway matters were submitted in December 2010. Members will note the submitted Transport Assessment demonstrates that there will be no adverse impact on highway capacity as a result of the development traffic. The initial objection raised by the Highways Agency has also been removed following additional information indicating no adverse impact on the strategic highway network.

The WH has raised no objection to the scheme subject to the imposition of Conditions and the applicant entering into a Legal Agreement to provide financial contributions towards:

- The redevelopment of Bromsgrove Railway Station
- To upgrade the existing bus stop on Fininstall Road to a Gold Standard
- To upgrade the existing bus stop on New Road to a Gold Standard
- To provide 2 new bus stops in Breme Park
- To provide improvements to public rights of way 508, 532 & 534 to the south of the site

For the reference of Members, monies towards the redevelopment of Bromsgrove Train Station will promote sustainable access and encourage alternatives to the private car. This will enable greater emphasis on the Station as a public transport interchange and go some way to achieving the guidance in PPG13 which places weight on providing strong public transport opportunities to encourage alternatives to car use. WH has requested a contribution of £318,000 for such measures. The applicant has agreed to this approach. All contributions for highway related measures are considered to comply with Circular 05/2005.

In addition to these works, the scheme also proposes a number of highway improvement works in the locality to be provided through a Section 278 Agreement. These relate to:

- (a) The removal of the mini-roundabout serving New Road/Stoke Road/Finstall Road and the installation of four way signalisation with associated improvement works
- (b) The re-alignment and improvement of the priority junction of St Godwald's Road and Finstall Road
- (c) Traffic Regulation Order (TRO) amendments, with specific reference to the removal of on-street parking to Stoke Road in the vicinity of the existing New Road/Stoke Road roundabout

The applicant will be directly required to undertake these works in line with requirements to be set out in the Section 106 Agreement and/or a specific Condition of any planning consent. Other works will be undertaken or otherwise organised by Worcestershire County Council, facilitated by a monetary contribution by the applicant.

Given the consideration of all highway related matters, including the views of third parties and the responses from Worcestershire Highways, the proposed highway improvement works and contributions to public transport measures, I am of the view that there would not be any material harm to the safety or free flow of traffic on St Godwald's Road and that there would be capacity within the existing network to cope with the development proposal, including Rutherford Road. The use of the existing access leading off Rutherford Road for walking and cycling opportunities, in addition to enhanced use of adjacent public right of way egresses adjoining the site would also promote sustainable transport choices for future residents, with particular reference to accessibility opportunities to Bromsgrove Station. This would also enable greater permeability.

Subject to the mitigation measures and enhancement to public transport measures, whilst being mindful of the views of WH, I consequently raise no objection to the scheme on highway grounds.

Landscaping and Tree Issues

The site and localised landscape context is classified as an area of Principal Settled Farmlands within the Worcestershire County Council's Landscape Character Assessment. Whilst the site is generally open, sections of overgrown field boundaries are evident across the site, particularly along the south eastern edge of the site.

There will be a degree of vegetation removal as a result of the proposals, predominantly within the northern portion of the site. Within the southern portion of the site, along the north eastern boundary, proposed rear gardens will face on to existing rear gardens with a suitable landscape buffer. To the north-west, parallel to the railway, gardens and communal spaces will back on to existing and enhanced planting, in addition to bunding associated with the railway corridor. This will improve privacy and noise attenuation for future occupiers. Within the northern portion of the site at the boundary with St Godwald's Road, rear gardens will back onto a reinforced boundary, implemented through structural native hedge planting and a continuation of existing tree cover bordering the highway.

Members will note the site is subject to confirmed Tree Preservation Order TPO (5) 2010 (November 2010). This comprises four main notable tree & woodland landscape features:

- (a) Tree and hedge line running along the eastern, southern and western boundary from St Godwald's Road to and including the railway embankment.
- (b) Woodland Orchard in the centre of the application site
- (c) Species-rich tree/hedgeline within the south-central area of the site
- (d) Individual standing mature trees

The Tree Officer has no objection to the principle of development on this site as there would appear to be sufficient access across the site to create a good quality development which either retains and enhances the significant tree, woodland and landscape features identified above or provides suitable quantity and quality of mitigation to result in increased amenity, biodiversity and landscape values.

The Tree Officer has, however, raised concerns over the loss of features (b), (c) and (d) listed above on the submitted Masterplan, with the resultant reduction in connectivity of the ecosystem network on the site and the impact on the habitats and species following the development works. The Tree Officer has also raised issue with the proximity of new dwellings on the Masterplan to boundary trees which will result in pressure to prune or fell such specimens. I have noted these views. I am, however, mindful of the Tree Officer raised no objection to the principle of development on this site and the illustrative status of the Masterplan. As such I am confident that the reservations expressed by the Tree Officer can be filtered into the Reserved Matters process in order to ensure such notable features remain integral to the final layout.

Members will note the agricultural land on the application site is Grade 3b under the Agricultural Land Classification. Grade 1, 2 and 3a land is considered to be the most flexible, productive and efficient land. Paragraph 28 of PPS7 states that the presence of such land should be taken into account by Local Planning Authorities when determining planning applications. Where significant development of agricultural land is unavoidable, Local Planning Authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations (paragraph 28). Given the status of the land, the classification of the land does not present me with any concerns.

Open Space and Play Space

Members will note the views of the Open Space Officer and the use of SPG11 which uses a standard formula for the calculation of contributions and is used as a starting point for negotiation. SPG11 relates to the assessment of the need to make contributions towards the maintenance of on-site open space and commuted payments in lieu of on-site provision. Such monies are thus made available for the capital expenditure towards the quantitative and qualitative improvement of areas of open space which residents of the development could then make use of. Members will be aware that the circumstances under which financial contributions should be considered appropriate are detailed in Circular 05/2005.

The views of the Head of Leisure Services are noted. The application is submitted in outline and as such Members are being tasked with dealing with matters of principle.

The Masterplan layout shows the provision of four areas of public space equating to 1.6 hectares. These consist of:

Designation	Provision	Site Area	Location
LEAP	Equipped Flexible open grass space Specimen tree planting	0.27 hectares	South-Eastern Boundary
LAP	Equipped Small intimate green space Specimen tree planting	0.14 hectares	Eastern Boundary
Woodland Walk	Existing public footpath Existing trees retained Access to wider green space	0.45 hectares	Eastern Boundary
Wildlife Meadow	Ecological habitat Circular walking routes Connection to existing public network Wetland planting and feature water body	0.79 hectares	Southern Boundary

This provision meets the space requirements of SPG11. The amended Masterplan increases the level of natural surveillance offered to these spaces, whilst avoiding the location of rear garden spaces directly backing onto such provision.

Ground Conditions, Flood Risk and Drainage Issues

The submitted Phase 1 Ground Investigation Survey indicates that ground conditions do not pose any risks to the proposed development and for future occupiers. Members will note the Contaminated Land Officer has raised no objection to the scheme, subject to the imposition of suitable Conditions.

Policy ES2 of the Bromsgrove District Local Plan states that proposals involving new development will not normally be permitted where there is a known risk of flooding, or where the Environment Agency indicates there are potential problems. A Flood Risk Assessment (FRA) has accompanied the application. The application falls outside the threshold for consultation with the Environment Agency.

PPS25 states that a sequential approach to site selection should apply in relation to flood risk, which gives preference to sites within Flood Zone 1 (lowest risk), before Flood Zone 2 and finally Flood Zone 3a (high risk). Where development is proposed in Flood Zones 2 and 3, it must usually be demonstrated that there are no available sites at a lesser risk of flooding, in order to direct development to areas that are at the lowest risk.

The FRA indicates that the site is predominantly located in Flood Zone 1, which indicates that the site is at little or no risk of flooding with an estimated annual probability of river flooding of less than 1 in 1000 years (i.e. a less than 0.1% chance in any given year), and therefore has the lowest category of flood risk attributable.

Members will also note the views of the EA. It is noted that a small part of the south-west area of the site (adjacent to the railway line) is shown to be located within Flood Zones 2 and 3 of an ordinary watercourse, based on the EA's indicative Flood Zone Map. The EA

comments that their own Flood Zone Map appears to be inaccurate in this location for this ordinary watercourse (to the north of the site, entering into the culvert under St Godwald's Road) and the national, generalised mapping technique producing such data does not take into account the impacts of structures such as culverts. In addition, there is an ordinary watercourse running along the southern boundary of the site, which does not have a floodplain associated with it due to its catchment size. In light of these circumstances the EA has raised no objection to the scheme on flooding issues.

In terms of drainage issues, Severn Trent Waters records indicate that a 375mm diameter surface water sewer crosses the southwest area of the site. This drains stormwater from the southern half of the adjacent development to the watercourse. It is intended that the stormwater drainage from the new development will drain to the watercourses adjacent to the site. The foul drainage on the adjacent development falls to a pumping station in Scaife Road, before discharging via a rising main to a gravity system in St Godwald's Road, on the opposite side of the railway bridge.

The Council's Drainage Engineer has raised no objection to the scheme, subject to the imposition of suitable Conditions.

Ecological and Biodiversity Issues

The Habitats Regulations implements the requirements of the Habitats Directive for species listed in Annexe IV of the Directive (European protected species). Stricter provisions than those contained in the Wildlife and Countryside Act 1981 apply for these species and regulation 3(4) of the Habitats Regulations places a duty on Local Planning Authorities, in the exercise of their functions, to have regard to the requirements of the Directive so far as they might be affected by those functions. All European protected species are also separately protected under the Wildlife and Countryside Act 1981.

The rough grassland that forms the majority of the site is species poor and is thus of limited value for nature conservation. However, several of the boundary hedges, tree lines and scrub are valuable ecological features that include a variety of mature trees and shrubs (with particular regard to the mature trees to the south-eastern boundary of the site). The orchard area and wooded stream are also ecologically valuable both as corridors for wildlife movement and habitat. The scrub and hedgerows within the site offer potential nesting habitat for common and widespread bird species, which are legally protected during the breeding season.

Members will note the views of Natural England, whereby it is noted that the proposed woodland walk is located on what is currently grassland, whilst the existing orchard/woodland area is proposed to be lost. NE are of the view that the orchard is arguably one of the more important ecological features of the site, and is noted as having large numbers of trees with bat roost potential. NE welcomes the consideration of landscape and the recognition of the importance of the relationship between the proposed development and the wider countryside. The proposed maintenance and enhancement of the site's green boundaries, particularly the corridor adjacent to the southern watercourse and the inclusion of SuDS is noted.

In terms of bat activity, the submitted Ecology Surveys (with particular regard to the Phase 2 Ecology Survey) indicates that none of the trees scheduled for removal supported roosting bats during the 2010 survey season. Levels of bat activity on the site

have been recorded as low. As such it is not considered that the site supports a significant bat population.

The site is not considered to contain suitable or sufficient habitat to support the widespread legally protected mammal species (dormouse, water vole, otter). No definitive evidence of great crested newts has been recorded. However the rough grassland throughout the site is suitable terrestrial foraging habitat for great crested newts and there are old hay bales and wood piles which would provide good refuges for such species. No definitive badger activity has been noted. These species are therefore not currently considered to present a constraint to the scheme.

The majority of the site is suitable for reptiles and grass snake has been recorded in the locality. The grass snake is also a legally protected species.

The Ecological Baseline Report considered that in overall terms, the site is considered to be of low ecological value. The Report puts forward the following recommendations:

- (a) Retention of mature trees and shrubs wherever possible in boundary hedges and the orchard area. Wherever trees or shrubs are removed they should be replaced by planting appropriate native species.
- (b) Retaining some of the dense scrub associated with the hedgerows to maintain their ecological value as wildlife corridors and habitat for a range of species.
- (c) Protection of the wooded stream area throughout the development with a zoned exclusion zone during development.

Subject the ecological value of the site and the above recommendations, I am of the view that the outline application should meet with the requirements of PPS9 and the relevant Policies set out in the WCSP and the BDLP relating to biodiversity.

Noise Issues

Policy ES14A of the BDLP states that proposals for noise-sensitive developments (for example, housing) must be located away from existing sources of significant noise. Proposals potentially noisy developments must be located in areas where noise will not such an important consideration or where its impact can be minimised. This is the stance set out in PPG24. Members will be aware that the impact of noise is a material planning consideration and the impact of this issue can have a significant effect on environment and on the quality of life enjoyed.

Members will note that the railway line runs along the western boundary of the site in a north/south direction. The railway line is considered the dominant noise source to affect the site. An earth bund of approximately 4.5/5 metres in height is located to the majority of the western boundary, with this bund containing dense screen planting.

A detailed assessment of the site and its potential impact upon noise and vibration levels has accompanied the application. The results indicate that any impact related to noise from the railway line can be dealt with through glazing specification and ventilation. This will apply to dwellings adjacent to the railway line to the southern aspect of the site and to those residential building with windows at second floor or greater height with a direct line of sight to the railway line over the existing bund. Due to the predicted ground-floor day

time railway noise levels in the southern section, the EHM has also recommended that noise barriers should be used to protect garden areas in this area.

Subject to such mitigation measures to be secure through appropriate Conditions, the EHM has raised no objection to the scheme on this issue.

Air Quality

Members will note the views of the EHM on this issue. The EHM is of the view that the increase in vehicles passing through two of the District's designated Air Quality Management Areas will lead to an adverse impact on Air Quality in the District. This reflects the views of WH whereby it is acknowledged that the development will impact on the wider highway network, including road junctions along the A38 corridor.

On this basis the EHM has requested that financial contributions are provided in order to help put mitigation measures in place to improve air quality in the District. The applicant has agreed to this request via a payment of £10,000 towards tree planting measures within the designated Stoke Heath Air Quality Management Area located in Redditch Road (AQMA2).

Archaeological Issues

The views of the County Archaeologist are noted. The WCC(CA) has raised no objection to the scheme.

Other Issues

Public Rights of Way

The proposal is adjacent to and affects Public Rights of Way as recorded on the Definitive Map. The Public Rights of Way include Bromsgrove Footpath 509, Fininstall Footpaths 505 and 509 and Stoke Prior Footpaths 531 and 532. The scheme encourages connection to the public footpath network to the eastern boundary, with the partial re-routing of Footpath 509 (located to the eastern boundary of the site) to facilitate this. A permeable link is retained through the site and the existing connection with footpath 505 is also retained, leading to wider connectivity with Footpath 531 and 531 leading and Bridleway 507 leading to Breme Park to the north and the canal network to the south.

Members will note the views of the Rambler's Association and the County Footpaths Officer on this issue. Although I note the reservations expressed by the RA, the County Footpaths Officer has raised no objection to the proposals to partially re-routing Footpath 509. If planning consent is granted the applicant would need to divert the footpath under the Town and Country Planning Act.

Crime Prevention

Section 17 of the Crime and Disorder Act 1998 states that a LPA has a duty "to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its

area." Policy DS13 is a general policy relating to sustainable development. Amongst other things it sets out a requirement for all development to reflect the need to safeguard and improve the quality of life of residents by ensuring social progress which recognises the needs of everyone and by protecting the area's character and environmental assets, including the character of settlements.

I am also mindful of the government's aim to create safe and accessible environments where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion (paragraph 36 of PPS1).

Members will note the views of the Crime Risk Manager. The application is submitted in outline and contains a Masterplan which is purely indicative at this stage. Concerns over access points and links can be addressed at the Reserved Matters stage. On this basis I am of the view that the scheme has paid regard to planning policy and guidance on this issue and thus raise no objection with respect to this at this outline stage.

Climate Change

Local Plan Policy DS13 states that the Council will take full account of the need for future development to be sustainable so that present demands do not compromise the ability of future generations to meet their own demands or enjoy a high quality environment. The Climate Change Supplement to PPS1 makes climate change considerations integral to the planning system, including in the design of new developments. Paragraph 105 of the Guidance on Information Requirements and Validation states that Design and Access Statements for outline planning applications should:

'demonstrate how climate change mitigation (through the minimisation of energy consumption, efficient use of energy, and the supply of types of energy including from low-carbon and renewable sources to help reduce overall carbon emissions) and adaptation measures (to provide resilience to future climate impacts) have been considered in the design of the proposal.'

The submitted Energy and CO² Report provides an indication of such measures, such as the use of solar hot water heating solutions and photovoltaic solutions. Further strategies can be employed to deal with this issue, from layout and urban form (for example, optimising solar exposure through block orientation and architecture to promote good levels of natural daylight), building design and energy strategy (to include water drainage measures, construction and materials, waste and transport).

As such I consider regard has been paid in the submission to matters of climate change mitigation and adaptation measures. I am therefore of the view that the proposal complies with Local Plan Policy DS13 and PPS1 and its supplement.

Educational and Services Infrastructure

Members will note that views of third parties relating to the impact of the development on existing services and functions. This is with particular regard to school places. Members will be aware that it is particularly difficult to accurately assess what school place pressures would in fact arise from a development upon occupation and in subsequent years, particularly due to issues such as demographic change, parental choice and/or

with flexible or overlapping school catchments. No definitive evidence has been submitted to substantiate the perceived increased demand for education and health facilities in or surrounding Aston Fields.

Members will note, however, that Worcestershire County Council Education Services has commented that monetary contributions towards education provision will be required in this instance based on the adopted SPG for residential developments. The catchment schools are Charford First School, Aston Fields Middle School and South Bromsgrove High School. Although there is pressure on first schools in south Bromsgrove, Charford First School is not full and this establishment would have spaces for children generated by the development. For September 2010 intake, WCC allocated 81 of their 90 spaces. A development of 212 dwellings would generate around 6 pupils per year group on our average pupil yield of 0.029 pupils per year group per dwelling. While numbers would remain tight, the school should be able to accommodate them. Finstall First School is heavily oversubscribed but as this development is not in the catchment area for the school then it would not adversely affect the chances of children already living in the area.

At Middle School level, neither Aston Fields Middle nor St John's CE Middle were oversubscribed for September 2010, although both remain popular. The numbers coming through their feeder first schools at present suggest that between the two schools there will be more than enough places for the next few years. South Bromsgrove High School remains extremely popular and oversubscribed but there are spaces in North Bromsgrove High school. Again numbers coming through the feeder schools suggest that there will be enough spaces when the two schools are taken together.

The developer has agreed to pay £329,927 towards enhancing education facilities in the area. It is envisaged these monies will be directed to solutions to alleviating the pressure on the first schools in the area.

Other Matters

Section 106 Agreement

Members will be aware that Section 106 obligations are legal agreements negotiated between Local Planning Authorities and developers in the context of a grant of planning permission. Such agreements are intended to make development proposals acceptable, which might otherwise be unacceptable, and provide a means to ensure that a proposed development contributes to the creation of sustainable communities, particularly by securing contributions towards the provision of infrastructure and facilities.

Government advice in terms of Section 106 Agreements is set out in Circular 05/05. Strict tests are imposed on planning obligations. Section 106 Agreements must be necessary in relation to national and local planning policy and be directly and fairly related in scale and kind to the proposed development. In particular, any requirement must be:

- Relevant to planning
- Necessary to make the proposed development acceptable in planning terms
- Directly related to the proposed development

- Fairly and reasonably related in scale and in kind to the proposed development
- Reasonable in all other respects

Members will note the following Heads of Terms breakdown of contributions for inclusion in the Section 106 Agreement:

Amount	Reason for contribution	Payable To
£94,760	Off site play space	Bromsgrove District Council
£10,000	Improvements to air quality in the Stoke Heath Air Quality Management Area	Bromsgrove District Council
£329,927	Enhancing education facilities in the area	Worcestershire County Council
£318,000	Contribution towards the redevelopment of Bromsgrove Railway Station	Worcestershire County Council
£10,000	To upgrade the existing bus stop on Fininstall Road to a Gold Standard shelter	Worcestershire County Council
£10,000	To upgrade the existing bus stop on New Road to a Gold Standard shelter	Worcestershire County Council
£20,000	To provide 2 new bus stops in Breme Park near the junction of Railway Walk and Bridge Road	Worcestershire County Council
£2,000	To provide improvements to Public Rights of Way 508, 532 and 534	Worcestershire County Council
Total £794,687		

Members will note the Agreement will also include the provision and securing of 74 affordable housing units.

It is considered that the level of contributions meet the Circular tests in that they are relevant to planning, are considered necessary to make the proposed development acceptable in planning terms, are directly related to the proposed development and are fairly and reasonably related in scale to the proposed development.

The applicant has agreed to this approach and the Section 106 Agreement is currently being drafted. I will update Members at your Committee on the progress of this document.

Conclusions

Members will be aware that Local Plan Policies still form the Development Plan for the area, and any decision needs to be made in accordance with these policies unless material considerations indicate otherwise.

The Strategic Planning Manager advises that ADR land should not be released before the adoption of the Core Strategy unless the Council is confident that the proposal is in

conformity with national guidance and does not undermine the emerging Strategy. Members will note the view of the SPM whereby there is currently not a 5 year supply of housing land and that the proposal would not undermine the emerging Core Strategy. In this instance there appears to be no policy basis for resisting the release of the ADR and the proposal should begin to address the shortfall in housing supply.

I am aware that paragraph 71 of PPS3 seeks favourable consideration where there is a shortfall in the 5 year supply but Members will be aware that the wider context should be taken into account. PPS1 sets out that sustainable development is the core principle underpinning planning, the heart of which is a spatial planning approach. The site has been identified as a suitable site for housing development in the adopted Local Plan and the Draft Core Strategy 2. The development of this site would therefore not conflict with the key sustainability aims of PPS1 and PPS3 and thus would contribute to housing in a sustainable location, in addition to addressing the shortage of affordable housing in the District by supporting a 35% element of such dwellings.

Advice within National Planning Policy Guidance Notes and Statements and Policies within the WCSP and BDLP makes it clear that the impact upon the character of the locality, as well as the relationship of proposed developments to the surrounding area to be legitimate material factors to take into account in the determination of planning proposals. Indeed, Government guidance advocates the rejection of poorly designed developments, including those that are clearly incompatible with their surroundings. The proposed public open space, the approach to high quality design advocated by the Design and Access Statement and new landscaping would be of local benefit which are factors that weigh in favour of the proposals.

With respect to the process for dealing with this outline application, Circular 08/05 states:

"Where a Local Planning Authority is considering an application for outline planning permission under section 92 of the 1990 Act, it must grant outline planning permission subject to conditions imposing two types of time-limit. The first sets the time-limit within which applications must be made for the approval of reserved matters. This will normally be three years from the grant of outline permission, **but an Authority could chose to direct a longer or shorter period as appropriate**. The second sets the time-limit within which the development itself must be started. This will usually be two years from the final approval of the last of the reserved matters, **but may be longer or shorter as directed by the Local Planning Authority.**" (Council emphasis).

In order to address the shortfall and to achieve the prompt submission of a Reserved Matters application, Members are recommended to impose a suitable Condition requesting the submission of a Reserved Matters application within 12 months of the approval of the outline scheme and once the Reserved Matters have been determined a similar condition placed on commencing the scheme. This will ensure that the development occurs within five years and satisfy the lack of a five year supply as advocated by the applicant in support of the scheme.

I am content that the site is able to support the erection of up to 212 dwellings in a well-designed manner, which will integrate well with surrounding development and the use of existing natural features. The scheme provides a density that is considered to be appropriate in order to balance the need to make more efficient use of land, in line with

the requirements of PPS3. Furthermore, the scheme offers an opportunity for the provision of on-site affordable housing units, together with elements of landscaping and ecological enhancement works that will reinforce such elements both within the site and to the boundaries of the development site. The site is extremely sustainable and this factor weighs in favour of the application. Whilst I am fully aware of the views of third parties in respect of highway related concerns, Members will note WH have raised no objection to the scheme subject to suitable mitigation measures and financial contributions towards related works. Furthermore I am not in receipt of any technical objections to the scheme. Having considered all material considerations I am thus minded to approve outline planning permission.

The applicant is in the process of submitting a legal agreement to deal with financial contributions towards play space provision, education provision, public transport enhancement measures, improvements to the local Public Right of Way network, air quality mitigation measures and the securing of 74 affordable housing units. I am thus seeking delegated powers from Members to deal with this matter upon submission and completion.

A small wooded section of the site to the extreme south-western boundary has also been identified as falling within the Parish of Finstall. As a result, Finstall Parish Council has been consulted on the proposals and these views are currently awaited. Given these circumstances I am thus also seeking delegated powers to determine the application following the expiry of this consultation period on 20 April 2011.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline application following:

- (i) the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:
 - (a) Play space provision
 - (b) Education provision
 - (c) Public transport enhancement measures
 - (d) Improvements to the local Public Right of Way network
 - (e) Air quality mitigation measures in the Stoke Heath Air Quality Management Area (AQMA2)And (f) the securing of 74 affordable housing units
- (ii) the expiration of the consultation period for Finstall Parish Council on 20 April 2011