

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
CALA HOMES "B"	Outline application for up to 80 residential units, including 12 retirement flats and associated communal facilities, access, parking, amenity space and associated work.	ADR LBS	11/0343 21.07.2011

As amended by:

- Flood Risk Assessment received 16.05.2011
- Design and Access Statement received 19.05.2011
- Landscape Framework Plans received 04.08.2011
- Proposed Indicative Site Layout (Concept Masterplan) received 08.08.2011

As augmented by:

- Indicative Site Sections received 19.05.2011
- Proposed Site Layout with Remodelled Floodplain Extents Plan received 25.08.2011
- Indicative Noise Bund Cross Sections Plan received 09.09.2011

Land off Church Road, Catshill, Bromsgrove

RECOMMENDATION: that, subject to the satisfactory views of the Highways Agency, **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline application following the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:-

- (a) play space provision;
and (b) the securing of 32 affordable housing units.

MINDED TO APPROVE

COMMITTEE SITE VISIT: 6TH OCTOBER 2011

Consultations

- WH Consulted - views received 09.06.2011:
- No objection subject to Conditions.
- HA Consulted - views received 24.05.2011 (*not received until 24.08.2011):
- The HA is aware from experience that dwellings in close proximity of the motorway network are likely to be subjected to high levels of noise/traffic related pollution.
 - Whilst there are no concerns with the impact of traffic from the proposal upon the M5 motorway, the HA has concerns with regard to the impact of the proposed noise bund on the M5.

- The HA notes within the Environmental Noise Report, a noise bund (running parallel with the M5 carriageway) is proposed, to mitigate the site from motorway noise. The exact specifications and location of the noise bund are unclear. However, it appears from the plans provided that there is a section of drainage between the development site and the M5 boundary. In addition, a watercourse runs through the development site and underneath the M5 via a culvert.
- In order to demonstrate whether the construction of the proposed bund is practicable and the surface water run off from the bund and development site does not affect drainage, the applicant must submit additional information.
- In light of the above, the HA is unable to fully assess the impact of the proposed development on the M5. Therefore please find attached a TR110 form directing that planning permission is not granted for a period of three months to allow for the provision of this information and the assessment of the impact on the strategic road network.

Additional views received 24.08.2011:

- Further to our letter dated the 24th May 2011, we have not received the outstanding information from the developer.
- Please see attached a further 3 month extended holding direction for the application.

Drainage
Engineer
Severn Trent
Water
EA

Consulted - views received 10.05.2011:

- No objection.

Views received 12.05.2011:

- No objection subject to Conditions.

Consulted - views received 13.06.2011:

- The content of the Flood Risk Assessment (FRA) appears to be in line with Planning Policy Statement 25 'Development and Flood Risk' and has covered the relevant issues.
- As there is no flood level data available for the Battlefield Brook in this location, the FRA consultants have undertaken ISIS modelling to determine the design flood levels to base the FRA on (i.e. siting of development and safe development requirements etc.)
- Given the scale of development / nature of the site we would like to check the ISIS modelling.

Additional views received 20.07.2011:

Flood Map/Historical Flooding:

- Parts of this 6 hectare site lie within Flood Zones 2 and 3 of the Battlefield Brook (ordinary watercourse), based on our Flood Zone Map.
- These are the Medium and High Probability zones identified in Table D1 of Planning Policy Statement (PPS) 25 'Development and Flood Risk'.
- However, the Flood Zone Map at this location has been produced from a national, generalised mapping technique and not from a detailed hydraulic model. This technique ignores the impacts of

structures such as culverts and bridges on the flooding regime and, whilst it is the best available data we hold, is used for 'indicative' purposes only. The floodplain is misaligned from the channel in places on our Map. We have no flood level data available for the watercourse in this location.

- As a consequence, hydraulic modelling has been undertaken by Cole Easdon Consultants to inform a FRA, to support the application. Our comments on the modelling undertaken seek clarification on a number of points.
- The FRA undertaken by Cole Easdon Consultants has also acknowledged local flooding issues in the area (in Paragraph 4.2), identified within your Council's Level 1 Strategic Flood Risk Assessment.

Flood Risk Assessment:

- PPS25 states that FRAs should confirm that new development is safe, does not increase flood risk elsewhere and ideally reduces flood risk overall (Table D1).
- Once the modelling issues have been clarified / resolved, we would accept that the properties are proposed within Flood Zone 1, as highlighted on Drawing No. 3106/505/B (i.e. outside the 1 in 1000 year floodplain extent).
- We also acknowledge that finished floor levels would be set at a minimum of 600mm above the 1 in 100 year plus climate change flood level (paragraph 4.26 of the FRA).
- The finished floor levels should also be set above the point at which floodwater would spill over Church Road, to ensure they are not flooded in the event of a blockage, and this should be confirmed in the FRA.
- However, a key issue that is not currently addressed in the FRA is that of a safe pedestrian access/egress route from the properties during flood events, particularly the 1% plus climate change event.
- We note that the properties proposed to the west of the watercourse have pedestrian routes within Flood Zone 1, to the north onto Stourbridge Road.
- However, from Drawing No. 3106/505/B occupiers of the properties to the east of the watercourse would have to cross over the northern access crossing, and the 1 in 100 year plus climate change floodplain is 50 metres wide at this point.
- The applicant should confirm whether pedestrian access is available from these properties to the existing residential development to the east. If not, further detailed information should be submitted within the FRA to assist your Council/Emergency Planners in making an informed decision on the potential flood risk, e.g. flood depths, velocity, frequency, distance and any hazards along the proposed evacuation route. This would also inform the availability of vehicular access in considering residual risks.
- The FRA should refer to Table 13.1 of the DEFRA/Environment Agency document 'Flood Risk Assessment Guidance for New Development (FD2320)', which highlights the danger to people for different combinations of depth and velocity.

- We are presuming that the access roads on site will be built at existing ground levels but this is not made clear in the FRA. If it was confirmed that there would not be a safe pedestrian access route from the proposed properties, then the suitability of a Flood Evacuation Plan would need to be assessed, in line with Chapter 7 of the PPS25 Practice Guide (December 2009) and in particular Figure 7.2.
- The Emergency Services may require similar flooding information on the site access route through the floodplain, and may need vehicular access to all properties during flood events.
- Further information should be provided to address the above.
- We can provide the following comments on other matters within the FRA for your information at this time:
 - The outline surface water drainage strategy appears to be in line with PPS25 guidance as it will ensure greenfield runoff rates are maintained post development (including climate change increase on peak rainfall intensity). We note that the detailed design will be undertaken at a later stage, but that the FRA refers to underground storage tanks. There is currently limited consideration within the layout to above ground SuDS (sustainable Drainage systems) attenuation features. This is disappointing and we would wish to see a full range of SuDS techniques considered in the drainage strategy, linked to biodiversity issues (see comments below). As low flows are often an issue in the Battlefield Brook it is beneficial for clean surface water to discharge to the watercourse.
 - In order to ensure the two access crossings do not increase flood levels upstream of the structures due to blockages (build up of debris, siltation and vegetation), a regular inspection and maintenance regime would be required.

We support the proposal outlined in paragraph 4.20, where land outside of the floodplain within the site (identified as yellow on drawing no. 3106/505/B) will be lowered to increase flood storage.

- In addition, we note that investigations to reduce flood risk on the 1.5km stretch of the Battlefield Brook immediately downstream of the site are being undertaken, in consultation with your Council (paragraph 4.21). We assume that the delivery of this work (informed by appropriate assessments) would be considered by your Council.
- Any potential culverting of this ordinary watercourse for the 2 access crossings would require our prior written approval under the terms of the Land Drainage Act 1991. However clear span bridges, which are suggested in paragraph 4.18, would not require consent.

Biodiversity

Site Context:

- Catshill Marsh was formerly a Worcestershire Special Wildlife Site until it was de-notified (this has not been mentioned in the Ecological Report submitted with the application). The site has the

potential with the current augmented flows from us, to be restored to a habitat of county importance for its ecology, subject to an appropriate management regime.

Proposed Development:

- Reference is made in the Ecological Appraisal Report (dated April 2011, Rev. D) to the use of wildflower grassland mixes. Whilst this may be appropriate and welcomed in disturbed areas of the site, it should not be used as an easy fix in areas where short or medium term habitat management techniques could restore the habitats that have degraded through lack of management. Typically removing shading vegetation or cutting and removing rank vegetation can help restore previously more diverse floral communities. The pollarding of old riverside willows can extend their useful life and allow more light into the watercourse.
- The recommendations for habitat creation within the Ecological Appraisal Report should be undertaken to offset the impacts of the development. However, these should not just be restricted to the south of the site but extend through the whole river corridor length. Particular consideration should be given for creation and management of water vole habitat, which are colonising the Battlefield river corridor downstream near Bromsgrove (with the advent of improved augmented flows within the watercourse).
- Habitats such as the braided stream channel, significant riverside trees, and areas of swamp and fen should be retained where possible and subject to a sympathetic management regime as part of a co-ordinated and long term Habitat Management Plan (HMP). The HMP should include clear roles and actions for the participants to achieve the sympathetic management required to safeguard and promote the river corridor and floodplain ecology, and we would wish to see this requirement secured as part of any planning permission granted.
- Watercourse crossings should be minimised as far as possible so as to reduce the fragmentation effect of the development and to remove barriers to mammal movements up and down the river banks and channel. Otter and badger maybe using the river and its banks at this location (both fully protected under law). Out of bank flow culverts or mammal tunnels should be incorporated into the bridging structure(s) to allow mammal passage during times of flood flow, to avoid road casualties.
- We would recommend that consultation with Worcestershire Wildlife Trust is undertaken to establish the ecological interest of the site, which led to it being identified a Special Wildlife Site, and for further input on how this interest can be restored and developed.

Summary

- The flood risk issues raised in relation to the hydraulic model and FRA should be addressed to ensure the FRA is PPS25 compliant.
- **In the absence of this information we would currently object to the proposed development.**

- We would be happy to meet with the developer and/or their Consultants to discuss these issues in greater detail. Upon receipt of further information that addresses the comments raised in this response we would be able to review our position and recommend conditions if appropriate.

Additional comments received 17.08.2011:

- The additional information submitted addresses the points raised in our previous response, which means that the EA is now in a position to remove our objection subject to a number of recommended conditions.
- In relation to the finished floor levels (FFLs), we note that they will be set at least 600mm above the 1% plus climate change flood level. However, given the considerable length of the site, the 1% plus climate change flood level varies through the site. Figures for the minimum FFLs (to M AOD) have not been provided (interpreted) for the residential units through the site.
- Please can this information be interpreted onto a plan of the proposed development (i.e. FFLs for residential units split into areas/bands of the site compared to the relevant flood model node). The July 2011 post-development 1% plus climate change flood levels should be used to determine the minimum FFLs.
- Once we have received this information we will then be able to include a recommended condition within our response to secure the detail in accordance with the plan.

Additional comments received 25.08.2011:

- We have received additional modelling and flood risk information which is summarised in a Flood Risk Assessment (FRA) Addendum Report undertaken by Cole Easdon Consultants (dated August 2011). We have also received a revised drawing no. 3106/505 Rev. D titled 'Proposed site layout with remodelled floodplain extents'. This is in response to our letter of 20th July 2011.
- We have reviewed the information and are now in a position to remove our objection to the proposed development subject to Conditions.

Hydraulic Modelling

- Appendix A of our letter sought clarification on a number of points in relation to the hydraulic modelling, undertaken by Cole Easdon Consultants for the watercourse in this location. We note that these points have been addressed as follows.
- Cole Easdon Consultants have undertaken an analysis using the FEH Statistical method, in addition to the FEH Rainfall Runoff method used in their original FRA, to compare flows. The comparison on the two techniques is shown in Table 2.1 of the FRA Addendum Report and illustrates that the FEH Rainfall Runoff approach adopted in the original FRA produces higher flows for both the 1% (100 year) and 0.1% (1000 year) flows. However, paragraph 2.7 of the FRA Addendum confirms that the conservative

FEH-Rainfall Runoff method flows will still be used as a basis for the FRA for this site, in adopting a precautionary approach.

- We also note Cole Easdon's response on the channel cross sections used for their modelling and comments made in paragraphs 2.10 to 2.14 of the report on the sensitivity analyses and model parameters used in the modelling, which have been re-assessed.
- The revised information has included flood levels based on the July 2011 pre- and post-development modelling assessment.

In summary, we are satisfied that the hydraulic model information submitted has addressed the points made in Appendix A of our previous response.

Flood Risk

- The hydraulic modelling has confirmed that part of the site is located within Flood Zone 3 (high probability) and Flood Zone 2 (medium probability). Planning Policy Statement (PPS) 25 'Development and Flood Risk' would class residential development as a 'more vulnerable' use, which within Flood Zone 3a requires the Sequential and Exception Test to be passed.

Sequential Test:

- PPS25, paragraph 14 states that 'a sequential risk-based approach to determining the suitability of land for development in flood risk areas is central to the policy statement and should be applied at all levels of the planning process.' The aim of the Sequential Test is to steer new development to areas at the lowest probability of flooding (Zone 1); (paragraph 17). Whilst part of the site is located within Flood Zone 3 and 2, we note that the applicant has considered the sequential approach in locating the proposed residential units outside of the 1% plus climate change floodplain within Flood Zone 1 ('low probability'). Parts of the proposed access road are located within the 1% plus climate change extent and this is assessed further within the FRA.

Flood Risk Assessment

Finished Floor Levels

- It has been confirmed that the proposed properties with the lowest floor levels will still be set at 2.5 metres above a potential spill route over Church Road (at 123.0m AOD) should a blockage of the culvert occur. In addition, the FRA states that finished floor levels of the proposed development will be set at least 600mm above the 1% plus climate change flood level and it has been confirmed that the revised July 2011 post development model level has been used, which is acceptable.
- It should be noted that, given the length of the site, the 1% plus climate change flood level varies through the site. However, drawing no. 3106/505 Rev. D lists the 1% plus climate levels for the different chainages through the site and the minimum finished floor levels to compare to the relevant chainage. We are satisfied with

the information submitted and would recommend the following condition:

Safe Access/Egress

- The properties proposed to the west of the Battlefield Brook have a pedestrian access route on land at or above the 0.1% flood level for the site i.e. within Flood Zone 1. The FRA Addendum has confirmed that the occupants from properties to the east of the watercourse would need to cross over the northern access crossing (as highlighted on Drawing 3106/505 Rev. D), located within the 1% plus climate change floodplain. However, the report has also confirmed that all access roads will be raised above the 0.1% flood level and that the roads will be designed to allow floodwaters to pass under them within the floodplain extent using wide box culverts or bridges. The impacts of these structures have been modelled, which shows that there would be no significant impact on flood risk as a result of the proposed development.
- A maintenance regime will be required in order to ensure that the openings under the raised roads remain free of debris, in order to ensure they are able to allow floodwater to flow through them if required. In addition, detailed designs of the access roads where they cross the watercourse and floodplain will be required along with further detail on the proposed flood storage areas, shown on drawing no. 3106/505 Rev. D.

Surface Water Drainage

- We acknowledge the comments within the FRA Addendum report that the steep topography of the western part of the site and the relatively wide floodplain limits potential land for surface water attenuation features. However, we would advocate the use of infiltration and permeable paving should further testing indicate that this is feasible. All possible SuDS (Sustainable Drainage Systems) techniques should be considered as part of the drainage strategy and further information submitted once the detailed design has been undertaken.

Biodiversity

- Reference is made in the Ecological Appraisal Report to the use of wildflower grassland mixes. Whilst this may be appropriate and welcomed in disturbed areas of the site, it should not be used as an easy fix in areas where short or medium term habitat management techniques could restore the habitats that have degraded through lack of management. Typically removing shading vegetation or cutting and removing rank vegetation can help restore previously more diverse floral communities. The pollarding of old riverside willows can extend their useful life and allow more light into the watercourse.
- The recommendations for habitat creation within the Ecological Appraisal Report should be undertaken to offset the impacts of the development. However, these should not just be restricted to the

south of the site but extend through the whole river corridor length. Particular consideration should be given for creation and management of water vole habitat, which are colonising the Battlefield river corridor downstream near Bromsgrove (with the advent of improved augmented flows within the watercourse).

- Habitats such as the braided stream channel, significant riverside trees, and areas of swamp and fen should be retained where possible and subject to a sympathetic management regime as part of a co-ordinated and long term Habitat Management Plan (HMP). The HMP should include clear roles and actions for the participants to achieve the sympathetic management required to safeguard and promote the river corridor and floodplain ecology.

WRS: Noise
WRS:
Air Quality

Consulted 05.05.2011 - views awaited.

Consulted - views received 26.05.2011:

- No objection.
- Modelling indicates that any impacts on local air quality will be negligible.
- The report discusses the potential for dust nuisance to arise and recommends that a site specific Construction Environmental Management Plan is developed.
- This plan should outline the measures that will be put in place to mitigate any potential for dust nuisance to arise. We agree with this approach. Any Construction Environmental Management Plan should be submitted to and approved in writing by the LPA.

Urban Designer

Consulted - views received 16.05.2011:

The Design and Access Statement

- The CABE document on *Design and Access Statements* says that "Statements are documents that explain the design thinking behind a planning application". The submitted Design and Access Statement does not fulfil this criterion well. On page 8 we are given three superseded layout proposals, and on page 9 the currently proposed layout. They are not preceded by any site analysis which would explain why the proposals are in this form. The three superseded plans are of two very different types, and the proposed plan is of a different type again. The earlier plans appear to be of a significantly higher density than the proposed plan, although this is not acknowledged.
- When one reaches the appendices at the end of the Statement, there are three pages titled Site Analysis, but the plans are so small that they are unreadable. The Statement does not even contain a plan of the site as it currently exists.
- This is not merely an academic critique. It is a real obstacle to understanding, because we are left uncertain about the applicant's intentions, and the basis on which decisions have been taken, and uninformed about the history of the design process. For example, we know that proposals have been the subject of public consultation, but we are not told what the responses were, and what changes have been made as a result; it may be that this information would explain the differences between the four layouts contained in the Statement.

Density

- The stated density of the development is 14 dwellings/hectare. This is very low; the Council's *Residential Design Guide* sets the norm as 20-25 dwellings/hectare. No figures for the density of adjoining developments, which might justify a low density contextually, are given, but the plans suggest that adjoining densities are significantly higher.
- There is evidently a good case for maintaining that a large part of the site needs to remain undeveloped because of a combination of a number of factors; motorway noise, steep gradients, wildlife habitats, and the attractiveness of the stream and the flooding risks associated with it.
- If this is accepted, it may nonetheless be possible to build on the remaining parts at a density higher than that proposed. It is difficult to be specific, because of the absence of sufficient information about house types, referred to below.

Layout

- Because of the denseness of plant growth on site, and the absence of readable site analysis drawings, it is difficult to confirm from first-hand experience that the parts of the site selected for development are appropriately chosen.
- But on the limited knowledge available, it appears that the development of a spine of houses down the middle of the site, with east-west orientation, following the contours, and with views over the stream and open space, is a sound strategy. Equally, the U-shaped development of houses on the eastern edge of the site, addressing a children's play area and the open space beyond, is soundly planned.
- The development of a small group of houses on the western edge of the site, adjoining the back gardens of the existing houses on Stourbridge Road, is less convincing. The spatial arrangement has little of the quality of neighbourliness. The new access road exposes the ends of the existing back gardens, with the new houses facing these back gardens, contrary to good practice. I propose that this part of the layout needs to be reconsidered.

Built Form and House Types

- The selection of an appropriate vocabulary of house types for this development is critically important, particularly because of the topography of the western side of the site which is to be built on. But the Design and Access Statement is almost totally lacking in the necessary information. It is not even possible to identify individual houses and plots on the proposed plan. There are some nice perspective sketches which are suggestive of form rather than definitive. There are some photographs of houses elsewhere, not identified. If these are meant to be taken as models this is worrying, as they are of very poor quality.
- There needs to be much more specific information submitted on the range of house types; how they address the topography, how car parking is contained between them, how they meet the public realm, and so on.

- The Design and Access Statement says that the main spine of development "will culminate in a courtyard-style space..." I can see nothing on the plan that could be described as a courtyard. There is an L-shaped building, but the enclosed space is turned away from the road, it is north-facing, and it is fully exposed to the noise of the motorway about 50m away. This seems fundamentally misguided. Moreover, the decision to locate elderly persons' accommodation at this location seems equally misguided. Of the whole development, this is the point most distant from local facilities, and considerably uphill from them.
- The proposed plan shows what appears to be a new car park at the rear of Christ Church, but outside the site boundary. There is only a passing reference to this in the text of the Design and Access Statement, but I consider that this could be an important element of the proposal which needs to be considered further. It is located next to a sharp bend in the road, and at a point where the road branches and the houses start. Taken in conjunction with the east end of the church, all of these factors have the capacity to create a significant place. But if this placemaking is to be achieved, it requires appropriate coordination and design intention.

Access

- If this site is to be developed, there is no choice as to where vehicular access is to be located. The proposed new junction on Church Road, next to the existing road bridge over the stream, has the potential to be a clear and significant entrance to the development. But Church Road is narrow, quite busy, and often contains parked vehicles, and there is the potential to inadvertently increase its hazardousness. I certainly do not advocate any road-widening, but thought needs to be given to slowing traffic speeds at this point, in a way which adds to the sense of place which it already possesses.

Noise

- The site is considerably blighted by traffic noise from the M5 motorway to the north. The noise is fiercest in the north, but is audible throughout the whole site. This negative feature is sadly at odds with the positive features which the site possesses; its topography, planting, wildlife and water. I consider that if the proposed development is to be attractive to potential residents, there has to be significant noise attenuation included. The first superseded plan included in the Design and Access Statement contains what appears to be a physical noise barrier on the north boundary, but this does not appear in the proposed plan. In addition, the proposed plan contains less tree cover on the north boundary than the superseded plans. These changes are not explained.

Summary

- The design process contains some flaws, is lacking in information in some important areas, and is poorly explained. These areas need to be revisited and corrected. But the proposal has some strengths, which have the capacity to be the basis for a development of

considerable identity and attractiveness, if its present shortcomings can be overcome.

Planning Policy

Consulted - views received 16.06.2011:

- The above site is situated within an Area of Development Restraint (ADR) adjacent to the residential area of Catshill in the Bromsgrove Local Plan.
- 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 6th 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 9th 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 10th 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 19th 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 29th 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.
- On the 16th December the temporary block was removed by the high court and the weight that the RSS had in the Planning System was left for Local authorities to determine. Further to that a hearing on the 7th February 2011 ruled in the favour of the government and judged that it was lawful for Local authorities to consider the intention to remove RSS's as a material consideration once again. Cala Homes appealed against this decision but on 27th May 2011 the Court of Appeal dismissed Cala Homes' claim that the Government's intention to revoke regional strategies could never be a lawful material consideration in planning decisions. It has been recognised that in the majority of cases that the RSS is a still a material consideration.
- The current draft Core Strategy 2 contains the most recent housing targets for the District which are in accordance with those published in the WMRSS phase 2 revision Examination in Public panel report and it is with these in mind that the application should be considered.
- 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 1.50 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. The review of the Local Plan is taking place in the form of the Core Strategy. The Draft Core Strategy 2 was approved by Cabinet and Full Council for consultation in January 2011. The consultation period ran for 12 weeks and has now closed. 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 Draft Core Strategy 2.
- The Council's Strategic Housing Land Availability Assessment identifies the potential for the delivery of at least 4,000 dwellings within the plan period to 2021. 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.
- 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 2 identifies Church Road as a development site and highlights in policy 4B key considerations in the delivery of housing

on development sites. These include that residential development should be a high percentage of 2 and 3 bedroom properties and also developments should consist of 40% affordable housing. It would appear that the proposals comply with this policy as over 90% of the units are 3 bedrooms or smaller and 40% affordable housing is also proposed. This will help to meet housing needs in the district.

- It is noted that the application makes provision for 12 retirement flats. There is a high level of need for accommodation suitable for the elderly in the district and this is supported by Core Policy 8 of the Draft Core Strategy 2. However, it is important that measures are put in place to ensure that the retirement units are restricted to those of a retirement age in perpetuity.
- The Draft Core Strategy 2 consultation has now closed and 40 responses were received that focused solely on the Catshill Development Site. A number of issues were raised by respondents and these included highway safety, on-street parking, flood risk, impact on wildlife and infrastructure capacity.
- It should be noted the application site boundary does not strictly accord with the boundary of the ADR shown within the BDLP. A small parcel of land on the eastern side of the site falls under policy BROM28. Policy BROM28 within the BDLP proposes a number of areas of open space around the district to meet identified shortfalls. The high levels of open space provided within the site more than compensates for the small parcel of BROM28 that will be covered by residential development. It is therefore considered that the proposals do not conflict with this policy.
- In conclusion there is not currently a 5 year supply of housing land and it appears that the proposal would not undermine the Draft Core Strategy 2. 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 16.06.2011:

- As the proposal is for 80 units SPG11 should be applied. The amount of play space generated by this development is 6,608 square metres.
- As the scheme is larger than 50 units a local equipped area of play (LEAP) should be provided on-site. The scheme includes a LEAP within the total of 39,600 square metres of open space to be provided on site which comfortably exceeds the minimum amount of play space required by SPG11.

- Maintenance costs are charged at £40 per square metres meaning a sum of £1,584,000 is required.
- It will be important to seek the views of Parks and Recreation Officer with regards to the willingness of the Council to adopt such a large area of open space. The applicant may also wish to consider employing a management company to maintain the land in the long term.

Head of Leisure Services

Consulted - views received 10.05.2011:

- I know we own small POS at the end of Marsh Way which is secured by feather board fencing and a wooden access gate which is maintained locked for emergency access to an area of land which is predominantly tree, scrub and marsh land which is locked off to access.
- This area is not included in the plans but runs parallel to part of the open space contribution to the west of the proposed development so it would ideally need to be considered, in my view as part of any development.
- I would be very concerned with regard to the nature of the land proposed for both POS and development in that it is marsh land and as indicated flood risk area. I think the Council's Drainage Engineer should be contacted in relation to the nature of the site and ground conditions.
- With regard to the value of the POS my initial view is that if issues arise from flooding and wet, marsh conditions then the impact on local residents would have to be resolved by the Leisure Services Department in the future - the Drainage Engineer would confirm this.
- I do note that there are two bridges within the scheme across the Battlefield Brook and full inspection regimes by our own staff along with external structural surveys would need to be considered along with the cost implications of repair, replacement and maintenance. Any works associated would also require EA approval and applications.
- Consideration should be given to the maintenance costs associated with the brook course and natural open space and its habitat management would require a 20 year management plan as part of the application.
- The Tree Officer would need to approve any tree removal and specimen of trees to be replanted.
- We would need to consider play provision as there is a play space at The Meadow managed by the Parish - we do also have provision at Bracken Grove, in the location although this play space is old and poorly located.

Strategic Housing Manager

Consulted - views received 04.08.2011:

- No objection.
- Discussions with regard to the provision of 'on site' affordable housing indicate agreement being reached on the basis of the provision of 32 units of affordable housing, the tenure of which will consist of 22 Social Rent and 10 Intermediate units distributed across a range of property types including retirement flats, 2 person general needs flats and 2 and 3 bedroom houses.

Natural England Consulted - views received 26.05.2011:

- We have considered the proposal against the full range of Natural England's interests in the natural environment. Based on the information provided with the application, our comments are as follows:
- This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species.
- Natural England has adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.
- The protected species survey has identified that species protected by domestic legislation may be affected by this application. Please refer to our standing advice on badgers and barn owls and breeding birds to assess the impact on these species.
- Although water voles were not found on site, they are known to be in the area and the site does provide suitable habitat. There are local aspirations to increase the range of this species along the Spadesbourne and Battlefield Brook. With this in mind, we particularly welcome the proposed enhancement of the brook corridor. Please refer to our standing advice on water voles for further information.

WWT

Consulted - views received 10.06.2011:

- There appear to be some important changes to the site since the ecological surveys were carried out. These changes suggest a need to rethink the site layouts and proposed Green Infrastructure, especially in the lower (floodplain) parts of the development.
- Whilst we appreciate that the application is in outline only we consider that the matters raised below could have implications serious enough to warrant fundamental changes to the proposals and accordingly we believe that more information is needed before you can determine the application in line with relevant guidance and the law.
- Key issues are as follows.
- The main watercourse now appears to have split somewhere towards the northern end of the site such that there are two significant channels running through the centre of the development, not just one as shown on the plans. This implies that wetland restoration across the floodplain area here would be relatively easy and given the wetland SWS history of the site we would strongly advocate that the landscaping for the application includes much more wetland creation in the open space design. This should include substantial areas suitable for water voles, with both on- and off-stream features designed in at an early stage. At present the

indicative plans show proposals for areas of drier grassland in many parts of the site. We would advocate that the existing wetter vegetation communities should be maintained and enhanced via careful control of the on-site hydrology wherever possible and certainly for the full length of the on-site brook corridor within the floodplain.

- In addition it appears that the rather wetter nature of the site will have serious implications for the design of the east-west access roads and embankments needed to cross the floodplain. With this in mind we would strongly advocate the removal or re-routeing of at least the northern crossing. Ideally access to the eastern part of the site would be better achieved from the eastern boundary thereby removing the need to cross the ecological corridor. Should either or both of the crossing points be required we would expect to see substantial additional information regarding flood compensation and habitat creation to offset their impact on the brook corridor prior to determination. Given the opportunities that exist for positive wetland enhancement here we believe that more information should be available to you prior to determination so that you can balance the various site priorities rigorously in line with PPS9 and your duties under the NERC Act 2006. As currently proposed we do not consider that the wetland restoration would offset harm caused to biodiversity across the site.
- In association with this there is clearly a high risk that major earth works in the brook corridor will cause pollution of the watercourse. Details regarding mitigation of this risk will be important given the value of the watercourse downstream. Again while we appreciate that this application is in outline only we feel that full details of possible mitigation ought to be forthcoming at this stage.
- We note that further badger setts have become apparent on the site since the ecological surveys were completed, including a main sett which lies directly under the proposed dwellings and associated infrastructure. More work will be required with regard to mitigation for this feature and given its location we would expect this detail to come forward prior to determination in line with PPS9, etc.
- We are aware that further details regarding breeding birds are expected and we look forward to seeing these in due course. Once again these additional details will be needed prior to determination. From observations on site it appears that the scrub and tall herb complex offers substantial opportunity for a range of nesting species.
- In light of the comments made above we have no alternative but to object to the application until such time as the required information becomes available.
- Moreover while we do not object to the principle of development on some parts of the site we have very strong reservations about development of any sort within the potential wetland restoration zone.
- We consider that the opportunity for positive biodiversity enhancement is a material consideration and that wetland

recreation should be a key driver on the site in line with government guidance and the emerging commentary in the recently published Natural Environment White Paper.

- Failure to secure the best possible biodiversity enhancement in the floodplain section of the site could, in our opinion, be a reason for refusal, even at outline. With this in mind we would be very pleased to work with the LPA and the applicants to look for solutions to the biodiversity issues and would welcome the opportunity to discuss these matters further.

Additional views received 03.08.2011:

- Thank you for sending across the amended ecological details for this site. We are pleased to see the revised designs and the updates to species information are most helpful. It would however be useful to confirm the location of the proposed replacement badger sett on the landscape framework plan, primarily to provide comfort regarding its separation from new buildings, etc. In addition we would be pleased to see the outline management plan prior to finalising our position.
- Subject to those matters being resolved we are now minded to remove our objections to the application so long as suitably worded conditions covering the details set out in the landscaping plans and the proposed management plan can be attached to any planning permission the Council may be otherwise minded to grant.

Tree Officer

Consulted - views received 11.07.2011:

- The application site broadly consists of three distinct areas.
- Forming a corridor running north-south through the centre of the site is a low-lying floodplain zone through which runs a section of the Battlefield Brook.
- At the north and south ends of this corridor, the Brook has a single channel which is generally quite heavily shaded by mature wetland-tolerant trees such as Willow and Alder with some semi-mature Oak but in the central section of the site, the Brook has broken it's banks within recent years to form three separate channels, is less heavily shaded and has formed extensive area of reedbed and wetland habitat of breadth corresponding approximately with the line of the 1 in 100 year floodplain shown on plan B5278-PL-013.
- On the western side of the central corridor, the land rises gently up to the rear of houses on Stourbridge Road and is dominated by a roughly equal mixture of scattered areas of young woodland and open scrub grassland. The woodland consists predominantly of Oak, Hawthorn and Hazel while the scrub grassland is heavily dominated by bramble and nettle.
- To the north-east of the central wetland corridor, another small area of land rises towards Bourne Avenue. This is more open with few trees other than occasional patches of Hawthorn and is principally dominated by bramble and nettle with some open grassland areas.

Contaminated
Land Officer

Consulted - views received 30.06.2011:

- No objection subject to Conditions.

- Records indicate that the site has historically comprised agricultural land. Agricultural activities can give rise to contamination. Some examples include the use and storage of pesticides, fertilisers, fuels etc. In addition the previously common practice of infilling ponds and hollows on agricultural land with unknown materials can give rise to contamination. Currently no information has been submitted to demonstrate that the site either is or is not adversely affected by the presence of contamination.
- In addition the proposal introduces sensitive receptors in the form of residential dwellings to the site.
- Annex 2 of Planning Policy Statement 23 states that the developer must submit "sufficient information" to demonstrate that a site is either not adversely affected by contamination or that a site can be made suitable for use with regard to any contamination. This applies where a sensitive receptor is proposed, in this case residential housing, or where a potentially contaminative site use exists, in this case agricultural use.
- Please be aware that full contaminated land conditions are being recommended at this stage because no information relating to potential contamination has been submitted to date. In this case it is possible that once the first condition, relating to preliminary risk assessment, has been completed we will more than likely be able to recommend discharge of all remaining conditions (unless of course it is found that it is likely or possible that significant contamination exists on the site). I strongly recommend that the developer is advised of this at the time of any granting of consent.

Conservation
Officer

Consulted - views received 20.09.2011:

No conservation objection to the outline application, but may want to comment further on the Reserved Matters in due course.

WCC(CA)

Consulted - views received 10.05.2011:

- The 'Heritage Statement' provided with the application only discusses the proposals impact on the adjacent listed church, and fails to discuss the wider historic environment as stipulated in PPS5.
- The Historic Environment Appraisal for the area, defined as HECZ 160: Catshill and Lickey End, acknowledges the lack of available information, but goes on to state that "*The survival of archaeological features, under pasture, is uncertain but potentially of significance.*"
- The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by Planning Policy Statement 5 - Planning for the Historic Environment.
- Such arrangements for the recording of a site of historic interest can be secured by the application of a negative condition as outlined in Planning Policy Statement 5 - Planning for the Historic Environment Policy HE12.
- Given that this is an outline application, with only access being considered in detail, I advise that as a condition of outline consent an programme of archaeological field evaluation be carried out prior to the submission of a detail reserved matters application. This

West Mercia
Constabulary

- shall allow for any significant remains on site to be appropriately mitigated, either by preservation *in situ* or by formal excavation.
- Consulted - views received from Crime Risk Manager 24.05.2011:
- The area in which the development is proposed is generally a low crime area.
 - At this stage I do not see anything in the design that would particularly encourage crime, however I would like the following comments to be taken into consideration.
 - I note that some of the houses will have rear gardens that back onto open land; therefore perimeter security is an important issue. At this early stage the developers should consider the type of fencing to be used. I would find 1.8 metre close boarded fence suitable, consideration should also be given to planting prickly bushes (Berberis, Holly, etc) along these exposed perimeters to increase security.
 - The Design and Access Statement mentions that some use will be made of courtyard parking. Poorly designed courtyard parking can generate vehicle crime and generally I would advise against this type of parking. However, I would like to see more detailed information before commenting further.
 - Lighting can be a good deterrent to crime and at some stage I would like to see details of the intended lighting plan.

Additional views received from Bromsgrove District Inspector
31.05.2011:

- I understand comment has already been made regarding this planning application by Mr. Peter Aston, Crime Risk Manager, on behalf of West Mercia Police. These comments will relate only to crime and suggestions on crime prevention.
- As the local policing Inspector for Bromsgrove I would like to make the following observations having spoken with both the local policing Sergeant and Constable for this area.
- Church Road is a current PACT priority for parking problems, in particular when events linked to the Church take place.
- This includes inconsiderate parking, on occasions driveways have been blocked and issues due to the sheer volume of vehicles that are parked along this road. PACT is a local community forum consisting of partners (local agencies including the police, district and county council, and many more) and the local community. This specific parking issue along Church Road was raised as a priority at the last meeting.
- With the addition of these proposed houses at this location I have no doubt the parking problems along Church Road will increase causing further problems for the local residents.
- The application states 'Potential to offer new car park for Christ Church to help eliviate on street parking along Church Road during popular services'. It needs to be ascertained who is responsible for this potential carpark, who will pay for it and does it require / have planning permission. If permission is granted on this application will this be a guaranteed part of it?

- I would request all of the above be taken into account when a decision on this planning application takes place.

Community
Safety

Consulted 05.05.2011: views awaited.

Climate Change
Officer

Consulted 05.05.2011: views awaited.

Conservation
Officer

Consulted 05.05.2011: views awaited.

Western Power
Distribution
(Formerly Central
Networks)

Consulted - views received 23.05.2011:

- No objection

WCC Education

Views received 28.07.2011:

- We are not currently seeking education contributions for the Catshill area as there are spare places in all of the local schools. Current numbers on roll (as at May 2011 school census) are:
 - Catshill First School: 158 = 29.8% surplus places
 - Catshill Middle School: 284 = 21.1% surplus places
 - North Bromsgrove High School: 911 (including 6th form) = 12.5% surplus places
- For the September 2011 intake there are currently 9 spare places at Catshill First, 25 spare places at Catshill Middle and 38 spare places at North Bromsgrove High School.
- Both the first and middle schools have capacity to increase their admission numbers should this be required in future.

CPRE

Views received 07.07.2011:

- It is premature: the land is designated as an ADR and the Council has not conducted a review or authorised its release.
- This is the only ADR in Catshill. Even if under DCS2, it is to be developed during the coming decade, the development should be phased over a long period to ensure that the Local Needs of Catshill can be met from it. The perceived shortage of housing land within the district as a whole should not be allowed to prevent the desirable objective of meeting the Local Needs of Catshill in Catshill.
- Despite its size, Catshill is not a market town. Accordingly it is part of a Rural Area, within the terms of WMRSS Policy RR1 and CF2. In such Rural Areas, the Council is required to focus on meeting the Local Needs (as defined) of the area. No assessment has been made so far as I am aware of what the Local Needs of Catshill are. Certainly none is referred to in DCS2. The only assessment that I know of is my own Local Housing Market Areas paper (attached), but that merely seeks to apportion a housing total for the large villages of the district between the villages. It is not an objective assessment of what the village's needs are.
- The plans show an area of open space at the rear of the houses in Stourbridge Road. In contrast with the valley bottom, this hilltop ought to be developable land.

- The plans place housing for the elderly at the north end of the site. The right place for this should be at the southern end, where it will be closer to the shops. This is important as elderly people are liable to suffer from declining mobility.
- The plans show a considerable area of Public Open Space. It needs to be determined who should be responsible for the maintenance of this and arrangements made for the land to be dedicated as Open Space. I believe that Catshill has a playing field, but nothing else in the way of a park. Perhaps Catshill and North Marlbrook Parish Council should be the beneficiary of this.
- The plans show a new street. This will require at least footpath lighting.
- I welcome the provision of a church car park. This could conveniently double as a car park for those visiting the intended park.
- I appreciate that some of these are detailed points, and that the plans submitted are merely indicative, since this is an outline application. Nevertheless they may be matters that should be dealt with in conditions, or matters to be taken into account by the applicant when moving on to the detailed stage.

Catshill and North Marlbrook PC Consulted - views received 2 June 2011:

- The site has been an ADR since 2002, although this was objected to at the time by the parish council on the grounds of:
 - (1) bio-diversity;
 - (2) landscape (it is part of a flood plain and has heavy sloping);
 - (3) the physical surroundings and infrastructure including poor access.
- The parish council's preference was for the area to remain as open space and a partnership with BDC was proposed to make use of it as public open space and parkland.
- Due to its allocation as an ADR however then it is likely to be developed at some point in the future, in which case the parish council would comment as follows:
 1. This plan shows insufficient detail regarding architectural design, the mix of housing and how the development will blend in with existing landscape and housing styles.
 2. The siting of the housing provision for the elderly is unsuitable as it is at the furthest point from the access on to the site and furthest from public transport stops and shops, and is sited nearest to the motorway.
 3. Insufficient information has been given relating to the site's bio-diversity / wildlife; existing well-established trees will be removed so that anything replacing them will be inferior.
 4. Access and traffic volumes are not well thought out; parking will be an issue requiring attention.
 5. Unreal projections have been made regarding sustainability since experience shows that residents are likely to need to travel to work by car as there are few local employment opportunities, no local railway station and pressure to reduce the current bus services.

6. The watercourse is on a flood plain with an open brook which is likely to become polluted when the land around it is developed. Culverting may be a solution but it is often poorly maintained.
7. The local area gets heavily congested and grid-locked when the motorway is closed; the full effect of the new housing off Perryfields Road (Sidemoor) and the suggested Bromsgrove ring-road to the west of the district, on local roads has yet to be known but is unlikely to alleviate current congestion.
8. The provision of nicely developed parkland with ornamental trees does not create a 'wildlife corridor' and the removal of trees from this site will add to the flooding problems and increase noise from the motorway.
9. It is believed that Catshill has done its bit to fulfil the district's need for new housing due to the amount of new development in Catshill that has been allowed over the last ten years seemingly without any restriction - there must be a saturation point beyond which the infrastructure of sanitation, schooling and community will struggle to cope.
10. The 2001 Local Plan is to be replaced by the latest Core Strategy which has yet to be ratified; it is believed this application should be deferred until the Core Strategy has been adopted.

Additional views received 04.07.2011:

- Further to the parish council's comments regarding the application 11/0343, it has been noticed that land designated 'open space' in the district's draft core strategy is not co-incidental with the boundary of the land identified by Cala Homes for development.
- Cala Homes would appear to be applying for permission to build on land to the east of the site that has been identified as 'open space'.

Publicity

39 letters sent 05.05.2011 (expire 26.05.2011)

6 identical site notices posted 24.05.2011 (expire 14.06.2011)

1 press notice published 13.05.2011 (expires 03.06.2011)

2 letters received from County Councillor Mrs. S. L. Blagg 24.05.2011 and 14.07.2011 objecting to the scheme on the following principal grounds:

- Development of land which currently absorbs rainfall.
- Additional surface water run off raising the level of the brook causing the outfalls from the gullies to be less efficient.
- Run off from the new access road adding to the existing road surface run off.
- The proposed bridges over the brook will create hardstanding on the flood plain which needs substantial drainage with no outfall for run off other than the brook which is inadequate.
- Flooding concerns given the contents of the Bromsgrove Strategic Flood Risk Assessment.
- The Code for Sustainable Homes (CSH) Mandatory Elements require that all new developments must not cause surface water run-off greater than that before development.

- The pavements on Church Road are not wide enough for wheelchairs, prams, pushchairs or parents walking side by side of their infant children.
- The incline onto Stourbridge Road is narrow and cars often mount the pavement to move around parked cars.
- The exit onto Stourbridge Road is a tight right turn and requires motorists to swing wide into oncoming traffic.
- Parking in Church Road by those using the Church causes major obstruction to traffic and pedestrians alike.

1 petition received 13.06.2011 containing **184** signatures with the following heading:

We, the undersigned residents of Catshill Village, Bromsgrove, Worcestershire, are totally opposed to the development of Catshill Marshes on the grounds of:

- *The proposed development site would cause the destruction of wildlife habitat where badgers, birds and raptors live and breed.*
- *The proposed development site is designed Flood Plain.*
- *The proposed development would cause the destruction of ecologically sound marshland, which also combats the effects of pollution from the nearby motorway.*
- *The proposed development would contribute to the overcrowding of a residential area, with a lack of infrastructure to support the new residents.*
- *The proposed development site would increase the danger posed to all residents, old and new, by the new road access to the development, due to the dangerous bend and lack of visibility.*
- *The proposed development would ass to the effect of the increased traffic and pollution which would be created of the development went ahead.*
- *Church Road is a "rat run" from the Stourbridge Road and "near misses" are a daily occurrence near the junction of these roads.*
- *Church Road is already used by buses and lorries causing difficulties for vehicles driving from the opposite direction, due to the narrow road and the bend on a steep corner, more traffic would exacerbate this problem.*
- *The residents of Church Road and Minster Walk are already having difficulty with parking and have no option but to park on the road, causing greater concerns for safety, if the proposed access road goes ahead.*

4 letters received from the Catshill Marshes Action Group (24.05.2011 07.06.2011, 20.06.2011 and 23.06.2011) **objecting** to the scheme on the following principal grounds:

- Vehicular access is unsuitable and dangerous.
- Flood risk.
- Preservation of wildlife/green space.
- Air quality and noise pollution.
- Design of the proposed site.
- Impact on infrastructure.

- Travel and transport.
- Loss of natural light.
- Adamant that the site should be allocated Village green status and protected from development accordingly. Therefore give the LPA formal notification that the appropriate application form will be submitted to register the land on this basis.

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

- The site is totally unsuitable for development.
- If more housing is required, there are still a few brown sites that could be developed rather than the unique Catshill Marshes green site.
- With all the building works around the village in recent times, Catshill needs to retain one or two green spaces.
- Church Road is used a "rat run" at peak commuter times and is utilised as a cut through to M42/M5/A38.
- Heavy traffic already exists, particularly between the hours of 07:00 and 0:900 and 17:00 and 18:30 travelling well above the speed limit. The development will substantially increase traffic at peak times onto an already very busy and sometimes dangerous road.
- Proposed site entrance is immediately opposite the resident car parking area for Minster Walk which already has restricted access and visibility.
- Planning consent was denied on at least two previous occasions on the grounds the access was neither suitable nor safe. With the subsequent increase in traffic and congestion that has taken place over the last ten years since the last application was refused, what has altered to make it suitable now?
- Visibility for vehicles leaving the site onto Church Road will be severely restricted in a westerly direction due to the proximity and position of the stream bridge parapet.
- Steep incline onto Stourbridge Road and adverse camber on Church Road poses difficult vehicular manoeuvrability.
- Parked vehicles currently cause congestion on Church Road and Stourbridge Road. This is exacerbated by the bus services routed down Church Road and the proximity of the site to two Churches and a public house.
- Church Road is a residential road and it not intended to or capable of being a local arterial route.
- The development will lead to a least 160 vehicles leaving the site daily putting more stress on an already crowded residential road.
- Concern over the strength/durability of the bridge over Battlefield Brook situated adjacent to the proposed access road onto the site.
- The submitted traffic data is inadequate and flawed.
- The developer states that no other developments in the area would affect the traffic flow through Catshill. This is totally incorrect as the Core Strategy states that the development proposed on Perryfields Road will generate an excessive amount of traffic with some 1,100 dwellings and they will all use Catshill as a cut through to the major roads.

- The cycleway/emergency access crosses private land and is totally unsuitable for emergency vehicles.
- The footpath narrows to less than half the normal width on the northern edge of Church Road next to the Church graveyard wall, with room for a single pedestrian only.
- There is no footpath on the southern edge of this section of Church Road.
- Construction works will lead to access and parking issues.
- Public transport is inadequate.
- The bus stops at Christ Church and the Plough and Harrow do not exist.
- Concern over the technical scope and content of the submitted Flood Risk Assessment reports.
- The land is unspoilt marshland and should be allowed to remain in situ for the protection of Catshill residents from flooding and the noise of the M5 motorway.
- The land is in the floodplain and there are numerous natural springs which fluctuate and frequently flood the lower part of the site. If floods occur they will be to the detriment of existing residents in Catshill and downstream in Bromsgrove.
- The marshland is a natural soakaway for the water run-off from the M5 as well as absorbing water from the Battlefield Brook.
- More concrete and culverting will create more run-off down to an already substantial marshland area.
- The Highways Department have spent a lot of money on improving the drainage, kerbing and repairs to the stream embankment to prevent the bank collapsing into the stream south of Church Road, this was to alleviate water from the marshes, flooding the area south of Church Road. This work will be negated by any development on the site, as this work has narrowed the channel of the stream, thus reducing its capacity to retain flood water.
- The site has major low lying housing to the west and south that will be more vulnerable to further flooding. This area and the downstream run off have a history of flooding adjacent properties.
- The homes in Chadcote Way, Bourne Avenue and Woodrow Close have soakaways to drain rainwater from their roofs that drain directly into the marshes thus adding to the level of water in the wetlands.
- The access road would act as a channel to drain flood water from the site into Church Road, flooding Minster Walk opposite as the adjacent cottages.
- The designated floodplain extends beyond the boundaries of the site according to Insurance Companies.
- Exacerbating the natural flooding from Battlefield Brook is the water run off from the M5 motorway.
- The development indicates three bridges. These will block with silt and debris over time and exacerbate any flooding.
- The development indicates a flood risk that will cut off the access road to the site from time to time. This will present risk to residents, as well as preventing access for emergency vehicles.

- The site is underlain by the Sherwood Sandstones (aquifer) and it also lies within the Environment Agency's Source Protection Zone and this may well inhibit infiltration methods for dealing with surface water drainage (SuDS) hence it should be assumed that this run off will enter the brook course at some point.
- It is not at all clear how additional flood storage areas have either been calculated or located.
- Concerns that additional water course modelling works will not be carried out in order to identify suitable mitigation to avoid or reduce existing or future flood risks. This is based on the concern that there will be very little if any future maintenance either of the development site as such or indeed the areas immediately downstream of this.
- Inadequate or poorly maintained culverts in Church Lane and Green Lane regularly cause overland flows to flow to the Battlefield brook via Gibb Lane, Church Road, Chadcote Way, Marsh Way and Mayfield Close. These overland flow routes will continue to function and there is concern that any new houses build as part of these proposals will be periodically subjected to flooding due to this phenomena.
- The new houses shown at the back of the private garages in Woodrow Close (to the east of the site) appear to be sited very close to the storm water attenuation pond at the marshes access road at Mayfield Close.
- Additional concerns arise from unknown elements such as further changes within the development, such as additional hard standings, drives ways and other impermeable areas that naturally develop over time through the actions of the residents themselves.
- How are the "green spaces" remaining along the brook course to be maintained in the future as well as the culverted bridges and the downstream reaches of the brook course itself.
- Subsidence to existing dwellings due to reduction of water table.
- The sewerage system already in place will be further overloaded.

- Loss of trees and woodlands.
- Loss of wildlife and habitat.
- Unspoilt haven and oasis for wildlife.
- The natural ecological balance would be destroyed.
- Presence of protected species.
- The streams and marshland would become polluted by run off from drives and the general detritus of a residential area.
- The plans to replace with commercial or cultivated shrubs will not replace the existing natural benefits.
- Land erosion following the loss of trees and shrubs.

- Noise levels will be increased due to loss of trees and hedges.
- Light pollution.

- Reduction in air quality due to loss of trees and hedges.

- It is important to retain the site due to CO² emissions. The site is currently a very efficient net absorber of Carbon Dioxide. The proposed housing development will be a net emitter of Carbon Dioxide (heating boilers/vehicle engines/electricity production) with zero CO² absorption taking place.
- A comparably minimal absorption will take place in the proposed green space containing a much reduced biodiversity compared with the species rich ecosystem that currently occupies the site.

- Who will maintain the public open space areas?
- The application submitted extends beyond the area for development detailed in the Core Strategy document. The application extends right up to the edge of Bourne Avenue. However this is indicated as designated open space for residents in the Core Strategy.
- The landscaped bund along the boundary of the M5 cannot be fully achieved as this is located in an area that serves as a run-off catchment area for rainwater from the M5.

- Concern over the draining of the marshland and the impact on the structure of Christ Church due to sandstone foundations.
- The integrity of the Church building (built in 1838 and listed Grade II) should not be compromised.

- Local infrastructure in Catshill will not support new homes: there are only three convenience stores and take-aways. There are no leisure facilities offered and the doctor and dentist surgeries are already full.
- Impact on medical services.
- Impact on school places.

- 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.

- Loss of light.
- Overshadowing.
- Overlooking and loss of privacy.
- The new dwellings adjacent Stourbridge Road will cause overlooking.

- No clear indication of storage of bins.

Members are encouraged to review all submitted documentation, including the third party letters summarised above. A number of representations have been accompanied by photographs to illustrate highway concerns. All submitted information is available to view in full 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 6.1 hectares on the north-western fringe of Catshill, approximately 650 metres to the principal facilities located in Catshill and 400 metres northwest of the central area of Catshill. The site is located approximately 3.1 kilometres north of Bromsgrove.

The site is vacant and undeveloped with dense vegetation, mostly consisting of open scrub grassland and scattered trees specimens and is roughly linear in shape. The southern boundary of the site is bounded by Church Road, with the eastern boundary abutting the established residential dwellings located on Marsh Way/Chadcote way/Bourne Avenue/Woodrow Close/Mayfield Close. The western boundary is bounded by the rear gardens of dwellings located on the B4091 Stourbridge Road. The northern boundary runs parallel with the M5 motorway.

The site comprises of steeply sloping land to the west with more level land adjacent to the watercourse, Battlefield Brook, which flows through the site. The site levels vary from some 126.02 AOD to some 122.0 AOD within the watercourse area to the east, with this eastern aspect of the site having similar ground levels to the residential areas in Bourne Avenue and Marsh Way. To the west, the site rises significantly from some 125.0 AOD to some 141.0 AOD. The existing dwellings on Stourbridge Road are elevated further above the western area of the site.

Christ Church (Grade II) is located adjacent the south-western boundary. An electricity sub-station is located on the southern site frontage, enclosed within a compound of metal fencing and low level landscaping. From here, the site has a network of overhead cables.

Battlefield Brook runs through the central/eastern area of the site, which is low lying, wet and marshy. The Brook enters the site from the north, via a culverted section underneath the M5 motorway and moves southwards via a shallow channel. A section of Church Road is elevated as a bridge structure which allows the watercourse to continue further south. The development site lies within Flood Zones 1, 2 and 3 of Battlefield Brook. Existing foul and storm sewers are present along the eastern edge of the site with no-build easements.

There are currently two vehicular accesses serving the site. One is located off Church Road, via a dropped kerb and the other is located in the northern corner of the site located off Stourbridge Road. This is currently gated.

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").

Proposals

This development relates to an outline application for the erection of up to 80 dwellings (including 12 units offering accommodation for the elderly) with associated open space and infrastructure.

The submitted Design and Access Statement details the following key design principles:

- Retain the ecological features of the site, existing wildlife habitats, shrubs and trees. Encourage new habitats within areas of open space and provide tree replacement as part of a mitigation strategy where existing trees need to be removed.
- Retain and enhance Battlefield Brook and ensure that it is an inclusive feature of the development.
- Ensure new development to subservient to the landscape.
- Create a residential development which preserves the character and setting of Church Road and is able to interact and knit into the existing residential context.
- Respect and preserve views of Christ Church.
- Positively address the level changes of the site and design out the need for extensive retaining structures where possible.
- Provide public open space for local residents and provide a mix of family housing that will meet the local housing need.

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 Concept Masterplan (revised August 2011) 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 a new vehicular access via Church Road and a walking/cycling and emergency vehicle access via Stourbridge Road that utilises the existing gated vehicular access in this location.

The development site of 6.1 hectares comprises some 2.1 hectares of developable area. The remaining aspect is to be maintained as open green space and landscaped areas. The Concept Masterplan indicates that new dwellings are proposed to be two-storeys and arranged in linear patterns. The indicative layout proposes two defined residential development zones. The first is proposed in the west of the site consisting of a linear street of dwellings positioned clear of the flood zones and following the land contours of the site. This will consist of mainly semi-detached dwelling, allowing the plots to be gradually stepped in recognition of the topography of the site. The second residential

zone is proposed to the north-west of the site. A U-shaped street is proposed which provides a frontage of houses that overlooks the corridor of public open space and a proposed equipped children's play area.

A single block of twelve apartments for occupation by elderly residents of one, two and two and a half storeys, tiered to address the site topography, is located to the northern boundary. The building is proposed to be located significantly lower than the existing dwellings on Stourbridge Road.

Public open space in two main corridors equating to approximately 3.96 hectares is proposed to the north, east, south and west of the site. POS to the east encompasses the Battlefield Brook, flood compensation plains, existing trees and ecological habitats. This is proposed to extend to the north (encompassing the existing badger setts for retention) and extend along the western boundary where ground level changes are at their greatest. A new landscape bund following excavation of the apartment block is proposed to be located to the northern boundary.

Flood Zones 2 and 3 restrict new built form at the front of the site. The existing green space of trees and shrubs is to be retained. The existing substation is also to be retained, with the relocation of the overhead cables underground. Land behind the substation is proposed to be retained as open space, with a new central area of public open space which extends to the eastern boundary of the site. The watercourse is to be retained.

The development will provide a mix of dwelling types and sizes, with the net residential density equating to 14 dwellings per hectare. The anticipated mix indicates an emphasis on 2 and 3 bed dwellings. Twelve two-bedroom retirement flats are also proposed:

Property Type	No. of bedrooms	No. of units	Proportion of mix
House	2 bedroom	40	50%
	3 bedroom	20	25%
	4 bedroom	5	6%
	5 bedroom	1	1%
Flat (over garage)	2 bedroom	2	3%
Retirement flat with communal facilities: (lounge/ dining, kitchen, staff)	2 bedroom	12	15%
Total		80	100%

The mix will vary through the development but will predominantly comprise two-storey detached and semi-detached dwellings, in addition to retirement apartment units arranged in a singular block to the northern boundary. The proposals will incorporate a broad range of property types between 2 and 5 bedrooms, with a predominance of 2/3 bedroom dwellings in clearly defined groups and blocks. Car parking will be provided via a mix of garage/driveway spaces and courtyards. A general standard of one/two parking

spaces per property will be accommodated within the development (three parking spaces for the five bedroom unit).

Thirty-two affordable units are provided, which equates to a provision of 40% affordable housing made within the site. The definitive mix of affordable homes is to be confirmed by the Strategic Housing Manager, although it will consist of a mix of rent and intermediate tenures.

Onsite SUDS will comprise attenuation devices (tanked permeable paving, underground storage units) with limited infiltration devices (local soakaways, permeable paving) to be utilised where feasible. The SUDS devices will discharge into the Battlefield Brook at a run-off rate limited to the existing Greenfield rate using suitable methods. Further mitigation measures such as suitable overland flow route, flood resilient and resistant construction and raised finished floor levels in order to mitigate residual flood risks arising from unprecedented or exceptional circumstances.

A Planning Statement, Design and Access Statement, Concept Masterplan, Environmental Noise Report, Air Quality Assessment, Flood Risk Assessment, Ecological Appraisal, Tree Condition Survey, Transport Assessment, Residential Travel Plan and Statement of Community Engagement 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	BROM5E, BROM28, 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, CP4B, 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), Draft National Planning Policy Framework (DNPPF), Ministerial Paper: Planning for Growth

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 (including the Draft National Planning Policy Framework), 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.
- 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 Catshill). 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 BROM5E 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 Inspector's Report (March 2002) considers the application site in this document. Paragraph 1.6.120 notes that the M5 motorway was constructed during the mid-1960s and that this major highway has effectively severed the site from the wider Green Belt beyond, causing it to form nothing more than a wedge of open space dominated by urban influences on all sides and suffering from urban fringe problems such as trespass and fly-tipping. In the same paragraph, the Inspector notes "development [of this site] for housing would help to repair what is at present a rough, untidy and raw urban edge along its eastern side." The Inspector concludes that "when considered in relation to the very limited Green Belt function of the land, its general sustainability and its lower agricultural land quality, I conclude that exceptional circumstances exist which make this site suitable for identification as an ADR - in substitution for other, less acceptable proposals which I assess elsewhere in my report." Members will be aware that policies DS8 and BROM5E 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 at Church Road, Catshill 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.

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 29th January 2009; 09/0518 approved 25th September 2009) and the recent application for up to 76 dwellings on land at Selsdon Close (11/0431 approved 15th July 2011). I would also refer Members to the 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 BROM5E 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. As such I am of the view there is an undisputed need for housing and the housing supply situation is in crisis. This stance was taken by the Inspector in the recent appeal decision for Norton Lane, Wythall (APP/P1805/A/11/2150938) (application reference 10/0931).

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 or smaller (93%) which will help achieve the Council aim of building a range of smaller units. In addition 40% 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

A number of shops and services are located approximately between 350 metres to 950 metres walking/cycling distance of the site. Most of the facilities available are less than 650 metres from the site. These key facilities include a convenience store, post office, chemist, public house, take-away restaurants, library, First School and Nursery, Middle School, Special School, dentist and doctors/GP. The site is also located reasonably close to a wider range of services and facilities within Bromsgrove Town Centre (located approximately 3.1 kilometres to the south), including schools, employment opportunities and leisure facilities. Catshill Meadow is located on Meadow Road accommodates sports pitches and an equipped children's play area.

National Cycling Network Route 5 (NCR5) (Stratford-upon-Avon to Birmingham) passes through Catshill some 780 metres to the east. Aligned north-south the route follows Green Lane and Woodrow Lane, the latter of which benefits from an off-road shared footway/cycleway. Between Catshill and Bromsgrove, the route utilises a footpath open countryside, before joining the local highway network at the B4091 Stourbridge Road where it passes beneath the M42. Stourbridge Road benefits from shared footway/cycleways along a large part of the NCR5. The centre of Bromsgrove is approximately 3.5 kilometres (18 minutes cycle time) from the proposed development site via the NCR5. The site also benefits from good public transport opportunities in the form of bus modes (explored in more detail below).

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.

Furthermore, at paragraph 1.6.122 of the Inspector's Report 2002 report, the Inspector notes that Catshill was accepted at the time of the Local Plan Inquiry by the Council as being within or adjacent to Bromsgrove town for policy purposes and that it provides a range of services and facilities including a local shopping centre, clinic, first, middle and special schools, clubs and public houses and churches.

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; and
- 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 Concept Masterplan and 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 on three sides and a section of the wider Green Belt landscape to the north-eastern and eastern boundary.

The development would relate both visually and physically to the existing fabric of the urban area and is not visually prominent in a wider sense, with the exception of limited views afforded from the descent into Catshill on Stourbridge Road to the north of the site

and the access road on Church Road. Views from the mainstay of Stourbridge Road, Marsh Way, Chadcote Way, Bourne Avenue, Woodrow Close and Mayfield Close would be, for the most part, masked by a combination of the existing houses, mature vegetation and the topographical features of the site. Views from Church Road would be more definitive given the combination of the access road and the open frontage incorporating the watercourse and green space. 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.

As such the site would fit into the context of the wider urban landscape and provide a sensitive extension to the existing urban area. Furthermore, I am of the view that the containment of the development benefits from the strong boundaries and physical features that enclose the site, with particular reference to the existing established residential development to the eastern, southern and western boundaries, and the defined M5 boundary to the north. Whilst I note an element of the eastern boundary is less clear, these features create a strong and defensible boundary to the development, and these 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.

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 Concept 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 Stourbridge Road, Church Road, Marsh Way, Chadcote Way, Bourne Avenue, Woodrow Close and Mayfield Close and the wider landscape to the north and north-east.

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 is highly critical of this document, with reference to the evolution of the application and the apparent lack of weight attached to the views arising from the pre-application consultation exercise. Concern is raised over the low density of development advocated by the scheme and the need for more specific information on the range of house types, how they address the topography, how car parking is accommodated and how the public realm is dealt with. The north-facing location of the retirement block, with the enclosed space turned away from the road and its full exposure to the noise of the motorway, in addition to its physical location at the most distant from local facilities in an uphill location is deemed misguided by the UD. The UD views the new junction on Church Road to have the potential to be a clear and significant entrance to the development but this is caveated with the requirement to slowing traffic speeds at this point given the width of Church Road, the presence of parked vehicles and the need to not inadvertently increase its hazardousness. Given these circumstances, the UD concludes that the design process contains some flaws, is lacking in information in some important areas and is poorly explained, all of which are required to be revisited and corrected. However, the UD

equally recognises that the proposal has some strengths which have the capacity to be the basis for a development of considerable identity and attractiveness if these shortcomings can be overcome.

I have noted these views and the applicant has responded to a number of the points raised by the UD, with particular reference to the rationale behind the location of the proposed retirement apartment block. This primarily relates to the constraints of the topography of the site and the incorporation of such level differences as a design solution in respect of natural surveillance to the open space, the use of perimeter walls to act as retaining structure and the use of tiered massing to achieve a reduction on noise levels from the adjacent motorway. I am satisfied that the site is able to comfortably accommodate up to 80 residential units, 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 Concept 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 14 dwellings per hectare based on the erection of 80 units. Whilst the density thresholds have been removed from PPS3, there is still a requirement to make the most efficient use of land. Members will be aware of the views of the UD raising concern over the low density of the scheme. The applicant has responded to these concerns and referred to a number of influential factors that have governed density including the topography of the site and how the existing contours of the site have been principally shaped by the Battlefield Brook flood zone. It is also acknowledged that the adjoining residential area in Chadcote Way (for example) has a higher density than the development proposed but this site has a level topography which is commensurate with density. The development proposal will also create a linear streetscene that will echo the existing housing patterns in Stourbridge Road and will be of a similar density.

I am therefore of the view that 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.

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 and 5 bed dwellings and flatted accommodation. Thirty-two affordable units are provided, which equates to a provision of 40% 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 policies 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.

I note the views arising from the consultation process with regard to this issue and with particular reference to a resultant loss of privacy for the occupiers of those dwellings in Stourbridge Road. The Concept Masterplan details a new road running parallel to the western boundary together with a landscape verge to create separation to the rear boundaries of the existing dwellings in Stourbridge Road. This road is designed to serve a group of houses to achieve an active frontage in front of public open space and to create enclosure around this space to counter-balance the rear elevation of houses along the spine road. The topography of the site will result in these new houses being situated lower than existing houses on Stourbridge Road having a separation distance of some 50 metres. This is detailed on the indicative site sectional drawings accompanying the application.

Notwithstanding this, 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 Concept 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 (Stourbridge Road/Church Road/Marsh Way/Chadcote Way/Bourne Avenue/Woodrow Close and Mayfield Close) 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 congestion (with particular regard to the junction of Church Road and Stourbridge Road and egress matters created by ongoing on-street parking on Church Road/Stourbridge Road) and inadequate public transport provision.

Church Road is located to the immediate south of the proposed development site and is the road from which vehicular access to the site will be taken. The proposed walking/cycling/emergency vehicles access is proposed to utilise the existing field-gate access to the north-western corner of the site, close to the bridge over the M5. Although I note the views arising from the consultation process and as documented in the submitted Transport Assessment, the applicant's agent has confirmed that no other vehicular or pedestrian accesses are proposed, including linkages into the existing residential areas to the east of the site.

Church Road is lined by established residential dwellings and has a typical carriageway width of 5.7 metres. Church Road is approximately 300 metres in length, it is aligned east-west and has simple priority junction arrangements at each end with the B4091 Stourbridge Road (to the west) and Wildmoor Lane (to the east). Church Road is subject to a 30mph speed limit and has a continuous footway along its northern side. The footway on the southern side of the road terminates before reaching Stourbridge Road. Church Road benefits from street lighting. Church Road ascends its approach to Stourbridge Road. It also joins Stourbridge Road at an acute angle and visibility is restricted looking left from Church Road for vehicles approaching this junction.

Once over the motorway bridge and past the existing access to the site, drivers travelling southeast along Stourbridge Road enter the urban area of Catshill at a 30mph speed limit. Roundels are painted onto red-coloured carriageway surfacing indicating the change in speed limit, together with a vehicle activated speed limit sign. The west of this point the speed limit is 40mph. Continuing northwest, Stourbridge Road passes through Fairfield en-route to Stourbridge (via the A491). The B4091 Stourbridge Road continues south and reached Bromsgrove after passing beneath the M42. Stourbridge Road forms the major road of the simple priority junction with Church Road. The footway along the

eastern side of Stourbridge Road continues south past this junction and tactile paving and dropped kerbs facilitate pedestrians crossing Church Road.

Wildmoor Lane lead north from a mini-roundabout with the B4184 Meadow Road/Gibb Lane. Wildmoor Lane is residential in nature and leads under the M5 to join with the A491 west of M5 Junction 4. The speed limit within Catshill is 30mph, while Wildmoor Lane also has footways on each side, centreline markings and street lighting. In the vicinity of the site, Meadow Road forms a triangular geometry with Stourbridge Road and Church Road.

With regard to public transport opportunities, the nearest bus stop to the site is located in Meadow Road (Post Office), approximately 550 metres from the centre of the development site. A good level of services (007/90/142/143/144) to Stourbridge, Halesowen, Marlbrook, Redditch, Birmingham, Droitwich and Worcester are served by these stops. Route 318 operates between Bromsgrove and Stourbridge. This service does not operate on a Sunday or Bank Holiday. Route 322 utilises the bus stops on Churchill Road and Green Lane and is a circular service between Bromsgrove Town Centre and the village of Fairfield, located 1.4 kilometres north-west of Catshill. Route 322 operates twice daily on Tuesdays and Fridays. Barnt Green railway station is located 5.5 kilometres to the north-east. Bromsgrove railway station is located 5.5 kilometres to the south. 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 via Barnt Green leave hourly and take 30 minutes. London Midland services to Redditch are also available from Barnt Green with a frequency of 30 minutes and a journey time of approximately 14 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.

The new vehicular access leading into the site from Church Road will be 5.5 metres in width and will widen on radii to assist vehicle passing. Swept path analysis has been undertaken that demonstrates a refuse vehicle can successfully negotiate the proposed junction. A two metre wide pedestrian footway will align the road for the first 20 metres and then cross over to a single footway positioned closest to the housing frontages. The existing access on Stourbridge Road to be utilised as a walking/cycle/emergency vehicle access will have the existing gates removed and replaced with bollards to prevent unauthorised vehicular access.

Members will note the internal road network is not for consideration at this stage. For clarification, a proposed new parking area to the east of Christ Church no longer forms part of the proposals.

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. 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 and the scheme will have a negligible impact on the operations of the junctions in the locality, including Church Road and

Stourbridge Road. The Residential Travel Plan accompanying the application will further help to reduce the impact of the proposed development to level below that detailed in the submitted Transport Assessment.

Given the consideration of all highway related matters, including the views of third parties and the response from Worcestershire Highways, I am of the view that there would not be any material harm to the safety or free flow of traffic on Church Road and that there would be capacity within the existing network to cope with the development proposal, including Stourbridge Lane and Wildmoor Lane. The use of the existing access leading off Stourbridge Road for walking and cycling opportunities, would also promote sustainable transport choices for future residents. This would also enable greater permeability.

Members will note Worcestershire Highways has raised no objection to the scheme subject to the imposition of Conditions. As such, Members are thus reminded that there is no technical objection to the scheme on the grounds of adverse impacts on the highway network grounds.

Although taking regard of the strategic road network, the views arising from the Highways Agency are dealt with in the Drainage Section given the content of the consultation response.

Landscaping and Tree Issues

The application site broadly consists of three distinct areas.

- (a) Forming a corridor running north-south through the centre of the site is a low-lying floodplain zone through which runs a section of the Battlefield Brook. At the north and south ends of this corridor, the Brook has a single channel as seen on the submitted plans which is generally quite heavily shaded by mature wetland-tolerant trees such as Willow and Alder with some semi-mature Oak but in the central section of the site, the Brook has broken its banks within recent years to form three separate channels, is less heavily shaded and has formed extensive area of reedbed and wetland habitat of breadth corresponding approximately with the line of the 1 in 100 year floodplain shown on plan B5278-PL-013.
- (b) On the western side of the central corridor, the land rises gently up to the rear of houses on Stourbridge Road and is dominated by a roughly equal mixture of scattered areas of young woodland and open scrub grassland. The woodland consists predominantly of Oak, Hawthorn and Hazel while the scrub grassland is heavily dominated by bramble and nettle.
- (c) To the north-east of the central wetland corridor, another small area of land rises towards Bourne Avenue. This is more open with few trees other than occasional patches of Hawthorn and is principally dominated by bramble and nettle with some open grassland areas.

Two mature hedgerows form part of the vegetated screening from the M5 border the site to the north. Two additional hedgerows run from the site perimeter to the interior. All hedgerows are unmanaged and consist of hawthorn with a mix of hazel, oak, silver birch and willow.

Given the current state of the site, it is inevitable that the indicative scheme will require the loss of a degree of vegetation removal and existing trees and woodland as a result of the proposals, with the majority of cover to the west of the Brook being lost. Two short sections of the watercourse corridor will be cleared to allow for bridging for access roads. A new landscaped bund is proposed to the northern boundary adjacent the M5.

Existing hedgerows and trees will be retained where possible, including the majority of that following the corridor of the watercourse. The hedgerow to the south of the site will be lost. The existing habitat to the east of the Brook and along a buffer zone to the west of the watercourse will be modified during remodelling and flood alleviation works. Following works the site is proposed to be landscaped and replanted to create large areas of public open space that will incorporate managed and natural habitats, retained tree cover and riverine habitats. These areas of soft landscaping will provide a broad habitat corridor the length of the site, continuous with public open space along the northern boundary and the majority of the western boundary. Proposed watercourse enhancement works will create new areas of marsh and reedbed habitats adjacent to the new channel.

Following negotiations, the ecological and amenity value of the site has accurately established and the Tree Officer is now satisfied that the landscaping enhancements being proposed in respect of new tree and woodland planting as well as the habitat improvements, can be sufficient to mitigate that being lost. This programme will include structural planting in the public open space, with preference given to native species of wildlife value. These views can be filtered into the Reserved Matters process in order that such mitigation measures are carried and to ensure any notable features remain integral to the final layout.

Members will note the agricultural land on the application site is Grade 5 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.

I note the views of third parties and the Parish Council in relation to the use of an element of housing upon land allocated as open space under policy BROM28 of the Bromsgrove District Local Plan. For the reference of Members, there are three key issues to consider in respect of housing on this allocation which support the proposals as submitted:

- (a) The open space, the subject of the BROM28 allocation is yet to be laid out. Thus, the proposals do not result in an actual loss of open space since none exists on the site at present.
- (b) The reasoned justification to policy BROM28 makes clear that the site boundaries for the open space advocated by this policy are yet to be defined and thus can be approached flexibly upon consideration of a specific development when submitted for determination.
- (c) Leading from point (b), the proposals seek to re-locate open space elsewhere on the site. Such an approach is in accordance with the reasoned justification for policy BROM28. The relocated open space proposed as part of the development is situated further to the west of the site, but is in an equally accessible location. In terms of quantum, the area of the BROM28 land which falls within the application site extends to 0.58 hectares. The relocated open space, again within the application site boundary, extends to 1.93 hectares. This calculation excludes any of the 1 in 1,000 post-development flood plain and the potential flood storage areas to be created.

I acknowledge third party concerns on this issue. However, having regard to paragraph 13 of PPG17 which allows for the opportunity to exchange one open space site for another and the compliance with the reasoned justification to policy BROM28, this approach does not provide me with concerns. I thus raise no issue with the approach to the location of open space provision within the application site given these circumstances.

The Master Plan layout shows the provision of an equipped children's playspace (LEAP), in addition to 39,600 square metres of public open space. Both these totals exceed the space requirements of SPG11 (6,608 square metres of open space: including youth/adult play space) and thus the scheme does not attract a commuted sum for suitable off-site provision or enhancement. The formula utilised by SPG11 has, however, calculated a significant maintenance contribution. The applicant's agent has responded to this with a suggested reduced financial amount for such maintenance based on the amount of open space required by SPG11 (the 6,608 square metre figure detailed above), together with the following justification for taking this approach:

- (a) There is a significant benefit arising from the scheme since the open space will be publically accessible both to residents of the application site and the wider community.
- (b) The requirement for maintenance sum in the quantum presently requested causes significant viability issues and acts as a barrier to the provision of open space.
- (c) The nature of the open space is derived from a consideration of the site opportunities and constraints, most notably topography issues, noise, flood risk and drainage and ecology.

- (d) The open areas are designed as wetland spaces some of which are providing flood storage and compensation for the proposals, and in consequence there are significant areas that either will not have a requirement to be maintained or will be the subject of a separate management regime particularly where there are ecological implications.
- (e) On this basis there would appear to be an element of double counting on the maintenance contributions which can be shown to fail the tests set out within Circular 05/2005 and Regulation 122 of the CIL Regulations.
- (f) An alternative area of open space is located within reasonable walking distance of the site in Meadow Lane.
- (g) The draft National Planning Policy Framework makes clear that the development industry should be on the front-foot in promoting growth and investment including that arising from housing development, and that barriers should not be placed in the way of proposals which are in accordance with up to date Development Plans. The draft NPPF also makes clear that Councils should adopt a flexible approach to Section 106 contributions in order not to stymie development. The issue of viability is also contained in the Ministerial Statement: Planning for Growth.
- (h) The applications needs be viewed in the context of a deliverable housing scheme in order to assist in making good the Council's 3.5 year deficit in the supply of deliverable sites compared with the minimum five year requirement.

I have considered these points. The reduced financial contribution for maintenance of the open space put forward by the applicant (equating to some £264,320) would appear to be reasonable given the scale of the development and the circumstances outlined above.

Ground Conditions, Flood Risk and Drainage Issues

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 within 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. Land adjoining the watercourse lies within Flood Zones 2 and 3 with an annual probability of river flooding of between 1 in 1000 (0.1%) and 1 in 100 or greater (>1% AEP) in any year. This indicates that the site partly lies at medium to high risk of flooding from fluvial sources.

Clear span bridges or wide culverts will be installed where the roadway needs to intersect the watercourse channel. Interference with the natural course of the watercourse or floodplain is proposed to be kept to a minimum, with the watercourse crossings adequately scaled so as not to alter the existing flow route or flood storage significantly. On-site SUDS will comprise attenuation devices (tanked permeable paving, underground storage units) with limited infiltration devices (local soakaways, permeable paving) to be utilised where feasible. The SUDS devices will discharge into the Battlefield Brook at a runoff rate limited to the existing greenfield runoff rate using an orifice plate, hydrobrake or similar flow control device.

Members will also note the views of the EA and the progression of matters arising from the issue of flood risk, including the submission of additional information to overcome the concerns raised by the EA in the consultation response of 20 July 2011. In light of the submitted information, including modelling works and clarification of finished floor levels, the EA has raised no objection to the scheme. Members are particularly drawn to the consultation responses received from the Environment Agency detailed in the Consultation Section detailed in the early part of the report.

In terms of drainage issues, Severn Trent Water records show the presence of public foul and surface water sewers within the vicinity of the site. Surface water sewers serving the residential properties to the west discharge into the Battlefield Brook at two outfall points within the site and one just upstream of the northern site boundary. Foul water sewers run parallel to the eastern site boundary and along Stourbridge Road to the south which join to the south of Church Road. STW raises no objection to the scheme.

The Council's Drainage Engineer has also raised no objection to the scheme.

Members will note the views of the Highways Agency and the concerns relating directly to the proposed bund to the northern boundary and the implications for surface water run-off to the adjacent motorway carriageway. The applicant's agent has confirmed there is a section of existing drainage ditch between the application site and the motorway. This is located outside of the application site and thus will therefore remain unchanged. Although I note the views of the HA, full details of the design of the bund (to include drainage details) can be secured through Condition. This has been put to the HA. I will update Members at the meeting of the Committee on the progress of this issue. Members will note the recommendation is dependent on receiving no adverse comments from the HA.

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.

Members will note the views of third parties and Worcestershire Wildlife Trust on this issue. Natural England has referred the Local Planning Authority to non-site specific generic standing advice.

The majority of the site is dominated by tall ruderal species (common weed and pioneer species, notable nettle, bramble and rosebay willow-herb) and rank grassland, the loss of which is not considered to be detrimental to the wider local nature conservation resource and value. However, it is noted that some localised features are of notable ecological value including scattered scrub habitat dominated by semi-mature hawthorn, hedgerows, immature and standard broadleaf trees and the Battlefield Brook 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. The closest statutory designated site of National Importance is Oakland Pasture SSSI located approximately 1.5 kilometres to the south-west of the site. The nearest non-statutory site is Round Hill Species Wildlife Site, approximately 1.4 kilometres to the east of the site. Impacts arising from this scheme on these two sites is considered negligible due to geographic distance.

The site is not considered to contain suitable or sufficient habitat to support the widespread legally protected mammal species (dormouse, water vole, otter). Although I note the views of third parties, no other protected species are listed as being recorded at the time of the Phase 1 survey and the site supports few habitats suitable for such species. No great crested newts were identified on the site and the only pond within a 500 metre radius of the site lies to the opposite side of the M5. Trees identified for removal as part of the development have been considered to have low or no bat roost potential. These species are therefore not currently considered to present a constraint to the scheme.

An active outlier badger sett (rather than a main sett or annex sett) has been identified to the northern boundary with a single active entrance was recorded during the survey period. The sett and adjacent hedgerow and hedge bank are to be retained, together with the creation of a new artificial sett. Although the development will result in the loss of an area of badger foraging habitat to the south and temporary disturbance to habitats to the west, foraging habitats in the vicinity of the sett and to the north-west of the site will be retained unaltered and will be accessible to resident badgers at all times. No works are proposed within a 10 metre radius of the sett, with no heavy machinery to be permitted within 30 metres to avoid disturbing this sett. This will be monitored throughout the site preparation and construction phases.

The Ecological Appraisal considers that in overall terms, the site will ensure that biodiversity is maintained and enhanced, in particular through the retention of features that are of biodiversity value. Where features of biodiversity value are to be lost, these are to be mitigated for through new planting and enhancement of retained habitats (including suitable water vole habitat). The scheme has been amended to accommodate concerns raised by the Tree Officer and Worcestershire Wildlife Trust. I am thus 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, subject to the imposition of suitable Conditions relating to the implementation of mitigation measures.

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 be 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 M5 runs along the northern boundary of the site in a north/south direction. The motorway is considered the dominant noise source to affect the site. An earth bund increasing in height by 2 metres in the south-west corner and up to 5 metres at the north-east corner is located to the northern 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 assessment details that it will be unlikely that all internal spaces and garden amenity areas will meet with acceptable noise levels and suggests that any impact related to noise from the motorway can be dealt with through glazing specification and ventilation and the use of garden perimeter fencing at a minimum of two metres in height and of solid close-boarded timber construction (or similar). The proposed bund will have a benefit in reducing noise levels within the site. The proposed development, including the bund and effects of the proposed dwellings will also have a beneficial effect at reducing noise levels at existing residential dwellings adjacent the site, including their amenity spaces. This is with particular reference to dwellings located on the western boundary of the site on Stourbridge Road.

Subject to such mitigation measures to be secure through appropriate Conditions, I raise no concern on this issue. WRS has raised no objection to the scheme subject to the imposition of such Conditions.

Air Quality

Members will note the views of WRS. I thus raise no issue on this point. A Construction Environmental Management Plan will enable mitigation of any potential dust nuisance during construction phase. This can be secured through Condition.

Archaeological Issues

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

Other Issues

Impact on the Setting of the Grade II Listed Building (Christ Church)

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that regard is paid to the desirability of preserving the setting of Listed Buildings.

The Conservation Officer has raised no objection to the outline scheme.

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 Concept Masterplan which is purely indicative at this stage. Concerns over the positioning of rear gardens, courtyard and comments on lighting and defensive planting 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 Design and Access Statement provides an indication of such measures, such as the use of solar hot water heating solutions, air source heat pumps 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 Catshill.

Members will note, however, that Worcestershire County Council Education Services has commented that monetary contributions towards education provision in the Catshill area will not be required in this instance as there are spare places in all of the local schools. For the September 2011 intake there are currently 9 spare places at Catshill First, 25 spare places at Catshill Middle and 38 spare places at North Bromsgrove High School. Both the first and middle schools have capacity to increase their admission numbers should this be required in future.

Other Matters

Deliveries to the development site during the construction phase are able to be controlled through a Construction Traffic Management Plan. This could include the following:

- The prohibition of the movement of construction vehicles on the local highway network in the vicinity of the development site during the morning and evening peak hour periods.
- Restricting construction vehicles to designated routes.
- Restrictions of the hours of working on site.

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
£264,320	Public open space	Bromsgrove District Council

Members will note the Agreement will also include the provision and securing of 32 affordable housing units.

It is considered that the level of contribution meets the Circular tests in that it is relevant to planning, is considered necessary to make the proposed development acceptable in planning terms, is directly related to the proposed development and is 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 serious shortfall in housing land supply. The proposal would additionally assist with the Council's task "*....to maintain a flexible and responsive supply of land for key sectors, including housing...*" as urged in the Ministerial Statement 'Planning for Growth'.

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 40% 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 on-site 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 80 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 with the acknowledged constraints of the site, 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 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. Members will note the objection received from the Highways Agency in relation to drainage issues. Having considered all material considerations and subject to the receipt of satisfactory comments from the HA, 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 and the securing of 32 affordable housing units. I am thus seeking delegated powers from Members to deal with this matter upon completion.

11/0343-DMB - Outline Planning Application (Access submitted for determination) for approximately 80 residential units including 12 retirement flats and associated communal facilities; access, parking, amenity space and associated works - Land at Church Road, Catshill, Bromsgrove, B61 0JY - Cala Homes

RECOMMENDATION: that, subject to the satisfactory views of the Highways Agency, **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline application following the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:-

- (a) play space provision;
- and (b) the securing of 32 affordable housing units.

MINDED TO APPROVE