

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
GALLAGHER ESTATES LIMITED "B"	Outline application for open space relating to GB mixed use development for up to 200 dwellings, Class B1 office floorspace with associated access arrangements Land at Weights Lane, Redditch	GB	12/0401 03.08.12

RECOMMENDATION:

That subject to the satisfactory views of Worcestershire Highways:

(a) MINDED to APPROVE OUTLINE PLANNING PERMISSION

(b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline planning application following the receipt of a suitable and satisfactory legal mechanism in relation to:

- (i) The provision and subsequent maintenance in perpetuity of the informal open space; and
- (ii) The transfer of the SuDs facilities (including the balancing pond) and a contribution towards their future maintenance and the provision of a right of access if deemed appropriate

Consultations

WH Drainage Engineer	<p>Consulted 16.05.12: views awaited</p> <p>Consulted – views received 06.06.12:</p> <ul style="list-style-type: none"> • No objection • The proposed surface water balancing feature will need to be included in any negotiations regarding Section 106 contributions for the future maintenance of this facility
Planning Policy Planning Policy Open Space	<p>Consulted 16.05.12: views awaited</p> <p>Consulted 16.05.12: views awaited</p>
Head of Leisure Services	<p>Consulted – views received 14.06.12:</p> <ul style="list-style-type: none"> • No adoption by RDC of management responsibilities for open space, boundaries with public highway, open space and informal natural play within housing development, open space within office development, boundary with railway line. Drainage authority to adopt and maintain flood attenuation pond and structures. • 10 year Management Plan for attenuation scheme and landscape to be agreed. • Detail of landscape design and species to be planted within Housing development and attenuation scheme to be agreed. • Inconsistency between plan showing boundary of application and plans for proposed development in northwest corner. What

is proposal for stock pens, track and strip of land between this and river?

- Proposed highway shows a straightened Weights Lane compared to current line – confirm the extent of hedge loss along Weights Lane
- Additional footpath on west of Birmingham Road plus relocation of bus stop and creation of shelter likely to result in further hedge loss along Birmingham Road.
- Weights Lane is busy with heavy goods vehicles, including skips. Redditch Skip Hire is located in the industrial site. The road will deter access to the proposed informal open space to the north of Weights Lane and therefore limits the value of this POS provision for the housing development. The proposed provision of two small areas of play/green space around protected trees is considered inadequate as an alternative.
- The development is part of a larger area of potential housing development so the design principles for this scheme need to take account of future developments.
- Proposed play area adjacent to emergency route in north site with entrance to open space opposite is too risky – there is a blind corner not suitable for children to be playing/crossing.
- Preferred option is for larger, formal play equipment to be provided at Abbey Stadium for wider community to benefit and for informal natural landscaped play to be catered for within the new development by the provision of larger, more open green space/s central to the development with improved surveillance and green linkages through the site.

SE	Consulted – views received 28.05.12: No objection
WWT	Consulted 16.05.12: views awaited
Tree Officer	Consulted – views received 01.06.12: <ul style="list-style-type: none"> • No objection
WCC(CA)	Consulted – views received 12.06.12: <ul style="list-style-type: none"> • No objection subject to Condition relating to: • Programme of archaeological work, including a Written Scheme of Investigation
West Mercia Constabulary	Consulted 16.05.12: views awaited
Community Safety	Consulted 16.05.12: views awaited
Climate Change Officer	Consulted 16.05.12: views awaited
Network Rail	Consulted – views received 06.06.12: <ul style="list-style-type: none"> • Objection • Network Rail is formally consulting on proposals to carry out significant works to improve the capacity of its Redditch-Barnt Green railway, which runs to the west of the application site. • Network Rail's project is a Nationally Significant Infrastructure

Project (NSIP) and it will be the subject of an application to the National Infrastructure Directorate within the Planning Inspectorate for a Development Consent Order. Formal consultation has already started with residents, Council members and other stakeholders.

- Network Rail intends that its submission to PINs will be made in August 2012. If consent is granted Network Rail aim for an anticipated start on site autumn/ winter 2013, and completion of the scheme in summer 2014.
- Part of the mixed use site including Weights Lane and land to the north of Weights Lane will be required by Network Rail temporarily in connection with the construction of the Redditch Branch Enhancement Project. Since our previous letter we can confirm that a construction compound will be directly adjoining Weights Lane.
- Proposed works are likely to involve the following (although the exact scheme will not be finalised until we have completed all public and stakeholder consultation required by PINS):
 - A new 3km second section of railway
 - Mainly on existing railway land, albeit some areas of land are to be acquired permanently, whilst other land is required temporarily during the construction period.
 - The scheme starts just north of Alvechurch Station ends at Weights Lane.
 - Weights Lane is likely to be the main route for construction materials and equipment for the project off the M42 and A441
 - Strengthening of existing embankments
 - Introduction of new signalling
 - Four possible work compounds required (the main site office compound will be within this application site)
 - New platform and footbridge at Alvechurch
- All of the NSIP will be in the administrative area of Bromsgrove District Council.
- It is also essential that access to the railway on the east side of the Weights Lane underbridge is available for the constructing the works and their subsequent maintenance. Temporary haul roads will also be required either side of the railway where the track is to be doubled, for the duration of the works and potentially for subsequent maintenance access.
- Network Rail is not against the principle of the proposed development now before the Council. It is essential however that Network Rail's ability to construct its NSIP is not prejudiced.
- As a result Network Rail requests that planning permission is not granted until the developer and landowner have provided to Network Rail and the local planning authority a scheme to safeguard the land required for access to construct the Redditch Branch Enhancement Scheme.

National Grid

Consulted – views received 14.06.12:

- No objection

HSE	Consulted – views received 15.06.12: <ul style="list-style-type: none">• No objection
CPRE	Views received 18.06.12: <ul style="list-style-type: none">• Concerns regarding the leat from the River Arrow traversing the site that could be of medieval origin• An archaeological investigation should take place to the land surface of the pond bay and any associated mill, together with the linear earthwork of the leat• Both these aspects should be controlled through the imposition of a suitable Condition Additional views from Redditch Group CPRE received 04.07.12: <ul style="list-style-type: none">• Objection• Not enough consideration has been given to the open space, ground water ponds and River Arrow facilities• CPRE consider more thought could be given to remove the overall cramped layout of the proposals
Redditch BC Tutnall and Cobley PC Publicity	Consulted 15.06.12: views awaited Consulted – views received 18.06.12: <ul style="list-style-type: none">• Members felt they were unable to comment until they knew how much social housing was being proposed and what the employment opportunities were. 1 site notice posted 18.06.12 (expires 13.07.12) 1 press notice published 25.05.12 (expires 15.06.12) No neighbour notification required 1 representation received 18.06.12 raising the following issues: <ul style="list-style-type: none">• Access issues• The Transport Impact Assessment should take into consideration the operational capacity of the Sainsbury's roundabout and the signals at Dagnell End Road

Members are encouraged to review all submitted documentation, including the third party letter summarised above. 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 is located to the north-west of the Redditch urban area. The entire development site measures approximately 12.4 hectares and sits between the railway line serving Redditch, which bounds the site to the west and Birmingham Road (A441) which bounds the site to the east. Weights Lane runs in an east-west direction and bisects the site.

The site is split in terms of administrative control. The land to the south of Weights Lane is located in Redditch Borough lies outside the Green Belt and is currently allocated as part of the Brockhill Area of Development Restraint (ADR). The land to the north of Weights Lane is located in Bromsgrove District and is designated Green Belt.

The site is currently laid to grass. The site is undulating and gently rises in an east-west direction towards the railway line which is set above the site on an embankment. The River Arrow is located directly adjacent to the north-east boundary of the site. Access to the site is currently via Weights Lane, a unadopted single carriageway cul-de-sac that also serves Weights Lane Industrial Estate Butlers Hill Farm and two semi-detached dwellings (Primrose Cottages - which fall outside the application site) fronting Weights Lane.

Adjoining the site to the south is residential development which fronts onto Birmingham Road. North of the site lies undeveloped, greenfield land designated as Green Belt. Directly adjacent to the railway line (to the west) and separated from the site by the railway embankment is Weights Lane Industrial Estate which comprises approximately 10 large warehouse/ manufacturing units (subdivided). Beyond the railway line to the west is relatively steep rising greenfield land which also forms part of the Brockhill ADR. On the opposite side of the A441 to the east of the site is Abbey Stadium sports complex which consists of a sports centre, running track and associated playing pitches.

The Proposals

The application relates to an outline application with all matters reserved for future consideration with the exception of access.

For the reference of Members, the whole application site extends north of Weights Lane into Bromsgrove District. All of the planned mixed use development is proposed to be built south of Weights Lane within Redditch Borough and is intended to meet housing/employment needs arising within Redditch Borough. The only forms of development proposed within Bromsgrove District (on land currently allocated as Green Belt) are the associated surface water drainage, open space and highway works.

As such, an identical application has been submitted to each Authority, and each Authority has to determine the elements of proposed development falling within its own boundaries. In this respect, Members are tasked with determining the proposals for informal open space, associated surface water drainage works and a small aspect of highway works.

For clarity, the application site within Redditch Borough forms part of a wider emerging allocation in Redditch Borough known as the Brockhill East Strategic Site (BESS) in Redditch Borough Council's Core Strategy Plan Document (Revised Preferred Draft Core Strategy). Within the BESS, land is proposed to be developed for a mix of uses including housing and employment over the plan period to 2026. All of the planned mixed use development is proposed to be built south of Weights Lane within Redditch Borough and is intended to meet housing/employment needs arising within Redditch Borough.

The whole outline application proposes the development of up to 200 dwellings (including up to 80 'affordable' units), 5,000sqm (gross) Class B1 office floorspace and associated access arrangements, flood attenuation and open space at the site. It is proposed to develop land to the south of Weights Lane for housing and employment. All of the proposed residential and employment floorspace development falls within Redditch Borough.

To the north of Weights Lane it is proposed to develop open space incorporating a flood attenuation pond as part of the drainage strategy for the residential/ employment development. A new roundabout serving the site from the A441 (Birmingham Road) is proposed to be developed as a primary means of access for the residential development. A secondary access onto Birmingham Road is proposed to serve the employment development.

The proposed access arrangements have been formulated to allow for the delivery of the Bordesley Bypass relief road should the construction of this road become necessary in the future (the subject proposals do not require the provision of the relief road). The proposed roundabout essentially constitutes the southern roundabout permitted under the Bordesley relief road proposals. The proposed access arrangements have been designed to ensure satisfactory vehicular access to existing users of Weights Lane is maintained, as well as being able to safely accommodate the traffic generated by the development and future traffic flows associated with the relief road, should that road be required in the future.

The illustrative masterplan details the following elements:

- The development of up to 200 dwellings, comprising up to 120 private market dwellings and up to 80 affordable dwellings with associated space for parking;
- The development of up to 5,000sqm (gross) Class B1 office floorspace and parking (circa 167 car park spaces and 17 cycle spaces);
- A new roundabout access serving the proposed housing and open space from the A441 to the east;
- A secondary access onto Birmingham Road serving the employment development;
- Provision of open space comprising, 4ha of informal open space and 0.33ha of formal play space
- Appropriate flood attenuation measures to the north of the site; and
- Associated landscape improvements including the retention of existing mature trees (TPO) and the introduction of landscaping at the site's boundaries.

A number of documents have accompanied the application. Relevant documents to this application relate to the Planning Statement, Design and Access Statement, Concept Masterplan, Arboricultural Survey, Archaeological Desk Based Assessment, Ecological Appraisal, Flood Risk Assessment and Outline Drainage Strategy, Landscape and Visual Impact Assessment and Transport Assessment. These are available in the planning file and online via Public Access should Members wish to view them.

Relevant Policies

WMSS	UR3, UR4, RR1, PA1, QE1, QE2, QE4, QE6, QE7, QE8, QE9, T1
WCSP	SD.2, CTC.1, CTC.5, CTC.6, CTC.8, CTC.9, CTC.14, CTC.15, D.43, T.1
BDLP	DS2, DS11, DS13, C4, C5, C12, C16, C17, C36, C37, C38, C39, RAT5, RAT6, TR1, ES1, ES2, ES4
Draft CS 2	CP3, CP17, CP19, CP20, CP21, CP22, CP23

Others Circular 06/98
 Circular 06/05
 Ministerial Paper: Planning for Growth
 National Planning Policy Framework (NPPF)

Relevant Planning History

11/0872 Residential development of up to 220 dwellings with associated open space and access arrangements:
 Pending (withdrawal imminent)

In 1995 Redditch Council was consulted by Hereford and Worcester County Council (now Worcestershire County Council) on an application for the bypass which was subsequently granted permission, however this permission was not implemented. A subsequent application based on the alignment of the previously approved scheme was resubmitted in 2006.

These proposals included the construction of:

- Approx 1.7m of dual carriageway;
- A new roundabout and access road at the junction of Weights Lane;
- Realignment of the existing A441 between Bordesley Bridge and Weights Lane junction;
- A single span bridge over the River Arrow; and
- Two balancing ponds with associated drainage infrastructure.

That application was also granted. The permitted bypass route bisected the application site in a north south direction from Weights Lane. However, the permission was not implemented and has since lapsed.

Notes

The aspect of the proposals falling into Bromsgrove District is located in designated Green Belt. In this respect, this aspect of the scheme must be considered in light of national and local Green Belt policy, with a focus on whether the public open space use and engineering works are appropriate development in the Green Belt and if not whether there are any special circumstances which would override the harm caused.

Policy DS2 of the Bromsgrove District Local Plan sets out the instances where development is considered appropriate in the Green Belt. This is reflective of the stance in the NPPF. Paragraph 90 of the NPPF stipulates that engineering and other operations are not inappropriate in the Green Belt provided they maintain the openness and do not conflict with the purposes of including land in the Green Belt.

The proposed works within the Green Belt relate to:

- The change of use to informal public open space
- The construction of a surface water attenuation pond
- The construction of a small proportion of the access roundabout to serve the development

The proposed attenuation pond would be below ground level. It would therefore not materially affect the openness of the Green Belt. Rather than conflict with any of the five purposes for including land within the Green Belt (NPPF, paragraph 80), the proposed flood attenuation works, forming part of an area proposed to be designated as public open space, will make a positive contribution to the three purposes that are identified as relevant for the Bromsgrove Green Belt, these being:

- Checking the unrestricted sprawl of large built up areas;
- Preventing neighbourhood town from merging into one another; and
- Assisting in safeguarding the countryside from encroachment.

The vast majority of the access works will be completed within the land designated ADR in the Redditch Borough Local Plan. Only a very small proportion of the works fall within the Green Belt, located on land adjacent to the existing A441. Those engineering works will therefore have no material effect on the openness of the Green Belt at this location, nor any harmful effect on the three purposes referred to above.

Given these circumstances I raise no objection to the scheme on Green Belt policy grounds.

The adequacy of the informal open space provision has been assessed in the context of Redditch Borough Council's policies. The proposed provision meets the relevant Redditch Borough Council policy requirements. The provision and subsequent maintenance of the informal open space is to be secured through a cross boundary planning obligation.

Flood Risk and Drainage

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) and Drainage Strategy has accompanied the application.

The NPPF sets out a sequential approach to steer new development to areas with the lowest probability of flooding. This 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 development predominantly falls within 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. However, there are some small areas adjacent to the River Arrow in Flood Zone 2 and 3 (with particular regard to the proposed outfall to the River Arrow from the surface water balancing pond).

The proposed Sustainable Urban Drainage Scheme (SuD) will primarily consist of a flood attenuation pond located to the north of the site which will also form the focal point for the open space. The detailed design of the pond is reserved for future determination.

The Drainage Engineer has raised no objection to the scheme. I am also mindful that the scheme contains no built form and relates to open space only.

Trees and Ecology

It is not proposed to remove any trees of significance which are considered of amenity value within the application site.

There is one statutory designated site located approximately 1.5km east of the site and eight non-statutory sites designated for nature conservation within 2km of the site. The nearest is the River Arrow Special Wildlife Corridor, which is located adjacent to the site to the north-east. The submitted ecological survey has revealed low ecological activity/potential at the site. Given the sensitivity of the River Arrow Wildlife Corridor to the north-east, potential ecological impacts have been minimised by locating the attenuation pond outfall to avoid mature trees along the river corridor. While no bats have been observed at the site the river corridor has potential to support roosting, foraging and commuting bats and so the pond outfall has been located away from trees to avoid disturbance. By locating appropriate tree and scrub planting in the vicinity of the pond this may further enhance this area in terms of habitat structure, composition and potential to support species, this providing a beneficial impact.

I am thus of the view that the outline application should meet with the requirements of the NPPF 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.

Archaeological Issues

The views of the County Archaeologist are noted. I also note the views of CPRE on this issue. The WCC(CA) has raised no objection to the scheme, subject to Conditions.

Other Issues

Network Rail Comments

Members will note the views of Network Rail in relation to this application. Whilst I note these comments, the planning system is unable to maintain preference for one scheme over another. Effectively the issues raised by Network Rail are landownership matters and not material planning considerations. I therefore give little weight to the objections raised.

Notwithstanding this, the applicant is fully aware of these comments and is in discussions with Network Rail in order to find a mutually agreeable solution. This may provide some comfort to Members.

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.

Circular 05/05 has now been cancelled following the publication of the NPPF. Paragraphs 203 to 206 are all that remains of Circular 05/2005. Three of the five key policy tests remain: (Section 106 obligations must be: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development) but the 2008 CIL Regulations are now key.

A cross boundary planning obligation will envelop the respective schemes in Bromsgrove District and Redditch Borough. The relevant aspects for Bromsgrove District include:

- (i) The provision and subsequent maintenance in perpetuity of the informal open space; and
- (ii) The transfer of the SuDs facilities (including the balancing pond) and a contribution towards their future maintenance and the provision of a right of access if appropriate

It is considered that the proposed measures meet the three key policy tests set out in the NPPF. 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 scheme is compliant with Green Belt policy. The scheme will comfortably serve the development located in Redditch Borough and provide well-planned open space opportunities.

Given the applicant is in the process of submitting a cross boundary legal agreement to deal with the open space provision and the transfer of the SuDs facilities relevant to this application, I am thus seeking delegated powers from Members to deal with this matter upon completion.

Members will also note the views of Worcestershire Highways remain outstanding and I will update Members at your Committee on this issue.

RECOMMENDATION:

That subject to the satisfactory views of Worcestershire Highways:

- (a) **MINDED to APPROVE OUTLINE PLANNING PERMISSION**
- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline planning application following the receipt of a suitable and satisfactory legal mechanism in relation to:

- (i) The provision and subsequent maintenance in perpetuity of the informal open space; and
- (ii) The transfer of the SuDs facilities (including the balancing pond) and a contribution towards their future maintenance and the provision of a right of access if deemed appropriate

For the reference of Members I intend to impose suitable Conditions relating to:

- Time limit
- Submission of landscaping Reserved Matters details

- Broad compliance with Concept Masterplan

- External lighting

- Soft and hard landscaping
- Landscape Management Plan
- Boundary treatments
- Tree and Landscape Protection Plan

- Habitat Management Plan
- Details of bat and bird boxes

- Surface water drainage scheme
- Full specification of the balancing pond

- Highway matters (as deemed necessary)

- Programme of archaeological work (to include a Written Scheme of Investigation)

- Construction Environmental Management Plan (CEMP)
- Construction Traffic Management Plan (CTMP)