

Name of Applicant	Proposal	Plan Ref.
C/O Planning Prospects Limited	Erection of 185 dwellings, including details of access, landscaping and open space, drainage and other associated infrastructure. Longbridge East And River Arrow Development Site, Groveley Lane, Cofton Hackett, Worcestershire,	16/1087

This application was deferred at the meeting of Planning Committee on 8 May 2017 at the request of Members for the following reasons:-

Having had regard to all of the information presented, the Committee was of the view that the Section 106 contributions did not reflect the amount of infrastructure required to support the developments and considered that further consultation and information was required in regard to the proposed amounts and distribution before they could make a decision on the matter.

Please note that other issues in relation to this application are included in the Appendix report.

RECOMMENDATION:

- (a) MINDED to APPROVE FULL PLANNING PERMISSION
- (b) DELEGATED POWERS be granted to the Head of Planning and Regeneration to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to the following matters:
 - (i) £11,359.00 as a contribution towards the provision of wheelie bins for the scheme.
 - (ii) £49,700 as a contribution towards enhancing existing amenity assets at Lickey Hills - refurbishment of the telescope (Folly) and car park at Beacon Hill.
 - (iii) £66,267 as a contribution towards the provision of an outdoor fitness facility and/or youth play equipment at Cofton Park.
 - (iv) £55,222 as a contribution towards enhancing existing sport pitches, cricket pitch, as well as access to Cofton Park in general.
 - (v) £47,200 as a contribution towards enhancing the local area Cofton Hackett in respect to general access improvements and refurbishment works to the existing allotment gardens and refurbishment of the local play area off Chestnut Drive, improvements to the car park at Lickey Road, and incidental enhancements including benches and planters in and around Cofton Hackett.

- (vi) £40,149 for the extension of New Road Surgery, New Road, Rubery, and/or Cornhill Surgery, New Road, Rubery, and/or Barnt Green Surgery, Hewell Road, Barnt Green.
- (vii) The on-site provision of affordable housing to be maintained as such in perpetuity.
- (viii) The proposed open space provision (informal recreation) included within the application to be provided /implemented on site and managed as such in perpetuity.

Assessment of the Proposal

Policy Relevance

The Longbridge Area Action Plan (LAAP) was adopted in April 2009 and the Bromsgrove District Plan (BDP) was adopted in January 2017. Both these plans are highly relevant to the consideration of planning applications within the Longbridge AAP area. The BDP refers to the LAAP as the detailed policy guidance for the Longbridge area.

The LAAP was initially prepared before the time of the global financial crisis. Although as the plan neared examination and adoption the crisis had taken hold, and the financial outlook for development was beginning to become very different. With this in mind sufficient clauses were inserted into the LAAP to allow for flexibility in proposals where the financial viability became a challenge, some of these challenges still remain today. It was decided not to adjust the plan to rule out all the proposals which might be required to support the development as it was hoped financial viability of development would return. The implication of this is, at the current time not all of the supporting schemes which we hoped to be able to progress as a result of the redevelopment of Longbridge will now be able to be progressed until full viability returns. The BDP also has clauses which allow for flexibly in proposals.

The LAAP remains an important tool in the determination of applications at Longbridge to maintain consistency with the development taking place on the Birmingham element of the site and ensure as much of the LAAP can be delivered. The LAAP should be read alongside the BDP as the development plan for the area.

Planning Obligations

Members will recall that this application was deferred due to the potential S106 obligations and the distribution of the potential contributions.

It is important to establish why a contribution is sought for a development and that it should meet the appropriate planning tests set out in the Community Infrastructure Levy Regulations 2010 which are as follows:-

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

Affordable Housing Provision. To ensure that the 37 units for rent and 28 units for shared ownership are provided on site and retained as such in perpetuity.

Proposal H2 of the Longbridge Area Action Plan (LAAP) requires ‘a target of 35% of dwellings to be affordable’. This scheme includes a full provision of 35% of affordable housing, which is necessary to make the development acceptable, is directly related to the development and is fairly and reasonably related in scale and kind to the scheme. The proposal fully complies with requirements set out under Proposal H2 of the LAAP.

Wheelie Bin Provision. Under the Worcestershire County’s Waste Strategy a financial contribution will be sought to cover the provision of wheelie bins for each unit. This is based on £61.40 per dwelling for the provision of a green bin and a grey bin. This is necessary to make the development acceptable, is directly related to the development and is fairly and reasonably related in scale and kind to the scheme.

Contribution towards GP surgeries. The site lies within the practice areas of three Worcestershire GP surgeries (New Road Surgery, New Road, Rubery, and/or Cornhill Surgery, New Road, Rubery, and/or Barnt Green Surgery, Hewell Road, Barnt Green). All three are fully utilising all of their clinical rooms and would therefore have no capacity to provide services to the cumulative number of residents that will move into the houses planned to be built in their practice area. Therefore, a financial contribution will be sought to be used as a contribution towards an extension to each of the surgeries concerned.

The contribution has been calculated by NHS England as follows:-

Planned number of dwellings	185
Forecast increase in population	444
Average number of consultations per patient per annum	6
Forecast number of consultations per annum	2,664
Consulting room capacity	6,300
Number of consulting rooms required	0.42
Forecast floor area required m ²	6.77
Clinical/non clinical support (excluding circulation)	4.51
Total floor area required m ²	11.28
Forecast outturn costs	£40,149

Following on from the application being deferred from the last meeting, officers have discussed the level of contribution with NHS England who have clarified that the above formula is what they currently use to justify a contribution. They acknowledge that it is not the intention that the above contribution would cover the full cost of a potential extension, but would be a contribution towards the works concerned.

It is important to note that all three surgeries currently have capacity to accept new patients and there are also doctor surgeries closer to the site that are within Birmingham’s administrative area.

Policy BDP.12 of the Bromsgrove District Plan encourages improvements to existing facilities to enable them to adapt to changing needs, ie. increase in occupiers in the area. Therefore, it is considered that seeking a contribution to enhance existing GP facilities nearby to the site would be necessary to make the development acceptable, would be directly related to the development and would be fairly and reasonably related in scale and kind to the development. As mentioned above, the contribution requested is not

intended to cover the cost of an extension to a surgery but be a contribution towards the works.

Open space / informal recreation facilities for this scheme.

As mentioned in the original report for this application, a provision of open space is required for the scale of the development. Members will be aware that under the phase 1 scheme, on site open space has been provided (Arrow Park). Members will be aware that that under the phase 2a scheme, no on site open space facilities were included but a commitment to provide open space facilities on site would come forward under the next phase. This application includes two areas of onsite open space facilities (western open space area and southern open space area) which would comply with Proposal OS.6 of the LAAP and suitably link in with the existing Arrow Park to provide a quality landscaped area suitable for formal and informal recreational use, complying with Proposal OS4b of the LAAP.

However, taking into consideration the total number of units proposed for the East Works site and the existing and proposed provision of onsite open space, there would still be a shortfall of open space facilities. Therefore, a financial contribution to enhance an existing open space facility nearby would be a way of addressing this shortfall. Due to the scale of the development the provision of open space is necessary to make the development acceptable, and is directly and reasonably related in scale and kind to the development.

It is accepted that the site is very close to Cofton Park and as such would be the most obvious site for open space enhancements. However, considerable investment is committed to enhancing Cofton Park as a result of other Longbridge developments.

- Children's playground £220,000 (£120,000 playground + £100,000 maintenance).
- Sports Pavilion, sport pitches and new toilet block- £440,000
- Cofton Park footpath and accessibility improvements - £85,000
- Lickey Hills playground £200,000. As the playground already exists, 100% will be spent on capital works, no maintenance fees.
- Lickey Hills visitor centre toilet refurbishment - £50,000.

Bromsgrove Leisure Services have been consulted on this application and note that whilst there are toddler/junior play area facilities at Cofton Park, there is a lack of teenage/young adult provision. Leisure Services suggested a MUGA facility or a skate facility. However, facility exists at the Youth Factory in the centre of Longbridge. Whilst a skate facility would be welcomed, it would be more appropriate next to the MUGA rather than in Cofton Park. An outdoor fitness facility has also been suggested to address this shortfall and would be a benefit to a wider audience. This would be a facility that would sit well within Cofton Park and is supported by Birmingham Council who manages the park. In addition, enhancements are proposed to existing sports pitches, cricket pitch, as well as access improvements to Cofton Park in general. Officers consider that a contribution to provide this new facility/enhance existing facilities at Cofton Park would address the shortfall of open space and would be in accordance with BDP25 of the BDP which encourages the enhancing of existing sport, recreational and amenity assets and acknowledges that existing facilities be enhanced if it is impractical to provide open space typologies on site.

The LAAP refers to improvements to Lickey Hills as well as Cofton Park. Given that the Lickey Hills are located within Bromsgrove's administration area and is near to the proposed site it is considered appropriate to enhance this 'amenity asset'. It is intended that a contribution will be used to refurbish the Toposcope (the folly) and car park.

Members will be aware that the Lickey Hills and Cofton Park are managed by Birmingham City Council (BCC). It is envisaged that whilst a S106 Agreement will be drafted in respect to this application. A separate 'Agreement' is proposed to be drafted between BDC and BCC such as a Service Level Agreement or Conditions of Grant Aid Agreement. This would be a legal agreement between the two authorities to ensure BCC be reimbursed once work has taken place on the ground. BCC could provide BDC with a copy of reports that include a cost breakdown showing expenditure and funding sources.

Cofton Hackett Enhancements

As there would be a shortfall of open space for the overall scheme, a financial contribution will be sought to provide enhancements to communal facilities in the local area such as improvements to the local allotments and refurbishment of the play area off Chestnut Drive. Improvements to the local car park at Lickey Road as well as incidental works such as planters and benches / cycle signage in and around Cofton Hackett would be included in this contribution. This would be in accordance with policy BDP25 of the BDP which encourages enhancements to existing recreational and amenity assets. As mentioned above, due to the scale of the development the enhancement of existing facilities is necessary to make the development acceptable, is directly related to the development and is fairly and reasonably related in scale and kind to the development.

Other matters

Enhancements to other existing facilities in the area have been suggested. However, as mentioned above they have to meet the appropriate planning tests for them to be justified. In addition, they would need to be supported by the relevant consultee. For instance, members raised concerns in relation to highway matters and a possible contribution to improve perceived highway issues. County Highways consider that a contribution is not justified and that there is no need to provide a further crossing on Groveley Lane. There is already one very close to the site access which is a toucan crossing, and further north on Lowhill Lane (BCC Highway) there is an uncontrolled crossing. The pedestrian desire lines are addressed and as such there is no need to provide any further facility.

In respect to providing a crossing at Hopwood, as referred to under Proposal T13 of the LAAP; there is no relationship between pedestrian movements from the Eastworks site and the desire line to provide a crossing on the A441 in Hopwood. Therefore whether there is a need for a crossing at this location or not, a contribution would not meet the planning tests referred to above and therefore cannot be delivered as part of this application.

Officers are aware that Cofton Hackett Parish Council have requested contributions to cover the fitting out of the village hall and also improvements to access points on Barnt Green Road. However, this would not meet the planning tests as set out above, and therefore cannot be delivered as part of this application.

The applicant is agreeable to the heads of terms and a S106 Agreement is in the process of being drafted.

Conclusion

The principle of residential development is considered to be acceptable and whilst there may be an overall shortfall of housing on the East Works site, this shortfall is unlikely to have a detrimental impact on the anticipated housing target set for Longbridge overall. The proposal would not conflict with the Proposals set out in the LAAP, and complies with policies the adopted Bromsgrove District Plan. The principle of residential development would also be compliant with the NPPF.

RECOMMENDATION:

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 - (viii) The proposed open space provision (informal recreation) included within the application site to be provided /implemented on site and managed as such in perpetuity.

Conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings/ Documents listed in this notice: (to be finalised)

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Details of the form, colour and finish of the materials to be used externally on the walls and roofs of the dwellings approved shall be carried out in accordance with Dwg. No. - Materials Plan.

Reason: To protect the visual amenity of the area.

4. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.

Reason: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway.

5. Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved drawings.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

6. The development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing a travel plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator.

Reason: To reduce vehicle movements and promote sustainable access.

7. The landscaping scheme including proposed fencing, screen walls etc. shown on Dwg. No.s (to be defined) shall be implemented within 12 months from the date when any of the building(s) hereby permitted are first occupied or in accordance with a phased implementation plan to be agreed in writing with the Local Planning Authority. Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site.

8. All trees to be retained within the development are afforded full protection in accordance with BS5837:2012 throughout any ground or construction works on site.

Reason: In order to protect the trees which form an important part of the amenity of the site.

9. Any encroachment into the BS5837:2012 Root Protection Areas of any of the retained tree stock within the development is constructed with No Dig Construction in conjunction with a porous surface material to allow air/moisture exchange to the rooting environments of the trees on site.

Reason: In order to protect the trees which form an important part of the amenity of the site.

10. Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 5 have been complied with:

1. Previous reports submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
2. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
3. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

4. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
5. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. No works or development shall take place until a scheme for foul and surface water drainage, along with a maintenance plan for this drainage scheme, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a construction management plan. The plan shall include
 - (a) areas within the site to be used for loading, unloading and manoeuvring,
 - (b) areas within the site to be used for storage of materials and equipment including fuels,
 - (c) wheel washing at the site and leaving the site to reduce mud and spoil on the highway,
 - (d) proposals to minimise dust from construction
 - (e) construction noise suppression,

- (f) areas within the site to be used for parking for site personnel, operatives and visitors
- (g) construction traffic routes,
- (h) piling techniques,
- (i) programme of works (including measures for traffic management and operating hours),
- (j) provision of boundary hoarding and lighting. The development shall be carried out in accordance with the approved management plan.

Reason: To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of adjacent occupiers.

13. Recommendations and noise mitigation measures (applicable to each plot) set out in the Noise Report shall be implemented prior to the first occupation of that dwelling and retained as such in perpetuity.

Reason:- In the interests of amenities for the potential occupiers.

14. Recommendations and mitigation and enhancement actions stated in the Longbridge East Ecological Assessment for Phase 2b by Alder shall be implemented.

Reason:- In the interests of ecology in the local area.

15. Details of appropriate cabling and an outside electrical socket to be supplied for each property to enable ease of installation of an electric vehicle charging point (houses with dedicated parking) shall be submitted to and approved by the Local Planning Authority. The charging point must comply with BS7671. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building. The approved scheme shall be implemented before the building(s) hereby permitted are first occupied.

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to [amongst other things] incorporate facilities for charging plug-in and other ultra-low emission vehicles." AQAP Measure 5.2.10

Informatives

1. The local planning authority is aware of the requirement in the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with applicants in a positive and proactive manner, seeking solutions to problems arising from applications.

In this case the applicant:

- o sought detailed pre-application advice from the authority and acted upon this advice in advance of the application submission

The proposal therefore delivers a policy compliant sustainable form of development.

2. The applicant is advised that a Section 106 Agreement is applicable to this application.
3. It is advised that the applicant should be directed to the following document for best practice during construction: Worcestershire Regulatory Services "Code of Best Practice for Demolition and Construction Sites" which can be found on the WRS website at <http://www.worcsregservices.gov.uk/media/448881/WRS-contractor-guidance.pdf>
4. Network Rail informatives.
5. Environment Agency informatives

Case Officer: Sharron Williams Tel: 01527 534061
Email: sharron.williams@bromsgroveandredditch.gov.uk