

## Committee Update 1 14th October 2019

**16/0263 Land To The West Of Foxlydiate Lane And Pumhouse Lane, Bromsgrove Highway**

### **FURTHER REPRESENTATIONS**

Worcestershire Acute Heath Trust - WAHT 07-10-2019

Document: Key facts about Worcestershire Acute Hospitals NHS Trust to support planning discussions with local councils in Worcestershire 04-10-2019

These documents are available on the Council's website under the documents tab relating to the application

<https://publicaccess.bromsgroveandredditch.gov.uk/online-applications/>

### **Summary of Counsel's Revised Response to report received 4 October and letter dated 7 October**

(this replaces paragraphs 19.26 - 19.40 of the main agenda p50-53)

#### *Summary*

1. In summary the planning obligations requested by the Worcestershire Acute Hospitals Trust (NHS Trust) requiring a developer to make annual shortfalls in National Health Service revenue are likely to be unlawful; such requests do not meet the Community Infrastructure Levy Regulations 2010 Regulation 122 tests; the requests are contrary to policy and they do not serve a planning purpose; and/or do not fairly and reasonably relate to the proposed development. This is on the basis of consideration of all information received from the Acute Trust, including recent correspondence, and any relevant additional consultee. Members should have regard to that material, including the representations from the Trust, the recent letter from their solicitors dated 7.10.19 and the Rebuttal prepared by Lichfields for Redrow Homes and attached to the Redrow letter of 22.7.19. The letter of 7.10.19 is a response to an earlier version of this note. All of the documents referred to can be viewed on the Council's website. These Legal Submissions replace the earlier Submissions. This document takes into consideration the additional letter and report received from the Trust; Counsel has reviewed these and amended the Legal Submissions accordingly. Please note that Counsel remains of the same view that the Contribution requested by the Trust is not justified and not legally supportable.
2. The local planning authority accepts that the request is material and is more than de minimis, but the proposals do not meet the Regulation 122 requirements or the policy requirements.

#### *Justification for the position taken in relation to the Acute Trust Contribution*

3. Firstly, it is unlikely that the requested planning obligation from the NHS Trust would be for a planning purpose as required by the test set out by Lord Hodge in the Aberdeen City v Elsick Development Company case. Lord Hodge states "the restriction must

serve a purpose in relation to the development or use of the burdened site. An ulterior purpose, even if it could be categorised as a planning purpose in a broad sense, will not suffice...” and that it was not sufficient “to fund infrastructure or other community facilities which were unrelated or only marginally related to their developments.”. The reason for doubt here is primarily because the request from the NHS Trust does not relate to the land in question or any relationship to the land is at best marginal and difficult to establish from the evidence provided by the Trust.

4. A real connection between the obligation offered and the proposed development is essential as Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 require. The guidance in case law draws a firm distinction between the offered benefits that are directly related to the proposed development and the more general benefits that have an insufficient relationship to the development, even if there is a very generalised connection. There is policy guidance to similar effect e.g. NPPF 2019 [54]-[56] and the NPPG on Planning Obligations at paras. 2-4. Whilst the NPPG section on Healthy and safe communities gives advice on consultation and consideration of the implications of development on health and care infrastructure, this must be approached in the context of the law and general guidance as to planning obligations.
5. If case law and guidance are applied to the present situation it is considered that there is not a sufficient relationship between the development and the proposed benefit sought. The Trust is seeking financial obligations to make up for revenue shortfalls caused by growth in population specifically from housebuilding which is said not to be accounted for within sufficient time through the national funding mechanism. This is not a sufficient link to the development proposed. The legal test as set out in the *Elsick* case requires more than a *de minimis* relationship between the development and the intended contribution. As a consequence, therefore, it would be insufficient for the Trust to merely establish the existence of a plausible relationship, it would have to establish that the relationship crosses the *de minimis* threshold. From the information provided it is considered that the Trust has failed to establish the existence of a relationship that is more than marginal or trivial. Indeed, one of the difficulties found in considering the representations is a lack of clear explanation by the Trust why better account cannot be taken of proposals for new housing and planned growth in the local plan.
6. The relationship which the Trust contends exists with the development is insufficient because of the NHS funding model, at least as applied in this area. The Joint Strategic Needs Assessment and the Health Wellbeing Strategy both refer to the importance of population and the New Joint Strategic Needs Assessment appears to provide a mechanism for securing access to better information about local populations and as a consequence by inference, population change.
7. It is interesting to note that paragraph 20 of the Trust’s letter of 12 March 2019 (Foxlydiate Lane) noted not that adjustments could not be made, but that it was “not sensible for the Trust to plan strategies to cope with further population growth on a piecemeal basis. The cost and planning implications of doing so are impractical. Instead, the Trust has considered the anticipated population and demographic growth across our area and looked at the overall impact of the proposed increased population through an internal process”. Leading Counsel considers that it is difficult to see how this establishes a substantial connection between the impact of the development and the proposed contributions sought as opposed to a mechanism of greater convenience to the Trust to meet its existing obligations and points to the failure of the Trust to explain why better account cannot be taken of growth (whether by the Trust or CCG) even in its recent letter of 7.10.19.

8. There appears to be no reason why the funding model should not take account of projected population growth, including growth arising from the development. It is emphasised that the population growth as a result of the development is planned growth. The Bromsgrove District Plan 2011-2030 (adopted January 2017) Core Strategy runs to 2030 and the sites in issue are allocated by that plan. Moreover, even given the delay the Trust refers to in taking account of growth in funding arrangements, it is unlikely that a housing development will be built out within the year in which it is granted planning permission – still less if it is a large site, with outline permission, when reserved matters would need to be applied for and the housebuilder would be likely to phase the releases of new houses even once it was in a position to begin construction.
9. The use of s106 agreements to make up revenue shortfalls also appears to be contrary to the NHS Constitution for England. The NHS Constitution sets out 7 principles that guide the NHS. Principle 7 states as follows:

“The NHS is accountable to the Public, Communities and Patients that it Serves. The NHS is a national service funded through national taxation and it is the Government that sets out the Framework for the NHS which is accountable to Parliament for its operation.
10. The funding of a NHS revenue shortfall via developer contribution would represent and move away from the national service funded through national taxation towards a model where day to day costs are privately funded for the first year or two from the commencement of development. This has potential implications for NHS accountability to the local community it serves. It would also suggest that, if the points raised by the Trust represent a widespread difficulty with the NHS national funding arrangements, then all housing development ought to be making such an initial contribution to NHS trusts’ income.
11. The incompatibility of the proposed planning obligation with the NHS Constitution further illustrates the fact that the proposed planning obligations do not serve a legitimate planning purpose but instead are intended to make up for asserted deficiencies in national funding.
12. The requested planning obligations may also undermine the distinction between healthcare purchasers (CCGs) and healthcare providers (NHS Trusts). In this situation the CCGs have the primary responsibility to provide funding for NHS Trusts not the Trusts themselves and undertake an annual commissioning plan. The use of planning obligations for this purpose is not a planning purpose and is therefore impermissible. It is not the role of the planning obligations to replace national funding for healthcare and it is far from clear here that there is a substantial link between the development and the need for income for acute health services and the services to which the Trust contends.

#### Compliance with Regulation 122 of the CIL Regulations

13. Apart from the issue of whether the contributions sought are lawful or material in the light of legal principles and policy, there are also significant evidential uncertainties which support the view that the suggested contributions do not meet the CIL Regulations tests.
14. A planning obligation that is not directly related to the development, that is the position being taken here, is an immaterial consideration for the purposes of granting planning permission under Regulation 122 (2) (b) of the CIL Regulations. Leading Counsel has concluded that there is very likely an insufficient relationship between the development and the requested contribution for the contribution to serve a planning purpose. It

follows from that conclusion that if the proposed s106 Agreement was entered into and taken into account when granting planning permission, the decision granting permission would be unlawful since it would fall short of the requirements of regulation 122:

- 13.1 The proposed contribution is not necessary to make the development acceptable in planning terms Regulation 122(2)(a) or is not directly related to it (122(2)(b)). This is because of the points raised above, and the concern that the Trust is seeking to use developer contributions to offset problems experienced with the national funding mechanism. As set out above, the Trust has failed to provide a clear explanation as to why these problems cannot be addressed or as to why the development is unacceptable in planning terms in the absence of the contribution. Moreover, there are unresolved concerns, given that the Trust has operated at a deficit for some 6 years (£68.790m in the last financial year) and how any developer funding would relate to the financial and operational issues already faced by the Trust and how it would be guaranteed that any funding would be used directly for the treatment of the number of new patients said to be generated by the new development; and
- 13.2 The proposed contribution does not “fairly and reasonably relate in scale and kind to the development” Regulation 122(2)(c). This is because, as already mentioned, the Trust has not explained why the commissioning has not taken into account, or could be made to take into account, the projected population prior to the occupation of the new houses, housebuilding growth and why the information provided is not sufficient to enable it to be taken into account.
- 13.3 In respect of 122(2)(c), there are also difficulties with the contentions with regard to the assumptions that new houses generate “new population” given the issue of new household formation and also the extent to which the Trust is dealing with population changes outside its main catchment. The points made by Lichfields in Section 5 of their Rebuttal appear to be sound ones and there are real concerns that simply to base an assessment on the number of new houses means that account is being taken of existing population i.e. that there would be double counting, and payments made not actually resulting from the new development. They summarise their points at paras. 6.5 and 6.6 and Members are recommended to read that for a summary of the concerns about double counting. In the Trust’s solicitors’ email of 9 September 2019, responding to the further representation made by the applicants, the Trust suggests that it will accept that 55.8% of the occupiers of new development would be new population not already accounted for. How this figure is derived is not explained.
14. The Trust’s email of 9.9.19 states:  
“It is absolutely imperative that the Developer will mitigate the impact that it creates. Without the contribution, waiting times will increase and this will affect the overall health of the population of the development and the existing community which in turn will have a knock on effect on social, health and wellbeing of the population of the development and existing community. A poor health service makes the development unacceptable in planning terms, and contrary to the focus on healthy communities in the NPPF and local plan policy. The developer has not provided any contrary evidence to show that there would be no impact on the Health Services as demonstrated by the Trust” and  
“Please note that it is not the responsibility of the Trust nor within its remit to challenge the government funding models / funding policy and this has no relevance to CIL 122 assessment. The same could be otherwise considered in the respect the Highway and Education Authority.”
15. These statements merely repeat earlier contentions and do not explain why the funding arrangements cannot take into account population growth as a result of new housing permissions, why the planning system and developers, in particular, should be

responsible for defects in the system of national funding from taxation nor what the actual impact on services is likely to be, given the duty of the NHS to treat all who require treatment in any event, in the light of the uncertainties in the calculation of unaccounted new population, and current difficulties experienced in the operation and funding of the Trust.

16. Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet the tests in Regulation 122 of the CIL Regulations; the NHS Trust has failed to meet these three tests both in terms of establishing the lawfulness of the obligation and in terms of meeting Regulation 122 on the basis of the representations received.

### **Planning Officer Comments regarding WHAT submission**

This document takes into consideration the additional letter and report received from the Trust; Counsel has reviewed these and amended the Legal Submissions accordingly. Please note that Counsel remains of the same view that the Contribution requested by the Trust is not justified and not legally supportable.

### **Bentley Pauncefoot PC - Comments on Traffic Issues 04-10-2019**

BPPC have submitted a number of comments on the impact of traffic from the proposed development. We wish to add the following comments to those already submitted.

1. We strongly dispute WCC's Highway Authority statement (submission dated 27th September 2019 'Road Hierarchy' section) that:

*It should be noted that every improvement to address the developments impact has direct and immediate benefit to existing road users before the impacts of any development has materialised.*

How can this be true when most -if not all- the road improvements have either no dates specified or do not have to be completed until a significant number of dwellings have been completed?

2. WCC Highway Authority have submitted a series of conditions specifying the timing of various accesses and highways improvements. There do not appear to be any firm dates specified for the A38 Route Enhancement Programme work to begin. Further, the trigger for the developer's contribution is only 'prior to occupation of the 1280th dwelling'. Also, highway improvements to roads in the area only have to be completed before the 1281st dwelling is occupied. This surely suggests several years will elapse before any of the works are completed? In the intervening period local roads will have to cope with a significant amount of additional traffic prior to any improvements taking place.

We have been told that traffic from the proposed development, and indeed traffic from the other new developments in Webheath will be encouraged to use the main access onto the A448 towards Bromsgrove hence reducing the traffic using the narrow lanes through the Parish increasingly being used as rat runs.

The timing specified by the WCC Highway Authority conditions seems to indicate that, far from proving an immediate benefit to existing road users, there will be even more traffic trying to use the lanes through the Parish to avoid the congestion that already exists.

A condition should be imposed to carry out the A38 work prior to the start of development.

3. BPPC had understood that the first access to the site would be from Birchfield Road. This was to prevent many of the problems experienced on Church Road especially as it would enable construction traffic to enter and leave the site without time constraints and to encourage construction traffic to access the site via the A448. It is therefore surprising to see WCC Highway Authority's condition that the access from Foxlydiat Lane will be the first access to the site.

We strongly object to this approach. Being a residential road it will be necessary to restrict the hours construction vehicles can access and leave the site with the inevitable results that were experienced in the area when a similar condition was imposed on Church Road. It will cause congestion problems that will not only encourage use of the lanes to avoid it but will also encourage construction traffic to attempt to access the site via the narrow lanes.

4. It is unclear to us when the right turn out of Birchfield Road onto the A448 will be removed. No detail is provided for the number of vehicles that currently use this access nor does it specify which alternative routes the traffic that currently uses it is expected to take.

5. WCC Highway Authority's document refers to a tiered contribution by the developer for Public Transport Service. It is unclear what this will be used for and what provisions will be made for public transport for the first dwellings.

6. It is disappointing that the Construction Environmental Management Plan submitted by WCC Highway Authority fails to consider the need to prevent construction vehicles using the narrow lanes for access to the site especially given the problems recently experienced during the Church Road development. This must be a condition should this application be approved.

In summary, WCC Highway Authority state that the additional vehicle flows generated by the proposed development are significant due to its scale. The planned timeframes for the enhancements and mitigation considered necessary to alleviate this do not ensure they will benefit existing users before the impact of the new development has materialised. Further the proposals fail to meet the developer's Key Principle stated in Para 1.1.1 Vol II of the Transport Assessment.

*"Good sustainability practice requires that travel demand generated by new development does not significantly affect movement within existing neighbourhoods. It is important that these existing activities are sustained, and that the new development offers an enhancement to, rather than a detractor from, the economic prosperity and the quality of life in the area."*

Where is the enhancement to the quality of life for our residents?

### **Bentley Pouncefoot PC (continued) Comments on Sustainability Issues 04-10-2019**

Bentley Pouncefoot wish to register a number of concerns relating to the sustainability of the above development at Foxlydiat in advance of the Planning Committee scheduled for 14th October 2019.

The Parish Council believes that we are now in an era where climate change/the future of our planet/sustainability is at the forefront of our political, social, economic and environmental discourse. Environmental issues are developing faster and faster and have become even more prominent since this proposed development was accepted into the Bromsgrove Local Plan. These issues must be at the absolute core of our actions: architects and developers must constantly assess their actions to ensure they meet the demands of this agenda and it is the role of planners to severely scrutinise those actions. It must be abundantly clear to the planning Committee that sustainability has led the design process.

Indeed St Philips have taken the bold step of calling their proposed development a “sustainable urban extension” giving the impression, but we would maintain only the impression, that they have put it at the heart of their proposal.

What does sustainable mean?

Meeting the needs of the present without compromising the ability of future generations to meet their needs

Urban sustainability - city organised without excessive reliance on the surrounding countryside and able to power itself with renewable sources of energy

Smallest possible ecological footprint

Waste disposal / Water / energy / transport / health / materials / food production

Formerly Green Belt, the land that Heyford are proposing to develop is at the very heart of the ancient forest of Feckenham - one of the most ecologically abundant parts of the British Isles, hence why it was a royal hunting forest in Medieval times. It seems particularly important that efforts should be made by the developers to enforce the sustainability agenda that they have chosen to include in the development name.

We would maintain that this is clearly not the case

Studies show that pasture is an increasingly important carbon store as it is less susceptible to droughts than woodland. It is apparent to those who live here that despite the recent heavy rainfall, drought conditions are now prevailing for more and more of the year making the land at Foxlydiate increasingly important as a carbon store.

Soil beneath these 336 acres sequesters at least 138 tons carbon per year *Globally, soils contain about three times the amount of carbon in vegetation and twice that in the atmosphere*

The sequestered carbon will be released into the atmosphere before the development rises above ground level.

And even before that

The documents include detailed description of tree removal - 39 trees to be removed, 14 groups of trees, 1 category A woodland, 2 category B woodlands and 1 category C woodland  
Preliminary ecological appraisal

- hedgerow loss
- Pond loss
- Water course pollution - great efforts are being made throughout the Bow Brook catchment to enhance this habitat. Construction will result in its acidification and the starvation of the habitat of oxygen. The developers clearly see this as a sacrifice worth making, despite years of public expenditure.

No cohesive green infrastructure strategy

The WCC Ecology Report (22.09.16) p5

*The breadth of impact across the site is noteworthy: the ES recognises nearly 20% of the on-site hedgerows will be lost, the connectivity of the remaining network appears critically fragmented and the compensation planting proposals appear to conflate multiple mitigation measures making quantification of biodiversity change on site difficult to objectively measure. Nevertheless, the scale of the scheme is also noteworthy in providing the capacity to go beyond 'no net loss' for biodiversity and to deliver new and exemplary opportunities for*

*wildlife within the natural and built environment. For a development of this scale I suggest it is critical that this benchmark is secured and appropriately showcased to promote the aspirations for high quality Green Infrastructure and to act as an exemplar for future development elsewhere within Worcestershire.*

On the Worcestershire County Council website

([http://www.worcestershire.gov.uk/info/20299/ecology\\_services/1028/ecology\\_planning\\_advice](http://www.worcestershire.gov.uk/info/20299/ecology_services/1028/ecology_planning_advice))

*The NPPF aspiration is to achieve 'no net loss' of biodiversity through the planning system, and to move to 'net-gain' for biodiversity where possible.*

If the developers are to meet this policy, they will have their work cut out at the reserved matters stage. We can assume that all the plans put forward and visualisations will be redrawn to show buildings re-orientated so that their roofs have southerly aspects, planted roofs and renewables / rainwater harvesting to make every house passive - energy efficiency/small ecological footprint.

Looking at the location of the development it has the appearance of a first step in the process of massing Bromsgrove and Redditch together - something that planning policy is meant to prevent, not encourage. It is on the opposite side of Redditch from its railway station and employment areas. Schools for older children are further than the 2Km recommended as a maximum walking distance.

*Plans and decisions should ensure the developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised*

However, the developers believe that an information campaign about cycling and buses is adequate to make this sustainable. All we have to go on for the likelihood of this being effective is the Local Sustainable Transport Fund investment in Redditch that resulted in car travel rising from 67% to 70%.

In summary we do not believe that the Planning Application presented to date demonstrates the capacity to achieve the sustainability criteria as defined above.

### Further Public Comments

Raising the following issues

#### **PUBLIC SAFETY**

The Council has a duty of care towards their residents to ensure that any homes and householders are not put at risk in the event of an incident with a pipeline. We believe that people should be confident that they are safe in their own home. Therefore, this application should be refused.

#### **HIGHWAY IMPACTS**

The neighbouring lanes of Bentley, Woodgate and Stoke Prior will not be able to cope with the increase in traffic travelling from the development to access the M5 south. This route is already a shortcut ratrun, the roads being narrow, winding with blind bends and single track in places resulting in frequent accidents.

#### **RIGHT HAND TURN ONTO BROMSGROVE HIGHWAY**

The plans do not allow for a right hand turn onto the Bromsgrove highway off Birchfield Rd. Commuters to Bromsgrove would have to travel through existing housing in Webheath that is already congested to get on to the Bromsgrove highway up at the next junction, adding an extra 2 to 3 miles to the journey.



## **Officer Appraisal**

### **Response to Bentley Pauncefoot comments re: Sustainability**

The application is not an opportunity to revisit the merits of the decision to allocate the site for development. Matters relating to energy efficiency can be addressed through the conditions and at the Reserved Matters Stage.

### **Response to further public comments**

The first two points are addressed in the main report. The third point concerning the right turn from Birchfield Road onto the A448 Bromsgrove Highway has misunderstood the intention of precluding the existing right hand turn, and the alternate route which drivers would be able to take which does not preclude their use of the existing access onto the A448 as some respondents have mistakenly suggested.

## **NHS Clinical Commissioning Group - GP Surgeries UPDATE**

Further to paragraph 19.22 (p50) of the main agenda, this matter is proposed to be addressed by -

Pre-commencement financial contribution of £968,990  
(paid back if not spent on an off-site facility or if on-site provision is made.)  
This will form part of the Section 106 Agreement Heads of Terms.

## **Planning Obligation Monitoring Fee**

On 1<sup>st</sup> September 2019, the [Community Infrastructure Levy \(Amendment\) \(England\) \(No.2\) Regulations 2019](#) were introduced. These regulations make a number of changes to both the Community Infrastructure Levy (CIL) itself and introduce new requirements to report and monitor on the collection of planning obligations.

Approval was received at a meeting of full Council on 25<sup>th</sup> September 2019 to include a monitoring charge within all future planning obligation agreements (Section 106 agreements and Unilateral Undertakings), with immediate effect. Delegated powers were granted to allow the Head of Planning and Regeneration, in consultation with the Portfolio Holder for Planning and Regulatory Services, to develop and implement a charging approach in line with the regulations.

The developer is aware that an obligation and associated fee will be required. The figure of £19,940 will be revised upward in light of consequential additions relating to CCG, Town Centre Public Realm Improvement Works and Community Building.

## **Redditch Town Centre Public Realm Improvement Works**

£380,000 is sought as this is a proportionate contribution to the outstanding public realm improvement works for Redditch Town Centre.

This will form part of the Section 106 Agreement Heads of Terms.

## **Redditch Town Centre Regeneration of key Strategic Town Centre Sites**

In addition to the public realm improvement works, Redditch Borough Council is committing to a comprehensive ambitious regeneration scheme that includes, inter alia, redevelopment of the railway quarter, redevelopment of land bounded by Church Road and the ringway, development of the former covered market area, redevelopment of the library site and the creation of a public sector hub. The contribution of a maximum of £1 million is sought. This will form part of the Section 106 Agreement Heads of Terms.

## **Erratum**

Page 2 (ii) The Cycle Infrastructure Improvement sum of £333,243,00 is a component of the total £1,005,067, as opposed to being an additional sum.

Page 9 The 2 references to £1,002,067 is a typo. The correct amount as reported accurately on page 2(ii) is £1,005,067.

## **Revised Recommendation**

**(a) Minded to GRANT hybrid planning permission**

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

**(i) £5,162,243 to mitigate for the additional demands on the wider transport network generated by the development.**

This contribution will specifically contribute to the following highway infrastructure:

- A38 Route Enhancement Programme Contribution - £2,030,099.86
- Junction Improvements - £3,132,143.14

as follows:

Hewell Road / Windsor Road

Rough Hill Drive / Woodrow Drive / Greenlands Drive

Woodrow Drive / Washford Drive / Studley Road

Washford Drive / Old Forge Drive

Inkfield Street Drive (B4497) / Washford Drive / Claybrook Drive Plan reference

**(ii) Sustainable Infrastructure**

- Active travel infrastructure: £1,005,067.00
- Public transport services: £1,434,900

**(iii) Personal Travel Planning**

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

**(iv) Education Infrastructure**

- £7,471,000.00 towards the provision of fully serviced land for a new first school with up to 3 forms of entry (3FE)
- A middle school contribution calculated on a per plot basis for each reserved matters application:
  - £708 open market 2 or more bedroom flat
  - £1,769 open market 2 or 3 bedroom dwelling
  - £2,654 open market 4 or more bedroom dwelling

**(v) Off-site teen and adult play and sports facilities and play pitch improvements:**  
£1,200,000

**(vi) Waste Management Contribution:** comprising

£88,536 towards a refuse collection vehicle

- £25.49 per 240 litre standard capacity grey receptacle (waste)
- £26.75 per 240 litre standard capacity green receptacle (recycling)
- £252.43 per 1100 litre communal usage receptacle

**(vii) Planning Obligation Monitoring Fee:** (Contribution amount To be Confirmed)

Revised Regulations have been issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met. The fee/charge is subject to confirmation following authorisation to proceed with this provision at the meeting of Full Council on 25 September 2019.

**(viii) GP Surgery Contribution** £968,990

**(ix) Redditch Town Centre Enhancement Works**

comprising

Public Realm Improvement Works £380,000

Regeneration of key Strategic Town Centre Sites £1,000,000

**And:**

**(x) The securing of a 40% provision of on-site affordable dwelling units**

(up to a maximum of 1024 units based 2,560 dwellings being built)

**(xi) the land on which the First School will be provided being up to 2.8 ha in area**

**(xii) The provision and future maintenance in perpetuity of the SuDs facilities Plan reference**

**(xiii) The provision and future maintenance in perpetuity of the on-site play space and open space provision, and informal gardening/allotment space**

**(xiv) The provision of a pedestrian link with the adjoining development site at Barn House Farm**

**(xv) The provision of a community hall (prior to approval of 500<sup>th</sup> dwelling)**

**(c) And that DELEGATED POWERS be granted to the Head of Planning and Regeneration to agree the final scope and detailed wording and numbering of conditions as set out in the summary list (set out in the main agenda and with additional conditions below)–**

**Revised Conditions**

**Full Planning Permission**

**Environment**

- Lighting Strategy

**Outline Planning Permission**

- Electric Vehicle Charging Points – residential and local centre