

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Matthew Bough	Proposed demolition of former Bromsgrove District Council House, BBC Hereford & Worcester building and hostel, and proposed development of 61no. dwellings comprising of 18no. houses, 4no. maisonettes and 39no. apartments. The Council House, Burcot Lane, Bromsgrove, Worcestershire, B60 1AA	18.05.2020	19/01610/FUL

RECOMMENDATION:

(a) MINDED to APPROVE FULL PLANNING PERMISSION

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

Contributions towards off-site **Sport and Recreational** facilities due to increased demand from future residents, required in compliance with SPG11

- Toddler and Junior Play - (Recreation Road play area) TBC
- Junior Sport - (Barnsley Hall Playing Pitches) TBC
- and Adult Fitness - (Recreation Road) TBC

Contributions towards **Education** provision by way of;

- First School Contribution=£68,032
- Middle School Contribution primary phase =£34,016
- add secondary phase = £23,302
- High School and Sixth Form Contribution = £69,906

Contributions for **refuse and re-cycling** bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy

- 1 x 240 litre green wheeled bin @ £26.75 x 22 = £558.50
- 1 x 240 litre grey wheeled bin @ 25.49 x 22 = £560.78

- 8 x 1100 litre domestic waste wheeled bins @£252.43 = £2,019.44
- 8 x 1100 litre recycling wheeled bins @£252.43 = £2,019.44

Contributions towards **GP Surgery** Contribution

- Capital funding to increase capacity within the GP Catchment Area = £27,761.

Contributions towards **Worcestershire Acute Hospital Trust** Contribution

- (WAHT) Agreement of a final sum not exceeding £82,654.00 to be Delegated to the Head of Planning and Regeneration Services (subject to verifying any deductions based on services already provided by the WAHT)

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

And;

The provision of 30% (18 units on the site to be restricted to **Affordable Housing** in perpetuity

To provide and maintain in perpetuity **SuDS** including ; pipes, gullies, channels, flow controls, cellular storage, porous paving, attenuation basin, Spadesbourne Brook and address remedial action required due to failure and vandalism.

And ;

(c) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to agree the final scope, wording and numbering of conditions and informatives as set out in the report.

(For Members reference the conditions/informatives currently proposed are included at the end of this report)

Consultations

Cadent Gas Ltd Consulted 14.01.2020

Due to the presence of apparatus in proximity to the specified area the contractor should contact Plant protection before works are carried out.

Environment Agency Consulted 14.01.2020

Having looked at the application and given the scale of development proposed partly within Flood Zone 3 of an ordinary watercourse (not a main river), in this instance we would recommend that you refer to the comments within our Flood Risk Standing Advice to ensure a safe development. We note that you have consulted North Worcestershire Flood and Water Management team who would be responsible for the regulation of any brook re-alignment as proposed.

Worcestershire Archive and Archaeological Service Consulted 30.12.2019

The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction as per NPPF para 189.

The area in the north of the site where archaeological potential has been identified is largely to be left undisturbed due to the presence of trees ear-marked for retention. If the Council is minded to grant consent, the likely impact on the historic environment caused by this development may be offset by the implementation of a conditional programme of

archaeological works. This would comprise a watching brief on groundworks within 25m of Burcot Lane. In order to comply with policy, we recommend that two conditions should be attached to any consent. 21.01.20

WRS - Air Quality Consulted 30.12.2019

No objection to the development. Advises standard recommendations for a development of this size to mitigate the cumulative impact on local air quality. Recommends Conditions including; cycle storage, EVCP and low NOx boilers.

Conservation Officer Consulted 30.12.2019

The applicant has submitted a detailed Heritage statement which has considered the impact of the proposed development on the setting of nearby listed buildings. The Heritage statement has concluded that the proposed development will have negligible impact on the setting and in turn the significance of the two listed buildings located closest to the development site. There is no disagreement with this conclusion.

The other listed buildings nearby including the War Memorial and the Old Workhouse are separated from the site by intervening buildings and it is considered that the development site therefore does not fall within the setting of either listed structure.

It is therefore considered that the proposed scheme would not cause harm to any designated heritage assets, and is therefore compliant with the 1990 Act, the Heritage policies in BDP 20 and the NPPF.

WRS - Contaminated Land Consulted 30.12.2019

Knowledge of the site suggests that contamination may potentially be a significant issue. As a result, in order to ensure that the site is suitable for its proposed use and accordance with the NPPF, conditions are recommended for inclusion on any permission granted. Advises Tiered Investigation condition.

Community Safety Project Officer Community Safety Consulted 30.12.2019

In order to deliver a safe, secure and sustainable development I recommend where possible that the applicant addresses the identified issues, prior to any planning consent being granted or via the use of appropriate planning conditions. Identified issues include; security during build, sound insulation, layout, boundary treatments, Gates, Pathways, materials, Apartment block security, Lighting and Doors and windows. Recommends that the developer considers application for Secured by Design Gold or Silver Award in respect of the development. Following receipt of Amended boundary treatment plan rev B No objections. 19.02.20

North Worcestershire Water Management Consulted 30.12.2019

Revised comments 19.02.2020 ; The site falls partially within flood zone 2 & 3 (medium to high risk of fluvial flooding associated with the adjacent Spadesbourne Brook) and is shown to be susceptible to surface water flooding.

It is vital that any redevelopment of this site allows for flow routes through the site and makes sufficient space for water, to ensure the risk of flooding both on and off site is minimised. I am pleased to see the design & access statement ensures a minimum of 5m undeveloped land alongside the Spadesbourne Brook although it is disappointing that no attempt has been made to naturalise the development side of the brook. Requests removal of the footbridge within the red-line boundary (adjacent to plot 18), as there are alternative means of crossing the brook along the length of the development.

The use of above ground SuDS is welcomed and combines with below ground cellular storage. It is vital that these features are maintained for the lifetime of the development, The applicant has provided details to verify that the proposals are adequate to contain surface water on site so that there is no flooding on site at the 1:30 event, and no runoff from the site at the 1:100 plus an allowance for climate change. Flood exceedance routing has been included on the final drainage strategy plan as have calculations and Microdrainage analysis. Requests conditions.

Education Authority Consulted 30.12.2019

Education Contribution Assessment for Planning Application; if development goes ahead there may be a need for a contribution towards local education facilities. The schools listed have been identified as related to the development. Steps will be required to mitigate this.

First / Primary School:	Meadows First
Middle School;	Parkside Middle
High/Secondary School;	North Bromsgrove High

Red Kite Network (Ecology) Consulted 30.12.2019

Ecological matters have been dealt with appropriately given the context of the area and proposed development. In conclusion I would support the application and recommended the conditions to safeguard biodiversity and protected species.

Hereford & Worcester Fire and Rescue Consulted 30.12.2019

No Comments Received To Date

Housing Strategy Consulted 30.12.2019

Housing Strategy support this scheme. There is a wide variety of different property types and together with the mix of tenures amongst the proposed units this will significantly contribute towards the housing need in Bromsgrove District.

Highways - Bromsgrove Consulted 30.12.2019

Revised comments 20.02.2020 ; Worcestershire County Council acting in its role as the Highway Authority as no objection subject to conditions.

The justification; Net trip generation has been considered by comparing the potential trips (from the existing vacant Council office) and the proposed by the residential development. A transport statement to assess the differences and consider the impact of any variations including mitigation as needed has been submitted. The transport statement concludes the development does not result in a meaningful impact on the surrounding highway network; through capacity or highway safety, and as such there is no conflict with local or national policy.

The site is in a sustainable location which is not reliant of vehicle access, a range of local amenities are accessible within a short time period with several transport options to reach them. The proposed development provides a new street layout which is acceptable; car parking and cycle parking is provide in accordance with requirements and meets the requirements of the Streetscape design guide. A residential travel plan has been prepared and agreed by the Highway Authority.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted it is concluded that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Mott MacDonald Consulted 05.02.2020

Overall Mott MacDonald concludes that the assessment presented in the TS appears to be acceptable and that the impact of the development would not be significant in transport/highway terms.

Mott MacDonald has reviewed the applicant's response to minor points and has no further points to raise and no objection to the scheme (19.02.2020).

Parks and Open Space Consulted 30.12.2019

Request for contributions for offsite provision of;

Toddler and junior Play - Recreation Ground
Junior Sport - Barnsley Hall Playing Pitches
Adult Fitness -Recreation Ground

This is based on new play area, New Fitness Area for teen provision and Drainage and improvement costs for junior local sport pitches. 17.02.2020

WRS- Light Pollution Consulted 30.12.2019

Street lighting design will be dictated by the County Highways Dept. In terms of any other external lighting, this should follow the recommendations of the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011. No objection to the application in terms of light nuisance.

WRS - Noise Consulted 30.12.2019

Revised comment 14.01.20; I have had discussions with the acoustic consultant and I am now satisfied that the submitted noise assessment is satisfactory. The assessment predicts that the BS8233:2014 recommended internal noise levels can be achieved across the site with the installation of appropriate glazing and ventilation products. In terms of external noise levels in amenity areas, these appear acceptable without any specific noise mitigation measures. Recommends conditions.

Arboricultural Officer Consulted 30.12.2019

The proposal highlights a need to remove a number of trees, whilst some are visually prominent from Burcot Lane or the feeder road into the estate, the majority are generally more obscure, smaller lower quality trees and their loss will be offset by the level of proposed new tree planting. Two semi mature Lime trees that form part of line of Lime trees are valuable highly prominent trees proposed to be removed to allow the installation of an improved road. Ask that amendments are undertaken to enable retention of one or both of Lime trees.

No objection to minor crown pruning. The use of Heavy Standard grade trees within the landscape planting scheme is welcomed. Suggests conditions.

Urban Design Consulted 30.12.2019

Significant improvements in the quality of the proposed development have taken place during the planning process. The site layout is satisfactory from an urban design point of view. With respect to the nature of the boundary to the Spadesbourne Brook; future residents would benefit greatly if it were to be re-naturalised. Pedestrian connections between the site and the town centre are unclear; retention of a footbridge is a necessary element in the proposal to enable convenient and enjoyable movement.

The architecture of both the houses and the apartment block has improved considerably from the initial scheme submitted. A minor point is the design of the apartment block which may appear unnecessarily top-heavy, with its deep brick-clad canopies. With respect to the distribution of the affordable housing; two thirds of which are within the apartment block. Due to the separation of this block from the houses, this could create a degree of social division contrary to the intentions of the social housing policy.

Waste Management Consulted 30.12.2019

No objections from a waste collection viewpoint. No impact on existing collection arrangements which will remain. Access to the proposed houses is accessible to our RCV's. Requests hatching in front of apartment bin stores to ensure accessible. 06.01.20

Following additional information; welcomes hatching on plan. Requests S106 monies, individual bins for the 24x houses would at present cost £611.76 for Grey domestic waste bins and £642.00 for Green recycling waste bins. For the apartments euro bins would cost £4038.88 for 16x euro bins. 03.02.2020

NHS Acute Hospitals Worcestershire Consulted 30.12.2019

Submits documents to demonstrate the Trust is currently operating at full capacity in the provision of acute and planned healthcare. That the development will create potentially long term impact on the Trusts ability to provide services as required. A contribution sought is to mitigate this direct impact and the Trust considers that the request made is in accordance with Regulation 122.

S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. The contribution in the amount £82,654.00 sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation are provided within documentation.07.02.2020 with minor amendment to response 14.02.2020

NHS/Medical Infrastructure Consultations Consulted 30.12.2019

The proposed development is likely to have an impact on the services of 1 GP practice. The GP practice does not have capacity for the additional growth resulting from this development. Redditch & Bromsgrove CCG would therefore expect these impacts to be fully assessed and mitigated through a capital contribution.

A Healthcare Impact Assessment (HIA) has been prepared by Redditch & Bromsgrove CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

NHS Mark Fenton Associate Director, Estates & Facilities Man Consulted 30.12.2019
No Comments Received To Date

Cllr Laight Consulted 30.12.2019
No Comments Received To Date

Cheryl Welsh Consulted 30.12.2019
No Comments Received To Date

Publicity

Site notices (x 3); Displayed 02.01.2020. Expires 26.01.2020

Press notice; Displayed 06.01.2020. Expires 27.01.2020

Total of 90 Neighbours consulted; 30.12.2019. Expires 23.01.2020

One response on behalf of BDHT in support ;

1. The development will improve the area aesthetically and with regard to neighbourhood health, well-being and sustainability.
2. The layout and density of the site fits well with the existing properties making it more attractive to both existing and future residents

3. Support the mix proposed for the Social Rent properties, with smaller accommodation meeting the current housing need for applicants on the housing register.
4. The property type and layout of the Intermediate properties will meet current market demand for this tenure of property.

Site and surroundings

The application site is an irregular parcel of land extending to 1.47ha and sited to the south east of Birmingham Road, Bromsgrove. The site is known for accommodating the former offices of the District Council.

The generally level site is accessed from the north via Burcot lane. This vehicular access passes through the site to then serve a total of 13 residential buildings located to the south of the site and in the ownership of Bromsgrove District Housing Trust. Pedestrian access is also available from the south of the site via the footpath from Slideslow Avenue which then runs along the western boundary of the site.

There are three existing buildings on the site; in the centre of the site and formed from a number of interconnected buildings and spaces, is the predominately two storey former Bromsgrove District Council House. Sited in the north eastern corner and having the appearance of a two storey domestic dwelling, is a hostel for homeless households. There is also an existing sub-station to the front of the site along the eastern boundary. The remains of the site are laid to extensive areas of hard surfaced car parking and associated areas of grassed space.

A number of mature trees are sited around the perimeter of the site with a more general area of tree growth along the far eastern boundary. This boundary is formed by the A38 just before its junction with Slideslow Avenue. The western site boundary is formed by the Spadesbourne Brook. Along this boundary adjacent buildings include, Brook Court, and the Police and Fire Station. To the north of the site adjacent buildings include All Saints Church and largely semi-detached domestic dwellings around Burcot Avenue.

The Design and Access Statement sets out that the District Council has been examining its existing assets and resources with the aim of using these efficiently and where possible to create new revenue streams, this has included the consideration of the options available for the vacant District Council Offices at Burcot lane. Homes England is assisting authorities in the delivery of housing through an Accelerated Construction Programme, announced in July 2018 and which the Council has been successful in securing funding from. This funding has supported the submission of the current application for which the District Council are both land owner and applicant

Proposal

The application proposes the demolition of the Council House and the hostel building and the construction of 61 new dwellings.

The proposals are divided into two physical areas; 18 two storey houses largely on the site of the former council house with 4 maisonettes behind and a block of 37 apartments

sited on the eastern site boundary in the area of the existing hostel. The proposed dwellings are a mix of one, two and three bedroomed dwellings and will include tenures of Affordable Rent, Shared Ownership, Private rented and outright sale.

In terms of these two areas; along the front of the site dwellings are sited further back from the footprint of the existing Council House. Houses have been given gable fronts to create variety and visual interest along the street scene. The dwellings are simple in their design with brick detailing to provide visual interest. The use of informal layouts and small groupings of dwellings in cul-de-sacs creates interest through the site with a shared surface courtyard to the south of the site, bordered by the brook. Houses facing inwards to the courtyard to the north and maisonette blocks to the south. The courtyard effect here mirrors the formation of the BDHT properties which currently have shared courtyards and shared spaces.

The apartment block is a four storey building with a contemporary appearance, constructed from brick with brick detailing to create visual interest. Balconies to the front of the apartment block to create further architectural interest with the corners of the apartment balconies are grey aluminium with grey railings. To the front of the apartment block will be a linear swale, lined with shrubs.

The layout has been developed and informed by the site constraints which include; flood risk, retention of important trees, and maintaining the existing routes through the site for access to properties to the south.

This application for Full Planning Permission has been informed by the submission of number of specialist reports and assessments which are, where relevant discussed below. These documents can be inspected in full via the Councils public access system.

Relevant Planning History

None

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP2 Settlement Hierarchy
BDP3 Future Housing and Employment Development
BDP6 Infrastructure Contributions
BDP7 Housing Mix and Density
BDP8 Affordable Housing
BDP12 Sustainable Communities
BDP16 Sustainable Transport
BDP19 High Quality Design
BDP21 Natural Environment
BDP20 Managing the Historic Environment
BDP23 Water Management
BDP24 Green Infrastructure
BDP25 Health and Well Being

Others

NPPF National Planning Policy Framework (2019)
NPPG National Planning Practice Guidance
NPPW National Planning Policy for Waste
National Design Guide
Bromsgrove High Quality Design SPD
SPG11 Outdoor Play Space
WWCS Worcestershire Waste Core Strategy

The Principle of the Development

Policy BDP1 sets out the presumption in favour of sustainable development. It identifies that applications that accord with policies in the plan should be approved without delay, whilst BDP1.3 goes on to consider the approach taken in the absence of relevant policies or out of date policies.

Similarly Paragraph 11 of the National Planning Policy Framework 2019 (NPPF) advises that *'decisions should apply a presumption in favour of sustainable development'*. For decision taking this means in summary ; c) approving development that accords with the plan; or d) where there are no relevant policies or they are out of date, granting permission unless i) policies in the Framework provide a clear reason for refusal or ii) adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Footnote 7 states “ *This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites..*”

In its most recent report (1st April 2019) the Council was unable to demonstrate a 5 year supply of Housing land. In these circumstances, development proposals for housing should be considered with regard to the presumption in favour of sustainable development as set out in Paragraph 11d of the NPPF. This means that planning permission should be granted unless the adverse impact of doing so would significantly outweigh the benefits when assessed against the Framework as a whole, or in specific circumstances where development should be restricted. Local Plan policies continue to be relevant to determining site-specific issues and whether a development can be considered 'sustainable' and Policy BDP1 identifies principles to ensure that developments can integrate into the locality without undue harm (a-j).

BDP2 sets out a hierarchy of settlements in the District and defines suitable development appropriate by type of settlement. Bromsgrove Town is established as being at the top of this hierarchy and thus is the preferred location for growth. It is also recognised in BDP2.1 a) that development of previously developed land or buildings within existing settlement boundaries is a key facet of delivering housing to meet the need of the District.

The site is located within the residential area of the Bromsgrove District Plan (2011-2030) and is within the main settlement of the District. It is surrounded by predominately residential development and its character is reflective of this. In the context of the policies referred to above and the promotion of sustainable development, the principle of

residential development on the site is considered to be acceptable. The absence of a 5 year supply of land for housing purposes adds additional weight to this conclusion and is supported by policy BDP3.

Flood Risk and Drainage

BDP23 provides a set of principles to ensure sustainability of the water environment and safeguard developments from the risks of flooding. BDP23 c) requires development to address flood risk and follow flood management hierarchy. Sequential tests are required to justify inappropriate development in areas of flooding along with appropriate mitigation.

The NPPF para 157 states; All plans should apply a sequential, risk-based approach to the location of development - taking into account the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property.

Para 158 to 161 set out that;

- the aim of the sequential test is to steer new development to areas with the lowest risk of flooding and that the strategic flood risk assessment will provide the basis for applying this test.
- If it is not possible for development to be located in zones with a lower risk of flooding the exception test may have to be applied. This will depend on the potential vulnerability of the site and should be informed by a strategic or site specific flood risk assessment,
- For the exception test to be passed it should be demonstrated that:
 - a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The majority of the site is located within Flood Zone 1. However the Spadesbourne Brook runs along the south west boundary of the site. This watercourse is the source of pockets of Flood Zone 2 and 3 being identified in this part of the site. Flood Zone 3, is described in the NPPF as land having a 1 in 100 or greater annual probability of river flooding. Furthermore the EA surface water flood map indicates that the site is at risk from surface water flooding due to the natural surface water flow through the centre of the site from the A38.

As such a sequential test and exception test have been carried out in relation to the site along with a site specific Flood Risk Assessment (FRA)

The Sequential test (Appendix C of the FRA) considers the availability of sites in and around Bromsgrove Town as identified through the Strategic Housing Land Availability Assessment (SHLAA 2015) with reference to their flood risk and their capacity to provide housing. (Officers are also mindful of the Addendum to the SHLAA dated 2018). It is noted some sites considered are no longer available (Recreation Road) and others are Town Centre expansion sites (Policy BDP5A) subject to current planning applications. A further 10 sites being discounted on account of their greenbelt status being less

preferable than the applications sites brownfield status. In summary, given the site-specific nature of the proposal, there are no sequentially preferable sites in lower flood risk areas which are deliverable and developable.

With respect to the Exception Test, the applicant has considered the benefits arising from the proposed development against the sustainability objectives established for the District in the Sustainability Appraisal of March 2015. Listed in these objectives are; Regenerate the town centre; focus new development in sustainable places; provide a range of housing types and tenures; encourage more sustainable and healthy modes of travel; improve quality of life; safeguard and enhance the District's natural environment; ensure the District is equipped to adapt to and mitigate against the impacts of climate change and to promote high quality design of new developments. It is concluded that against these objectives that the development performs well and provides wider sustainability benefits for the community as a whole.

The safety of the development in the context of the vulnerability of its users and seeking to reduce flood risk overall is also a necessary consideration. A site specific modelling exercise has assessed fluvial flood risk from the watercourse using Flood Modeller Pro. This enables an understanding of the extent and depth of flood waters in differing types of flood event. In addition surface water flood mapping indicates that the majority of the site is at risk with a natural surface water flow route through the centre of the site. Adjustments have been made to the surface water mapping in section 3.6 of the FRA to reflect the presence of the 2m diameter culvert under the A38. A more realistic representation of surface water risk in is concluded and although the flow route still operates through the site, water depths are much reduced; typically around 0.1m and where ponding occurs depths rise to approx 0.5m. The existing council building is acknowledged to obstruct flow route, which drives some of the localised higher depths.

The submitted FRA considers in section 4 suitable mitigation for these events which includes raising of buildings to mitigate surface water risk and opening up flow routes by virtue of the proposed roads, to ease the passage of water down to Spadesbourne Brook. The proposed arrangement is shown in a site levels plan which shows the levels strategy across the site and has been considered as part of the site layout constraints. This means that all proposed houses will be at least 0.63m above the fluvial flood level and at least 0.3m above the adjacent surface water peak flood level for the 1% AEP plus climate change rain event.

With respect to risk to occupiers access from the site onto Burcot Lane is expected to remain dry under most circumstances. In instances when the main access route, west along Burcot Lane may flood a safe dry pedestrian access will be available, south-east into Slideslow Drive. With respect to risk to others, the proposal will result in a large decrease of drained impermeable area, meaning that the rate and volume of runoff leaving the site will decrease. In terms of surface water run off a Sustainable Drainage Systems (SuDS) scheme should integrate surface water risk management within the site and provide water quality improvements along with benefits to people and wildlife.

NWWM have been fully involved in the consideration of this application seeking additional information to satisfy a variety of questions and requiring a number of revisions to the submitted FRA. Some disappointment has been expressed that the naturalisation of the Spadesbourne Brook has not resulted as part of this development, a matter which has

been impeded by land ownership issues. However efforts to improve the attractiveness of this area have been achieved by the removal of one of the bridges crossing the brook (the southern part of the site) and landscaping using mature stock along this boundary. Such approaches complement the use above ground drainage areas which exist throughout the site in the form of rain gardens, swales and attenuation basins in the green spaces on the site, to counteract surface water flooding and are in addition to below ground cellular storage proposed. It is vital that these features are maintained for the lifetime of the development, therefore a maintenance plan will need to be provided for as part of any subsequent permission.

In conclusion the proposal passes the requirement of the Sequential Test and the conditions of the Exception Test whilst also ensuring the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall in accordance with Para 161, 163 and 165 of the National Planning Policy Framework.

Highway and Parking matters

Policy BDP1: requires that in considering new development, regard will be had to: "*Accessibility to public transport options and the ability of the local and strategic road networks to accommodate additional traffic*". Policy BDP16 seeks to ensure sustainable transport opportunities are maximised together with opportunities to maximise use of green infrastructure for practical and recreational purposes. Whilst Paragraph 109 of the NPPF states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*".

A Transport Statement (TS) has been submitted which includes a review of the site location, local highway network, walking and cycling infrastructure, local bus and rail services, parking restrictions, local facilities and a review of Personal Injury Collision (PIC) data; and which examines the trip generation of the proposed development and impact on the local highway network.

Section 4 of the TS identifies compliance with visibility splays at the site entrance and within the site, the provision of swept path analysis for refuse vehicles along with relevant parking and cycle provision of the needs of the development. A total of 92 car parking spaces will be provided, 39 will be for the apartments further 44 spaces will be for the 2 and 3 bedroom houses and will be allocated for each dwelling. In addition, there will be nine visitor parking spaces. Electric vehicle charging facilities will be provided to all houses. Cycle parking houses will be provided in the form of a shed in the rear of the properties. A total of 39 secure and covered cycle parking spaces will be provided for the apartment block.

Vehicle trip generation and operational assessment is considered in section 5 where it is concluded that the traffic modelling has demonstrated that the Birmingham Road/Burcot Lane/All Saints Road junction would operate with less queuing and delay overall in 2024 with the proposed residential development than with the consented District Council offices, although there would be a slight increase in queue on Burcot Lane in the AM peak hour. The Burcot Lane/proposed site access road would operate with a significant amount of spare capacity with the proposed residential development.

WCC highways have confirmed that no objections are raised to the proposals in terms of highway safety. They note the transport statement concludes that the vehicle impact of the proposal is preferable across the day as a result of the proposal, with only a small increase of outbound movements in the AM peak which does not result in a meaningful impact on the surrounding Highway network. The site is within a short walk of retail, education and food shopping stores; additionally it has easy access to public transport. Business parks and the railway station are beyond normally accepted walking thresholds, but comfortably fall within access by bicycle. The site is considered to be located in a sustainable location which is not reliant of vehicle access, a range of local amenities are accessible within a short time period with several transport options to reach them. Given the reduced vehicle impact there is no impact on capacity or highway safety, and as such there is no conflict with local or national policy.

Furthermore the proposed development provides a new street layout which is acceptable, it is intended that the streets would become a future public highway, but this is subject to further discussions on the construction specification. Car parking and cycle parking is provide in accordance with the published requirements. The proposal therefore meets the requirements of the Streetscape design guide, subject to the imposition of conditions.

Mott MacDonald has been commissioned to independently assess the merits of the application in terms of highway impact. In their technical note they consider the acceptability of the development in traffic and transport terms. They conclude;

- That the trip rates presented within the TS are representative of existing and proposed land uses and the site's location and accessibility.
- The resulting trip generation has been considered using an alternative methodology but the assessment is considered to remain as robust and no action is required.
- The Birmingham Road / Burcot Lane / All Saints Road mini-roundabout junction has been modelled in ARCADY. The results indicate a minor deterioration in the performance of the Burcot Lane arm (4 additional cars in the am peak of the 2024base +consented office following the introduction of the development. With consideration of the function of Burcot Road, and the forecast change in operational performance across the junction, the impact of the development proposals is not considered to be significant.
- Birmingham Road / Stourbridge Road / The Strand / Market Street signal controlled junction, which is located approximately 600m to the southwest of the site and is known to operate at capacity in the peak hours, is also considered. Based on the magnitude of additional traffic (on specific movements) forecast to pass through the junction, MM comment that the impact is not considered to be significant and the approach presented is considered to be appropriate to the scale of the development and impact.
- In terms of Development Masterplan; Parking; the provision of additional EVCP for the apartments is encouraged as is protection of visibility splays.
- In terms of site accessibility; it is requested that consideration be given to the pedestrian route children will take to school and their safety. And clarification as to the connectivity of the site by bus is sought.
- Minor recommendations are made with respect to the submitted Travel Plan.

Overall Mott MacDonald concludes that the assessment presented in the TS appears to be acceptable and that the impact of the development would not be significant in transport/highway terms. The recommendations they make have been raised with the applicant and a response received. Mott MacDonald has reviewed this response and have no further points to raise and no objection to the scheme (19.02.2020).

As referred to earlier in this report, having regard to the presumption in favour of sustainable development as set out in Paragraph 11d of the NPPF and that that planning permission should be granted unless the adverse impact of doing so would significantly outweigh the benefits when assessed against the Framework as a whole, subject to the imposition of the planning conditions as recommend by WCC highways, no objections are raised to the application in terms of highway impacts.

Heritage

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is relevant to the consideration of the application and is guidance in Paragraph 189, 190, 193, and 196 of the NPPF. Policy BDP 20.2 and BDP 20.3 supports development which sustain and enhance the significance of heritage assets including their setting, and requires new development within the setting of heritage assets, not to have a detrimental impact on the character, appearance or significance of heritage assets.

The applicant has submitted a detailed Heritage statement which considers the impact of the development on the setting of nearby listed buildings; the Crab Mill Pub (Grade II), and All Saints Church (Grade II).

The Heritage statement concludes the development will have negligible impact on the setting and in turn the significance of the two listed buildings, a conclusion the Councils' Conservation Officer agrees with. The Conservation officer is of the view that the buildings on the site are architecturally unremarkable, and the site will be redeveloped with houses of a similar height, with the exception of the apartment building which is located on the far side of the site. The significance of both listed buildings is derived largely from their architectural interest. The church yard obviously contributes to the setting of All Saints Church, but beyond that, the setting, including the development site, contributes nothing to the significance of the both listed buildings. The other listed buildings nearby including the War Memorial and the Old Workhouse are separated from the site by intervening buildings and it is considered that the development site therefore does not fall within the setting of either listed structure.

Consideration has also been given to the impact of the development upon any Archaeological remains as required by policy BDP20.2e. The submitted desk based assessment concludes that development has the potential to impact on below ground archaeological remains, although none are known to exist. There is potential for paleo environmental evidence and prehistoric deposits associated with the course of the Spadebourne Brook and also potential for remains associated with the possible site of Crabb Mill (thought to be located to the northwest). It is concluded that no designated or non-designated heritage assets are predicted to experience any harm to their significance as a result of development. The County Council's Archaeology Officer has reviewed this report and is of the view that the likely impact on the historic environment caused by this development may be offset by the implementation of a conditional programme of

archaeological works which would comprise a watching brief on groundworks within 25m of Burcot Lane, a condition the applicant accepts.

Overall it is therefore considered that the proposed scheme would not cause harm to any designated heritage assets, and is therefore compliant with the 1990 Act, the Heritage policies in BDP 20 and the NPPF.

Provision of affordable housing

BDP8 sets out a range of matters associated with affordable housing ; BDP8.1 consider the proportion of affordable units on brownfield sites (30%); BDP8.3 considers tenures; BDP8.4 considers the delivery of smaller units, whilst BDP8.5 seeks to create mixed and balanced communities by even distribution of affordable units throughout new developments. BDP7 requires housing need in terms of size and type of dwelling to be considered, along with best use of land.

The submitted strategy fulfils the requirement of BDP7 and 8 with; 30% (18) of the units being provided as affordable housing. There will be a tenure split of 66% social rented properties comprising 12 x 1 bedroom flats and 34% intermediate affordable housing comprising 4 x 2 bedroom house and 2 x 3 bedroom house. The provision of affordable housing meets the Councils housing needs and is distributed throughout development and will not be distinguishable from market housing. This strategy is supported by the District Housing Officers.

The Urban designer has commented that given the proportion of affordable units in the apartment (2/3 are affordable) and given the physical separation of this block from the houses, that it is not wholly integrated on the site contrary to the intentions of the social housing policy. The applicant has responded by stating that;

“The development increases the connectivity between the BDHT properties which are affordable/rented and the houses along the north of the site along Burcot Lane which are outright sale. It also increases the variety of tenures. Further to this, the affordable units in the apartments are at first, second and third floor level with the ground floor level being all private rent complying with BDP8.5 which requires that affordable housing should be distributed throughout new developments and not be visually distinguishable from market housing”.

Officers are satisfied that when the site is taken as a whole that the proposed units are suitably integrated. Furthermore given the NPPF priority to significantly boost the supply of housing, the provision of these additional dwellings carry significant weight in the consideration of the application.

Officers are mindful that the site contains a hostel for homeless households and that redevelopment of the site will result in the loss of this facility. BDP 12 (Sustainable Communities) at 12.2 seeks to resist the loss of such facilities subject to criteria i) to iv). The applicants set out that an agreement has been reached between the Council and BDHT that the latter will select 6 properties from their existing stock and use these, instead of the hostel, to house homeless households .It is envisaged that the hostel will close in July 2020 and that the alternative units will be available by this date, if not before then. In the context of the listed criteria it is considered that delivery of this or a similar

facility will be facilitated through the development of the site and partnership working with BDHT.

Design, Layout and appearance

BDP19 High Quality Design provides a set of principles to safeguard the local distinctiveness of the District and ensure a high quality, safe and distinctive design throughout the development. These principles (a - v) include the need for good design (including designing out crime), retention and integration of trees, addressing land contamination, consideration of impact on air quality, and protecting amenity from noise generating sources and ensuring good use of land are also matters covered by this policy. Where relevant to the submission these matters are considered below.

The proposed housing is provided by two storey properties of red brick construction beneath grey/brown roof tiles. Elevations are simple with dark fenestration whilst relief is provided by way of projecting brick detailing. The dwellings face on the Burcot Lane in a staggered line sitting behind block paved parking/turning areas and elements of tarmac. A similar theme is used through the site, with private gardens of a scale appropriate to dwelling size being located to the rear. Where properties are sited on prominent corners or along the side of the Spadesbourne Brook boundaries are formed by brick boundary walls. The 4 storey apartment building is well set back from Burcot Lane and is sited within a corner of the site where a number of mature trees will be retained. This arrangement is acceptable both in streetscape and residential amenity terms. The building will be of brick construction and flat roofed with visual interest being provided through the use of a stepped floor plan, substantial balconies at the corner and more light weight balconies along the main elevation. The siting of all dwellings is acceptable with respect to impact upon existing residents, largely as a result of suitable separations distances and the orientation of units. It is noted that no public objection has been received and with regard to the advice in Councils SPG the scheme is considered acceptable.

A significant number of issues raised by The Council's Community Safety Officer are covered under Building Regulations or are outside the scope of being material planning issues. These matters have been passed to the developer for information and in general have been noted/included in the tender spec. An informative is proposed to encourage the applicant to apply 'Secured by Design' status at a Silver or Gold level. The comments in relation to boundary treatments have been addressed by revisions which show additional gates, brick on edges to boundary walls, and additional fencing and fenestration. The brick detailing is considered to be very shallow 75-100mm and thus provide a very limited opportunity to access the properties by climbing, whilst its presence will considerably improve the visual appearance of the building. Overall the development is considered to be compliant with respect to BDP19.1o.

The Council's urban design consultant has been involved throughout the development process and notes the improvements to the quality of the scheme during this time; design and layout changes have resulted in a more simplified appearance and the creation of a more cohesive layout whilst acknowledging the constraints of the site. Whilst some minor observations are made, overall the proposal is considered acceptable and your officers are of the view the scheme enhances the character and distinctiveness of the area in accordance with BDP19.1 e.

The site supports a number of significant trees and the applicant has worked closely with the Council's Tree Officer to minimise tree loss throughout the development (for example the layout has been amended to allow for the retention of 3no. trees by relocating the bin stores that originally meant the loss of 5no. Trees).

A BS5837 Tree survey has been carried out on the site and has identified that the trees on site are a mixture of category B, C and U trees and highlights in Table 3.1 of the Arboricultural Impact section, the trees that will be required to be removed as a result of the development. Although some of the trees targeted for removal are visually prominent from Burcot Lane or the feeder road into the estate the majority are generally more obscure, smaller lower quality trees and their loss will be offset by the level of proposed new tree planting within the landscaping scheme of the project. The Tree Officer states the loss of two semi mature Lime trees T41 and T42, that form part of line of Lime trees which are a valuable highly prominent tree feature on the site, is regrettable. However he observes the improvements from the initial scheme and appreciates the site constraints (which include retaining access to the BDHT development to the rear of the site) in this situation the loss of these trees is reluctantly accepted, subject to the imposition of conditions. It is noted that the proposed Landscaping scheme identifies new trees as being of heavy standard grade an approach welcomed by the Tree Officer as it will assist in creating a good level of structure to the site in landscape terms.

BDP19.1r requires development to be 'fit for purpose' with respect to land contamination. The applicants have submitted a walkover and Desk Study report in relation to the site which identifies possible sources of contamination close to the site. This report recommends that a Phase 2 intrusive investigation is undertaken of any significant thickness of Made Ground present to assess ground conditions, obtain soil samples for testing for asbestos and contaminants and where possible groundwater for analysis. Additionally if Made Ground found to a significant depth also gas monitoring assessment be undertaken. WRS has reviewed available documents and records and concurs with this view whilst also recommending a gas monitoring risk assessment is undertaken as part of the Phase 2 investigation. A planning condition is proposed to address this requirement and for which details are required prior to the commencement of development. In line with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 that came into force on 1st October 2018 the applicant has agreed to this condition and all other relevant pre commencement conditions.

BDP19.1s requires applications of this size to demonstrate they will not increase NO₂ or CO₂ and should consider the impact of development on air quality. The applicant's submitted Air Quality Assessment ref: A3574/AQ/002 has been considered by WRS Land and Air Quality Team who have no objection to the development. Recommendations are made to ensure the development mitigates for its cumulative impact on local air quality and this includes conditions/informatives including; cycle storage, EVCP and low NO_x boilers.

It is necessary for new developments to be sited so as not cause harm to amenity by way of noise (BDP19.1t). It is noted that the apartment block is sited alongside the A38 traffic route a Noise Survey has therefore been submitted. WRS have considered this report and had subsequent discussion with the applicant's acoustic consultant and are satisfied that the submitted assessment is satisfactory. The assessment predicts that the

BS8233:2014 recommended internal noise levels can be achieved across the site with the installation of appropriate glazing and ventilation products. When the applicant has decided which glazing and ventilation products are to be installed a revised noise assessment should be submitted to demonstrate that the chosen products will achieve the BS8233:2014 recommended internal noise levels for approval and this is addressed via a planning condition. In terms of external noise levels in amenity areas, these appear acceptable without any specific noise mitigation measures. Wider advice is also provided and this has been conveyed through the use of an informative in terms of noise from plant and equipment and nuisance during the demolition and construction phases.

Ecology

Policy BDP 21(Natural Environment) seeks to safeguard and enhance the local distinctiveness of the District provided by the Natural Environment.

A Preliminary Ecological Appraisal has been submitted with the application which includes a desk study, an extended Phase 1 Habitat Survey, Bat surveys (undertaken in 2018), Bat Surveys (undertaken in 2019) and a site walkover. Subsequently a Dusk Emergence & Dawn Re-Entry Bat survey was undertaken in 2018 which identified two common pipistrelle Bats emerging from the inner courtyard of the Council House thus the Council House was confirmed as supporting a bat roost. Another bat survey was retaken in 2019 during which it was noted that several windows to the Council House had been boarded up due to the risk of trespassing and antisocial behaviour. This presented a material change to the status of the site as bats have been commonly known to roost in the spaces between window boards and panes of glass. Following this it was recommended that the space between the windows and boards were sealed to minimise the risk of bats taking up residence. This work was completed in October 2019 and was undertaken under supervision of a licensed ecologist.

Based on the low level of activity, the species and the low number of Bats observed it was concluded that the site supported a low conversation value day roost. It was concluded that the development of the site and the consequential loss of the roost was unlikely to have an adverse impact upon the conservation status of any bat species. However it is necessary to mitigate for this loss and the demolition of the relevant buildings cannot be undertaken until the appropriate mitigation has been designed and approved by Natural England under licence, the steps of which are set out in the report. The PEA also recommends several biodiversity enhancement measures including bat bricks, bird boxes, lighting, and new planting, which we will incorporate within the proposed design and landscaping strategy. These findings and recommendation shave been agreed through the Council's ecology advisor and appropriate conditions and informatives have been recommended.

Open Space

Policy BDP25 seeks to improve the quality of life and wellbeing of residents by improving access to leisure and other facilities.

BDP25.2 identifies that it will be impractical and inappropriate to deliver all typologies of open space on every site, as sites and relevant factors will vary. It goes on to say in such circumstances that contributors will be negotiated in accordance with policy and current

requirements. Whilst open space has been provided within the constraints of the site in terms of pleasing open areas around trees, associated swales along with open spaces at the front of the site, there is no specific area provided for play provision or other sport and recreational activities as envisaged by BDP25.

The Leisure Services Officer has therefore requested contributions by way of a Section 106 agreement to support;

- Toddler and junior Play - (Recreation Road play area)
- Junior Sport - (Barnsley Hall Playing Pitches)
- Adult Fitness - (Recreation Road)

These matters are being fully worked up and will be incorporated in to the relevant legal agreement.

Infrastructure requirements

Policy BDP6 seeks to secure developer contributions towards different types of infrastructure provision. Paragraph 54 of the NPPF states that:

"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

In broad terms the obligation would secure funding for a range of consequential requirements. Financial contributions to mitigate the impact of the development cannot be secured by condition, and consequently an obligation is required.

Education provision;

Worcestershire Children's Services have assessed the impact of this proposed development on local schools and wish to seek a planning obligation for education infrastructure. The assessment has been prepared in line with the Education Planning Obligations Policy published 1st August 2019.

The schools considered to be directly related to the proposed development are the catchment area schools of ; Meadows First School, Parkside Middle School and North Bromsgrove High School. The area is also served by Rigby Hall Special School, a broad-spectrum special needs school for children aged 3 to 19 with a range of learning difficulties and/or autism. A number of criteria by which the impact of the development and the ability of schools at each phase of education to manage it has been assessed. It is concluded that contributions are justified at First, Middle and High School/Sixth form level, but that the site is too small to warrant a contribution to Rigby Hall Special School.

Medical Infrastructure; (NHS Clinical Commissioning Group - GP Surgeries)

Members will note that the NHS Clinical Commissioning Group states the development is likely to have an impact on the services of 1 GP practice and that there is not capacity for the additional growth resulting from this development. Redditch & Bromsgrove CCG

would therefore expect this impact to be fully assessed and mitigated. A Healthcare Impact Assessment (HIA) has been prepared by Redditch & Bromsgrove CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

Medical Infrastructure: Worcestershire Acute Hospitals Trust (WAHT)

Members will be aware that WAHT have previously sought, via a planning obligation route, financial contributions to meet annual shortfalls in NHS Service revenue. The Local Planning Authority accepted that the request was material and was more than de minimis, but had been advised that the proposals did not meet the Regulation 122 requirements, or the policy requirements.

The Trust made representations in association with this Planning Application on 7th February 2020. Officers have reviewed this and are now satisfied that the request is supported by and is in compliance with the following policies in the NPPF, particularly: paragraph 8 Social Objective, paragraph 20(c) Strategic Policies, paragraph 34 Development Contribution set out in Development Plans, paragraph 54 to 57 Planning Obligations, paragraph 56 reflects the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations, paragraph 91(c) and paragraph 92(b) promoting healthy communities.

Officers are also satisfied that the request made by the Trust is compliant with National guidance in the NPPG, particularly for example NPPG 23(b) (Planning Obligations) especially paragraphs 001-005 and 035. Also relevant is NPPG 53 (Health and Safer Communities) especially paragraphs 1-3.

Officers have also concluded, that any impacts on a Trust ability to meet services for the local communities is capable of being a material consideration in the determination of a planning application. Your officers are of the opinion in relation to the application before you that the Trust request is a material consideration and should be taken in to consideration as a consequence. Officers are also satisfied that support can be found in local planning policy to support the request being made by the Trust.

A further point is whether the request made by the Trust is in compliance with the three tests in Regulation 22 of Community Infrastructure Levy Regulations and paragraph 56 of the NPPF (2019). Paragraph 56 states: "Planning Obligations (the financial contribution requested by the Trust) must only be sought where they meet all of the following tests: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development".

Officers are satisfied following a complete review of all of the background information provided by the Trust and the developer's representatives that these tests are met, but further work and review is required by officers in relation to the exact financial sum of the contribution requested by the Trust.

To take this matter forward officers are seeking authority from the Committee for a Delegation to the Head of Planning and Regeneration to agree the final sum of the

financial contribution not exceeding the current request of £82,654.00 with the Trust and representatives from the developers.

The purpose of agreeing this Delegation is for officers to further review the reasonableness of the sum that is being requested by the Trust and to ensure that all appropriate reductions have been made.

Leisure facilities;

In the absence of onsite provision for children's play, for young people or outdoor sports facilities, the Councils' Leisure Services Officer has requested off site contributions. Such contributions will support; Toddler and junior Play - (Recreation Road play area) Junior Sport - (Barnsley Hall Playing Pitches) Adult Fitness - (Recreation Road). These contributions are being finalised and an update will be provided.

Waste management;

There is a requirement for Contributions for refuse and re-cycling bins to serve the needs of the new development at the individual dwellings level and to serve the apartment block (larger Euro Bins) in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy.

Responsibilities;

The provision and future maintenance in perpetuity of the SuDs facilities on site is an important part of ensuring the function of these areas. The applicant may undertake this role themselves as the developer, but in any instance this matter requires control and certainty and will be secured through the Section 106 Agreement.

Similarly it is necessary to securing the provision of on-site affordable dwelling units to a level of 30% as part of the development and to secure this by way of a Legal agreement.

Monitoring; On 1st 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 from Members to include a monitoring charge within all future planning obligation agreements and to develop and implement a charging regime in line with the regulations. The developer is aware that an obligation and associated fee will be required.

Planning obligations

In accordance with Paragraph 56 of the NPPF and Section 122 of the CIL regulations, planning obligations have been sought to mitigate the impact of this major development, if the application were to be approved. A Legal agreement is in the process of being drafted. The obligation in this case would cover:

Contributions towards **off-site Sport and Recreational** facilities due to increased demand from future residents, required in compliance with SPG11

- Toddler and Junior Play - (Recreation Road play area) TBC
- Junior Sport - (Barnsley Hall Playing Pitches) TBC
- and Adult Fitness - (Recreation Road) TBC

Contributions towards **Education provision** by way of;

- First School Contribution=£68,032
- Middle School Contribution primary phase =£34,016
- add secondary phase = £23,302
- High School and Sixth Form Contribution = £69,906

Contributions for **refuse and re-cycling** bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy

- 1 x 240 litre green wheeled bin @ £26.75 x 22 = £558.50
- 1 x 240 litre grey wheeled bin @ 25.49 x 22 = £560.78

- 8 x 1100 litre domestic waste wheeled bins @£252.43 = £2,019.44
- 8 x 1100 litre recycling wheeled bins @£252.43 = £2,019.44

Contributions towards **GP Surgery** Contribution

- Capital funding to increase capacity within the GP Catchment Area = £27,761.

Contributions towards **Worcestershire Acute Hospital Trust Contribution**

- (WAHT)Agreement of a final sum not exceeding £82,654.00 to be Delegated to the Head of Planning and Regeneration Services (subject to verifying any deductions based on services already provided by the WAHT)

And ;

The provision of 30% (18 units on the site to be restricted to Affordable Housing in perpetuity

To provide and maintain in perpetuity SuDS including ; pipes, gullies, channels, flow controls, cellular storage, porous paving, attenuation basin, Spadesbourne Brook and address remedial action required due to failure and vandalism.

Planning Obligation Monitoring Fee: (TBC)

The Planning Balance and Conclusion

The site has been identified as being suitable for residential development. The detailed design, form and layout of the development are considered to be appropriate in its context.

It is noted that, in the absence of the Council being able to demonstrate a five year housing supply that the NPPF sets out that the issue to consider is whether the proposal represents sustainable development and if it does there is a presumption in favour of the scheme.

For the reasons as set out in the report, it is considered that the proposal does satisfy the three dimensions of sustainable development. Given the view taken that the development is sustainable the question to be considered is whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF as a whole.

The impacts of the development have been assessed and no adverse impacts would outweigh the benefits of the scheme. Overall, it is considered that the benefits of the proposed development significantly and demonstrably outweigh the impacts identified in this report.

Therefore, in conclusion, the application is recommended for approval, subject to conditions and a Section 106 agreement.

RECOMMENDATION ;

(a) MINDED to APPROVE FULL PLANNING PERMISSION

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

Contributions towards off-site **Sport and Recreational** facilities due to increased demand from future residents, required in compliance with SPG11

- Toddler and Junior Play - (Recreation Road play area) TBC
- Junior Sport - (Barnsley Hall Playing Pitches) TBC
- and Adult Fitness - (Recreation Road) TBC

Contributions towards **Education** provision by way of;

- First School Contribution=£68,032
- Middle School Contribution primary phase =£34,016
- add secondary phase = £23,302
- High School and Sixth Form Contribution = £69,906

Contributions for **refuse and re-cycling** bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy

- 1 x 240 litre green wheeled bin @ £26.75 x 22 = £558.50
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Plan reference

- 8 x 1100 litre domestic waste wheeled bins @£252.43 = £2,019.44
- 8 x 1100 litre recycling wheeled bins @£252.43 = £2,019.44

Contributions towards **GP Surgery** Contribution

- Capital funding to increase capacity within the GP Catchment Area = £27,761.

Contributions towards **Worcestershire Acute Hospital Trust** Contribution

- (WAHT) Agreement of a final sum not exceeding £82,654.00 to be Delegated to the Head of Planning and Regeneration Services (subject to verifying any deductions based on services already provided by the WAHT)

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

And;

The provision of 30% (18 units on the site to be restricted to **Affordable Housing** in perpetuity

To provide and maintain in perpetuity **SuDS** including ; pipes, gullies, channels, flow controls, cellular storage, porous paving, attenuation basin, Spadesbourne Brook and address remedial action required due to failure and vandalism.

And ;

(c) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to agree the final scope, wording and numbering of conditions and informatives as set out in the report.

For Members reference the following conditions/informatives are currently proposed;

Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason :- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:

INSERT PLAN NUMBERS

REASON: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 3) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area

- 4) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the trees or hedgerows which are shown as retained on the approved plans both on or adjacent to the application site shall be protected with fencing around the root protection areas as highlighted within the Helicopter Trees Arboricultural reports numbers HTL17075-S and HTL17075-A. This fencing shall be constructed in accordance with the guidance in the British Standard BS5837:2012 and shall remain as erected until the development has been completed.

Reason: In order to protect the trees which form an important part of the amenity of the site. This work is required before development commences to ensure the purpose of the condition is not undermined by early on site works.

- 5) No works of any kind shall be permitted within or through the Root Protection Areas of trees or hedges on and adjacent to the application site without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of concrete mixing plants or fuel tanks.

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

- 6) Any section of hardstanding, fencing or walls to be constructed within the RPA of any retained tree within the site or on any adjoining land should be done in accordance with the recommendations made in the Helicopter Trees Arboricultural reports numbers HTL17075-A.

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

- 7) All hard and soft landscaping works shall be carried out in accordance with the approved details (which includes the use of Heavy Standard grade trees). The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason:- In the interests of the visual amenity of the area.

- 8) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- a) The programme and methodology of site investigation and recording.
 - b) The programme for post investigation assessment.
 - c) Provision to be made for analysis of the site investigation and recording.
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework. This work is required before development commences to ensure the purpose of the condition is not undermined by early on site works.

- 9) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 8 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework.

- 10) That the recommendations outlined within sections 5.0 and 6.0 of Ecological Appraisal (2019) are implemented and conditioned as part of the planning application. This should include, a licence application requirement for bat roosts, general precautionary measures (RAMs) and proposals for on-site biodiversity enhancements.

Reason; To ensure the development protects, where relevant, existing Ecological value and provides for on-site biodiversity enhancements.

- 11) Reasonable Avoidance Measures (RAMs) should be implemented as follows:
- i) A Reasonable Avoidance Measures (RAMs) method statement should be prepared and implemented to facilitate pre demolition/ Construction checks for badgers and small mammals.
 - ii) A Reasonable Avoidance Measures (RAMs) method statement should be prepared and implemented in relation to breeding birds prior to demolition and construction i.e. removal of trees, buildings and hedgerows.

iii) Details of proposed native tree/shrub and wildflower planting. Including species, size of plants, planting densities etc together with a Landscape and Ecological Management Plan (LEMP). Provision should also be made for at least a 5 year establishment and aftercare of the on site biodiversity enhancement proposals

Reason; To ensure the development protects where relevant existing Ecological value and provides for on-site biodiversity enhancements.

- 12) No dwelling hereby approved shall be occupied until the access, parking and turning facilities that that individual property to the nearest public highway has been provided as shown on drawing (P) 100 Rev B.

Reason: To ensure conformity with summited details.

- 13) The Residential Travel Plan version 2 hereby approved, dated 18th February 2020 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

REASON: To reduce vehicle movements and promote sustainable access.

- 14) The development hereby permitted shall not be occupied until a scheme has been submitted to and approved in writing by the local planning authority to show the position and type of electric vehicle charging points (EVCP) and these have been installed on site. Once installed those EVCP shall be retained and maintained as such at all times.

Reason: To support sustainable communities.

- 15) The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:-

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

- 16) No works or development shall take place until a site drainage strategy, including private drainage, for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. If infiltration techniques are used then the plan shall include the details of field percolation tests.

The peak runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event plus an appropriate allowance for climate change must be as close as reasonable practicable to the Greenfield runoff rate from the development for the same rainfall event but shall never exceed the rate of discharge from the development prior to redevelopment for that event. Flows resulting from rainfall in excess of a 1 in 100 year rainfall event shall be managed in exceedance routes that minimise the risk to people and property.

The runoff volume from the development in the 1 in 100 year 6 hour rainfall must be as close as reasonable practicable to the Greenfield runoff volume from the development for the same rainfall event but shall never exceed the runoff volume from the development prior to redevelopment for that event.

The scheme shall be designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event and not in any part of any building for the 1 in 100 year rainfall event plus climate change.

The surface water drainage measures shall provide an appropriate level of runoff treatment. The development shall be implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained.

Reason; To ensure the site remains satisfactorily drained in accordance with the strategy. This work is required before development commences to ensure the purpose of the condition is not undermined by early on site works.

- 17) No works or development shall take place until a SuDS management plan which will include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The approved SuDS management plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason; To ensure the site remains satisfactorily drained in accordance with the strategy. This work is required before development commences to ensure the purpose of the condition is not undermined by early on site works.

- 18) The permeable paving areas shall be maintained to facilitate the optimal functionality and performance of the scheme. Permeable surfaces shall not be replaced by impermeable surfaces without prior written approval from the Local Planning Authority.

Reason; To ensure the site remains satisfactorily drained in accordance with the strategy.

- 19) No works or development shall take place until a method statement for the protection of the adjacent brook from pollution during the course of construction has been submitted to and approved in writing by the local planning authority. The statement shall assess the risks from all pollution sources and pathways (including silt, cement and concrete, oils and chemicals, herbicides, aggregates, contaminated land and waste materials) and describe how these risks will be mitigated for this development. Development shall be carried out in accordance with the approved details.

Reason ; To ensure the adjacent watercourse is suitably protected from pollution. This work is required before development commences to ensure the purpose of the condition is not undermined by early on site works.

- 20) Prior to the installation of glazing and ventilation products a revised noise assessment should be submitted to and approved in writing by the Local Planning authority to demonstrate that the chosen products will achieve the BS8233:2014 recommended internal noise level. The development shall then be implemented in accordance with those details and those details shall be retained as such in perpetuity.

Reason - In order to protect the amenity of residents.

- 21) 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. A preliminary risk assessment (a Phase I desk study) 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. The detailed site investigation and risk assessment must be undertaken in accordance with the approved Scheme and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place.
3. Where the site investigation identified remediation is required, 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, workers, neighbours and other offsite receptors.

Pre-commencement conditions for contaminated land risk assessment are considered necessary for the following reasons:

There is potential for contamination to exist on the site. The degree and extent of contamination is currently unknown. More information relating to ground conditions is required to determine whether or not remediation will be required (prior to any construction work commencing).

Where remediation is necessary, this remediation may involve work/techniques that need to be completed before any development is commenced, for example the removal from site of contaminated soils/underground structures, the design

and incorporation of gas protection measures in any buildings etc. To carry out such work after construction has started/been completed, may require potentially expensive retro-fitting and in some cases the demolition of construction work already completed.

Informatives

- 1) In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising from the application in accordance with the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The authority has helped the applicant resolve technical issues such as:
 - the impact of the development in the street scene,
 - improving the design of the proposed development.
 - Others including flood risk, highways, trees and infrastructure requirements.

The proposal is therefore considered to deliver a sustainable form of development that complies with development plan policy.

- 2) It is recommended that the dwellings be fitted with Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh.
- 3) Nuisance during the Demolition and Construction Phases:

In order to minimise any nuisance during the demolition and construction phases, from noise, vibration and dust emissions, the applicant should refer to the Worcestershire Regulatory Services Code of Best Practice for Demolition and Construction Sites 1st Edition July 2011 and ensure its recommendations are complied with.

<https://worcsregservices.gov.uk/media/448881/WRS-contractor-guidance.pdf>

- 4) In terms of any external fixed plant / equipment, noise from such items should comply with the recommendations detailed in section 7.2 of the noise assessment.
- 5) All tree pruning work should be done in accordance with BS3998:2010 recommendations.
- 6) A fee will be charged to the applicant for the provision of a Brief (an outline scope of works) for the archaeological work required and for the checking of any responding Written Scheme of Investigation (contractors detailed method statement) and archaeological reports required to facilitate discharge of the recommended conditions. Should planning consent be given, then the applicant or their successor in title must contact the officer below to arrange provision of the brief prior to the commencement of works. It will be the applicant's (or their successor in title) responsibility to contract an appropriate archaeological organisation to undertake the programme of works as detailed in the brief. The Planning Advisory Section of the Worcestershire Archive and Archaeology Service will offer advice on all stages of the proceedings

- 7) The applicant is encouraged to apply for 'Secured by Design' at Silver or Gold standard.
- 8) The granting of this planning permission does not remove any obligations on the applicant to undertake a technical design check of the proposed highway works with the Highway Authority, nor does it confirm acceptance of the proposal by the Highway Authority until that design check process has been concluded. Upon the satisfactory completion of the technical check the design would be suitable to allow conditions imposed under this permission to be discharged, but works to the public highway cannot take place until a legal agreement under Section 278 of the Highways Act 1980 has been entered into and the applicant has complied with the requirements of the Traffic Management Act 2004.

The applicant is urged to engage with the Highway Authority as early as possible to ensure that the approval process is started in a timely manner to achieve delivery of the highway works in accordance with the above mentioned conditions.

The applicant should be aware of the term "highway works" being inclusive of, but not limited to, the proposed junction arrangement, street lighting, structures and any necessary traffic regulation orders.

- 9) If it is the applicant's intention to request the County Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to the County Council's Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No works on the site of the development shall be commenced until these details have been approved by the County Council as Highway Authority and an Agreement under Section 38 of the Highways Act, 1980, entered into.
- 10) It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, the County Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The applicant is, therefore, advised to submit the engineering details referred to in this conditional approval to the County Council's County Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP at an early date to enable surface water disposal arrangements to be assessed.

- 11) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

- 12) The applicant's attention is drawn to the need to ensure that the provision of the visibility splays required by this consent is safeguarded in any sale of the application site or parts thereof.
- 13) It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particular reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work.
- Minimising the impact of deliveries, parking and work on the public highway.
- Contributing to and supporting the local community and economy.
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principle contractor will engage with the local community, this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for a site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing Legislation.

- 14) An undeveloped buffer strip at least 5 meters wide should be maintained alongside the Spadesbourne Brook.

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