

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr D. Billingham	Residential development comprising the erection of 26 dwellings - Outline Application (including details of Access, Layout, Scale and Appearance) Land Rear Of Algoa House, Western Road, Hagley, Worcestershire		14/0408

RECOMMENDATION:

- (1) Minded to **APPROVE OUTLINE PLANNING PERMISISON**
- (2) That **DELGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline planning application following the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:

Highways

- Active Travel and Public Transport Infrastructure within Hagley contribution: £25,534.90

Education Infrastructure

- A contribution towards Hagley Primary School based on the cost per open market dwellings as per the following tariff:
£3,230 open market 2 or 3 bedroom dwelling
£4,845 open market 4 or more bedroom dwelling
- A contribution towards Haybridge High School and sixth form based on the cost per open market dwellings as per the following tariff:
£4,213 open market 2 or 3 bedroom dwelling
£6,252 open market 4 or more bedroom dwelling

Medical Infrastructure

- A financial contribution towards Worcestershire Acute Hospitals NHS Trust to help support the provisions of acute primary healthcare:
£TBC
- A financial contribution of towards Redditch and Bromsgove CCG- Hagley Surgery
£9,936

The improvement of Hagley Community Centre and Clent Parish Hall:

£21,044.66 (split on a 50%/50% basis: £10,522.33/£10,522.33)

Car-Parking Enhancement in Hagley:

£2104.35

Waste Management Contribution:

Waste and recycling bins calculated as follows:

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

Planning Obligation Monitoring Fee:
£TBC

And:

The securing of 10 on-site affordable dwelling units

The provision and future maintenance in perpetuity of the on-site play space and open space provision

(3) And that **DELEGATED POWERS** be granted to the Head of Planning Regeneration to agree the final scope, detailed wording and numbering of conditions as set out in the list below.

Background

This outline application was submitted in June 2014, with only external access for consideration. All other matters were reserved for future determination. The application was subsequently considered at planning committee on 24th November 2014 and members granted delegated authority to the Head of Planning and Regeneration to determine the outline planning application following the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions.

A copy of the 24th November 2014 committee report is attached at Appendix 1. All the consultee and neighbour comments received at that time are within this committee report and have not been summarised in this report.

Following detailed survey appraisal of highway gradients it became evident that the highway alignment on the submitted plan would not enable the Highway Authority's' gradient standards to be met. In order to do this the access within the site would have to be altered.

The circumstances arrived at above only came to light following a long period of finalising the draft section 106 agreement. To minimise further delay the applicants requested that the application be changed to an outline application with only landscaping remaining as the sole reserved matter. The consultation responses summarised below and accompanying assessment reflect the revised application.

Consultations

Severn Trent Water Ltd

No objection subject to drainage conditions

NHS Clinical Commissioning Group

No objections if a developer contribution of £9,936 is secured for the following reasons;

- The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 26 x 2.43 residents and subsequently increase demand upon existing constrained services.
- A developer contribution will be required to mitigate the impacts of this proposal. Redditch and Bromsgrove CCG calculates the level of contribution required in this

instance to be £9,936. Payment should be made before the development commences.

NHS Acute Hospitals Worcestershire

No objections if a developer contribution of £10,170 for the purpose of the provision by the Trust of acute and accident and emergency healthcare services. The reasoning is summarised as follows:

- The existing service infrastructure for acute and planned health care is unable to meet the additional demand – 70 extra interventions, generated from a 26 dwelling scheme.
- The population increase associated with this proposed development will significantly impact on the service delivery and performance of the Trust until contracted activity volumes include the population increase
- Without the contribution the development would not be acceptable in planning terms because there would be inadequate healthcare services available to support it and it would adversely impact on the delivery of healthcare for others in the Trust's area

North Worcestershire Water Management

Sought clarification regarding the proposed surface water drainage scheme to ensure that a SuDS scheme is deliverable for this site. Detailed design can then be conditioned, as can details regarding the future maintenance responsibilities for the surface water drainage.

WRS - Contaminated Land

No objection subject to a Tiered Investigation Condition

WRS - Noise

No objection

WRS are satisfied with the findings of the report and we have no adverse comments subject to conditions

1. Domestic electric vehicle charging points
2. Secure cycle parking
3. Low emissions boilers

WRS - Air Quality

No objection subject to conditions relating to cycle storage, provision of electric vehicle charging points and low emission boilers.

Highways - Bromsgrove

No objection to the amended scheme, subject to a subject to the applicant entering into a legal agreement for an Active Travel and Public Transport Infrastructure contribution and planning conditions:

1. Conformity with Submitted Details
2. Vehicular visibility splays approved plan
3. Construction Environmental Management Plan
4. Cycle parking
5. Residential Welcome Pack

Worcestershire County Council Countryside Service - Public Rights of Way

No objection

Ramblers Association

No Comments Received To Date

Arboricultural Officer

No objection subject to the following documentation submitted as part of the reserved matters

1. An arboricultural method statement and protection plan.
2. A landscape plan and specification
3. Plans showing the routing of all utility services

As well as the following conditions are applied:

1. All trees to be retained within the site or within influencing distance of any ground or development work on any adjoining land are to be afforded protection in accordance with BS5837:2012 recommendations throughout the works.
2. All pruning of trees should be in accordance with BS3998:2010 recommendations.
3. No ground level alteration work should be carried out with 2 metres of the general hedge line on the Eastern and Western boundaries of the site.
4. Any section of the access road that falls within the RPA of G1 is to be installed by use of suitable grade of No Dig construction and be porous in nature as to minimise the effect on the water and gaseous exchange levels currently available to these trees.

Worcestershire Wildlife Trust

No objection, subject to the following conditions:

1. Construction Ecological Management Plan (CEMP)
2. Landscape Ecological Management Plan (LEMP)
3. Lighting
4. SUDs

Waste Management

No objection, a financial contribution towards the provision of bins is required.

Housing Strategy

No objection, seek clarification on whether more of the affordable units could be shared ownership.

Leisure Services Manager

No objection

Worcestershire Archive and Archaeological Service

No objection, the evaluation report is satisfactory and there is no requirement for archaeological condition.

Worcestershire County Council Education Service

The proposals as submitted sit in the catchment area of Hagley Primary School and Haybridge High School and Sixth Form. Current analysis of pupil numbers show that the proposed development is likely to yield 5 children across the primary phase of education and 4 children across the secondary phase of education. The schools are extremely popular and are consistently oversubscribed.

The contribution sought for Hagley Primary School would be £3,230 per 2 or 3 bed open market dwelling and £4,845 per 4 or more bed open market dwelling - Total £71,060
The contribution sought for Haybridge High School would be £4,213 per 2 or 3 bed open market dwelling and £6,320 per 4 or more bed open market dwelling - Total £92,692

Hagley Parish Council

Do not object to the principle of this site being developed for housing. Have concerns regarding the detail of the present application.

- The application fails to reflect an appropriate mix of dwellings
- Open space should be integrated with the space provided by Cala homes development
- Hagley Parish Council is calling on Worcestershire County Council to undergo an updated transport impact assessment related to the impact from this site as well as an up to date assessment of the highways issues experienced since the on-going development sites at Wychbury Fields (Kidderminster Rd) and Pearmain Gardens (Western Rd) were begun. These developments have caused an increase in traffic flows, congestion and waiting times at a strategic junction.
 - Hagley Parish Council, District Councillors Colella (Hagley West) and District Councillor Jenkins (Hagley East) and County Councillor May (Clent Hills) have received many complaints from residents and road users (in this instance) of Newfield Rd, Western Rd and South Rd.
 - Increased traffic flows using Newfield Rd, Western Rd and South Rd and rat running.
 - Speeding along Newfields Rd and potential highway safety implications.
- Section 278) should be sought from this application.
Mitigation contributions should be made under a s.278 agreement for:
Speed control initiatives (to be discussed with Newfield residents directly)
Additional signage to stop HGVs and discourage 'rat running'.
Financial contributions to revert the junction of the A456/B4187 to pre-development (Wychbury Fields development).
- Financial contributions should be made under a s.106 agreement for:
Improvements to car parking in Hagley (not limited to repair and maintenance or creation of additional spaces).
Support for community bus
Support for Hagley Library amenity development, repair and maintenance
Enhancement of Hagley Community Centre

Clent Parish Council

No Comments Received To Date

Publicity

Two site notices were placed on site on 27th June 2019 and expired 21st July 2019. An advert was placed in the Bromsgrove Standard on 5th July 2019 and expired on 22nd July 2019.

Representations

38 representations have been received to the consultation on the revised proposal. The comments received have been summarised as follows;

Design

- Overdevelopment of the site, high density development
- Poor estate design
- Grounds levels and retaining walls
- Proposed dwellings does not include sufficient renewable energy and sustainable technologies

Highways

- Roads surrounding this area (in particular Western Road) are not adequate for the amount of traffic it will create
- Highway and pedestrian safety concerns, increase in road accidents
- Lack of footpaths

Air Quality

- Increased pollution and reduction in air quality

Amenity

- Noise
- Overlooking
- Light deprivation
- Overbearing
- Construction Traffic

Other issues

- Too many homes being built in Hagley
- Overdevelopment of the site, high density development
- Strain on existing village infrastructure as a result of the development, including on doctors, dentists, schools and public transport
- Loss of green space
- Loss of trees
- Impact on wildlife
- Anti social behaviour

Cllr Colella

I message in response to the above application and recognise the changes in the scheme with further matters now being considered.

The full consultation has raised a number of concerns by Hagley Parish Council and residents of Hagley including residents of adjoining developments.

- detrimental impacts on adjoining properties (in particular Waldron Mews) overlooked and overbearing
- Loss of mature trees that border the site. Tree lines should be maintained and any loss of trees should be replaced at a ratio of 3:1.
- The density of this application is too great. The applicant is asked to reduce the number of overall dwellings and give favour to a number of bungalows to reflect local need.
- The development of bungalows on the edge of the development will also remove the impact of the development on adjoining properties and soften the impact of the height of the development.
- The design of the site should be favourable to open space and generous garden space and car parking facilities removing the impact of on street parking.
- There are indications that temporary vehicular access is to be made via Waldron Mews for works construction vehicles and materials. This is a concern for residents not least because of the disturbance that this will cause to the quality of life of the residents and the damage to the road and pathways.
- The topography of the site means that Waldron Mews and other aspects of the site will be overlooked. Therefore the applicant should design out such impacts giving generous open and back garden spaces between the boundaries of the two sites. Further design matters should ensure that loss of privacy and 'blank walls' or unpleasant aspects aren't seen by Waldron Mews.
- The site access causes a significant safety concern. It adds an additional access point opposite the access to Field House and the associated dwellings as well as adding a further junction along Western Rd. Western Rd has become a rat run for commuter travel. Transient traffic including HGVs use the cut through and travel at speed causing a significant risk to safety.
- The layout of the site should have a generous number of deciduous trees that reflect the local area. 'Grassed' pathways are a pleasant feature of Wychbury Lawns estate and should be repeated on this application.
- I receive regular complaints about the increase in rat running, speed and safety issues. Since the development of over 200 houses on the ADR the character of Western Rd, South Road and Newfield Rd have been affected by the increase in traffic flows, congestion and speed.
- Each development increases the adverse impact on the local infrastructure and amenity as well as quality of life of directly affected residents and the wider Hagley community.

Relevant Policies

Bromsgrove District Plan

- BDP1 Sustainable Development Principles
- BDP2 Settlement Hierarchy
- BDP3 Future Housing and Employment Growth
- BDP5 Bromsgrove Strategic Site Allocations
- BDP5(B) Other Development Sites
- BDP6 Infrastructure Contributions
- BDP7 Housing Mix and Density

BDP8 Affordable Housing
BDP12 Sustainable Communities
BDP16 Sustainable Transport
BDP19 High Quality Design
BDP21 Natural Environment
BDP22 Climate Change
BDP23 Water Management
BDP24 Green Infrastructure
BDP25 Health and Well Being

Others

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

Relevant Planning History

All nearby applications have been summarised in the Relevant Planning History section of the committee report attached in Appendix 1 apart from the following application which was granted planning permission after that report was completed.

15/0054 Demolition of existing house and provision of 7 family dwellings including parking, landscaping, materials and associated infrastructure.
Strathearn, Western Road, Hagley, Worcestershire DY9 0HZ
Approved 11th August 2015.

Assessment of Proposal

The site and its surroundings

The application site is located to the south-east of a proposed residential area on the south-east side of the settlement of West Hagley. The site is bordered on the north-west and south-west by areas granted planning permission for residential development, which has subsequently been built. To the north-east is open countryside located in designated Green Belt. To the south-east is mainly existing residential development fronting Western Road. To the immediate south, the site is bounded by two dwellings known as Algoa House and Eightlands. The gardens of these dwellings are separated from the site by 1.8 metre high close-boarded fencing. Beyond Western Road is open countryside located in designated Green Belt.

The site is currently unused. The southern part of the site was originally a yard belonging to one of the residential dwellings and contains an area of hardstanding and collapsed brick walls. Piles of wood panel fencing, asbestos sheeting, bricks and general garden paraphernalia are scattered on the site.

The site slopes materially from south-east to north-west with the slope becoming more pronounced as the site approaches the Gallows Brook which forms the north-western boundary.

Hedgerows demarcate the northern, eastern and western site boundaries with Western Road along the southern boundary. Stock proof fencing also lines the boundaries with some post and rail fencing along the south-east boundary.

The site is allocated as a Development Site in the Bromsgrove District Plan.

Proposal

The application seeks outline planning permission for 26 dwellings. Only landscaping is reserved for subsequent consideration.

Dwelling Type	Market housing	Social Rented	Shared Ownership	Total
4 Bedroom	12			12
3 Bedroom	4	2	2	8
2 Bedroom		6		6

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Members will be aware that the Development Plan for the area comprises the Bromsgrove District Plan (BDP) 2017.

When the application was initially submitted in 2014 the site was a proposed allocation in the emerging Bromsgrove District Plan. Members will be aware that the application site is part of BDP5B Other Development Sites for a mixed use site including residential, which has the potential capacity for 301 dwellings.

Using the most up to date monitoring information, at April 2019 Bromsgrove District Council cannot demonstrate a 5 year supply of deliverable housing land sites. This means that paragraph 11(d) of the National Planning Policy Framework is engaged for the reasons set out below.

Paragraph 11 as a whole sets out a presumption in favour of sustainable development and the second part for decision-taking states:

“For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Footnote 7 of the NPPF states that “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 (with appropriate buffer as set out in paragraph 73)”. Therefore the presumption in favour of sustainable development is engaged by reason of the inability of Bromsgrove District Council being able to demonstrate a five year supply of housing land.

The trigger in paragraph 11(d) was perhaps drafted with speculative, non-allocated, windfall sites in mind and it is considered that sites such as the Hagley site identified under Policy BDP5B which benefit from inclusion in a Development Plan were not the intended focus of the test. These sites would be expected to be in accordance with the Development Plan and thus be approved “without delay” (paragraph 11(c)). Nonetheless, the Council does not have a five year supply of housing sites, the site does not fall within an area protected by policies in the Framework as listed at footnote 6 (SSSI, Green Belt, Local Green Space, AONB, National Park etc) and therefore, by default, paragraph 11(d) is engaged.

However, determination of the application does not rest wholly on paragraph 11(d) of the NPPF. Being mindful of the 5 year housing supply position for Bromsgrove, the considerations under paragraph 11(d) take on added weight.

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’.

It is therefore considered that other material factors must be considered and whether the approval of the application would undermine the Bromsgrove District Plan and whether the proposal would ensure a sustainable and well-designed development.

Affordable Housing

The principle social benefit of the proposed development would be the provision of affordable housing, including 10 of the 26 of the dwellings being affordable. Therefore the number of units proposed is considered to meet this policy requirement of BDP8. The application proposes both 2 and 3 bedroom units that are located throughout the application site and of a similar appearance and design to the market led housing. Given the NPPF priority to significantly boost the supply of housing the additional dwellings to be provided must carry significant weight in this balance. In April 2016, 10.5% of the dwellings in the District were affordable housing stock. This is lower than both the affordable housing provision in Worcestershire (15%) and England (17.3%).

Design and Layout

The overall layout provides for a total of 26 new dwellings, arranged around a newly formed access road. This layout and the overall quantum of development is considered to be appropriate for the site, resulting in plot sizes and spacing which reflects and sits comfortably within the surrounding area, including the modern development on land adjacent to the site at Waldron Mews and Todd Gardens.

The internal layout within the site is also considered to be well-designed and respond appropriately to the site's transitional location adjacent to countryside. The layout avoids an unduly regimented or uniform feel along the access road, both in terms of building line and the variety of front garden/parking layouts.

In addition, ample space is afforded within the site for both new planting and soft landscaping along the newly created access road (including at its entrance point) as well as on the frontages of the individual dwellings and as a buffer on the outer boundaries of the site. This assists to soften the development and assimilate it into its wider semi-rural countryside setting. As noted above, landscaping is a reserved matter, which will be subject to a further planning application.

The development provides a density of 16.5 dwellings per hectare (net site area) reducing to 14 dwellings per hectare when calculated against the gross site area. Taken together, it is considered that the scheme in terms of its layout, plots sizes and spacing is such that the development would not appear cramped and would have spaciousness appropriate to the transition to countryside.

In terms of scale and height, the proposed dwellings would be predominantly two storeys, albeit a limited number of the proposed units would have roof accommodation. The scale, massing and form of the proposed dwellings are considered to appropriate their overall scale, depth and massing would be similar to that of the modern dwellings that have already been built nearby and – given the slope of the site efforts have been by the applicant to ensure that they would not appear unduly dominant or out of keeping with the character of the area.

Appearance-wise, the proposed units are considered to be well-designed. The style of the houses is traditional. Many of the attributes of the proposed houses are present in the local area, all of which are welcome and reinforce an identifiable character. In addition, the range of materials presented on the drawings are compatible with the local area (conditions samples to be agreed via condition).

Overall, it is concluded that the proposals, both in terms of layout, scale and appearance, would – subject to the recommended conditions - achieve a high quality development appropriate to the character of the area and the transitional edge of settlement location of the site. The proposal is therefore considered to comply with policies BDP19 and the provisions of "good design" in the NPPF.

Open Space and Play Space

The proposed layout plan shows the provision of 2,642 square metres of formal public open space located to the north of the site adjacent to the Gallow's Brook. This accords with the requirement for on-site open space provision as set out in SPG11. The open spaces aspect utilises the natural topography of the site. The applicant intends to manage and maintain the on-site open space through a management company. This will be secured through the Section 106 Agreement. The site also permits links to the other residential schemes that have been constructed, which affords welcome permeability for walking and cycling between the sites and the use of alternative open space opportunities.

Access and Highways

Policy BDP1: Sustainable Development Principles taken from the Bromsgrove District Plan 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”.

The Highway Authority considered this application in 2014 and raised no objection at that time. Since then the application description has altered to include all transport matters, the applicant has submitted updated drawings to provide the details.

The Highway Authority has seen updated Local and National guidance since 2014 and these comments are made based on the standards and policies in place at this time. The layout complies with the Streetscape Design Guide, Winter 2018 Sufficient space would exist within the site to accommodate parking in accordance with Worcestershire Streetscape Design Guide (2018) standards. These are as follows:

- 2/3 bedroom – 2 spaces per dwelling
- 4 bedroom – 3 spaces per dwelling.

Cycle parking details are not addressed through this layout, but a suitably worded condition can be used to address this matter.

Contributions should be provided to address any local impacts and improve sustainable access. Since the 2014 representation the contributions methodology has been updated and consequently this application should provide financial contributions in accordance with the current method. The revised contribution should be directed to sustainable transport infrastructure in the community. County Highways have requested £25,534.90 highways contribution for Active Travel and Public Transport Infrastructure within Hagley.

Overall, the position of the access is acceptable and does provide an acceptable level of visibility in both directions.

Air Quality

Members will note the concerns raised in relation to the issue of air quality. Worcestershire Regulatory Services were consulted on the application. The site is located in the vicinity of the former Kidderminster Road, Hagley Air Quality Management

Area (AQMA). Although the AQMA has been revoked the situation in the area continues to be monitored.

WRS has raised no objections to the development on air quality grounds, subject to Conditions relating to electric vehicle charging points and secure cycle parking. The request for low emission boilers does not meet the condition test. It is considered that these measures could be secured by condition and would comply with Policies BDP1.4(b), BDP19 (s)(i) (ii).

In relation to construction matters, a Construction Environmental Management Plan will enable mitigation of any potential dust nuisance during construction phase. This can be secured through condition.

Residential Amenity

The proposed dwellings are positioned in a relatively low density arrangement that would create ample space for external landscaping and private amenity space. All the units proposed have sufficient size gardens. The properties are situated such that they would not be overbearing upon one another, nor cause significant losses of daylight or sunlight.

Objections have been received from neighbours based on loss of privacy. It is considered important at this juncture to distinguish between overlooking (and a consequential loss of privacy) and merely being able to see towards another property.

Policy BDP1: Sustainable Development Principles requires that in considering new development, regard will be had to: "e) Compatibility with adjoining uses and the impact on residential amenity" The proposed location of the development on the site is considered to ensure that effects on residential amenity are minimised, taking into consideration separation distance between existing properties and the proposed housing. The proposed development would not have an overbearing or visually intimidating impact upon nearby properties. It is considered that daylight to existing habitable rooms would not be prejudiced and that no loss of privacy would occur. The scheme is considered to comply with the High Quality SPD in relation to residential amenity.

No issues are raised with noise given the context of the site by WRS Noise. It is noted that a number of objectors are concerned with any construction phase of development, it is considered that this can be adequately controlled by a construction management condition.

Trees

The site is not covered by any statutory or non-statutory designations for landscape character or quality.

The site contains a number of mature and semi-mature tree specimens located within the site, contained within established hedgerows. These are located to the site boundaries, with a dense area of tree cover to the northern boundary adjacent the Gallow's Brook. The Tree Officer is of the view that there is sufficient space to construct dwellings and associated works while retaining and protecting the existing trees and hedgerows on the site boundaries. The use of the northern aspect of the site for public open space will

particularly enable successful incorporation of the most wooded section of the site into the fabric of the scheme.

Ecology

The site comprises species-poor improved grassland with areas of hardstanding. The southern area close to the site entrance contains a mixture of native and non-native shrubs and plants. The eastern hedgerow is dominated by mature standards in the south then widens into a dense hedgerow dominated by shrubs towards the north. The northern hedgerow largely shades out the brook. The western hedgerow contains shrubs and trees.

Worcestershire Wildlife Trust have reviewed the various associated documents and in particular Preliminary Ecological Appraisal update by Worcestershire Wildlife Consultancy. They have no objection subject to various conditions, regarding protection of trees, biodiversity enhancement, lighting and SUDS.

Flooding and Drainage

The application has been accompanied by a Flood Risk Assessment (FRA). The proposed development is located in Flood Zone 1 (little to no risk of fluvial or tidal flood risk) and it is sequentially appropriate. The proposed development is consistent with the appropriate uses for Flood Zone 1, as outlined in Table 1 of the NPPF Technical Guidance Document. The Gallow's Brook is the closest watercourse and is located just outside of the application site to the northern boundary. There is no development proposed within Flood Zones 2 and 3 and as a result no flood compensatory works will be necessary.

Members will be aware the Gallow's Brook is located to the northern boundary but outside the application site. The FRA demonstrates that the development site is not at risk from flooding and will not act to increase flood risk to properties elsewhere post development.

North Worcestershire Water Management, sought clarification regarding the proposed surface water drainage scheme to ensure that a SuDS scheme is deliverable for this site. I will update Members at your meeting on this issue.

Ground Conditions

A ground conditions assessment has been undertaken (in accordance with relevant planning and technical guidance) in relation to potential impacts on human health from soil contamination, risks from ground gas, and the potential effects on Controlled Waters receptors.

Based upon the information available at this stage, there are no potential issues or concerns at the site that cannot be successfully managed and/or mitigated via condition that would preclude the possibility of the proposed development.

Education Provision

Members will note the views of third parties relating to the impact of the development on existing services and functions. In terms of education demand, Worcestershire County Council has considered the impact of this proposed development on local schools, taking account that both Hagley Primary School and Haybridge High School and Sixth Form are extremely popular and are consistently oversubscribed. Worcestershire County Council will be seeking a planning obligation towards education infrastructure. Discussions will need to take place with the schools regarding the funding of an appropriate project.

Subject to the applicant entering into a Section 106 Agreement for education facilities, I raise no objection to the application on such grounds.

Medical Infrastructure

I note the views in relation to the issue of medical facilities to serve the development. Concerns have been raised over the ability of local facilities to accommodate additional medical related demand arising from the development. Members will note I have consulted the Redditch and Bromsgrove Clinical Commissioning Group (CCG) on this issue. The consultation response from the Worcestershire Acute Hospitals NHS Trust is also relevant here.

The CCG accept that the development would have an impact on primary healthcare provision in the area (Hagley Surgery), they have confirmed that the existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. Redditch and Bromsgrove CCG have therefore raised no objection to the scheme subject to the developer agreeing a contribution of £9,936.

In March 2019, the District Council received the first of a series of representations seeking a planning obligation to secure a financial contribution to meet annual shortfalls in Worcestershire NHS service revenue. The request by the Worcestershire Acute Hospitals NHS Trust relates to financial contributions to help support the provisions of acute primary healthcare. The position being taken by the Trust at the present time is that new residential developments place further pressure on the provisions of acute primary health services in the County.

I have paid regard to all information received from the Acute Hospitals Trust and any relevant additional consultee and the Planning department have sought two sets of Counsel advice on this issue.

I accept that there is Bromsgrove District Plan support in principle to support the request being made for the contributions and the request can be considered a material consideration. Each planning application made must be considered on a case by case basis and as a consequence any financial request made by the Trust must be considered in the same manner.

Policy BDP6 of the Bromsgrove District Plan and the provisions of the NPPF (Section 8). Following further review, I consider the Trust has demonstrated that a level of contribution is necessary to address the impact of new development because of the current funding

mechanism. I am also of the opinion that the request made is directly related to the planning application.

Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet the tests in Regulation 122 of the CIL Regulations. In this context and taking all of the above points into consideration, I am of the view that the Trust has failed to provide sufficient evidence to demonstrate that the quantum of the contribution request has been fairly and reasonably related in kind to the development. In an attempt to fully understand the quantum position and to try and reach a conclusion in relation to the position being taken by the Trust on quantum, I have asked further specific questions which should assist to bring this matter to conclusion providing additional information for review and assessment. These discussions are still in progress. I will update Members at your meeting on this issue.

Community Assets

Members are reminded that the proposal site sits within the Parish of Clent but that the nearest facilities and amenities are within Hagley which puts the amenities at Hagley in a sustainable location. It is reasonable to assume that the residents of the 26 dwellings will put additional demand on either or both halls (Clent Parish Hall/Hagley Community Centre). I am of the view that both facilities could be used by new residents and they are both available for community use.

In line with the approach taken by the Council in relation to other applications (12/0875) and the considered of this application originally by planning committee, it is considered that with improvements to Clent Parish Hall, further capacity could be created. Likewise it is accepted that new developments within the locality could contribute proportionately towards a new facility at Hagley or improvements to the existing facility to again create capacity. As it is not possible to predict which hall the new residents will use and considering the fact that residents can choose to use either hall, the final amount should be equally divided between the two halls. This was the approach accepted by Members previously and I consider the same appropriate pro-rata approach to be valid in relation to this application. This is reflected in the recommendation to Members. The Applicant has agreed to this approach.

Car parking at Hagley

The matter of existing high demand for car parking spaces at the centre of Hagley has been raised as an issue. In line with the previous consideration of the proposal, the contribution has been retained as part of the proposed obligation.

Planning Conditions – Time Limits

Time limits for planning applications are dealt with the section entitled Use of Planning Conditions in the new planning practice guidance launched on 6 March 2014. This states the relevant time limit for beginning the development is not later than the expiration of:

- 3 years beginning with the date on which the permission is granted, or;
- Such other period (whether longer or shorter) as the local planning authority may impose.

The local planning authority may wish to consider whether a variation in the time period could assist in the delivery of development. For example, a shorter time period may be appropriate where it would encourage the commencement of development and non-commencement has previously had negative impacts. The national planning policy framework encourages local planning authorities to consider imposing a shorter time period to ensure that proposals for housing development are implemented in a timely manner (paragraph 76). A longer time period may be justified for very complex projects where there is evidence that 3 years is not long enough to allow all the necessary preparations to be completed before development can start.

In order to address the shortfall in the 5-year housing land supply and to achieve the prompt submission of a Reserved Matters application, Members are recommended to impose a suitable Condition requesting the submission of a Reserved Matters application within 18 months of the approval of the outline scheme and once the Reserved Matters have been determined a similar condition placed on commencing the scheme. This will ensure that the development is delivered swiftly in order to accelerate the delivery of housing supply within the District.

Planning Obligations

Members will be aware that Section 106 obligations are legal agreements negotiated between Local Planning Authorities and developers in the context of a grant of planning permission. Such agreements are intended to make development proposals acceptable, which might otherwise be unacceptable, and provide a means to ensure that a proposed development contributes to the creation of sustainable communities, particularly by securing contributions towards the provision of infrastructure and facilities.

Policy BDP6 relates to infrastructure contributions. Paragraph 6.1 states that financial contributions towards development and infrastructure provision will be co-ordinated to ensure that growth in the District is supported by the provision of infrastructure, (including Green Infrastructure) services and facilities needed to maintain and improve quality of life and respond to the needs of the local economy.

Members will note the following Heads of Terms contributions for inclusion in the Section 106 Agreement. These have arisen following consultation with the relevant consultee or body responsible.

It is considered that the terms of the Agreement set out at the beginning of this report are relevant to planning, considered necessary to make the proposed development acceptable in planning terms, directly related to the proposed development and are fairly and reasonably related in scale to the proposed development. The figures identified for Hagley Community Centre/Clent Parish Hall and car parking enhancement in Hagley are taken from the 2014 report and have been index linked. As such I am of the view that these provisions meet the relevant tests under Regulation 122 of the CIL Regulations. The applicant has not raised any issue of viability due to the requested obligations. I therefore consider the scheme accords with Policy BDP6 of the BDLP.

Conclusion

It is considered that, in the absence of the Council being able to demonstrate a five year housing supply, the policies within the Development Plan with regards to housing supply have to be seen as out of date. In such circumstances 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. The application site identified as part of a suitable site for housing development in the adopted Bromsgrove District Plan. It is thus one of the preferred locations for future development and an important component of the Council's housing strategy. The development of the site would not conflict with the sustainability aims of the NPPF and would contribute 26 dwellings in a sustainable location, which would make an important contribution to meeting local housing needs and making good the current shortfall in the five-year land supply. The NPPF places great weight on the need to maintain the 5-year land supply and on the need to boost housing supply on suitable sites. These are compelling considerations in favour of granting permission. In addition the development will also provide 10 affordable dwellings as part of the proposal.

It is considered that the development would cause no substantial harm to the character and appearance of the area, the local highway network or the amenities of neighbouring properties. The ecological and environmental characteristics of the site have been carefully considered in the submitted information and mitigation measures are proposed for any significant effects on the wider environment as a result of the development. For these reasons, it is recommended that outline planning permission is approved.

RECOMMENDATION:

- (1) Minded to **APPROVE OUTLINE PLANNING PERMISISON**
- (2) That **DELGATED POWERS** be granted to the Head of Planning and Regeneration to determine the outline planning application following the receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:

Highways

- Active Travel and Public Transport Infrastructure within Hagley contribution: £25,534.90

Education Infrastructure

- A contribution towards Hagley Primary School based on the cost per open market dwellings as per the following tariff:
£3,230 open market 2 or 3 bedroom dwelling
£4,845 open market 4 or more bedroom dwelling
- A contribution towards Haybridge High School and sixth form based on the cost per open market dwellings as per the following tariff:
£4,213 open market 2 or 3 bedroom dwelling
£6,252 open market 4 or more bedroom dwelling

Medical Infrastructure

- A financial contribution towards Worcestershire Acute Hospitals NHS Trust to help support the provisions of acute primary healthcare:

£TBC

- A financial contribution of towards Redditch and Bromsgrove CCG- Hagley Surgery £9,936

The improvement of Hagley Community Centre and Clent Parish Hall:

£21,044.66 (split on a 50%/50% basis: £10,522.33/£10,522.33)

Car-Parking Enhancement in Hagley:

£2104.35

Waste Management Contribution:

Waste and recycling bins calculated as follows:

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

Planning Obligation Monitoring Fee:

£TBC

And:

The securing of 10 on-site affordable dwelling units

The provision and future maintenance in perpetuity of the on-site play space and open space provision

- (3) And that **DELEGATED POWERS** be granted to the Head of Planning Regeneration to agree the final scope, detailed wording and numbering of conditions as set out in the list below.

Conditions

- 1) Approval of the details of the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority.

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

- 2) Application for approval of the reserved matter shall be made to the Local Planning Authority not later than 18 months from the date of this permission.

Reason: In accordance with the requirements of Section 92 (2) of the Town and Country Planning Act 1990.

- 3) The development hereby permitted shall begin no later than 18 months from the date of the approval of the last of the reserved matters to be approved.

Reason: In accordance with the requirements of Section 92 (2) of the Town and Country Planning Act 1990

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

5563-01B	Location Plan
19-241-01a	Retaining wall sections
5563-9F	Proposed cross sections through site
5563-10B	Proposed cross sections through site
5563-18L	Proposed site layout
5563-21A	3 bedroom linked detached house type N – Plots 7 & 8
5563-22	4 bedroom house type J4 handed – Plots 3, 12 & 25
5563-23	4 bedroom detached house type W1 – Plot 2
5563-24	3 bedroom detached house type N – Plot 4
5563-25	3 bedroom semidetached social rented house type AF3 – Plots 5 & 6
5563-26	2 bedroom terraced social rented house type AF2 – Plots 9, 10 & 11
5563-27B	4 bedroom detached house type SL2 – Plot 13
5563-28B	4 bedroom detached house type SL1 – Plot 14
5563-29B	4 bedroom detached house type SL1 – Plot 15
5563-30A	4 bedroom detached house type SL2 – Plot 16
5563-31	2 bedroom terraced social rented house type AF2 – Plots 17,18 & 19
5563-32	3 bedroom detached house type N – Plot 20
5563-33	4 bedroom house type J5 handed – Plot 21
5563-34	4 bedroom house type M – Plot 22
5563-35	3 bedroom semidetached intermediate house type AF3 – Plots 23 & 24
5563-36	4 bedroom house type J4 modified – Plot 26

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

- 5) Prior to their installation, samples of the materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the external appearance of the building is satisfactory.

- 6) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Local Plan and Paragraph 170 of the NPPF.

- 7) All trees to be retained within the site or within influencing distance of any ground or development work on any adjoining land are to be afforded protection in accordance with BS5837:2012 recommendations throughout the works.

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

- 8) All pruning of trees should be in accordance with BS3998:2010 recommendations.

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

- 9) No ground level alteration work should be carried out with 2 metres of the general hedge line on the Eastern and Western boundaries of the site.

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

- 10) Any section of the access road that falls within the RPA of G1 is to be installed by use of suitable grade of No Dig construction and be porous in nature as to minimise the effect on the water and gaseous exchange levels currently available to these trees.

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

- 11) Notwithstanding the submitted details, prior to above ground works a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority

The content of the LEMP shall include, but not limited to the following :

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management including those in relation to dormice and bats.
- d) Appropriate management options for achieving aims and objectives including appropriate enhancement measures.
- e) Prescriptions for management actions.

- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer.
- i) Ongoing monitoring and remedial measures.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Local Plan and Paragraph 170 of the NPPF.

- 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 BK20502A.

Reason: To ensure conformity with submitted details.

- 13) The development hereby approved shall not be occupied until the visibility splays shown on drawing BK20502A have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

Reason: In the interests of highway safety.

- 14) 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.
- Method Statement detailing the measures that will be taken to ensure that the works will not adversely affect (pollution and silt) the watercourse, including during the construction phase through

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.

- 15) The development hereby permitted shall not be occupied until an electric vehicle charging point to serve each dwelling has been provided. Such apparatus shall be retained and maintained in perpetuity.

Reason: To encourage sustainable travel and healthy communities.

- 16) Prior to the o, details of cycle parking provision shall be submitted to and agreed in writing by the Local Planning Authority. The details agreed shall be implemented on site prior to the occupation and use of the building hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainability.

- 17) Notwithstanding the submitted details, prior to above ground works details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details.

Reason: To ensure that the development does not cause harm to nocturnal wildlife, including bats that may be foraging in the hedgerows or along the stream corridor.

- 18) Full details of the layout of the public open space areas, including details of surfacing, enclosures, play equipment, seating, and the future management and maintenance of the sites to allow public access, shall be submitted to and approved in writing by the Local Planning Authority. The public open space shall be implemented in accordance with the agreed details before the first beneficial occupation of any one of the residential properties hereby permitted.

Reason: In the interests of visual and neighbouring amenity and the adequate provision of public open space.

- 19) No new buildings, structures (including gates, walls and fences) or raising of ground levels within 8 metres of the top of any bank of the Gallows Brook or on land at or below 106.4m AOD inside or along the boundary of the site.

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

- 20) No part of the development hereby approved shall be occupied until all soft landscaping has been planted in accordance with the specification given on the detailed planting plan as to be approved by way of the reserved matters

application. If within a period of 5 years from the date of planting any part of that scheme, or any replacement planting, is removed, uprooted, destroyed/critically damaged, dies or becomes, in the opinion of the local planning authority, seriously defective, replacement planting of the same size and species as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: In order to add character to the development and to integrate the development into the area.

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 6 have been complied with:

1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.

2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. 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"

3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

4. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

5. 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.

6. 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.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

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

Case Officer:

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