

| Name of Applicant | Proposal   | Expiry Date | Plan Ref.    |
|-------------------|--|-------------|--------------|
| Redrow Homes Ltd  | Full Planning Application for the demolition of existing buildings and the development of 63 dwellings with associated public open space and infrastructure<br><br>Barn House Farm, Foxlydiate Lane, Redditch, Worcestershire, B97 5PB | 13.01.2020  | 19/01356/FUL |

### Procedural Update

- A1 The District Council received notification from the appellant on 14<sup>th</sup> July 2020 that they had exercised their right to appeal against the failure of the Local Planning Authority to make a decision on the application within the statutory time period and in the absence of a written agreement of the parties to extend the decision-making period (this being 13<sup>th</sup> January 2020) The District Council formally received notification from the Planning Inspectorate on 13<sup>th</sup> August that the appeal was valid and on 14<sup>th</sup> October that the appeal process had formally commenced. The deadline for the Council to submit its statement of case is 18<sup>th</sup> November 2020.
- A2 As a consequence of the applicant's decision to lodge an appeal, Bromsgrove District Council is unable to formally determine the outline planning application and no decision can now be issued.
- A3 Based on the available information, the views of Members are now sought (ie. what would be the decision of the District Council if the Planning Committee Members were able to determine the application under normal circumstances) and arising from these discussions, a subsequent resolution. This resolution will then be carried forward to form the District Council's case at the forthcoming planning appeal to be held via the Written Representations procedure. In the event that members decide to overturn officer's recommendation, it would be necessary for Members to identify putative reasons for doing so.

**RECOMMENDATION:** That the LPA would have been minded to GRANT full planning permission in the event that an appeal against non-determination had not been lodged and it had been able to determine the application

- (a) That **DELEGATED POWERS** be granted to the Head of Planning Regeneration to agree a suitable and satisfactory legal mechanism in relation to the following:
- (i) **Sustainable Transport**
- £41,742 contribution for a bus service
  - Approximately £10,000 for 2 bus stops on Foxlydiate Lane
  - £59,000 free home to school transport
- (i) **Personal Travel Planning**
- £200 Per Dwelling

- (iii) **Education Infrastructure**  
First School Contribution £204,096  
  
Middle School Contribution  
Primary phase £85,040  
Secondary phase £93,208  
  
Total Contribution = £382,344
- (iv) **Off-site sports contribution** (To be Confirmed)
- (v) **Waste Management Contribution:**  
Green bins (recycling) £26.75  
Grey bins (general refuse) £25.49  
1 set of bins therefore being £52.24
- (vi) **Planning Obligation Monitoring Fee:** (To be confirmed)  
Revised Regulations have been issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met.
- (vii) **GP Surgery Contribution** £ 23,805 (to be confirmed)
- (viii) **Redditch Town Centre Enhancement Works** (To be Confirmed)
- (ix) **The securing of a 36.5% provision of on-site affordable dwelling units** (adjusted to take account of vacant building credit) which equates to 23 units
- (x) **The provision and future maintenance in perpetuity of the SuDs facilities**
- (xi) **The provision of a pedestrian link with the adjoining development site subject to application 16/0263 and 2016/077**
- (xii) **A financial contribution of up to a maximum of £42,223.80 to meet annual shortfalls in NHS Service revenue.**
- (b) **And that DELEGATED POWERS be granted to the Head of Planning Regeneration to agree the final scope and detailed wording and numbering of conditions (which the Council would wish to see imposed in the event the appeal is allowed) as set out in the summary list below.**

## **Consultations**

### **Bentley & Pauncefoot Parish Council 15/04/2020 Objection**

Thank you for supplying answers to some of the questions in our comments submitted on 11/03/2020. Please could the following points be addressed before this application progresses any further?

1) In the Technical Note: Response to Parish Council we are informed in paras. 2.3.1 and 2.3.4 that information, including 'Detail Design drawing' will be provided post application. The Royal Institute of British Architects Plan of Work, that organises the process of briefing, designing, constructing, maintaining, operating and using building projects states that Planning applications are typically made using the Stage 3 output. Stage 3 output is Developed Design, therefore the parish council reiterates the requirement for a swept path analysis and section drawings demonstrating developed design to be provided prior to any decision.

2) The site plan 1690-08-02-100 shows a 'footpath/cycle path connection' on the west side of the proposal, presumably intended to connect to the proposals in Hybrid application 16/0263. The latest plan in this application 1401-PJA-013(ii) shows an open ended road protruding right into the Barn House Farm site labelled 'Proposed vehicular connection to Barn House Farm Land' that very approximately aligns with the footpath/cycle path. Please could this contradiction be resolved.

The Parish Council asks that a vehicular link be included that connects this proposal to the spine road in the larger scheme. This would undoubtedly reduce the impact of construction traffic on Foxlydiate Lane and would aid the applicant in resolving their contravention of RCBD1 8.54 that states that developments will ' fully integrate into the existing residential areas.

3) Given the proximity of Hybrid application 16/0263, without being considered in relation to one another conditions placed on one application and not on the other will invalidate them.

The Construction Access Review Report and PJA Technical Note amongst others included in 16/0263 specify traffic volumes and numbers of personnel accessing the site in detail, and use these figures to justify their decisions on the design and planning of the development. Unless there is collaboration between the two applicants, the figures are meaningless, and the impact on Foxlydiate Lane considerable.

4) The CEMP plan that has been submitted assumes that ALL delivery traffic will approach from the A448 East. Please could we be given confirmation that no traffic will approach from any other direction?

5) Given the undulating nature of the site's topography, please could the applicant address how the transport needs of people with disabilities has been addressed in the design to meet sustainability criteria?

6) Please could the applicant address the issue of the GP surgery, middle and high schools being well beyond walking distance, again in relation to sustainability criteria?

7) In the Technical Note: Response to Parish Council the Foxlydiate Arms is included in the listed services. A planning application 19/00615/OUT, currently pending, proposes the removal of this service.

8) Please could the officers address the contravention of NPPF(104) and BDC (BDC1.4a) policies on sustainability given how reliant this development is on car use?

9) Please could the applicant explain how architectural proposals named Sunningdale and Marlow are to reflect the existing neighbourhood, as they claim?

10) In the Consultee Comments for Planning Application 19/01356/FUL ' Ecology we are informed that five or more of the eight ponds in and around the site provide habitat for great crested newts.

The Worcestershire County Council website

([http://www.worcestershire.gov.uk/info/20299/ecology\\_services/1028/ecology\\_planning\\_advice](http://www.worcestershire.gov.uk/info/20299/ecology_services/1028/ecology_planning_advice)) advocates The NPPF aspiration ' to achieve 'no net loss' of biodiversity through the planning system, and to move to 'net-gain' for biodiversity where possible.

It is a sad inditement that opportunities to fulfil this are swept aside, for example Pond 7 when surveyed for the first presence/absence survey was choked with vegetation with lack of open water and silty in nature. Due to the very low water levels at the start of the amphibian breeding survey this was ruled out of further assessment. Such a site represents a golden opportunity for the applicant to make a positive contribution to biodiversity by restoring this neglected habitat site.

As another example regarding Pond 4:

Assessment of this pond by WYG3 also concludes that this pond is separated by significant barriers to dispersal and is surrounded by urban settlement meaning newts at this pond are unlikely to be able to move far beyond its immediate surroundings. The applicant could support biodiversity on the site by creating wildlife corridors to open up the surroundings, and not just to newts.

01.12.2019

### **Objection**

Bentley Pauncefoot Parish Council objects to the proposals pending further information that is required for the clarity necessary in the submission of a full planning application. We reserve the right to comment once this information has been supplied.

Paragraphs 1.8 and 6.3 refer to a Design and Access Statement, indeed reference to this is made throughout much of the documentation, but no Design and Access Statement is available on the website. Given this absence, the application should not even have been validated.

The safety of our parishioners is of primary importance. No road safety audit is included, and the Transport Assessment lacks a speed survey or analysis of visibility and Swept Path Analysis - crucial given the undulating nature of Foxlydiate Lane.

The section drawings are diagrammatic and at 1:200 provide an inadequate level of detail for a full application.

In the meantime before this additional information is provided, the documents on the webpage raise a multitude of issues that require resolution.

The Supporting Planning Statement contains some outdated and incomplete data.

1) The proposal forms a sizeable part of the Foxlydiat Urban Extension. In the Supporting Planning Statement paragraph 6.11 states that The principle purpose of the Foxlydiat Urban Extension is to deliver a significant proportion of Redditch Borough Council's unmet housing needs. This is based on outdated statistics and the statement requires updating.

2) Paragraph 2.6 lists distances to services and facilities, but they have been underestimated. For example, using Google Maps from the point on Foxlydiat Lane where the site access will be, the following walking distances are given (all distances shown will be plus a further 100m as described in the Transport Assessment):

Hillview Medical Centre - 2.5km rather than 1.95km

Tesco Express - 2.2km rather than 1.65km

Clarity is required on how these figures have been calculated and the routes to which they refer.

3) In Table 1 - The Planning Balance we are told that when it comes to Impact on the open countryside

this development has a 'neutral impact', which is demeaning to the parishioners of this rural parish, to say the least.

Within the Transport Assessment, the assertion is made that the site is highly sustainable when it is clearly reliant on car use and therefore in contravention of NPPF(104) and BDC (BDP1.4a) policy. The Parish Council challenges this assertion.

In the following areas we have questions and lack key evidence.

1) In paragraph 2.2.6 it points out that according to the NPPF, February 2019, applications for development should Address the needs of people with disabilities and reduced mobility in relation to all modes of transport. We can find no mention of how this is achieved in the documents. Given the sloping nature of the site and its distance from many key amenities including employment, middle and high schools and GP surgeries this is a concerning omission.

Unless this point is addressed the applicant cannot claim that the site is sustainable.

2) The site appears to fail many elements of the Access to Facilities requirements specified in section 3.4. It does not limit the need to travel particularly for employment and middle and high schools. Only Washford and Park Farm are mentioned as employment areas, both of which are over 6km away. Limited bus services are listed. Paragraph 3.5.1 points out that houses are typically an additional 100m beyond the figures provided hence the nearest bus stops only just fall within the 'acceptable' distance. The walking routes specified in Table 11 refer to a number of pedestrian links, connections and paths. Without a reserved matters stage the assessment should describe how these are lit, and whether they are suitable for use in the dark, again for our parishioners safety.

3) Figure 2 and Table 2 summarise the facilities within a 'suitable' walking distance of the site access. It is noticeable that there is no GP surgery within 'suitable' walking distance nor any mention of the distance to middle and high schools. We are aware that the CCG have stated that they do not wish to have a GP surgery within the Foxlydiate development and discussions are still ongoing. It is therefore important to understand how far from the development such a critical amenity is.

4) Paragraph 4.4.1 states 'Further details will be provided at the reserved matters stage'. Given that this is a full planning application there will be no reserved matters so these details must be provided for scrutiny before the application progresses any further.

5) In Paragraph 5.5.2, please clarify which residential sites were chosen from TRICS as being comparable to the application. Actual data is available for traffic entering and exiting Great Hockings Lane. The development is roughly double the size of this application but the numbers could easily be extrapolated to provide realistic numbers for the proposed development.

6) In section 5.3 no data has been provided to support the figures in Table 6. What is the evidence for the trip distribution and assignments listed?

There have been substantial changes in the area since 2011 that could have a significant effect on these figures including:

- new employment areas in Aston Fields and Buntsford Hill
- faster train services to Birmingham and services to the west from a new railway station in Bromsgrove.
- the significant congestion on the A448 and A38.

The traffic figures have had a growth multiplier applied to them. Why hasn't a similar approach been applied to this very old data?

7) Whilst we appreciate that a traffic growth multiplier has been applied to the original 2015 Traffic Impact Analysis figures (6.2) it is clear that the additional traffic generated by the new developments on Church Road has not been counted. The traffic figures provided for 2019 are therefore incorrect.

8) Not only are there errors in the Traffic Flow Diagrams In Appendix F but they are also incorrect as they do not include the traffic generated by the new developments on Church Road.

It is deeply concerning that there are so many unanswered questions and missing evidence from the Transport Assessment. Of particular concern is the claim by the applicant that the site is 'highly sustainable' without describing how the needs of those with disabilities and reduced mobility are to be met.

A range of environmental issues will be generated by these proposals that none of the documentation seeks to address.

1) Paragraph 177 of the NPPF reads The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

The Preliminary Ecological Appraisal makes it clear that this component of Sustainable Development has not been adequately investigated. On page 1 the document reads:

Pre-construction surveys are recommended for otter and badger as they are highly mobile species and although not currently considered to be impacted, should they move into the area, further mitigation could be required. Precautionary methods of working are recommended for reptiles, great crested newts and common amphibians.

Again bearing in mind that there will be no reserved matters stage, please could the applicant state the results of these surveys, their precautionary working methods and how they intend to monitor the site for the presence of otters and badgers, particularly otters given that in paragraph 4.3.15 we are informed that Otter spraint was identified on a rock within the watercourse to the west of the site.

Paragraph 4.3.3 also tells us that Multiple records of great-crested newt within 2km of the site were provided by WBRC.

2) We are extremely concerned about the inevitable contamination of Spring Brook. Page 7 of the Utilities statement informs us that It is proposed the surface water is discharged into Spring Brook watercourse.

This will result in the acidification of the water course. Spring Brook is a tributary of Swans Brook that in turn is a tributary of Bow Brook. This whole catchment has benefitted from Environment Agency funding for the Bow Brook Project that won an England River Prize in 2014.

The brook corridor, as well as being home to wildlife itself, acts as a pathway for migrating and dispersing species such as wading birds and otters, connecting up larger areas of potential habitat (<https://www.worcswildlifetrust.co.uk/bow-brook-project>). The true impact of this development has clearly not been qualified.

3) The farmstead at Barn House Farm includes an almost iconic piece of uniquely local architecture in the form of the brick and tile threshing barn (now converted to a residence) with vernacular stepped brickwork, high chimneys and its original tiled roof. The scheme condemns this to demolition, which arguable contravenes BDP1.4i) Sustainable Development Principles where development should have regards for The impact on the historic environment and the significance of Heritage Assets and their setting. On pages 10-11 of the Local Authority Engagement document we are told that The design of the proposed dwellings has been developed to reflect the existing neighbourhood. This is disingenuous as the developer quite clearly wishes to 'rebrand' our locality, wantonly destroying our local architecture and replacing it with houses named Sunningdale, Marlow, and Letchworth. Rather than reflecting our neighbourhood, the applicant attempts to impose the home counties on us. This is deeply disrespectful to the character of the area, and quite unnecessary given that they wish to remove a house to put up another one. The barn should be incorporated into the scheme.

Page 7 of the Local Authority Engagement document states that 3.4 The principle issues highlighted include design and appearance.

It continues The application submission has, therefore, been prepared in order to address these concerns through the plans and D&A Statement but as already pointed out no such statement has be included.

It then continues On this basis pre- application advice has not been sought from the Council yet 'this basis' has not been evidenced.

There are a multitude of omissions and unanswered questions raised by this application. If the application is not withdrawn immediately so that the applicant can prepare the information required for validation, let alone consultation, it should be refused.

### **Bromsgrove Strategic Planning**

The primary purpose of this report is to consider the strategic planning context of this planning application, as part of the cross-boundary allocation and the planning policy background of the site. Detailed matters will be considered in this response.

#### **Strategic Planning background**

Through the preparation of shared evidence on housing needs matters, it first became apparent early in the plan making process for the Bromsgrove District Plan 2011-2030 (BDP) and the Borough of Redditch Local Plan No.4 2011-2030 (BORLP4) that Redditch Borough would be unable to meet its own housing needs on land solely within its jurisdiction. The 2012 Worcestershire Strategic Housing Market Assessment revealed that overall housing need to 2030 for Redditch was found to be around 6,380 dwellings, but land could only be found to accommodate 3,000 dwellings, leaving a shortfall of around 3,400. Bromsgrove and Redditch Councils embarked on an ambitious project to work collaboratively through the Duty to Cooperate to find and assess possible locations where this shortfall could be met. The Duty to Cooperate is a statutory requirement on local planning authorities, county councils and other prescribed bodies to work together on strategic planning matters through the preparation of plans.



The result of this joint working and assessment was the proposal of two large sites to the northwest of Redditch, but within Bromsgrove District as the most suitable and sustainable sites which could deliver the homes needed. The sites were Foxlydiate and Brockhill East and at the time, both areas were within the Green Belt. Policy RCBD1 Redditch Cross Boundary Development in the BDP was drafted to take the proposed sites forward for removal from the Green Belt and subsequent allocation for development. The policy and the evidence underpinning it were heavily scrutinised at the joint examination into the two plans, held from March 2014 - December 2016. Upon issuing his final reports to the two Councils in December 2016, the Inspector ultimately found that the selection of the two sites proposed for allocation at Foxlydiate and Brockhill East was appropriately justified. This allowed the two plans (BDP and BORLP4) to be progressed to adoption in January 2017 and at this point, both sites were removed from the Green Belt and allocated for development.

#### Policy RCBD1 in the BDP

A 148ha site at Foxlydiate is allocated as a mixed use urban extension as Site 1 in policy RCBD1. It is allocated for:

- o Approximately 2,800 dwellings
- o A First school
- o A Local Centre
- o Associated community infrastructure

Alongside the allocation, policy RCBD1 also sets out detailed principles and criteria that should be adhered to in order to achieve sustainable communities on the cross boundary allocation sites. This includes the main requirements for:

- o Up to 40% affordable housing, with a mix of house types and tenures
- o An overall Transport Assessment taking account of the individual and cumulative effects of development on transport infrastructure. This will need to define the mitigation necessary to maintain the safety and operation of the road network.
- o Significant improvements in passenger transport to result in integrated and regular bus services.
- o An overall Strategy and Management Plan for Green Infrastructure which maximises opportunities for biodiversity and recreation
- o Walking and cycling routes well integrated with the Green Infrastructure network
- o Future proposals should be in conformity with Policy BDP20 to ensure the protection of Heritage Assets

And a number of other detailed requirements which are equally important.

The policy is also included as an Appendix to the BORLP4 for cross-referencing and completeness.

#### The current planning application

In October 2019 the planning application was received for 63 dwellings. It represents a small part of the wider 148ha Foxlydiate cross-boundary allocation site. The majority of the allocation site is proposed to be developed through planning application 16/0263 for up to 2,560 dwellings, and further smaller part of the allocation site is proposed to be developed through planning application 19/00615 for 50 dwellings. Both of these applications are currently pending.

There is also an outline planning permission for this site pending for up to 68 dwellings (17/00469).

The current application includes provision of 23 affordable homes. This represents 36.5% of the total dwellings proposed in the application.

#### Revised NPPF 2018/2019 and the Standardised Housing Methodology

Since the adoption of the two plans in January 2017, the Government has consulted on and released a revised National Planning Policy Framework (initially published in September 2018, with further very minor amendments released in February 2019). The revised National Planning Policy Framework (NPPF) provides the rule book to enable the delivery of the Government's aim of building 300,000 new homes a year by the mid-2020s and focuses on:

- Promoting high quality design of new homes and places
- Stronger protection of the environment
- Building the right number of homes in the right places
- Greater responsibility and accountability for housing delivery from councils and developers

Possibly the biggest change in the 2018 NPPF has been a new methodology to determine the number of homes that should be delivered through what is known as the standard method for assessing local housing need. This has been introduced to provide clarity and certainty on the controversial matter of how many homes an area should be planning for, which previously took much time, effort and resources to address and reach agreement on. The new methodology uses Government produced household growth projections, and then applies an adjustment factor to these using affordability data from ONS to give the Local Housing Need figure.

For Bromsgrove over the 10 year period 2019-2029, the new methodology for housing need gives an annual basic housing need of 384 homes per annum, not dissimilar to the 368 dwellings per annum (7000 homes to be delivered over 19 years) currently being planned for in the BDP to 2030. However for the same period in Redditch, the new methodology gives an annual basic housing need of 179 homes per annum, far lower than the 337 homes (6400 homes to be delivered over 19 years) currently being planned for in the BORLP4 to 2030. This has caused some to question the need for sites in Bromsgrove District to be used to meet Redditch's unmet need, if Redditch Borough's overall housing need has fallen from that previously determined and used for plan making purposes.

The new standard methodology is however only the starting point for determining the number of homes to plan for. The standard method gives a minimum starting point in determining the number of homes needed in an area and it should be emphasised that it is not a housing requirement. This only emerges once other factors which may give rise to higher housing need than in the past (such as growth strategies for the area, strategic infrastructure improvements driving up the demand for homes or an agreement for an authority to meet unmet need from a neighbouring authority) have been considered on top of the basic need figure and the local authority has set the figure in its plan. It should also be remembered that the housing need figure generated using the standard method may change as the inputs are variable. The affordability ratios from ONS are updated annually and new household projections are released every few years.

Whilst there has been a significant change in the way Government expects housing need to be calculated for plan-making purposes, this does not alter the current local policy backdrop for this planning application. Planning applications should be assessed against the statutory development plan for the area, which for Bromsgrove is the BDP. The BDP allocates the Foxlydiate site for development to meet the needs of Redditch Borough and that cannot be changed until the plan is formally reviewed. A review of the Bromsgrove District Plan has commenced and is in the early stages, with adoption of the plan not expected until at least 2022. The review of the BDP will look ahead for a minimum period of at least 15 years and will utilise the new standard methodology when setting a housing requirement. Only at this time and through the formal plan-making process, which culminates in an examination before a Government appointed Inspector, can the issue of unmet need from neighbouring authorities (whether this be Redditch or from the West Midlands conurbation) be assessed and an appropriate policy response determined. A review of the Borough of Redditch Local Plan No.4 is not programmed at present, however circumstances may change. Bromsgrove District Council will have the same requirement under the Duty to Cooperate to work with neighbouring authorities on cross-boundary matters throughout the plan review process, just as it did during the preparation of the BDP. As further evidence is gathered and the housing need figure for Bromsgrove evolves into a housing requirement policy for the plan, consideration will be given to the supply and demand for new homes across the Redditch and Bromsgrove areas, including possible consideration of the 'ownership' of cross-boundary development sites.

#### Affordable Housing

RCBD1 requires a housing mix of up to 40% on the Foxlydiate allocation site. Currently this application provides 36.5% affordable housing. While meeting the Policy, it would be preferred if the proportion of affordable housing were increased by two or three dwellings to ensure the proportion is as close to 40% affordable housing on the site as possible.

#### Conclusion

The Foxlydiate site is a strategic mixed-use allocation in Bromsgrove District, located on the northwest edge of Redditch. It is allocated through policy RBCD1 of the adopted Bromsgrove District Plan, for 2,800 dwellings and other supporting uses. As part of the plan-making process supporting the BDP and BORLP4, Bromsgrove District Council agreed through the Duty to Cooperate to assist Redditch Borough Council in delivering their housing target which they are unable to achieve within their own administrative boundary. The commitment made under the Duty to Co-operate and enshrined in the BDP cannot be reviewed outside of the plan making process.

This planning application sees a small part of the RBCD1 allocation being realised, with the majority of the residential development proposed through the larger planning application 16/0263 (Land to the West of Foxlydiate Lane and Pumphouse Lane). From a strategic planning perspective, the additional housing through application 19/01356 at Barn House Farm would provide a welcome contribution to housing supply, both in helping the Government's goal of significantly boosting the supply of housing, and to assist Redditch Borough Council in delivering the homes needed to support their adopted plan and maintain a 5 year supply of housing land. However, this should not result in an under delivery of affordable homes. I would wish to see the proportion of affordable homes increased to ensure 40% of dwellings are affordable housing.

## **Worcestershire Archive and Archaeological Service 20.04.2020 Objection**

Thank you for re-consulting us on this application. My advice that, should the development be permitted, a programme of historic building recording and archaeological evaluation should occur as a condition of consent is unchanged (as per my letter of 18/11/2019). In that letter I did not comment on whether any of the buildings should or should not be retained. The Conservation Officer has stated that Barn House Farm may merit retention.

The applicant has subsequently submitted a built heritage statement to support their application. I feel that there are some issues with the heritage statement:

LPA selection criteria defining Barn House Farm as a non-designated heritage asset.

The built heritage statement states that the LPA has not provided the criteria used to categorise Barn House Farm as a heritage asset. I believe it has. Policy BDP20.2 states "The District Council will support development proposals which sustain and enhance the significance of Heritage Assets including their setting. This includes:.. b. Non-designated Heritage Assets including (but not limited to) those identified on the Local List and assets recorded in the Historic Environment Record;". Barn House Farm is recorded on the Historic Environment Record and has been since before the migration to the current software in 2011. Worcestershire HER policy considers all buildings present on the 1st Edition Ordnance Survey that are still standing to be heritage assets. Later buildings may also be considered heritage assets, but all buildings and built structures that pre-date the survey are. The HER has an ongoing project, started in 2009 and part-funded by Historic England, to add every extant building of this date or earlier into the HER. Whilst the HER does contain records that would not be classed as heritage assets, for example, former heritage assets that no longer exist and records of archaeological work, the criteria for defining historic buildings and structures as heritage assets within the HER is clear and the LPA policy BDP20.2 refers to heritage assets identified in the HER. Traditional farmsteads - those which predate 1940 - are also identified as heritage assets in Worcestershire Farmsteads Assessment and National guidance on traditional farmsteads. It is accepted that the significance of non-designated heritage assets recorded in the HER will vary considerably, but I don't accept that the LPA has failed to define how Barn House Farm has been identified as a non-designated heritage.

Meeting the criteria for inclusion on the Local List.

Paragraph 1.6 of the built heritage statement "In support of this assessment, the Statement applies Bromsgrove District Council's adopted baseline selection criteria for Locally Listed Assets and other regional and national guidance to establish the significance of farm buildings and non-designated heritage assets." The document then goes on to state that Barn House Farm would not meet the criteria for Locally Listed Assets and is therefore of very low significance. Whether or not the building would merit inclusion in the Local List is a matter for the LPA, however, just because it does not meet that criteria does not make its significance automatically very low. With regard to the assessment of significance, the built heritage statement's assessment of the building has not considered or explained certain aspects of its assessment.

The timber framing of the original barn looks to be of a later 17th or early 18th century date. The built heritage statement dates this bay to the early 19th century. Whilst construction using timber-framing does continue into the 19th century, the statement hasn't explained why they believe this is a later example copying an earlier style. As a site visit was carried out, presumably closer inspection confirmed the later date, but this has not been detailed in the text. Why is it not late 17th or early 18th century, as it looks? The built heritage statement also references the Worcestershire Farmsteads Assessment but fails to use it beyond defining the plan as reversed 'h'. The Worcestershire project (which is based on mapping from 2009 - 2011) showed that loss of farmsteads within Redditch Borough is significantly higher than the regional average. Throughout Worcestershire 10.10% of historic farmsteads had been lost or demolished by 2011 (compared to 11.80% regionally) and within RBC 41.79% had gone. This number is likely to have increased since 2011. Barn House Farm is just within Bromsgrove District, but is still within the broad area that has seen this greater loss. The loss or demolition of traditional farmsteads across Arden NCA is also high in comparison with other NCAs across the region. Therefore it could also be argued that Springhill/Barn House Farm's significance is higher than 'very low' given that it retains more than 50% of its traditional buildings within a landscape of very high loss of traditional farmsteads (the assessment fails to really look at the farmstead in its whole).

Facilitating access.

The built heritage statement says that the demolition is required to facilitate highways access (paragraph 1.2), but doesn't clarify why the access has to be as it is currently designed. There is space on the site for Barn House to be retained and for an access road to run down the northern edge of the site instead of its current location. Clearly if the access can only go along the southern boundary, then a balanced judgement would have to be made, but as stated above when making that judgement the significance of the heritage asset is not, in my view, 'very low'.

## **Conservation Officer**

### **Objection**

Although an archaeological assessment was submitted with the previous application which identified the fact they various structures were listed on the HER, there was no assessment of their significance, as required by the NPPF (Paragraph 189). A detailed heritage statement has been submitted as part of this application.

In terms of the historic environment BDP 20.2 and BDP20.3 state the local authority will support development proposals which sustain and enhance the significance of Heritage Assets including their setting, this includes non designated heritage assets, and development proposals should not have a detrimental impact on the character, appearance or significance of the Heritage Assets. BDP20.17 requires that 'Applications likely to affect the significance of known or potential Heritage Assets or their setting should demonstrate an understanding of their significance in sufficient detail to assess the potential impacts. This should be informed by available evidence and, where appropriate, further information to establish significance of known or potential Heritage Assets.' This is supported by Paragraph 189 of the NPPF which states, 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their

setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.' Paragraph 192 then states ' In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.' Finally Paragraph 197 states, ' The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.' This is mirrored in BDP 20 by BDP20.14.

The Heritage Statement questions whether the buildings at Barn House Farm should have been assessed as non designated heritage assets as they had not been benchmarked against Bromsgrove District Council's criteria for inclusion of the Local Heritage List, however BDP 20.2 b states that non designated heritage assets includes, (but not limited to) those identified on the Local List and assets recorded in the Historic Environment Record. It was therefore reasonable to assess these historic structures as non designated heritage assets on this basis.

The Heritage Statement describes the assets in some detail, and this is welcomed, and then goes on to assess whether they would meet the criteria for the Bromsgrove Local Heritage List, and reaches the conclusion that none of the historic buildings on the site meet the criteria for inclusion on the Local Heritage List. It is noted that as part of the assessment buildings are benchmarked against the Historic England Principles of Selection. Although it is interesting to consider these principles, they are for the assessment of listed buildings, or buildings of national if not international importance rather than locally important buildings.

The detailed descriptions of the buildings, the mapping information, the photographs included within the statement and the other information submitted have been considered, and the buildings assessed against the Local Heritage List Criteria. It is considered that the Heritage Statement underplays the heritage significance of these buildings. Using the information provided the Barn House Farm buildings would be candidates for the Local Heritage List on the following basis;

#### Age, authenticity and Rarity

Like many farmsteads the buildings at Barn House Farm have continued to evolve and have been altered for new uses. Parts of the main building, B2 and B4 contain some evidence of timber framing. The Heritage Statement suggests that the framing is 19th century, without explaining why. It is thought that this is more likely to date to the 17th or 18th centuries, and it is unusual to find evidence of early buildings. The remaining elements of the main structure would seem to date, as suggested, to the mid to late 19th century. The building was converted to residential use in the 1980s, like many farmsteads in the District. This might not be the best scheme, but the agricultural use remains legible. The rear of the threshing barn may have seen the opening replaced with waney edge boarding, but the size of the opening remains apparent and combined with the glazed opening on the opposite elevation, leads to the original use being fairly obvious. The

WAAS have highlighted that 'Throughout Worcestershire 10.10% of historic farmsteads had been lost or demolished by 2011 (compared to 11.80% regionally) and within RBC 41.79% had gone. This number is likely to have increased since 2011. Barn House Farm is just within Bromsgrove District, but is still within the broad area that has seen this greater loss.' This would indicate that the buildings at Barn House Farm are an increasingly rare survival.

The survival of comparatively early historic fabric from an earlier building, indicating a much earlier farmstead which has continued to evolve and change over the centuries, combined with the high loss of farmsteads in this general area, would justify the inclusion of Barn House Farm on the Local Heritage List in terms of age, authenticity and rarity.

#### Architectural Interest

The brick built elements of the buildings at Barn House Farm are fairly typical of 19th century Worcestershire farm buildings, however the surviving timber framed element which is more likely to be 17th Century/18th Century is unusual rare survival of an earlier building or farmstead and is therefore of interest as part of the architectural development of this group of buildings.

#### Historic Interest

As noted above the survival of part of an older timber framed structure within the later building fabric indicates that this is potentially a much older farmstead than it appears, which contributes to its historic interest, and what it might tell us about the development of farming and farmstead development in this area. It is agreed that the majority of the built form at Barn House Farm dates from the 19th century and would correspond with the 'high years of farming' (1840 -1870), and at a local level reflects this period of our history.

**Overall it is considered that the historic buildings at Barn House Farm, despite the conversion scheme, would be a strong candidate, as a group, for the Local Heritage List, and therefore in addition to their inclusion on the HER, allows them to be considered non designated heritage assets.** The Cow Shed at the neighbouring Springfield Farm, is of interest and hence its inclusion on the HER, but does not on its own have the interest that the Barn House Farm buildings have, especially as it has lost its context to a greater extent. It's inclusion on the HER does allow it to be considered as a non-designated heritage asset. The rural setting of all the assets contributes to their significance.

**Historic Environment policies in the District Plan, supported by the NPPF, support development proposals which sustain and enhance heritage assets, and consideration should therefore be given to incorporating these buildings into the proposed housing development.**

The scheme, as proposed, is contrary to policies in BDP 20 of the Bromsgrove Local Plan as well as the policies noted above in the NPPF. As it would involve the total loss of non-designated heritage assets from a conservation perspective it is recommended that the application is refused. The NPPF requires, as noted above, that in determining the application, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

## **Conservation Officer Comments in response to applicant's further statement**

I have re-read my comments in respect of this application and the additional comments submitted by the applicant in respect of the heritage issues.

We would both appear to agree that Barn House Farm is a non designated heritage asset. We do not agree as to whether the building would be a candidate for the Local Heritage list. The applicant would appear to attach less significance to the building on the basis that it does not meet the criteria for the local heritage list.

I am still of the view that it meets the Age and Rarity criteria on the basis that there is older fabric in the building, as suggested by WAAS. In addition, as there has been a significant loss of farmsteads in this area, this adds to the rarity value of this building despite the loss of some fabric as a result of the residential conversion. There is some disagreement as to whether the building would meet the architectural criteria, but the applicant did appear to agree that it would meet the historic interest criteria.

Whether or not the building is eligible for the Local Heritage List, Policy BDP20.2 supports development proposals which sustain and enhance the significance of the heritage assets, including their setting, and this includes non designated heritage assets not just those on the Local Heritage List.

It is agreed that the Cow House at the neighbouring Springhill Farm is a non designated heritage asset. It currently benefits from a rural setting which contributes to its legibility and significance. The construction of a housing estate in the rural setting of this heritage asset will obviously have a negative impact on its significance.

In conclusion it is agreed that Barn House farm is a non designated heritage asset. There is a lack of agreement as to the level of significance that it has but the existence of pre 19th century fabric and the loss of farmsteads in the wider area would suggest that the level of significance is higher than the 'very low' suggested by the applicant.

It is agreed that Cow House at Springhill Farm is a non designated heritage asset. It benefits from a rural setting which contributes to its significance.

In conservation terms the scheme is not supported as it would result in the loss of a non designated heritage asset, and some harm to another.

The buildings are not listed and are not of high significance, but as the scheme will result in the loss of Barn Hill Farm and some harm to the significance of the Cow House, this must be weighed by the decision maker in determining the application.

**WCC Education Authority 24.04.2020**

### **No objection**

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 which have been identified as related to the development are listed below. We have considered a number of criteria by which the impact of the development and the ability of schools at each phase of education to manage it can be assessed.

#### Impact on School Places

The proposed number of dwellings are anticipated to yield the following number of pupils in each phase of education (see original representation for table)

#### Related Schools

The development site is located in the district council planning area of Bromsgrove. However, the area serves the Education Planning Area (EPA) of Redditch where a three-tier system of education is predominantly in operation. The schools considered to be directly related to the proposed development are the catchment area schools of Tardebigge CE First School, Birchensale Middle School and Trinity High School. Two other first schools in the area are also considered related to the development and are included in this analysis. In addition, the proposed development of 2,560 dwellings at Foxlydiate includes provision for a new 3 form entry first school and nursery to serve the wider development.

With regards to middle school infrastructure, Birchensale will be impacted by other large-scale development at Foxlydiate and Brockhill and it is therefore prudent to identify the longer-term proposals for middle schools in the area. A further 3 middle schools are located within the statutory walking distance of the proposed entrance to the development and have been considered in this analysis.

The area is also served by Pitcheroak Special School, an all age 4-19 special school catering for pupils with Severe, Complex and Moderate learning difficulties.

Pitcheroak School is situated approximately 1.3 miles from the proposed development. The school occupies a site alongside Birchensale Middle School. The school is a popular school and serves families across the district.

Special schools offer specialist education and they do not operate a capacity as with mainstream schools. There are currently 14 class bases in the school including 3 temporary classrooms, plus 3 specialist rooms and a hall. Due to the nature of the provision there is an expectation that the premises have to offer flexible provision. Additionally, the school does not consistently accommodate a set number of pupils per class, the number can vary to meet the needs of the individual pupils requiring specialist provision.

Pupil numbers increased in the primary phase from 60 in October 2018 to 65 in October 2019 and increased from 88 in October 2018 to 89 in October 2019 for the secondary phase of education. Analysis of pupils on roll as at October 2019, show that of the 144 pupils on roll in Reception to Year 11, 110 live in the Bromsgrove and Redditch area. This equates to 83.4% of pupils on roll that reside within the locality, which is a substantial level of in area pupils on roll attending specialist provision. Temporary accommodation on site is life limited and without permanent accommodation the school will be unable to maintain the current level of pupil numbers or any additional pupil numbers.

## Conclusion

The impact of the development on education infrastructure has been revised following the initial assessment and has been assessed on the impact of 45 dwellings, allowing for the demolition of one existing dwelling. The 8 one-bedroomed properties are identified as being 17 social rent properties therefore the reduction is 63 less 1 demolition and 17 social rent properties equating to 45 dwellings.

In conclusion, it is anticipated that this development will yield 5 early years places. Analysis indicates that there is currently sufficient capacity in early years provision in the area to accommodate the level of pre-school pupils likely to be generated from this development.

With regards to mainstream provision, the proposed development is likely to yield 12 pupils in the first school phase of education. Tardebigge CE First School is the catchment area school and has been judged Outstanding by Ofsted; the school is consistently oversubscribed. Both Our Lady of Mount Carmel Catholic First School and Webheath Academy are located within the statutory walking distance and are both good schools that are popular in the area. Webheath Academy converted to a primary school in September 2016. Pupils in the area can remain at the school at the end of year 4 continuing in years 5 and 6, transferring at the end of year 6 to a middle school<sup>3</sup>, or alternatively, pupils can seek places at a secondary school admitting pupils from year 7.

Analysis of pupil numbers indicates that there is currently insufficient capacity in the first school phase of education to admit the number of pupils that are likely to be generated from the proposed development. Extant permissions from Foxlydiate and Webheath are likely to impact schools in the area. Current proposals set out the provision of a new 3FE first school and nursery to serve the Foxlydiate area and it is anticipated that the proposed new school will be included in the options for supporting additional school places.

The proposed development is likely to yield 9 pupils in the middle school phase of education. The catchment area middle school is Birchensale Middle School that is rated Good by Ofsted and is consistently oversubscribed. The PAN increased from 135 to 150 with effect from September 2019. Pupil numbers have been consistently in excess of 135 and the increase will enable the school to support in area pupil numbers.

In addition, there are two further schools that are located within close proximity to the proposed development site, St Bede's Catholic Middle School and Walkwood CE Middle, both are rated Good by Ofsted and consistently oversubscribed. There is some capacity at another local school in the area however, forecast pupil numbers are set to increase over the next 3 years and the local authority is already working to ensure a sufficiency of places to meet the increase in pupil numbers from demographic growth and maintain an acceptable operational surplus.

On conclusion, middle schools in the area do not have capacity to absorb the proposed pupil numbers from housing growth. All middle schools in Redditch have Academy status therefore, the local authority will engage with the local schools named above to explore options to expand existing provision to ensure a sufficiency of places; as commissioner of places the local authority cannot insist schools expand. If a satisfactory resolution cannot be achieved it will be necessary to explore alternative solutions.

The proposed development is likely to yield 8 pupils in the high school phase of education. Trinity High School and Sixth Form Centre is rated Good by Ofsted and is a school that is popular with families living within the district. There is very little surplus capacity in the school as high school pupil numbers have increased at the school. From 2025 onwards, pupil numbers will increase across the district and surplus capacity in the system will start to be utilised. However, it is anticipated there will be sufficient capacity in the system to absorb demographic growth and the number of pupils likely to be derived from the proposed development. A contribution towards high school infrastructure will not be sought.

With regards to Special Education Needs and Disabilities (SEND) provision, the revised assessment falls outside the level requiring mitigation at a SEND specific Primary and/or Secondary school.

### **North Worcestershire Water Management**

No objection subject to conditions

### **WRS - Contaminated Land 29.11.2019**

**No objection subject to condition**

WRS note the desk study investigation provided was produced in 2015. It is recommended the applicant is required to provide an update to the desk study and appropriate Conceptual Site Model (CSM) considering any changes to the site that may have occurred in the interim period. The update can be included within an addendum report or future Phase 2 Site Investigation report.

The Phase 1 notes the presence of the nearby L.Hawthorne historic landfill (62m NW); WRS anticipate further investigation will include a gas risk assessment to establish whether the proposed development is likely to be affected by landfill or ground gas or vapours. Alternatively, gas protection measures complying with Characteristic Situation 2 as set out in BS8485:2015 and CIRIA C665 as a minimum requirement must be incorporated within the foundations of the proposed structure(s).

WRS note the Phase 1 investigation has identified asbestos containing materials (ACMs) in building roofing. WRS recommend the developer is advised that any ACMs removed during alterations should be disposed of appropriately such that the development site may not be considered contaminated land under Part 2A at a later date. Appropriate asbestos surveys prior to demolition/alterations and handling of ACMs during works should be undertaken by competent and qualified professionals with experience of surveying and handling ACMs.

Due to the potential issues raised in the Phase 1 investigation, WRS recommend the following condition wording is applied to the application, should any permission be granted to the development, to ensure PCL issues on site are appropriately addressed.

## Recommendations:

Knowledge of the site suggests that contamination issues 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 National Planning Policy Framework, Conditions are recommended below for inclusion on any permission granted. The National Planning Policy Framework advises that Planning Decisions should ensure the site is suitable for its proposed use taking account of ground conditions, pollution arising from previous uses and any proposals for mitigation including land remediation. The Framework also requires adequate site investigation information be prepared by a competent person is presented.

### **WRS - Noise** Consulted 06.04.2020

#### **No objection**

Re: Noise / Nuisance

The change of plans do not affect our original comments, WRS have No Adverse Comments to make on this application.

### **WRS - Air Quality** Consulted 06.04.2020

#### **No objection**

Thank you for the recent planning consultation concerning amendments to application reference 19/01356/FUL - Barn House Farm, Foxlydiate Lane, Redditch, Worcestershire.

No additional information has been identified in relation to air quality or contaminated land therefore WRS have no additional comments to make at this time. The previous responses, attached for information, are still considered to remain valid.

### **WCC Highways**

#### **No objection subject to conditions and contributions**

#### Introduction

The Highway Authority has provided two previous responses to this Application The first, dated 19th December 2019 and more recently 14th August 2020. Both advised refusal as the proposals would conflict with paragraph 110 of the National Planning Policy Framework (NPPF).

Since those responses were issued, the Applicant has been engaging with the Highway Authority to address the outstanding concerns. A significant number of the concerns previously noted have subsequently been satisfactorily address however there were remained two outstanding matters which have resulted in continued engagement in efforts to address. These relate to highway safety; specifically, vehicle conflicts with pedestrians at the proposed pumping adjacent to the proposed foot/cycleway connection, and the retained farm access.

The Applicant has produced a supporting Technical Note, dated 11th September 2020, to address those outstanding concerns.

## Access

The Applicant proposes to gain access to the site from Foxlydiate Lane via a new priority junction with Foxlydiate Lane close to the existing farm access which will be stopped up. To inform visibility splays a speed survey has been undertaken. Whilst Foxlydiate Road has a posted speed limit of 30mph, the survey indicated that traffic speeds are currently slightly higher than that. In accordance with Manual for Streets, the relevant Design Guide, a visibility of 64m is proposed to the right on exit, based on an 85th percentile speed of 37.8mph, and 56.4m to the left based on an 85<sup>th</sup> percentile speed of 36.2mph.

Due to the higher recorded speeds, the LHA also undertook a speed survey to validate the recorded speeds. The results identified 85th percentile speeds of 35mph northbound and 34mph southbound.

The LHA also requested the Applicant to provide road level data to ensure that the sight line visibility can be achieved in light of the vertical and horizontal alignment in the road. This has been supplied and confirms that the required visibility can be achieved.

SYSTRA drawing 108222-001 Rev A demonstrates that the necessary visibility can be achieved at the proposed access.

## Trip Generation and Traffic Impact

The development is predicted to generate approximately 36 two-way movements in the AM peak (0800-0900) and 35 during the PM peak (1700-1800). It is anticipated that traffic will distribute on the following links:

- Birchfield Road North - towards Birmingham, Bromsgrove, East Redditch, M42 and M5 (54%);
  - Birchfield Road South - towards West and Central Redditch (23%);
  - Church Road- towards Webheath, South Redditch, Wychavon (19%); and,
  - Cur Lane - Tardebigge and Stoke Prior (4%).
- Junction analysis has been undertaken at the proposed site access; the Foxlydiate Lane, Birchfield Road priority junction; and the Foxlydiate Lane, Church Road, Great Hockings Lane, Cur Lane roundabout. The analyses demonstrate that the development will not have a severe impact at these junctions as defined in NPPF.

## Sustainable Transport

The Developer has dedicated a section in the supporting Transport Assessment to the walking, cycling and public transport opportunities.

The Developer proposes to provide a new 2m footway on the north west side Foxlydiate Lane from Church Road roundabout, passing the site access and continuing, in a north easterly direction, to link with the existing footway opposite the junction with These improvements are show in 108222-001 Rev A.

The Applicant has also indicated willingness work with WCC to provide all residents with suitable Personal Travel Planning.

To maximise the use of public transport the following contributions are required:

- £41,742 contribution for a bus service: The intention is to provide a minimum service operating Monday to Saturday on a roughly hourly basis.

The current service runs close to the development in a loop via Heathfield Road, Springvale Road and Tynsall Avenue then onto Birchfield Road. The proposal would be to run the service in a wider loop via Heathfield Road, Church Road and Foxlydiate Lane;

- Foxlydiate Lane bus stop infrastructure to serve the development at an estimate of £10,000: The estimate is to provide 2 bus stops on Foxlydiate Lane with associated hardstanding and dropped kerbs to serve the Barn House Farm development;
- £59,000 free home to school transport: The distance to the designated primary school for this postcode located in Tardebigge exceeds the 2 mile limit for free home to school transport for under 8s under the Education Act 1995. All children attending the school, will be eligible for free transport under a discretionary Council Policy costing an additional similar amount.

Therefore, the total overall cost will be £59,000. The relevant Policy is: Children's Services Transport and Travel Policy 2019/2020, specifically Section 3(a). Section 1.3 of the Statutory Guidance issued by the Department for Education (DfE) sets down the statutory walking distances. Scholars whose journey involves a greater distance are eligible for free transport provided by the County Council.

#### Internal Layout

The internal layout has been the subject of protracted discussions with the Applicant. The September 2020 Technical Note and revised drawing, 690-08-02-100 Rev G, seek to address the outstanding concerns.

**A summary is provided below and sets out, in italics, the concerns that the Technical Note was responding to, followed by the Highway Authority responses to each:**

- 1. The 25m forward visibility and visibility splays shown are acceptable however, there will be a need to slightly widen the footway at the junction to ensure the splay is unobstructed.*

The footway has been widened to facilitate the whole of the splay as shown in Drawing No. 1690-08-02-100 in Appendix A which is within the control of the Highway Authority. This is now considered acceptable.

- 2. The block paving within the carriageway turning head and at entrance are not necessary and should be removed.*

Block paving has been removed from the adoptable areas of carriageway as shown in Drawing No. 1690-08-02-100 in Appendix A. This is now acceptable.

- 3. Road 2 is a shared surface and junction block paving should be removed'*

Block paving has been removed from the adoptable areas of carriageway as shown in Drawing No. 1690-08-02-100 in Appendix A. This is now considered acceptable.

- 4. The provision of Road 2 as a shared surface would be dependent on a suitably lit carriageway which may not be the case if there are ecological reasons that prevent this.*

Ecology have been consulted and confirmed there is no reason why lighting cannot be provided. Details of the lighting provision will be provided for agreement in due course. It is envisaged this will be controlled by condition. This is now acceptable.

- 5. WCC does not wish to adopt the pedestrian / cycle link until an approved masterplan of the proposed neighbouring development is provided which shows it connecting through.*

A note has been added to Drawing No. 1690-08-02-100 in Appendix A confirming that the pedestrian and cycle link will not be adopted until such time that the through connection can be confirmed. (See point 8). This is now acceptable.

*If the surface materials plan should refer to the WCC Standard Detail.*

All highways will be provided in accordance with WCC standard details as per the street types identified on Drawing No. 1690-08-02-100 provided in Appendix A. This is now considered acceptable

*Details of the highway surface water outfall proposals should be confirmed. It is noted that swales and balancing ponds are shown which will not be adopted by the Highway Authority.*

The Section 104 adoptable drainage layout is provided in Travis Baker Drawing 19223-101 provided in Appendix B. The Applicant should note that swales and balancing ponds are shown which will not be adopted by the Highway Authority. Subject to that caveat, this is now acceptable.

- 6. Vehicular access to the pumping station includes part of the pedestrian / cycle route which is not acceptable.*

The Applicant advises that the grasscrete which extends from the turning head will now solely serve the pumping station. They conclude there will be no conflict between servicing vehicles and pedestrians. The updated layout is demonstrated in a new drawing, Drawing No. 1690-08-02-100. This is now acceptable.

The Applicant notes the pedestrian and cycle link was relocated to one of the residential cul-de-sacs prior to the receipt of these comments as reflected on the application drawings which were appealed. The Highway Authority notes that the Applicant engaged in discussions specifically dealing with this matter post the submission of the Appeal. The Highway Authority notes plan entitled, HIGHWAY ADOPTION 1690-08-02-130, which was received prior to the Appeal shows a foot/cycle conflicting with the turning head.

The pedestrian/cycle link has been relocated to one of the residential cul-de-sacs. What was previously a dedicated cycle / footway now is shown on the supporting plan to potentially re-join a shared service adjacent to 5 dwellings and associated parking. It is understood that this is a potential through pedestrian and cyclists linking through connection to the adjacent site which was the subject of application(s) 16/0263/OUT / 2016/077/OUT, and is likely to be well-used by non-motorised users.

Whilst the intention to provide a footway/cycle link between the two sites is welcome, because it will link to an un-segregated shared service it will not be adopted by the Highway Authority. Subject to that caveat this is now acceptable.

*7. Farm access junction is still unsatisfactory.*

The Highway Authority concern was that proposed estate road and the new access between it and Springhill Farm would be unsuitable for use by agricultural vehicles.

The applicant has now confirmed that:

*“Following the development of the site the land associated with the farm will become residential and no longer used for agricultural purposes. Springhill Farm will subsequently form a single residential dwelling with associated outbuildings as opposed to an operational farm. The traffic associated with this property will therefore be comparable to any residential property within the proposed site”.*

Subject to that caveat the proposed access to Springhill Farm is now considered to be acceptable.

In conclusion, the Highway Authority has undertaken a robust assessment of the planning application, including the recently submitted supporting information, and based on its' analysis of that information is now able to advise that there is no highway objection subject to the Conditions and Obligations.

**Highways England 12.11.2019**  
**No objection**

**Mott MacDonald (MM) 28-09-2020**

Mott MacDonald have previously reviewed transport related documents for the Outline Planning Application 17/00469/OUT. This review was summarised in document 378295-060-A dated 4 September 2019. In September 2020, Bromsgrove District Council requested Mott MacDonald to undertake a review of the letter dated 14 August 2020, where Worcestershire County Council in their role as Highway Authority provided their consultation response for 19/01356/FUL. This letter concluded that, “under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 recommends that this application is refused”.

In addition, Worcestershire County Council stated that, “Based on the analysis of the information submitted the Highway Authority concludes that there would be conflict with paragraph 110 of the National Planning Policy Framework and therefore recommends that this application is refused”.



Worcestershire County Council stated in their letter dated 14 August 2020 that they had received revised drawing submissions, which had been appraised, and had the following advice (of which Worcestershire County Council had significant concerns regarding points 8 and 9):

1. The 25m forward visibility and visibility splays shown are acceptable however there will be a need to slightly widen the footway at the junction to facilitate the whole of the splay
2. The block paving within the carriageway turning head and at entrance are not necessary and should be removed
3. If Road 2 is a shared surface then the junction block paving should be removed
4. The provision of Road 2 as a shared surface would be dependent upon a suitably lit carriageway which may not be the case if there are ecological reasons preventing this
5. WCC do not wish to adopt the ped cycle link until an approved masterplan of the major development has been submitted which shows it connecting through
6. If the surface materials plan needs to be specific to construction, then it should refer to the WCC Standard Detail
7. Details of the highway surface water outfall proposals should be confirmed. It is noted that swales and balancing ponds are shown which will not be adopted by the Highway Authority
8. Vehicular access to the pumping station includes part of the ped/cycle route which is not acceptable
9. Farm access junction is still unsatisfactory

Mott MacDonald dated reviewed both the response from Worcestershire County Council and the documents they relate to in the application, and subsequently, had no reason to disagree with the issues identified by Worcestershire County Council and listed above, other than for point 4 in the second list where it is recommended that Worcestershire County Council identify specifically what these ecological concerns are.

This review was summarised in report 378295-092-A dated 22 September 2020.

Subsequent to this, further work was submitted by the applicant to satisfy the concerns raised by Worcestershire County Council in their letter dated 14 August 2020. Two specific documents were submitted to Worcestershire Council by the applicant's consultants:

- Technical Note 108222-TN-004A dated 11/9/2020
  - Drawing number 108222-001 Rev A Site access and footway dated 30 July 2020
- Worcestershire County Council concluded that, "under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 recommends no objection subject to conditions and contributions outlined in this report".

Bromsgrove District Council have requested that Mott MacDonald review this decision letter and advise on whether the outstanding issues raised in Worcestershire County Council's letter dated 22 September 2020 have been suitably addressed.

Mott MacDonald have reviewed the final response by Worcestershire County Council based on the 9No outstanding issues that are summarised in Section 2 of this report.

Mott MacDonald have also reviewed the conditions that are appended to the letter dated 21 October 2020 and have no further comments to make on this matter. Subject to the minor issue identified in the Comment 1 (which could be satisfactorily dealt with during the detailed design process), Mott MacDonald have no further comments to make and have no transport or highways grounds for an objection to this planning application.

**Housing Strategy 14.04.2020**  
**No objection**

**Natural England 08.04.2020**  
**No objection**

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 28 November 2019.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

**NHS/Medical Infrastructure (Redditch and Bromsgrove CCG) 02.12.2019**

The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

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 **£23,805**. Payment should be made before the development commences. Redditch and Bromsgrove CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

**NHS Acute Hospitals Worcestershire 24.04.2020**

**No objection** subject to a financial contribution secured through a section 106 legal obligation

**Redditch Borough Council**

Minutes of Meeting of Redditch Borough Council 4th March 2020

- (1) The principle of housing on the site be supported as long as all appropriate transport mitigation measures have been fully outlined and accounted for. The impact of the site must be considered cumulatively alongside the wider Foxlydiate site, at both the construction stage and thereafter, and also with regard to other development sites in the vicinity.
- (2) Members endorse the comments under the heading Officer appraisal. See <https://moderngovwebpublic.redditchbc.gov.uk/ieListDocuments.aspx?CId=112&MID=3255#AI20873>

1. Background

- 1.1 Bromsgrove District Council (BDC) has received a Full Planning Application for Land at Barn House Farm, which forms a small parcel of the much larger Foxlydiate development site (RCBD1 'Redditch Cross Boundary Development' in the Bromsgrove Local Plan).
- 1.2 The Barn House Farm Planning Application was received by BDC as an outline application in 2017. At this point Redditch Borough Council (RBC) Strategic Planning Team prepared a response, which was approved by Redditch Planning Committee on 12th Dec 2018. The planning application is yet to be considered by Bromsgrove Planning Committee; however, in the intervening period the applicant has submitted this full planning application.
- 1.3 The differences between the outline application and the full application include a change from 68 dwellings to 63, and also details on access, car parking, open space provision and associated infrastructure (following demolition of existing buildings).
- 1.4 This response has been prepared as RBC is as a consultee to the Planning Application hosted by BDC. The purpose of these comments is to provide Bromsgrove District Council with a view from RBC on the Application being determined by them.

2. The Site

- 2.1 The application site is located within Bromsgrove District. The development is intended to serve the development needs of Redditch (which is discussed further below).
  - 2.2 The site is located to the west of Redditch Town, adjacent to the Webheath area. It is bounded by residential development at Webheath to the east and the remaining Foxlydiat designated site on all other sides. It is located in the Tardebigge Ward of Bromsgrove and within the Bentley Pauncefoot Parish Council area. The site is located within the larger Foxlydiat development site.
  - 2.3 The Site is an allocated housing site in the Bromsgrove District Plan 2011- 2030 Adopted 2017).
3. National Planning Policy
    - 3.1 The National Planning Policy Framework (NPPF) was published in 2018 and amended in February 2019. One key message that came out of the new NPPF is that strategic policies should be informed by a local housing need assessment, conducted using the standard methodology. Central government are seeking to maintain their aspiration of 300,000 dwellings per annum being built. The standard methodology for assessing housing need was released in July 2018 and is based on 2014 household projections, it is intended the methodology is a starting point for allocating housing numbers.
    - 3.2 As stated it is important to highlight that the results of the methodology are a starting point for determining the appropriate housing need for any given area and should trigger discussions in determining the appropriate housing figure for that area. In addition, any housing needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

With regard to the standard methodology, the final implications of using this methodology for Redditch are currently unknown and therefore unable to be effectively planned for. Notwithstanding this any change in minimum housing number is required to be established through the Development Plan.
    - 3.3 With regard to affordable housing, the revised NPPF has lowered the threshold to which this should be applied. Affordable housing is now triggered by 10 units or more (previously 11) or 0.5 hectares (previously 1,000 sqm). This application provides an appropriate amount of affordable housing. The NPPF places great importance on the delivery of affordable housing.
  4. Local Planning Policy
    - 4.1 This site is currently designated within the Bromsgrove Local Plan (2011 – 2030) as a housing allocation to meet some of the development needs of Redditch Borough. The Bromsgrove District Plan (BDP) was adopted in January 2017; at this point the Foxlydiat site was removed from the Green Belt and became an allocation for housing development. Policy RCBD1 'Redditch Cross Boundary Development' allocates the wider site (of which this site is part) for up

to 2,800 dwellings, a Local Centre, a First School and associated community infrastructure.

- 4.2 Policy RCBD1 is included in the BDP and as an Appendix in the Borough of Redditch Local Plan No.4 2011- 2030 (BORLP4) and states that Redditch needs to deliver up to 2030 is 6,400. Around 3,000 dwellings are to be accommodated within Redditch Borough and therefore approximately 3,400 dwellings are to be accommodated at the Foxlydiate site and as an extension to the existing Brockhill site. Both sites are crucial to enable the delivery of the housing strategy for Redditch over the plan period.
- 4.3 It is essential that the proposed development is in accordance with the all of the Policies contained within the BDP, in particular Policy RCBD1 which details the principles that the site must achieve to be sustainable. This policy was jointly prepared with RBC. The overarching proposal within the Planning Application is in line with the requirements of the policy. The remaining principles will be considered below.
- 4.4 It is worth noting at this point that it has been determined that RCBD1 is in accordance with the policies set out in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Therefore the purpose of these comments is to consider the proposed scheme against the principles in Policy RCBD1 to form RBCs view on the Application.

## 5. Housing

- 5.1 As stated above the quantum of housing proposed is in accordance with Policy RCBD1 and its delivery forms an essential part of the Redditch housing strategy and the Borough's five year land supply. It is anticipated that the Foxlydiate site will be delivered over the entire plan period, with its delivery forming part of the five year housing land supply for Redditch.
- 5.2 The Application provides an appropriate portion of affordable housing which includes an allowance for vacant building credit as set out at paragraph 63 of the NPPF. Affordable housing should be delivered in accordance with paragraphs 7.2 – 7.6 of the Supporting Planning Statement Dated 9th December 2019 (Harris Lamb).
- 5.3 Policy RCBD1 makes reference to a mix of house types and sizes. The updated plans submitted show a deviation from the planning application form with regard to market housing. One 2 bed house and two 3 bed houses have been removed and three 4 bed houses have been included. The mix of housing proposed is demonstrated in the following:

| Market Housing     |       |       |       |       |
|--------------------|-------|-------|-------|-------|
| 1 Bed              | 2 Bed | 3 Bed | 4 Bed | Total |
| 0                  | 0     | 23    | 17    | 40    |
| Affordable Housing |       |       |       |       |
| 1 Bed              | 2 Bed | 3 Bed | 4 Bed | Total |
| 8                  | 6     | 9     | 0     | 23    |

5.4 The table above does not demonstrate a mix of house types and tenures (as required by the policy). A mix which includes a proportion of smaller market housing properties would be preferable; including some bungalows with small gardens (to avoid land-hungry plots) would be suggested. It is welcomed that, like the market housing, the affordable housing is to meet Redditch needs. It is acknowledged that the mix of affordable housing has been amended to reflect the advice given by the Housing Strategy & Enabling Officer at Bromsgrove District and Redditch Borough Council.

## 6. Transport

6.1 Redditch Borough Council would like to stress that it will only be supportive of the development being granted permission if all appropriate transport mitigation measures have been fully outlined and accounted for and the impact of the site has been considered cumulatively alongside the wider Foxlydiate site, at both the construction stage and thereafter, and also with regard to other development sites in the vicinity. It is considered the impacts can only be fully known through a full transport impact assessment. As stated in Policy RCDB1 "An overall Transport Assessment will be produced taking account of the prevailing traffic conditions and the individual and cumulative effects of development on transport infrastructure. This will define the mitigation necessary to protect the safety and operation of the road network."

6.2 Policy RCBD1 seeks to ensure that full use of existing walking and cycling routes are achieved and that walking and cycling routes are well integrated with the Green Infrastructure Network. Whilst this application is a separate application to the wider Foxlydiate Site, it is still essential that pedestrian connectivity to the wider strategic site are addressed. The Transport Assessment submitted alongside the application provides details at paragraph 4.3 regarding pedestrian links which appear to provide an adequate connection to the wider site.

## 7. Green Infrastructure and Topography

7.1 Policy RCBD1 (Criterion V.) requires an "Overall Strategy and Management Plan for Green Infrastructure which maximises opportunities for biodiversity and recreation" amongst other things. The policy also requires green corridors to be created and for the site to be sensitively designed to integrate with the surrounding existing environment and landscape. Natural England will be best placed to consider if maximum opportunities have been sought.

## 8. Flood Risk, water and sewerage

8.1 Policy RCBD1 emphasises the importance of the development site improving the local water environment. The Environment Agency and the North Worcestershire Land Drainage Team are better placed to determine if the proposed development safeguards and enhances the local water environment with regard to flooding, floodplain regime, management of surface water, water efficiency and water pollution risk.

## 9. Design

- 9.1 The development must be of a high quality design and reflect the surrounding character of the area. RBC would like to emphasise at this point the importance placed on Criterion XII of Policy RCBD1 when formulating the detailed design proposals of the scheme. This development will be an extension of Redditch and should be designed to seamlessly flow from the existing urban area of Redditch, into the site, through the wider Foxlydiate site and then into the countryside beyond.
- 9.2 The dwellings should have maximum sustainability credentials; in particular energy neutral approaches should be designed in along with charging points for electric vehicles in dwellings being fully incorporated.

## 10. Section 106

- 10.1 The provision of infrastructure at the appropriate time is essential in the successful delivery of any project. The delay in the provision of necessary improvements to local infrastructure and services can have negative impacts on both existing residents and the occupants of new development; this must be guarded against through the effective use of Section 106 agreements. Trigger points must be clearly set out and agreed to ensure that contributions are made in a timely manner, especially with regard to education contributions.

## 11. Conclusion

- 11.1 For clarity this site is not within the Green Belt and forms part of the wider Foxlydiate site in accordance with Policy RCBD1 'Redditch Cross Boundary Development'. The site contributes a continued supply of much needed housing for Redditch, including a continued contribution of affordable housing. Redditch Borough Council would like to stress that it will only be supportive of the development being granted permission if all appropriate transport mitigation measures have been fully outlined and accounted for and the impact of the site has been considered cumulatively alongside the wider Foxlydiate site, at both the construction stage and thereafter, and also with regard to other development sites in the vicinity.

**North Worcestershire Water Management** Consulted 08.11.2019  
**No objection subject to condition.**

The site is located within the Swans Brook catchment; the north western part of the site is adjacent to the brook. Environment Agency fluvial mapping indicates that the site is located within Flood Zone 1, in addition the site is located at the very upper end of the rivers catchment area and fluvial flood risk to the site is not considered to be significant. Within the FRA provided with the application there is an assessment of the flood risk to the site which supports this. Based on the surface water flood maps there is also minimal/no surface water pooling to the site at the 1 in 100 year return period. The supporting FRA suitably covers the main sources of flood risk to the site and concludes that the development is not at significant flood risk.

A Sustainable Drainage Statement has been provided to support the application; the proposed level of retention is acceptable (up to 1 in 100 year AEP + 40% for climate change). The Greenfield runoff rate for QBar for the site has been calculated considering that part of the site is considered Brownfield, however it is expected that irrespective of the prior use of the site new development would restrict runoff from the whole site to Greenfield rates. The Qbar calculation should be revised to account for this.

The indicative drainage layout is acceptable but detailed drainage design for the site must be provided; this should show all private foul and surface water connections. Where there are sloping driveways towards properties and garages suitable interception drainage features should be provided. It is also recommended that finished floor levels for properties are raised above the surrounding ground level to prevent any overland flow entering properties from uphill slopes.

Section 2.5 of the sustainable drainage statement indicates that the topographical survey shows the presence of existing drainage features. Due to the line weights on the drawing it is not possible to identify these features from the topographical survey provided. However these details should be traced and where retained they should be connected to the proposed drainage system to prevent negative impacts on the site once developed. This should be shown on the detailed drainage layout for the scheme.

Calculations supporting the drainage design have been provided; these should be amended to account for the change in Qbar calculation. The current version indicates that there are flooded volumes at the 100 year return period with and with out the climate change allowance. If flooded volumes are still present after they have been revised the points at which flood water exits the drainage system should be highlighted on the drainage layout and it should be demonstrated these volumes can be held in public areas such as roads and will not affect individual plots. The sustainable drainage statement highlights that it is proposed to utilise the main road layout as an exceedance route this needs to be highlighted in an exceedance route plan. Calculations should also be provided in digital form so they can be evaluated by the LPA, a .mdx or pfd format. The maintenance details and frequencies stated in section 5 of the sustainable drainage statement are satisfactory. Once appointed, it is requested that the details of the company undertaking management of the side drainage and SuDS features is provided to the LPA.

There are no details provided of proposed water quality considerations for surface water runoff from the site. Section 3.29 and 3.30 highlight the proposal to use permeable paving however they are not clearly indicated on the drainage layout. The stages of treatment approach previously detailed by the CIRIA SuDS manual was amended in the 2015 manual to the Simple Index approach. While the majority of the land uses on the site are classed as low risk it is required that this approach is applied and mitigation measures are included within the drainage design as appropriate.

Due to the underlying ground conditions it is likely that proposed paving would need to be under drained. It could also be provided for all private parking areas with roof drainage from properties discharging to the sub base via diffuser boxes. 30% of the sub base volume can be provided as attenuation supplementing that provided by proposed



balancing areas. Where slopes are greater than 3% terracing or internal check dams should be provided.

Full details for the proposed balancing area's are also required, details of headwalls and any proposed boundary fencing. The proposed planting around the balancing area should also be specified. It is also recommended that the balancing area has some sections of permanent water; this will improve its biodiversity value. All this information should be provided to and approved by the LPA.

The proposed new discharge to the spring brook would require an application for ordinary water course consent. The FRA also indicates that infiltration of surface water is likely to be unviable; this view is consistent with the experience of other development in the vicinity.

It is requested that the following planning condition is added to any planning permission granted for this application:

Conditions:

No works or development shall take place above foundation level until complete details for scheme for surface water drainage have been submitted to, and approved in writing by the Local Planning Authority. This should include, but is not limited to:-

- A detailed drainage layout showing all proposed private foul and surface water connections and SuDS features.
- Revised calculations in an electronic format.
- A simple index approach assessment considering the water quality of the sites surface water runoff.
- A plan showing the exceedance flows from any flooded volumes on the site.
- The approved scheme shall be fully implemented prior to the first use of the development hereby approved.

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

**Worcestershire Archive And Archaeological Service** Consulted 08.11.2019

The application is supported by a Heritage Statement, the Executive Summary of which notes that the application site has potential to contain heritage assets of archaeological interest of medieval and post-medieval date, primarily comprising features associated with agricultural management and landuse, including areas of ridge and furrow earthworks. A low potential for remains of other periods to be present is suggested although this has not been tested by any form of intrusive field evaluation (e.g. trial trenching). A geophysical survey undertaken in 2015 and record on the HER detected a number of magnetic anomalies that may be of archaeological origin, potentially including pits and/or areas of burning.

In addition to the above the farm buildings (WSM43035) proposed for demolition are also included on the Historic Environment Record where they are described as:

*Unlisted 19th century farm buildings, recorded on 1st Edition OS Map and Google Earth. Formerly the farm buildings of Springhill Farm (WSM43034). On 1st Edition OS Map the range is an unusual reverse H-shaped with two yards and detached barns to west and east. At least one section of the buildings have been converted to a separate domestic dwelling (unknown date). The eastern barn is lost.*

*Springhill Farm, Bentley Pauncefoot. Partially extant 19th century (?) unlisted farmstead with converted buildings. Regular courtyard of L-plan. Additional, prominent detached elements to the main plan, including a smaller secondary yard. The farmhouse is detached with gable on to the yard. There has been a partial loss (less than 50%) of traditional buildings. Located within or in association to a hamlet.*

Consequently, it is judged that the development area contains known heritage assets and also has the potential to contain additional, as yet unknown, features of archaeological interest that would be damaged or destroyed by the proposed development. Should the Borough be minded to grant consent for the scheme then the likely impact on the historic environment caused by this development can be offset by the implementation of a conditional programme of archaeological works. This should comprise an initial programme of trial trenching to conclusively determine the presence or absence and extent of any archaeological remains within the development area. If the survival of such remains is verified then the field evaluation should be followed by a defined programme of mitigation works (e.g. excavation and/or an archaeological watching brief) in order to investigate and record the threatened remains prior to their damage or loss. This is consistent with comments on a previous application 17/00469/OUT.

In addition to the above, the 19th century farm buildings that are proposed for demolition should be recorded to Historic England level 2 standard prior to demolition.

The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by the National Planning Policy Framework section 16, paragraph 189:

*"...Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation"; and paragraph 199,*

*"...Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted."*

In order to comply with policy, we recommend that the following two conditions should be attached to any consent:

- 1) 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.

2) 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 (1) 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.

**Environment Agency** Consulted 08.11.2019

**No Comments Received To Date**

**Red Kite Network (Ecology)** 20.12.2019

**No objection, subject to conditions**

I have reviewed the information provided directly by the Council and the application using the Council's online planning portal. I have not completed a site visit but have reviewed relevant documentation, OS maps and aerial photography to gain familiarity of the site and local environs.

The application is supported by a Preliminary Ecological Appraisal issued by Harris Lamb in September 2019 and a Bat Survey Report issued by Harris Lamb in October 2019. I have also reviewed these documents and would make the following comments.

1. The Preliminary Ecological Appraisal (PEA) and the Bat activity Report has considered prevailing habitats and potential for relevant protected species. From the report I would request further clarification and/ or information in respect of the following.

- i) Bats- The PEA establishes that trees and four buildings (labelled 1-4) have been assessed for their potential suitability for bats in accordance with the detailed guidance of the Bat Conservation Trust (2016). Based on this guidance, Building 1 is identified as having high potential for bat roosts, Building 2 moderate potential and Buildings 3 and 4 low potential. Within the BCT guidance, it is my understanding that based on this potential suitability assessment, the following survey effort is recommended to determine presence or absence of bat roosts:

- High Roost Suitability- Three separate surveys with at least one dusk emergence and a separate dawn re-entry survey. Surveys to be conducted between May and September with at least two surveys between May and August.
- Moderate Roost Suitability- Two separate survey visits. One dusk and a separate dawn re-entry survey. Surveys to be conducted between May and September with at least one survey between May and August.
- Low Roost Suitability- One dusk or dawn re-entry survey. Survey to be conducted between May and August.

Within the Bat Survey Report is not clear that the survey effort conducted in relation to Buildings 1-4 has been conducted in accordance with the prescribed guidance. For example, Building 1 is identified as having multiple potential roost features with a high overall suitability for roost potential. Therefore, based on the guidance, presence/absence surveys should have been undertaken on three occasions between May and September with two between May and August. The Bat Survey Report states that only two dusk surveys were completed in September. In addition to the survey frequency, it is not clear from the information provided, which buildings were covered by the survey team. For example, the north facing section of Buildings 1 and 2 do not appear to have surveyor coverage. It is unclear from the report if this was intentional or not.

I also note from the PEA and the Bat Activity Report that impacts on the development on foraging and commuting bats have not been considered. The development area is set within in semi-rural location with an open network of hedgerows, streams, ponds and farmland, particularly to the west. The BCT (2016) guidance provides further details in relation to commuting and foraging habitats for bat species. I would expect the potential impacts of the development in possibly severing or affecting bat community/foraging to be considered.

Given the details provided in the Bat Survey Report, I have concerns that the bat surveys conducted do not reflect current best practice and that further clarification or information is required. Although the Bat Survey Report recommends further presence/absence surveys in 2020 for the EPS license application, potentially there may not be enough detail at present to determine the planning application. For example, the absence of bat surveys during the summer period has the potential to miss maternity roosts and therefore mitigation and licensing requirements would differ from that already being proposed. I would welcome some further information, clarification and justification in respect of the above and further details are required before approving the planning application.

ii) Great Crested Newts (GCN)- The PEA identifies eight water bodies within 500m of the development site that may have potential for GCN. All the ponds identified were visited and subjected to a Habitat Suitability Index (HSI) assessment. Pond 2 was the only one with a poor score. The remaining ponds scored average or good. Ponds 1,2,3, 6 and 8 were then subsequently surveyed to determine presence or absence of GCN.

Pond 8 was confirmed as having a low population of GCN. What is unclear from the PEA is why, despite scoring average of good, ponds 4,5 and 7 were not surveyed. Clarification is required regarding this anomaly e.g. was landowner

permission not granted. If so, then this need to be evidenced and discussed within the limitations of the methodology. The absence of further pond surveys for GCN needs to be resolved prior to the approval of the planning application.

iii) Protected Species and Planning Conditions- Within the recommendations of the PEA, there is some reliance on precautionary measures in relation protected species to be determined as part of planning conditions. Whilst I can understand for pragmatic reasons this is a reasonable approach for some species i.e. birds and badgers in other cases this may not be sufficient for other species. For example, if walk over or further surveys for reptiles and or GCN are conducted following planning approval and then consequently discovered, mitigation or compensation requirements would then need to be incorporated into the approved design. In the case of reptiles for example there would be a need for the identification of suitable on or off-site receptor habitats. I would recommend that any Reasonable Avoidance Measures (RAMs) are requested as part of the planning application so that any contingent situations are addressed upfront.

2. Subject to requested clarification above, that the recommendations outlined within Section 5.0 of the PEA should be conditioned as part of the planning application as follows.

- i) Species specific Reasonable Avoidance Measures (RAMs) method statement should be prepared and implemented to facilitate pre demolition/ construction checks for reptiles, amphibians, bat species and small mammals.
- ii) A Reasonable Avoidance Measures (RAMs) statement should be prepared and implemented in relation to badgers during demolition and construction.
- iii) 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.

In addition, I would also recommend the following.

- i) Subject to further clarification outlined above, bats are known to forage and commute in the vicinity of the proposed development. To minimise impacts, any proposed external lighting should be approved by the applicant's ecology consultant.
- ii) Details of proposed bat and bird boxes including specifications and installation should be provided prior to commencement.
- iii) Details of habitat enhancements including construction, species, size of plants, planting densities should be provided together with proposals for at least a 5-year establishment and aftercare period. This should form part of an integrated Landscape and Ecology Management Plan (LEMP) and be submitted to the Council for approval prior to work commencing on site.

**Natural England 08.04.2020**

**No objection**

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 28 November 2019.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

28.11.2019

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

**WRS - Contaminated Land 29.11.2019**  
**No objection, subject to conditions**

WRS note the desk study investigation provided was produced in 2015. It is recommended the applicant is required to provide an update to the desk study and appropriate Conceptual Site Model (CSM) considering any changes to the site that may have occurred in the interim period. The update can be included within an addendum report or future Phase 2 Site Investigation report.

The Phase 1 notes the presence of the nearby L.Hawthorne historic landfill (62m NW); WRS anticipate further investigation will include a gas risk assessment to establish whether the proposed development is likely to be affected by landfill or ground gas or vapours. Alternatively, gas protection measures complying with Characteristic Situation 2 as set out in BS8485:2015 and CIRIA C665 as a minimum requirement must be incorporated within the foundations of the proposed structure(s).

WRS note the Phase 1 investigation has identified asbestos containing materials (ACMs) in building roofing. WRS recommend the developer is advised that any ACMs removed during alterations should be disposed of appropriately such that the development site may not be considered contaminated land under Part 2A at a later date. Appropriate asbestos surveys prior to demolition/alterations and handling of ACMs during works should be undertaken by competent and qualified professionals with experience of surveying and handling ACMs.

Due to the potential issues raised in the Phase 1 investigation, WRS recommend the following condition wording is applied to the application, should any permission be granted to the development, to ensure PCL issues on site are appropriately addressed.

**Recommendations:**

Knowledge of the site suggests that contamination issues 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 National Planning Policy Framework, Conditions are recommended below for inclusion on any permission granted.

The National Planning Policy Framework advises that Planning Decisions should ensure the site is suitable for its proposed use taking account of ground conditions, pollution arising from previous uses and any proposals for mitigation including land remediation. The Framework also requires adequate site investigation information be prepared by a competent person is presented.

Recommend a Tiered Investigation condition is imposed on any permission 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

#### Note on Pre-commencement conditions

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.

Paragraph 178 of the NPPF requires development to be suitable for its proposed use taking account of ground conditions, any risks arising from contamination, and any proposals for mitigation, including land remediation. Paragraph 178 goes on to state that after remediation, as a minimum, land should not be capable of being determined as Contaminated Land under Part 2A of the Environmental Protection Act 1990.

#### **WRS - Noise** 29.11.2019

**No objection**, referred to published standing advice regarding noise and dust mitigation

#### **WRS - Air Quality** 18.11.2019

**No objection, subject to conditions**

Comments on Air Quality Assessment; Report ref: 70062116\_001; Dated August 2019

The report is an updated Air Quality Assessment (AQA) and supersedes the AQA carried out in April 2016 in support of application 17/00469/OUT. The report assesses the construction and operational phases of the proposed development.

The report concluded that as the total generated Annual Average Daily Traffic (AADT) movements would be lower than the assessment criteria for developments not located

within an Air Quality Management Area (AQMA), a dispersion modelling assessment was not required, and a qualitative assessment was carried out instead. Traffic data was provided by Systra, the project transport consultant.

#### Construction Phase

The report identified that there is a Medium Risk of dust soiling impacts and a Low Risk of impact to human health at identified sensitive receptors with respect to changes in particulate matter (PM10) concentrations due to construction activities, and concludes that through good site practice and the implementation of suitable mitigation measures, the impacts of dust and particulate matter releases on local air quality will be not significant.

#### Operational Phase

The report concludes that the proposed development will not generate significant vehicle flows and given the existing good air quality at and near to the proposed development, the impact of the proposed development on local air quality will be not significant.

The report is an appropriate AQA and WRS agrees with the findings and conclusions, therefore WRS have no adverse comments for air quality. Given the size of the proposed development WRS recommend the following conditions are applied:

#### Air Quality Conditions

The National Planning Policy Framework (NPPF) Paragraph 181 states: 'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.'

The proposed development is for 63 dwellings, it is recommended that the applicant incorporate mitigation measures as part of the development to minimise impact from the development on local areas of poor air quality and assist in alleviating pollution creep arising in the general area. WRS therefore make the following recommendations in accordance with NPPF Paragraphs 102, 103, 105, 110, 170, 180, 181:

*Secure Cycle Parking* - It is recommended that secure cycle parking facilities are incorporated into the design of commercial developments and domestic plots without sufficient exterior space to allow for secure cycle storage. Full details of the location, type of rack, spacing, numbers, method of installation and access to cycle parking should be provided.

*Electric Vehicle Charging - Domestic Development* - The provision of more sustainable transport modes will help to reduce CO<sub>2</sub>, NO<sub>x</sub> and particulate emissions from transport. In order to make the properties ready for EV charging point installation, appropriate cable provision and isolation switches must be in place so that future occupiers are able to easily fit the necessary socket for electrical vehicles to be charged in the garage, driveway or allocated car parking space. For developments with unallocated parking i.e. flats/apartments 1 EV charging point per 10 spaces (as a minimum) should be provided by the developer to be operational at commencement of development.



*Low Emission Boilers* - Boiler NOx emissions from building heating systems contribute to background NOx concentrations and the following condition is recommended to alleviate impact from new buildings.

**Arboricultural Officer 25.11.2019**

**No objection subject to conditions regarding tree protection**

The land is open farm land there are mature hedges that boarder the adjacent fields on the northern and western boundary's I would like these retained if possible. There is a Tree preservation order which covers the development the trees covered are the group of trees at front adjacent to the drive and Foxlydiate lane and also the trees at the north western side of development by the public open space. These trees will not affect the development but will need must be protected during clearance and construction phase in accordance with BS5837:2012,

**Worcestershire Wildlife Trust 29.11.2020**

Thank you for sending us details of this application. We note the contents of the various associated documents and in particular the findings set out in the Preliminary Ecological Appraisal and Bat Survey Report by Harris Lamb. We also note that the site falls very close to the Spring Brook, which forms one of the key green corridors across the wider Foxlydiate development area.

In view of the fact that the site is allocated for development and in light of the findings set out in the ecological surveys we do not wish to object to the principle of development here. However we do have concerns about the proposed layout and in particular its implications for the Spring Brook corridor. Whilst we note the positive commentary in the application documents regarding the retention and protection of the corridor we do not consider an 8m buffer to the stream to be sufficient to maintain the various GI functions intended for this important feature. In connection with this we accept that any flood implications are focussed on the western side of the brook and that as a result we may expect significantly more buffering to that side (in subsequent development parcels) but nonetheless we do not consider that to be sufficient reason to limit GI provision within this application. Accordingly, we would recommend that you seek an amendment to the layout that achieves a much wider buffer to the brook than is currently shown. We would be happy to discuss the details of this requirement with the council and applicant in more detail if that would be helpful.

Assuming that that important amendment can be achieved we would not wish to object to development here. However, our position is contingent on the council being able to append conditions covering the following matters to any permission it may be otherwise minded to grant.

1. CEMP - to include protection for retained trees, the brook corridor and other ecological features and prevention of pollution during construction, especially in relation to runoff and risks to the nearby brook and downstream LWS.
2. LEMP - to include biodiversity enhancement in line with recommendations in the PEA, bat survey report and policy, together with long term management of that enhancement.

3. Lighting - To ensure that the development does not cause harm to nocturnal wildlife, including bats that may be foraging across the site or along the stream corridor. Implementation of any legally-required bat mitigation will of course be essential.

4. SUDS - to ensure that long-term surface water drainage does not cause harm to receiving watercourses. In this regard we note the proposed flood storage lagoons and ask that details of their design and enhancement for biodiversity be covered by appropriate condition wording.

Appropriate model wording for such conditions can be found in Annex D of BS42020:2013 Biodiversity - Code of practice for planning and development.

**NHS Mark Fenton Associate Director, Estates & Facilities Manager**

Consulted 08.11.2019 No Comments Received To Date

**NHS/Medical Infrastructure Consultations 27.04.2020**

**Existing Healthcare Position Proximate to the Planning Application Site**

The proposed development is likely to have an impact on the services of 6 GP practices. The GP practices do not have capacity for the additional growth resulting from this development.

The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. Redditch & Bromsgrove CCG would therefore expect these impacts to be fully assessed and mitigated.

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

The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 151 residents and subsequently increase demand upon existing constrained services.

The primary healthcare service directly impacted by the proposed development and the current capacity position is shown in Table 1.(see original representation)

The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

The intention of Redditch & Bromsgrove CCG is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View. The development would give rise to a need for improvements to capacity, in line with emerging STP estates strategy; by way of new and additional premises. Table 2 (see original representation) provides the Capital Cost

Calculation of additional primary healthcare services arising from the development proposal.

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 £23,805. Payment should be made before the development commences.

Redditch and Bromsgrove CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

In its capacity as the primary healthcare commissioner, Redditch and Bromsgrove CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Assuming the above is considered in conjunction with the current application process, Redditch and Bromsgrove CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated. The terms set out above are those that Redditch and Bromsgrove CCG deem appropriate having regard to the formulated needs arising from the development.

Redditch and Bromsgrove CCG is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

## **Relevant Policies**

### **Bromsgrove District Plan**

RCBD1: Redditch Cross Boundary Development

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

BDP20 Managing the Historic Environment

BDP21 Natural Environment

BDP22 Climate Change

BDP23 Water Management

BDP24 Green Infrastructure  
BDP25 Health and Well Being

High Quality Design Supplementary Planning Document (June 2019)

### **Others**

- National Planning Policy Framework ('NPPF') (2019)
- The Planning Practice Guidance ('PPG') published in March 2014; online and continually updated
- The Community Infrastructure Levy (CIL) Regulations 2010 (as amended);
- "The Setting of Heritage Assets"(Dec 2017) produced by Historic England as updated in July 2015.
- Lanehouse Farm -Setting of Heritage Assets Assessment – (Dec 2015) by BDC
- County of Hereford and Worcester Minerals Local Plan 1997
- Emerging Minerals Local Plan (Publication Version).
- National Design Guide (2019)

### **Relevant Planning History**

|              |  |         |
|--------------|--|---------|
| 17/00469/OUT | Outline application, for the erection of up to 68 dwellings to include car parking, open space provision and associated infrastructure (following demolition of all existing buildings) with details of the means of access to the site from Foxlydiate Lane submitted for consideration at this stage, with all other matters (including internal circulation routes) reserved. | PENDING |
|--------------|--|---------|

Applications for the larger part of the allocation have been submitted to both Bromsgrove District and Redditch Borough for determination. Bromsgrove District Council resolved to Grant planning permission for 16/0263 at a special meeting convened on 22<sup>nd</sup> September 2019. Redditch Borough Council resolved to Grant planning permission for 2016/077 at a planning committee meeting held in February 2020. The formal decision notices would not be issued until a multilateral s106 agreement has been completed.

### **Neighbour representations**

At the time of preparing this report 17 representations objecting to the application have been received since the first consultation was initiated in 2017. In summary, the representations received raised the following material issues -

### **STRATEGIC PLANNING**

- **Need** – OECD recently published revised housing needs data for Redditch which halved projections. This development should not be allowed in light of the substantive application already approved by Bromsgrove District Council
- **Inadequate road network** – unable to accommodate additional consequential traffic on both minor local lanes and the wider road network including the A38
- **Cumulative Impact** – with other development in the area, particularly 16/0263 has not been taken into account
- **Unsustainable** – In terms of its location and connectivity creating high dependency on the private car
- **Inadequate local facilities** specifically number and capacity of Schools, Shops, Doctors, Dentists, services at Alexandra Hospital have been reduced. New facilities on larger scheme yet to be delivered i.e local centre and new school, and there is a live application proposing the demolition of the Foxlydiate Inn and loss of that community facility.
- **Brownfield sites should be developed before greenfield ones** Existing vacant properties should be utilised

### **HIGHWAY IMPACTS**

- **Traffic congestion** – Capacity issues on off-site local and strategic road networks. Foxlydiate Lane is already overloaded and being used by additional traffic from other residential developments in the vicinity without any improvements. It cannot safely accommodate additional traffic
- **Poor Public Transport provision**- lack of connectivity to public transport
- **Capacity and nature of Local Rural Roads** – Foxlydiate Lane is narrow, (5m wide) steep and poorly lit country lane with narrow non-continuous pavements and with a blind spot on the brow which makes it hazardous for motorists and pedestrians. Highway safety is further compounded by residents parking on highway. Other local lanes are used by cyclists horse riders and pedestrians, additional vehicular traffic increases risk to other highway users
- **Vehicular access from Foxlydiate Lane** – All construction traffic and subsequent future occupiers' vehicles would have to use Foxlydiate Lane which is unsuitable and will be damaged by heavy vehicles requiring repair. The proposed vehicular access/egress is situated in a dip at a low point which is concealed from the view of approaching traffic and conceals approaching traffic from drivers exiting the site. Consequently, visibility is poor. Drivers regularly exceed the 30mph speed limit. The drawing demonstrating visibility is 2 dimensional and represents the position in a flat plane and is misleading. There is insufficient turning circle from the proposed access for vehicles to exit without mounting pavements and verges which is a hazard to pedestrians and utilities beneath them and will leave mud on the road. The exit from Grazing Lane was historically closed for safety reasons. This site should not be accessed from Foxlydiate Lane.
- **Connection to Larger Scheme** – No approval should be given for the development, unless it can be serviced for vehicular access purposes separately from Foxlydiate Lane. It must be serviced through the surrounding development if and when it comes forward and via the Birchfield Road access.

If such connection is achievable via the larger scheme there is no need for access from Foxlydiate Lane. However the larger that scheme relies on the delivery of off-site improvements.

- **Footpath connections on Foxlydiate Lane** - Any extensions to footpaths on the west side of the road are not shown.
- **Road closures** – during the course of development which inconvenience local residents
- **Road Safety Audit** – It is unclear whether a road safety audit has been carried out
- **Construction Traffic for Larger Scheme** – It has already been established that an access onto Foxlydiate Lane to serve the larger development will be used for initial construction traffic.
- **Construction Logistics** – It is unclear where heavy construction vehicles can offload safely prior to the construction of the new access road into the site
- **Cumulative Impact** – The

### **RESIDENTIAL AMENITY**

- **Disturbance During Construction** -Noise , Vibration and Dust , air quality, mud of the highway, closures to facilitate new utility infrastructure – From construction traffic and particularly to occupiers of Springhill Farm (immediate neighbour who shares existing/proposed access onto Foxlydiate Lane)
- **Air Quality** - vehicle fumes from increased cars and general pollution
- **Construction Management** – In the event permission is granted measures would be required to –
  - Control Noise , Vibration and Dust ,
  - Prevent mud of the highway by requiring wash down facilities on site
  - Restrict hours during which deliveries are made
  - Mitigate noise from any piling
  - Provide on-site parking for site operatives and visitorsHowever, there is a lack of confidence that such measures would be enforced

### **PUBLIC SAFETY**

- **Flood Risk** increased hard surfaces and run off will further increase the risk of the brook on the site flooding. The brook crossing Foxlydiate Lane regularly floods in bad weather and the ground is waterlogged. The application proposes to discharge all surface water into Spring Brook
- **Road water drainage** – The site lies below Foxlydiate Lane and it is unclear how surface water would be dealt with
- **Crime** – An increase in development brings increased criminal activity

### **LANDSCAPE CHARACTER AND HERITAGE IMPACTS**

- **Loss of trees** – The development will result in the loss of both protected and unprotected trees. Provision of adequate visibility splays threatens existing trees and hedgerows on the site frontage
- **Overdevelopment** – The scale of development is too great for this rural area.
- **Loss of buffer** - Site should be left undeveloped to function as ‘green lung’ and buffer to development beyond
- **Loss of Heritage Asset** - Loss of old farmhouse and outbuildings
- **Loss of Character** – Webheath is being consumed by development with consequent loss of Green belt and built assets

### **LOSS OF WILDLIFE HABITAT**

- Demolition of buildings will result in loss of habitat for bats and birds

## **Assessment of Proposal**

### **1.0 Context and Site Description**

- 1.1 The site lies on the western side of Foxlydiate Lane, approximately 3km west of Redditch town centre, wholly within the administrative boundary of Bromsgrove District in the parish of Bentley Paucefoot, and adjacent to the neighbourhood of Webheath in Redditch. The District boundary runs along Foxlydiate Lane.
- 1.2 The application site is an irregularly shaped parcel of land made up largely of field enclosures with some farm buildings, including a residential property, on the south-east corner of the site. The site slopes down significantly from the south east corner to the north west corner by approximately 16 metres
- 1.3 The north-eastern boundary of the application site is formed by a hedgerow extending from Foxlydiate Lane through the application site’s northern most point. The northern boundary of the application site is formed by a hedgerow with interspersed trees. The western boundary of the application site is formed by a hedgerow along the majority of its length. The western boundary in the southern most section of the application site passes through a farm complex. The southernmost boundary is formed by a well-defined hedge with interspersed trees fronting onto Foxlydiate Lane. The land to the north, south and west is currently rural in nature. In the immediate vicinity of the application site is the Spring Brook

which passes through the landscape to the north of the application site and travels in a westerly direction through its northern boundary. Overhead electricity lines also pass close to the north-west corner of the application site.

## **2.0 Proposal Description**

- 2.1 Full planning permission is sought for the erection of 63 dwellings, 23 of which would be affordable following demolition of the existing dwelling (barn conversion) and associated farm buildings at Barn House Farm. The application proposal includes a range of 2 story dwellings, predominantly detached, with some semidetached and terraced houses arranged to face a main street and 4 cul de sacs running off it.
- 2.2 Vehicular access is proposed from Foxlydiate Lane utilising and adapting the existing access which serves the site and adjacent property. Construction of a footpath on both sides of the vehicular access to improve pedestrian connectivity has been allowed for. This can be provided within the current highway verge without third party land.
- 2.3 The properties have been designed to have a distinct 1930s architectural style inspired by the Arts and Crafts movement and incorporate timber and tile with a mix of brick and render and eaves detailing.
- 2.4 An enclosures plan accompanying the application confirms boundary treatments for the site to be close board fences to rear gardens with the use of brick wall and fence details along exposed gable boundaries adjacent public spaces. Low level timber knee rails would prevent vehicles from driving onto open spaces.

## **3.0 Main Issues**

The main planning issues to consider in respect of this application are;

- Strategic Planning Background
- The Principle of Development
- Affordable Housing
- Loss of Agricultural Land
- Efficient Use of Land
- Transportation, Accessibility and Connectivity
- Heritage Assets
- Air Quality
- Green Infrastructure
- Ecology
- Water Management and Flood Risk
- Landscape and Visual Impact
- Residential Amenity and Public Safety
- Infrastructure Requirements
- Planning Balance

## **4.0 Strategic Planning Background**



- 4.1 Through the preparation of shared evidence on housing needs matters, it first became apparent early in the plan making process for the Bromsgrove District Plan 2011-2030 (BDP) and the Borough of Redditch Local Plan No.4 2011-2030 (BORLP4) that Redditch Borough would be unable to meet its own housing needs on land solely within its jurisdiction. The 2012 Worcestershire Strategic Housing Market Assessment revealed that overall housing need to 2030 for Redditch was found to be around 6,380 dwellings, but land could only be found to accommodate 3,000 dwellings, leaving a shortfall of around 3,400. Bromsgrove and Redditch Councils worked through the Duty to Cooperate to find and assess possible locations where this shortfall could be met. The Duty to Co-operate is a statutory requirement on local planning authorities, county councils and other prescribed bodies to work together on strategic planning matters through the preparation of plans.
- 4.2 The result of this joint working and assessment was the proposal of two large sites to the northwest of Redditch, but within Bromsgrove District as the most suitable and sustainable sites which could deliver the homes needed. The sites were Foxlydiate and Brockhill East and at the time, both areas were within the Green Belt. Policy RCBD1 Redditch Cross Boundary Development in the BDP was drafted to take the proposed sites forward for removal from the Green Belt and subsequent allocation for development. The policy and the evidence underpinning it were heavily scrutinised at the joint examination into the two plans, held from March 2014 – December 2016. Upon issuing his final reports to the two Councils in December 2016, the Inspector ultimately found that the selection of the two sites proposed for allocation at Foxlydiate and Brockhill East was appropriately justified. This allowed the two plans (BDP and BORLP4) to be progressed to adoption in January 2017 and at this point, both sites were removed from the Green Belt and allocated for development.
- 4.3 Policy RCBD1 in the BDP
- A 148ha site at Foxlydiate is allocated as a mixed use urban extension as Site 1 in policy RCBD1. It is allocated for:
- Approximately 2,800 dwellings
  - A First school
  - A Local Centre
  - Associated community infrastructure
- 4.4 Alongside the allocation, policy RCBD1 also sets out detailed principles and criteria that should be adhered to in order achieve sustainable communities on the cross boundary allocation sites. This includes the main requirements for:
- Up to 40% affordable housing, with a mix of house types and tenures
  - An overall Transport Assessment taking account of the individual and cumulative effects of development on transport infrastructure. This will need to define the mitigation necessary to maintain the safety and operation of the road network.

- Significant improvements in passenger transport to result in integrated and regular bus services.
- An overall Strategy and Management Plan for Green Infrastructure which maximises opportunities for biodiversity and recreation
- Walking and cycling routes well integrated with the Green Infrastructure network and a number of other detailed requirements which are equally important.

- 4.5 The policy is also included as an Appendix to the Brough of Redditch Local Plan No.4 (BORLP4) for cross-referencing and completeness.
- 4.6 The majority of the allocation site is proposed to be developed through planning application 16/0263 for up to 2,560 dwellings, (and parallel application to Redditch Borough 2016/077) which Members of both Bromsgrove DC and Redditch BC have resolved to grant subject to a multilateral s106 Agreement.
- 4.7 16/0263 Land To The West Of Foxlydiat Lane And Pumphouse Lane, Bromsgrove Highway, Bromsgrove, Worcestershire  
Hybrid application comprising:
- 1) Outline Application (with all matters reserved with the exception of vehicular points of access and principal routes within the site) for the demolition of existing buildings and the erection of : Up to 2,560 dwellings (Class C3); Local centre including retail floorspace up to 900 sq metres (Classes A1, A2, A3) health and community facilities of up to 900 sq metres (Class D1) ; A 3FE first school (Class D1) (up to 2.8Ha site area) including associated playing area and parking and all associated enabling and ancillary works.
  - 2) Detailed application for the creation of a means of access off Birchfield Road, Cur Lane, Foxlydiat Lane and emergency, pedestrian and cycle access to Pumphouse Lane. The creation of a primary access road, including associated cut and fill works and other associated earthworks, landscaping, lighting, drainage and utilities, crossings and surface water attenuation/drainage measures.

**Resolution to Grant Planning Permission by BDC Planning Committee  
22-09-2020 (SUBJECT TO COMPLETION OF MULTILATERAL S106)  
2016/077 (parallel application as above submitted to Redditch Borough Council)**

**Resolution to Grant Planning Permission by RDC Planning Committee  
22-09-2020 (SUBJECT TO COMPLETION OF MULTILATERAL S106)**

19/00615/OUT at Foxlydiat Hotel, Birchfield Road for 70 dwellings.

17/00469/OUT

Outline application, for the erection of up to 68 dwellings to include car parking, open space provision and associated infrastructure (following demolition of all existing buildings) with details of the means of access to the site from Foxlydiat Lane submitted for consideration at this stage, with all other matters (including internal circulation routes) reserved.

These applications were pending determination at the time of preparing this report.

## **Revised NPPF 2018/2019 and the Standardised Housing Methodology**

- 4.8 Since the adoption of the two plans in January 2017, and submission of this planning application, the Government has consulted on and released a revised National Planning Policy Framework (initially published in September 2018, with further very minor amendments released in February 2019). The revised National Planning Policy Framework (NPPF) focuses on:
- Promoting high quality design of new homes and places
  - Stronger protection of the environment
  - Building the right number of homes in the right places
  - Greater responsibility and accountability for housing delivery from councils and developers
- 4.9 Possibly the biggest change in the 2018 NPPF has been a new methodology to determine the number of homes that should be delivered through what is known as the standard method for assessing local housing need. This has been introduced to provide clarity and certainty on the controversial matter of how many homes an area should be planning for, which previously took much time, effort and resources to address and reach agreement on. The new methodology uses Government produced household growth projections, and then applies an adjustment factor to these using affordability data from ONS, to give the Local Housing Need figure.
- 4.10 For Bromsgrove over the 10 year period 2018-2028, the new methodology for housing need gives an annual basic housing need of 379 homes per annum, not dissimilar to the 368 dwellings per annum (7000 homes to be delivered over 19 years) currently being planned for in the BDP to 2030. However for the same period in Redditch, the new methodology gives an annual basic housing need of 181 homes per annum, far lower than the 337 homes (6400 homes to be delivered over 19 years) currently being planned for. This has caused some to question the need for sites in Bromsgrove District to be used to meet Redditch's unmet need, if Redditch Borough's overall housing need has fallen from that previously determined and used for plan making purposes.
- 4.11 The new standard methodology is however only the starting point for determining the number of homes to plan for. The standard method gives a minimum starting point in determining the number of homes needed in an area and it should be emphasised that it is not a housing requirement.
- 4.12 The number of homes needed only emerges once other factors which may give rise to higher housing need than in the past (such as growth strategies for the area, strategic infrastructure improvements driving up the demand for homes or an agreement for an authority to meet unmet need from a neighbouring authority) have been considered on top of the basic need figure and the local authority has set the figure in its plan. It should also be remembered that the housing need figure generated using the standard method may change as the inputs are variable. The affordability ratios from ONS are updated annually and new household projections are released every few years.

- 4.13 Whilst there has been a significant change in the way Government expects housing need to be calculated for plan-making purposes, this does not alter the current local policy backdrop for this planning application.
- 4.14 Planning applications should be assessed against the statutory development plan for the area, which for Bromsgrove is the BDP. The BDP allocates the Foxlydiate site for development to meet the needs of Redditch Borough and that cannot be changed until the plan is formally reviewed. A review of the Bromsgrove District Plan has commenced and is in the early stages, with adoption of the plan not expected until 2022.
- 4.15 The review of the BDP will look ahead for a minimum period of at least 15 years and will utilise the new standard methodology when setting a housing requirement. Only at this time and through the formal plan-making process, which culminates in an examination before a Government appointed Inspector, can the issue of unmet need from neighbouring authorities (whether this be Redditch or from the West Midlands conurbation) be assessed and an appropriate policy response determined.
- 4.16 A review of the Borough of Redditch Local Plan No.4 is not programmed at present, however circumstances may change. Bromsgrove District Council will have the same requirement under the Duty to Cooperate to work with neighbouring authorities on cross-boundary matters throughout the plan review process, just as it did during the preparation of the BDP. As further evidence is gathered and the housing need figure for Bromsgrove evolves into a housing requirement policy for the plan, consideration will be given to the supply and demand for new homes across the Redditch and Bromsgrove areas, including possible consideration of the 'ownership' of cross-boundary development sites.

## **5.0 Principle of Development**

- 5.1 When the allocation was proposed in the emerging Bromsgrove District Plan, the land including the application site was still within the statutorily designated Green Belt. A number of the representations received in respect of the application make reference to the loss of Green Belt. However, with the adoption of the Bromsgrove District Plan in 2017, the site was taken out of the Green Belt. Those objections are therefore considered to have been overtaken by the material change in circumstances which has subsequently occurred.
- 5.2 Accordingly, the development no longer falls to be assessed as development within the Green Belt as a matter of fact. For the avoidance of doubt, a refusal of this application would not have the effect of restoring the Green Belt designation which once existed. Nor would it alter the current District Plan allocation of this site for development.
- 5.3 Notwithstanding the change in methodology used as a starting point for calculating housing need; using the most up to date monitoring information at April 2019, neither Bromsgrove District Council nor Redditch Borough Council can demonstrate a 5 year supply of deliverable housing land sites. This means that

paragraph 11d of the National Planning Policy Framework is engaged for the reasons set out below.

- 5.4 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.”*

- 5.5 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 DC, as determining authority, and Redditch BC who’s housing need this site relates to being able to demonstrate a five year supply of housing land, and thus the most important policies for dealing with the application could be viewed to be out of date.

- 5.6 The trigger in paragraph 11d was perhaps drafted with speculative, non-allocated, windfall sites in mind and it is felt that sites such as Foxlydiate 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 11c). Nonetheless, the Councils are in a position where they do 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, AONB etc) and therefore, by default, paragraph 11d is engaged.

- 5.7 Determination of the application does not rest wholly on section ‘d’ of the NPPF above, as the policies within the development plan which do not restrict the supply of housing remain material and still carry substantial weight. However, mindful of the 5 year housing supply position for Redditch, the considerations under section ‘d’ take on added weight.

## **6.0 Affordable Housing**

- 6.1 Policy RBCD1 criterion I states that

*“The residential development will reflect the local requirements as detailed in the most up-to-date Housing Market Assessment and comprise of up to 40% affordable housing with a flexible mix of house types and tenures;”*

6.2 The affordable housing target reflected in that policy does not reflect up to date advice from Government regarding vacant building credit.

6.3 Paragraph 63 of the NPPF states that:

*“To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.”(equivalent to the existing gross floorspace of the existing buildings. ) This does not apply to vacant buildings which have been abandoned.*

6.4 Further guidance to that contained within Paragraph 63 of the NPPF which allows for a ‘Vacant Building Credit’ to be applied to any such proposals can be found at Paragraph 21 (reference ID:23b-021-20160519) of the National Planning Policy Guidance which states:

*“National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought”*

6.5 Accordingly, the Guidance requires a ‘credit’ to be applied which is the equivalent of the gross floorspace of any vacant building being re-used as part of the scheme and deducted from the overall affordable housing calculation.

6.6 The consequence of applying the vacant building credit is that the requirement for affordable housing is reduced to 36.5% which equates to 23 units.

## 7.0 **Loss of Agricultural Land**

7.1 Paragraph 170(b) of the NPPF as amplified by Footnote 53 of the NPPF states that –

*“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.”*

7.2 There is no evidence that the housing needs of Redditch can be met by avoiding development of such best and most versatile land having regard to the extent of the designated Green Belt. The loss of such land constitutes a dis-benefit of the proposal but not one which would justify refusal when balanced against issues of 5 year housing land supply and the limited availability of land to meet such need. The Local Plan’s Inspector was aware of this issue when he endorsed this site for residential development in the plan.

## **8.0 Efficient Use of Land**

- 8.1 Overall, the density of development equates to approximately 27 dph (dwellings per hectare).
- 8.2 It is considered that the density of development is acceptable in this location. The development responds to the identified constraints whilst demonstrating efficiency in terms of land use.

## **9.0 Transportation, Accessibility and Connectivity**

- 9.1 Policy RBCD.1 criterion II states that –  
*“An overall Transport Assessment will be produced taking account of the prevailing traffic conditions and the individual and cumulative effects of development on transport infrastructure. This will define the mitigation necessary to protect the safety and operation of the road network, including sustainable travel measures and any new and improved access arrangements”*
- 9.2 In a letter dated 14 August 2020, in their role as Highway Authority WCC provided their consultation response for 19/01356/FUL and concluded that, *“under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 recommends that this application is refused”*. Those comments were endorsed by the Council’s independent Highway Consultant. However subsequent discussion between the applicant’s Highway Consultant and the Highway Authority have sought to address the concerns identified to the extent that the Highway Authority have now withdraw their objection to the application and issued a revised comment to that effect (reproduced in the consultation response section
- 9.3 The previous objection identified the following points of concern.
1. The 25m forward visibility and visibility splays shown are acceptable however there will be a need to slightly widen the footway at the junction to facilitate the whole of the splay
  2. The block paving within the carriageway turning head and at entrance are not necessary and should be removed
  3. If Road 2 is a shared surface then the junction block paving should be removed
  4. The provision of Road 2 as a shared surface would be dependent upon a suitably lit carriageway which may not be the case if there are ecological reasons preventing this
  5. WCC do not wish to adopt the ped cycle link until an approved masterplan of the major development has been submitted which shows it connecting through
  6. If the surface materials plan needs to be specific to construction, then it should refer to the WCC Standard Detail

7. Details of the highway surface water outfall proposals should be confirmed. It is noted that swales and balancing ponds are shown which will not be adopted by the Highway Authority
8. Vehicular access to the pumping station includes part of the ped/cycle route which is not acceptable
9. Farm access junction is still unsatisfactory

9.4 The revised position of the Highway Authority and Mott MacDonald's comments are reproduced below

- 1 The footway has been widened to facilitate the whole of the splay as shown in Drawing No. 1690-08-02- 100 in Appendix A which be within the control of the Highway Authority. This is now considered acceptable by WCC Highway Authority/

The Streetscape design guide does not specify a visibility splay that should be designed to for private shared access driveways. Manual for Streets suggests that at 2.0m back from the main carriageway, that a visibility splay of 25 metres (for a 20mph road) should be provided from the shared surface access road. Due to the location of property 11, a maximum visibility splay of 20 metres can be provided to the right from the shared surface access road within highway controlled land. Whilst this falls slightly below the 25 metres specified in Manual for Streets), Worcestershire County Council, the Street Design Guidance does not specify which visibility splay should be designed to. Worcestershire County Council are therefore content that the changes put forward by the developer are sufficient to be considered acceptable. Additionally, Worcestershire County Council provided evidence regarding vertical visibility at the site access junction onto Foxlydiate Lane. Mott MacDonald have reviewed this information and have confirmed they are content with the pragmatic approach taken by Worcestershire County Council

2. Block paving has been removed from the adoptable areas of carriageway as shown in Drawing No. 1690-08-02-100 in Appendix A. WCC This is now acceptable by WCC Highway Authority

Mott MacDonald are satisfied that this issue has now been addressed.

3. Block paving has been removed from the adoptable areas of carriageway as shown in Drawing No. 1690-08-02-100 in Appendix A. by WCC Highway Authority

Mott MacDonald are satisfied that this issue has now been addressed.

4. Ecology have been consulted and confirmed there is no reason why lighting cannot be provided. Details of the lighting provision will be provided for agreement in due course. It is envisaged this will be controlled by condition. This is now acceptable by WCC Highway Authority .

Mott MacDonald are satisfied that this issue has now been addressed.



5. A note has been added to Drawing No. 1690-08-02-100 in Appendix A confirming that the pedestrian and cycle link will not be adopted until such time that the through connection can be confirmed. (See point 8). This is now acceptable by WCC Highway Authority

Mott MacDonald are satisfied that this issue has now been addressed.

6. All highways will be provided in accordance with WCC standard details as per the street types identified on Drawing No. 1690-08-02-100 provided in Appendix A. This is now considered acceptable by WCC Highway Authority.
7. The Section 104 adoptable drainage layout is provided in Travis Baker Drawing 19223-101 provided in Appendix B. The Applicant should note that swales and balancing ponds are shown which will not be adopted by the Highway Authority. Subject to that caveat, this is now acceptable by WCC Highway Authority.

Mott MacDonald are satisfied that this issue has now been addressed.

8. The Applicant advises that the grasscrete which extends from the turning head will now solely serve the pumping station. They conclude there will be no conflict between servicing vehicles and pedestrians. The updated layout is demonstrated in a new drawing, Drawing No. 1690-08-02-100. This is now acceptable. Whilst the intention to provide a footway/cycle link between the two sites is welcome, because it will link to an un-segregated shared service it will not be adopted by the Highway Authority. Subject to that caveat this is now acceptable by WCC Highway Authority.

Mott MacDonald are satisfied that this issue has now been addressed.

9. The Highway Authority concern was that proposed estate road and the new access between it and Springhill Farm would be unsuitable for use by agricultural vehicles. The applicant has now confirmed that: "Following the development of the site the land associated with the farm will become residential and no longer used for agricultural purposes. Springhill Farm will subsequently form a single residential dwelling with associated outbuildings as opposed to an operational farm. The traffic associated with this property will therefore be comparable to any residential property within the proposed site". Subject to that caveat the proposed access to Springhill Farm is now considered to be acceptable

- 9.5 In light of the revised comments from Worcestershire Highway Authority, and the comments of Mott MacDonald who have reviewed them on behalf of the Local Planning Authority, and have confirmed they have no further comments to make and no transport or highway grounds for an objection to this planning application, I no longer consider that there is a basis to sustain a putative reason for refusal on highway grounds.

- 9.6 Policy RCBD1 criterion XII. Requires that “All development must be of a high quality design and locally distinctive to its surrounding rural and urban character; contribute to the areas’ identity and create a coherent sense of place; and respect and enhance the setting of any heritage asset. **There should be a continuous network of streets and spaces, including the provision of public open spaces, creating a permeable layout with well-defined streets; (my emphasis)**
- 9.7 The proposal includes a pedestrian/cycle link between this scheme and the wider proposal. The other measures discussed above are to improve connectivity with the established development and facilities at Webheath.

## **10.0 Heritage Assets**

- 10.1 Barn House Farm comprises a collection of historic barns converted to residential use, with more modern barns to the north. The First edition of the OS of 1885 suggests that originally, the buildings, constructed in brick beneath pitched tiled roofs, were part of the Springhill Farm complex located to the south (outside the application site). The Archaeological Report submitted as part of this application shows that the buildings associated with Barn House Farm were extant at the time the Tithe Map of 1842, and Springhill Farm does not appear until 1885. It is not clear if Springhill Farm incorporated Barn House or whether they remained two separate units.
- 10.2 The proposal entails the demolition of all the existing buildings on the application site.
- 10.3 In terms of the historic environment, Policy RCBD1 criterion XV is relevant to consideration of this issue. It states:
- XV. To ensure the protection of Heritage Assets, future proposals including development boundaries should be in conformity with Policy BDP20 and informed by an understanding of the Setting of Heritage Assets set out in the most recent Setting Assessment(s) produced, or formally endorsed, by the Council in accordance with Current Historic England guidance.*
- 10.4 Policy BDP 20, parts 20.2 and 20.3 state the local authority will support development proposals which sustain and enhance the significance of Heritage Assets including their setting, this includes non designated heritage assets, and development proposals should not have a detrimental impact on the character, appearance or significance of the Heritage Assets. BDP20.17 requires that ‘Applications likely to affect the significance of known or potential Heritage Assets or their setting should demonstrate an understanding of their significance in sufficient detail to assess the potential impacts. This should be informed by available evidence and, where appropriate, further information to establish significance of known or potential Heritage Assets.’
- 10.5 The BDP policy position is supported by Paragraph 189 of the NPPF which states, *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to*

*the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."*

- 10.6 Paragraph 192 of the NPPF then states  
*" In determining applications, local planning authorities should take account of:  
a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.'*
- 10.7 Finally Paragraph 197 states,  
*"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*
- 10.8 In response to the objection from the Conservation Officer the applicant has submitted a further statement. The conservation officer's comments in response to that submission are reproduced in the Consultation's section of the report.
- 10.9 The buildings are non-designated assets and your officers consider that the scale of the harm arising from their loss would not outweigh the benefit of redevelopment of the site for housing.
- 10.10 In terms of Archaeological Survey and Recording of Heritage Assets, the County and the Borough have a responsibility to protect, either by preservation or record, cultural remains within their jurisdiction and this is emphasised by the National Planning Policy Framework section 12, paragraph 128:  
  
*"Where a site on which development is proposed includes or has the potential to heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation";*
- 10.11 Paragraph 141 states.  
  
*".... They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted."*
- 10.12 Accordingly, and in conjunction with the advice from Worcestershire Archaeological Service, a condition could be imposed to secure recording of the non-designated asset prior to demolition.

10.13 It is considered that the proposed development would not conflict with the relevant legislation cited above and would accord with the requirements of the development plan in respect of RCBD1 XV and BDP20.

### **11.0 Air Quality**

11.1 Worcestershire Regulatory Services were consulted on the application. The site does not form part of or is situated in the immediate vicinity of a known Air Quality Management Area (AQMA)

11.2 Nonetheless, in order to mitigate the impact of development, air quality mitigation measures which seek to promote sustainable travel and low emission boilers are advised. It is considered that these measures could be secured by condition and would comply with Policies BDP1.4(b), BDP19 (s)(i) (ii).

### **12.0 Green Infrastructure**

12.1 Policy RCBD1 criterion XII. Requires that *“All development must be of a high-quality design and locally distinctive to its surrounding rural and urban character; contribute to the areas’ identity and create a coherent sense of place; and respect and enhance the setting of any heritage asset. There should be a continuous network of streets and spaces, **including the provision of public open spaces**, creating a permeable layout with well-defined streets; (my emphasis)*

12.2 The site includes some limited open space at the western end, but would include a link through the larger site in order for future residents to make use of the public open space.

### **13.0 Ecology**

13.1 Policy RCBD1.9 (V) states that

*“Both sites will have an overall Strategy and Management Plan for Green Infrastructure which maximises opportunities for biodiversity and recreation, whilst protecting existing biodiversity habitats and landscape geodiversity. Green Corridors should be created around Spring Brook in Site 1 Foxlydiate and the Red Ditch in Site 2 Brockhill. Both sites should be sensitively designed to integrate with the surrounding existing environment and landscape. In particular, development should be respectful and sympathetic to the topography of the sites, with no development on prominent ridge lines and where appropriate retain tree lined boundaries”*

13.2 Subject to the recommendations of the Council’s Ecological consultant there are no objections on ecological grounds that would warrant refusal of the application.

## **14.0 Water Management and Flood Risk**

- 14.1 Policy RBCD.1 criterion VIII. states *“SuDS proposals on Site 1 must provide an appropriate level of treatment to avoid pollution risks to controlled waters, and be designed to achieve the greenfield rate of run-off, maximise recharge to the underlying aquifer and support water levels in the Bow Brook. In accordance with the objectives of the Water Framework Directive, development should ideally contribute towards the improvement of, but as a minimum not have a deteriorative effect on, the water bodies associated with the site;”*
- 14.2 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.
- 14.3 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 that would preclude the possibility of the proposed development. An appropriate investigative condition is recommended to address this issue.
14. The Sustainable Drainage Systems (SuDS) is incorporated into the drainage strategy. The benefits of SuDS can be split into four pillars: water quantity, water quality, amenity and biodiversity – so the inclusion of SuDS within the drainage design will ensure that surface water runoff from the site is treated prior to outfalling into the Spring Brook. In offering water quality benefits, SuDS help manage the quality of runoff from a site in order to prevent pollution.
14. The surface water runoff from the site is passed through appropriate levels of treatment prior to leaving the site. The detention basin will provide one level of treatment, by allowing particulates and pollutants to naturally settle out by gravity. Additionally, some particulates will break down as the basin dries between events, hence pollutants will not reach the Spring Brook.
14. The use of pervious paving across car parking areas and private driveways will provide further water quality treatment benefits. Such surfaces have been shown to reduce the pollutant loading to the downstream receiving watercourse, by contributing to the reduction in elements such as heavy metals, oils and grease. The exact benefits of pervious paving vary according to its construction, but water quality benefits can be achieved by either the filtration or absorption of pollutants.

## **15.0 Landscape, Visual Impact**

- 15.1 Policy BDP 1.4 states that *“In considering all proposals for development in Bromsgrove District regard will be had to... f) The impact on visual amenity”*
- 15.2 The site is not subject to any special landscape designation and is well screened from the public highway. Peripheral trees and hedgerows are largely retained and would soften the appearance of the two-storey development. Accordingly. The proposal would accord with the development plan in this respect.

## **16.0 Design**

- 16.1 Policy RCBD1 criterion XII states that “All development must be of a high quality design and locally distinctive to its surrounding rural and urban character; contribute to the areas’ identity and create a coherent sense of place; and respect and enhance the setting of any heritage asset. There should be a continuous network of streets and spaces, including the provision of public open spaces, creating a permeable layout with well-defined streets”
- 16.2 The proposed dwellings incorporate a variety of designs which follow a 1930’s architectural aesthetic and follow the principles set out in the Council’s adopted Design SPD. There is no objection to the proposal in terms of the character and appearance of the development.

## **17.0 Residential Amenity and Public Safety**

### Construction Phases

- 17.1 The primary source of potential harm to residential amenity would arise during the construction phase of the development, both to existing residents in the established residential dwellings surrounding the site, and predominantly along Foxlydiat Lane, but also to future occupiers of the development as the development progresses and new residents move into homes which will border parts of the development still under construction.
- 17.2 In order to mitigate harm during the construction phase, a robust Construction Environmental Management plan is required which will seek to mitigate matters such as hours of working / deliveries of materials and mitigation measures for noise, dust and vibration. Inevitably with any development there will be an element of disruption. That is not a reason to withhold planning permission, otherwise no residential development could be delivered. Neither the Highway Authority or the Council’s independent highway consultant has raised explicit objection with respect to the existing access being used for construction purposes. Any grant of permission would be subject to a construction environmental management plan being submitted to and approved by the Local Planning Authority before development commences. A condition is recommended to address this issue.

### Privacy Sunlight and Scale

- 17.3 The spatial relationship of any new development juxtaposed with the established development, at Springhill Farm, would not result in loss of amenity to the occupiers of that property and would therefore comply with the criteria based elements of BoRLP4 Policy 40 and BDP19.

## **18.0 Infrastructure Requirements**

- 18.1 Policy RCBD1 criterion XIII states that-  
*XIII. Development proposals should incorporate provision for any necessary infrastructure to be delivered in parallel with the implementation of new development;*

18.2 In broad terms the s106 would secure funding for a range of consequential requirements. These requirements are summarised in the following section of the report.

18.3 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.”*

18.4 Financial contributions to mitigate the impact of the development cannot be secured by condition, and consequently an obligation is required

18.5 Paragraph 56 of the NPPF states that :  
*“Planning obligations must only be sought where they meet all of the following Tests” (Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010):*

- 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.*

### **Education Provision**

18.6 In response to the planning application the education obligation is calculated on 45 dwellings, allowing for the demolition of an existing property and 27 affordable rent properties. 8 x one-bedroomed dwellings are proposed as affordable rent properties and are discounted in the affordable rent properties. A re-assessment will be required if the number and/or tenure of the dwellings change.

18.7 An education contribution towards first school and middle school infrastructure will be sought. No obligation is sought towards Early Years, SEND school specific or High School provision.

#### **18.8 First School Contribution**

$$45 \times 0.05 = 2.25$$

$$2.25 \times 5 \text{ year groups in the primary phase} = 11.25$$

$$11.25 \text{ rounded up to } 12 \times \text{£}17,008 = \text{£}204,096$$

3 Subject to school places being available

#### **18.9 Middle School Contribution**

$$45 \times 0.05 = 2.25$$

$$2.25 \times 2 \text{ year groups in the primary phase} = 4.5$$

$$4.5 \text{ rounded to } 5 \times \text{£}17,008 = \text{£}85,040$$

Plus

$$45 \times 0.04 = 1.8$$

$$1.8 \times 2 \text{ year groups in the secondary phase} = 3.6$$

$$3.6 \text{ rounded up to } 4 \times \text{£}23,302 = \text{£}93,208$$

18.20 Total Contribution = £382,344

- 18.21 The contribution will be used to support improvements which may include additional or extended toilet accommodation, additional or extended classrooms, new or improved educational sports playing fields and/or infrastructure at:
- 18.22 First School Phase – at either Tardebigge CE First School, Webheath Academy, Our Lady of Mount Carmel Catholic First School or a new First school and nursery serving the Foxlydiate area
- 18.23 Middle School Phase – at either Birchensale Middle School, St Bedes Catholic Middle School or Walkwood CE Middle School
- 18.24 The contribution rate is applicable as at August 2019. Indexation will be charged from the date of the initial assessment.
- 18.25 Contribution to be paid on or before occupation of one third of dwellings. Payment in instalments will be considered but first payment must be received before occupation of one third of the dwellings and full payment must be received before occupation of the final dwelling.

#### Education Contributions CIL test compliance

#### *Necessary to make the development acceptable in planning terms*

- 18.26 All types of housing development will create additional households in the community in which they are situated. Except for developments aimed at specific sub-sections of the population, such as retirement apartments and one bed dwellings, these new households are likely to include children at some stage in the lifespan of the property. This increase in the child population will create additional demands on schools in the local area.
- 18.27 The mainstream Pupil Product Ratio (PPR) is based on evidence from recent housing developments, matching school census data and known children numbers to housing developments to determine average pupil numbers and characteristics over time. In Worcestershire, this equates to an average of 0.05 children per dwelling per year group in the primary phase of education (Year R - Year 6) and an average of 0.04 children per dwelling per year group in the secondary phase of education (Year 7 - Year 13).
- 18.28 Additionally, all new developments are assessed for the impact on SEND provision. The SEND PPR is based on the average percentage of pupils in Worcestershire requiring specialist education provision. This is based on the average percentage of pupils in Worcestershire with an Education Healthcare plan over the last 5 years, which is 3%. This percentage is significantly lower for children under the age of 5, therefore SEND provision will not be sought for early education places.



*Directly related to the development*

- 18.29 The County Council has identified the schools directly related to this development where they operate a catchment area as part of their admission criteria which covers the area in which the development is situated. Where schools are in close proximity to the development but do not operate a catchment area they may still be considered as related schools if they also meet the capacity criteria and can demonstrate a likely demand from families moving on to the development.

*Fairly and reasonably related in scale and kind to the development*

- 18.30 Education planning obligations will either be in the form of a financial contribution or as an in-kind payment by way of provision of land and/or school buildings. The level of contribution sought is determined by reference to a cost per pupil place, assessed on the size and type of dwellings proposed. One bedroom dwellings and specialist accommodation are exempted in recognition of their low pupil yield. Affordable housing that is specifically for the rental market and classified as affordable rent will be exempt however, all other dwellings will be chargeable.

**Highway Contributions**

- 18.31 The County Highway Authority has requested financial contributions towards the following to mitigate the cost of the development to be secured by legal agreement in the event that the appeal is allowed and planning permission granted.

Obligations

- £41,742 contribution for a bus service:

The intention is to provide a minimum service operating Monday to Saturday on a roughly hourly basis. The current service runs close to the development in a loop via Heathfield Road, Springvale Road and Tynsall Avenue then onto Birchfield Road. The proposal would be to run the service in a wider loop via Heathfield Road, Church Road and Foxlydiate Lane.

- Foxlydiate Lane bus stop infrastructure to serve the development at an estimate of £10,000:

the estimate is to provide 2 bus stops on Foxlydiate Lane with associated hardstanding and dropped kerbs to serve the Barn House Farm development.

- £59,000 free home to school transport:

The distance to the designated primary school for this postcode located in Tardebigge exceeds the 2 mile limit for free home to school transport for under 8's under the Education Act 1995. All children attending the school, will be eligible for free transport under a discretionary Council Policy costing an additional similar amount therefore the total overall cost will be £59,000. The relevant Policy is: Children's Services Transport and Travel Policy 2019/2020, specifically Section 3(a). Section 1.3 of the Statutory Guidance issue by DfE sets down the statutory walking distances, scholars whose journey involves a greater distance are eligible for free transport provided by the County Council.

- The Developers the option to pay us to deliver personalised travel planning (PTP) at a rate of £220 per dwelling.  
For this WCC manage the delivery of the PTP which includes a welcome pack for each dwelling and face to face personalised travel planning with incentives such as taster bus tickets. It also includes the monitoring of car use from the development.

### **Outdoor Sports Facilities**

- 18.32 A contribution towards off site sports and recreation provision will be required as there is no on site provision. The details of which are to be confirmed.

### **Waste Collection**

- 18.33 Provision for the collection of waste

Green bins (recycling) £ 26.75  
Grey bins (general refuse) £ 25.49  
1 set of bins therefore being £ 52.24

### **Redditch Town Centre (Enhancement Contribution)**

- 18.34 The RBC endorsed Town Centre strategy, demonstrated a need for projects to take place to improve the town centre for residents. -
- 18.35 This need is set in the context of the town centre needing to maintain and enhance its role. Therefore for this development proposal to be as sustainable as possible, the future residents will rely on the town centre for a large proportion of their work, access to the train, shopping and leisure activities.
- 18.36 Therefore it is considered appropriate for new residential development to contribute to a these important town centre projects.
- 18.37 In concluding, the planning obligations to be collected as part of the scheme meet the tests in Regulation 122 of the CIL Regulations.

### **Worcestershire Acute Hospitals Trust (WAHT)**

- 18.38 In their representation of 24<sup>th</sup> April 2020, the WAHT seek a contribution of £42,223.80.

## **19.0 Planning Balance**

- 19.1 The delivery of housing is viewed by Government as being important and a critical component of delivering economic growth. Consequently, the benefits that would be secured through housing delivery must be given substantial weight.
- 19.2 The proposed development would deliver construction-based jobs and would also create opportunities within the local supply chain and as a result of increased (induced) economic activity, derived from expenditure from new residents.

- 19.3 In addition to direct construction job creation, there would also be an indirect effect through the supply of materials and the expenditure of wages in the local economy.
- 19.4 The development would also generate additional household expenditure from new residents which would deliver direct benefits to local firms, as well as the wider economy.
- 19.5 The development would result in the loss of a non-designated heritage asset in the form of a number of barns. This must be weighed against the significant social and economic benefits that delivery of residential led development could provide. Your officers do not consider that the harm resulting from the loss of this heritage asset is sufficient to warrant refusal on that ground, so do not advocate pursuing that as a putative reason at appeal.
- 19.6 Whilst the proposed development will result in loss of some best and most versatile agricultural land, again that is not considered to be a reason to withhold permission mindful of the sites allocation.
- 19.7 As a result, it is concluded that the sum of the benefits that would be delivered by the project would demonstrably outweigh the sum of harm and that consequently, the material considerations in this case and presumption in favour of sustainable development should apply and planning permission should be granted in accordance with the advice set out in paragraph 11 of the NPPF.

## **20.0 Conclusions**

- 20.1 The Foxlydiate site is a strategic mixed-use allocation in Bromsgrove District, located on the northwest edge of Redditch. It is allocated through policy RBCD.1 of the adopted Bromsgrove District Plan, for 2,800 dwellings and other supporting uses. As part of the plan-making process supporting the BDP, Bromsgrove District Council agreed through the Duty to Cooperate to assist Redditch Borough Council in delivering its housing target. In addition to the 2,560 dwellings already earmarked for the substantive scheme, this site has the potential to make a further significant contribution to towards the allocation being realised, with the balance in the number of dwellings from the allocation to be made up on sites outside of the control of the current applicant.
- 20.2 The application should therefore be approved to both help the Government's goal of significantly boosting the supply of housing, and to assist Redditch Borough Council in delivering the homes needed to support its adopted plan and assist towards its future supply of housing land.
- 21.3 In conclusion, and having regard to the NPPF, BDP and all other material considerations that have become evident through consideration of this application, it is concluded that the limited harm identified does not significantly and demonstrably outweigh the benefits, as set out in terms of the presumption in favour of sustainable development test in paragraph 11 of the Framework. In fact it is the benefits of the scheme that significantly and demonstrably outweigh the

harm, such that it is concluded that the development should be permitted in line with the adopted Local Plan and National Planning Policy Framework.

**RECOMMENDATION:** That the LPA would have been minded to GRANT full planning permission in the event that an appeal against non-determination had not been lodged and it had been able to determine the application

- (a) That **DELEGATED POWERS** be granted to the Head of Planning Regeneration to agree a suitable and satisfactory legal mechanism in relation to the following:
  - (i) **Sustainable Transport**
    - £41,742 contribution for a bus service
    - Approximately £10,000 for 2 bus stops on Foxlydiat Lane
    - £59,000 free home to school transport
  - (ii) **Personal Travel Planning**
    - £200 Per Dwelling
  - (iii) **Education Infrastructure**

First School Contribution £204,096

Middle School Contribution  
Primary phase £85,040  
Secondary phase £93,208

Total Contribution = £382,344
  - (iv) **Off-site sports contribution** (To be Confirmed)
  - (v) **Waste Management Contribution:**

Green bins (recycling) £26.75  
Grey bins (general refuse) £25.49  
1 set of bins therefore being £52.24
  - (vi) **Planning Obligation Monitoring Fee:** (To be confirmed)  
Revised Regulations have been issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met.
  - (vii) **GP Surgery Contribution** £ 23,805 (to be confirmed)
  - (viii) **Redditch Town Centre Enhancement Works** (To be Confirmed)
  - (ix) **The securing of a 36.5% provision of on-site affordable dwelling units** (adjusted to take account of vacant building credit) which equates to 23 units
  - (x) **The provision and future maintenance in perpetuity of the SuDs facilities**

- (xi) **The provision of a pedestrian link with the adjoining development site subject to application 16/0263 and 2016/077**
- (xii) **A financial contribution of up to a maximum of £42,223.80 to meet annual shortfalls in NHS Service revenue.**
- (c) **And that DELEGATED POWERS be granted to the Head of Planning Regeneration to agree the final scope and detailed wording and numbering of conditions (which the Council would wish to see imposed in the event the appeal is allowed) as set out in the summary list below.**

## **CONDITIONS**

### **Time Limit for Commencement**

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

### **Plans**

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

DART\_\_THREE\_BLOCK\_-EF\_DD4\_M.2.0\_VER1\_\_1\_-902-896269  
TAVY\_\_THREE\_BLOCK\_-EF\_TT3\_M.3.0\_VER1\_\_1\_-902-896289  
TAVY\_\_FOUR\_BLOCK\_-EF\_TT3\_M.3.0\_VER1\_\_1\_-902-896287  
1690-08-02-120\_LOCATION\_PLAN\_1\_-896293  
TAVY\_\_THREE\_BLOCK\_-EF\_TT3\_M.3.0\_VER1\_\_1\_-901-896288  
AF-MAISONETTES\_-\_4X-903-896267  
DART\_\_THREE\_BLOCK\_-EF\_DD4\_M.2.0\_VER1\_\_1\_-901-896268  
TAVY\_\_FOUR\_BLOCK\_-EF\_TT3\_M.3.0\_VER1\_\_1\_-901-896286  
AF-MAISONETTES\_-\_4X-902-896266  
SUNNINGDALE\_901\_\_EF\_SUND\_DM.7\_\_VER3-896283  
TAVY\_\_2\_BLOCK\_-EF\_TAVY\_EM.1.0-901\_\_2\_BLOCK\_-896285  
1690-08-02-111\_MATERIALS\_PLAN-896255  
SUNNINGDALE\_902\_\_EF\_SUND\_DM.7\_\_VER3-896284  
1690-08-02-122\_-\_ENCLOSURES\_PLAN-896259  
1690-08-02-130\_HIGHWAY\_ADOPTION-A1-896261  
1690-08-02-123\_-\_FFLS-896260  
SHAFTESBURY\_901\_\_EF\_SHAF\_DM.7\_\_VER4-896280  
1690-08-02-100\_-\_SITE\_PLAN-A1\_1\_-896258  
1690-08-02-116\_-\_SECTIONS-896257

AF-MAISONETTES\_-4X-901-896265  
HENLEY\_901\_\_EF\_HENL\_DM.6\_\_VER3-896271  
WARWICK\_901\_\_EF\_WARW\_DM.6\_\_VER3-896290  
70056785-LA-DPL-002-896264  
LETCHWORTH\_901\_\_EF\_LETC\_SM.5\_\_VER3-896275  
HENLEY\_902\_\_EF\_HENL\_DM.6\_\_VER3-896272  
LETCHWORTH\_903\_\_EF\_LETC\_SM.5\_\_VER3-896277  
LETCHWORTH\_902\_\_EF\_LETC\_SM.5\_\_VER3-896276  
OXFORD\_LIFESTYLE\_901\_\_EF\_OXFOQ\_DM.3\_\_VER3-896279  
LEAMINGTON\_LIFESTYLE\_901\_\_EF\_LEAMQ\_DM.2\_\_VER3-896273  
70056785-LA-DPL-001-896263  
LEAMINGTON\_LIFESTYLE\_902\_\_EF\_LEAMQ\_DM.2\_\_VER3-896274  
1690-08-02-112\_STREET\_SCENES-896256  
1690-08-02-140\_-SURFACE\_MATERIALS\_PLAN-896262  
MARLOW\_901\_\_EF\_MARO\_DM.2\_\_VER4-896278  
1690-08-02-110\_-SITE\_PLAN\_COLOURED-896254  
SINGLE\_GARAGE\_SINGLE\_002\_\_EF\_GAR\_SGS2\_1\_\_VER1\_1\_-896282  
SINGLE\_GARAGE\_SINGLE\_002\_\_EF\_GAR\_SGS2\_1\_\_VER1-896281  
DOUBLE\_GARAGE\_TWIN\_002\_\_EF\_GAR\_DGT2\_1\_\_VER1-89627

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

### **Finished Floor Levels**

3. Details of the finished ground floor levels of all the approved buildings and the finished ground levels along with details of existing ground levels based on OS datum shall accompany each Reserved Matters application. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is carried out at suitable levels and in relation to adjoining land and buildings and in the interests of amenity and highway requirements.

### **Refuse storage facilities**

4. Details of the facilities for the storage of refuse for any apartments within the development shall be submitted within each Reserved Matters. No individual apartment shall be occupied until approved refuse storage facilities to serve that dwelling have been provided in accordance with approved details.

Reason: To ensure the proposed dwellings have adequate refuse storage facilities and that such facilities ensure that the Local Authority refuse bins do not detract from the character and appearance of the development through failure to provide a space for their storage between collections.

### **Hard Surfaces**

5. Before development commences details of all proposed hard surface areas shall be submitted the Local Planning Authority. Such details shall include proposed finished levels or contours, car parking layouts, other vehicle and pedestrian footpaths/access and circulation areas, hard surface materials. No dwelling shall be occupied until the submitted details have been approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

### **Landscaping**

6. Before the dwellings are first occupied a scheme of landscaping comprising a plan and schedule detailing the size, species, specification and disposition of all proposed soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be all 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.

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

### **Tree Protection**

7. All retained trees and their Root Protection Areas must be protected during clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate. No storage of plant/materials within the Root Protection Areas of any retained trees. This fencing and /or ground protection 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.

### **Offsite Highway Works**

8. The Development hereby approved shall not be occupied until the highway improvements / offsite works / site access works comprising: - Works as shown on drawing 08222-001 Rev A have been constructed and completed.

Reason: To ensure the safe and free flow of traffic onto the highway.

### **Cycle Parking Provision**

9. The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's parking standards

### **Construction Environmental Management Plan**

10. 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.
- A Monitoring mechanism for construction traffic

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.

### **Travel Plan**

11. The Development hereby approved shall not be occupied until the applicant has submitted a travel plan in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and this has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator and thereafter implemented as updated.

Reason: To reduce vehicle movements and promote sustainable access.

### **Visibility Splays**

12. The Development hereby approved shall not be occupied until the visibility splays shown on drawing 08222-001 Rev A 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.



### **Lighting Strategy**

13. No development shall commence until details of an external lighting strategy has been all submitted to, and approved in writing by, the Local Planning Authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and otters and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

The external lighting plan for that Development Phase, must comply with the Guidance for the Reduction of Obtrusive Light criteria "E2" (Institute of Lighting Professionals, GN01:2011).

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

The approved details shall be implemented as approved prior to first occupation of that Development Phase.

Reason: To protect the visual amenity within the locality and to minimise the light pollution affecting the night sky. Save for the Advance Clearance Works, this is a pre-commencement requirement because of the need to secure satisfactory control over light pollution affecting the night sky in advance of the individual development phase commencing.

### **Archaeology and Heritage**

14. 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.

15. 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 (14) 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.

#### **Species Protection**

16. Prior to any site clearance, tree and hedgerow removal, demolition or construction, a species specific Reasonable Avoidance Measures (RAMs) method statement shall be submitted to and approved in writing by the Local Planning Authority in relation to
- i) reptiles, amphibians, bat species and small mammals.
  - ii) badgers during demolition and construction.
  - iii) breeding birds

The Reasonable Avoidance Measures (RAMs) shall thereafter be implemented in accordance with the approved method statements prior to any site clearance, tree and hedgerow removal, demolition or construction

Reason: To safeguard species protected species under The Wildlife and Countryside Act 1981 as amended within and adjacent to the development site

#### **Habitat Enhancement**

17. Prior to the commencement of development details of proposed bat and bird boxes including specifications and installation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To ensure that the development incorporates suitable measures to support protected species.

#### **Land Contamination**

18. With the exception of works relating to an approved scheme of remediation, site clearance, archaeological works, ecological mitigation, no development shall take place until points 1 to 6 have been complied with:
- i. 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".
- ii. 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.
  - iii. Where the site investigation identifies that 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 prior to development taking place. 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.
  - iv. 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.
  - v. 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.
  - vi. 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.

#### **HOURS OF WORKING AND DELIVERIES**

19. Demolition/groundworks/construction work and deliveries shall not take place outside the following hours:  
Monday to Friday 07:00 - 18:00 hrs  
Saturdays 08:00 - 13:00 hrs  
and there shall be no working or deliveries on Sundays or Bank Holidays

Reason: In the interests of residential amenity

### **Drainage**

20. No works or development shall take place above foundation level until complete details for scheme for surface water drainage have been submitted to, and approved in writing by the Local Planning Authority. This should include, but is not limited to:-

- A detailed drainage layout showing all proposed private foul and surface water connections and SuDS features.
- Revised calculations in an electronic format.
- A simple index approach assessment considering the water quality of the sites surface water runoff.
- A plan showing the exceedance flows from any flooded volumes on the site.
- The approved scheme shall be fully implemented prior to the first use of the development hereby approved.

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

### **Electric Vehicle Charging Points**

21. Appropriate cabling and an outside electrical socket shall be supplied for each dwelling to enable ease of installation of an electric vehicle charging point (houses with dedicated parking) and be operational before the respective dwelling is first occupied. For all other uses with unallocated parking, at least 2 EV charging points per building (as a minimum) shall be provided and be operational before the respective building is first occupied/brought into use. The charging points must comply with BS:7671. The sockets shall comply with BS:1363, and shall be provided with a locking weatherproof cover if located externally to the building. The EV charging points required by this condition shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging equipment shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable transport modes by ensuring development is designed to enable charging of plug-in vehicles in safe, accessible and convenient locations in accordance with Paragraphs 108 and 110 of the NPPF.